



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE
WILDLIFE CRIME CONTROL BUREAU
Central Region, Jabalpur.

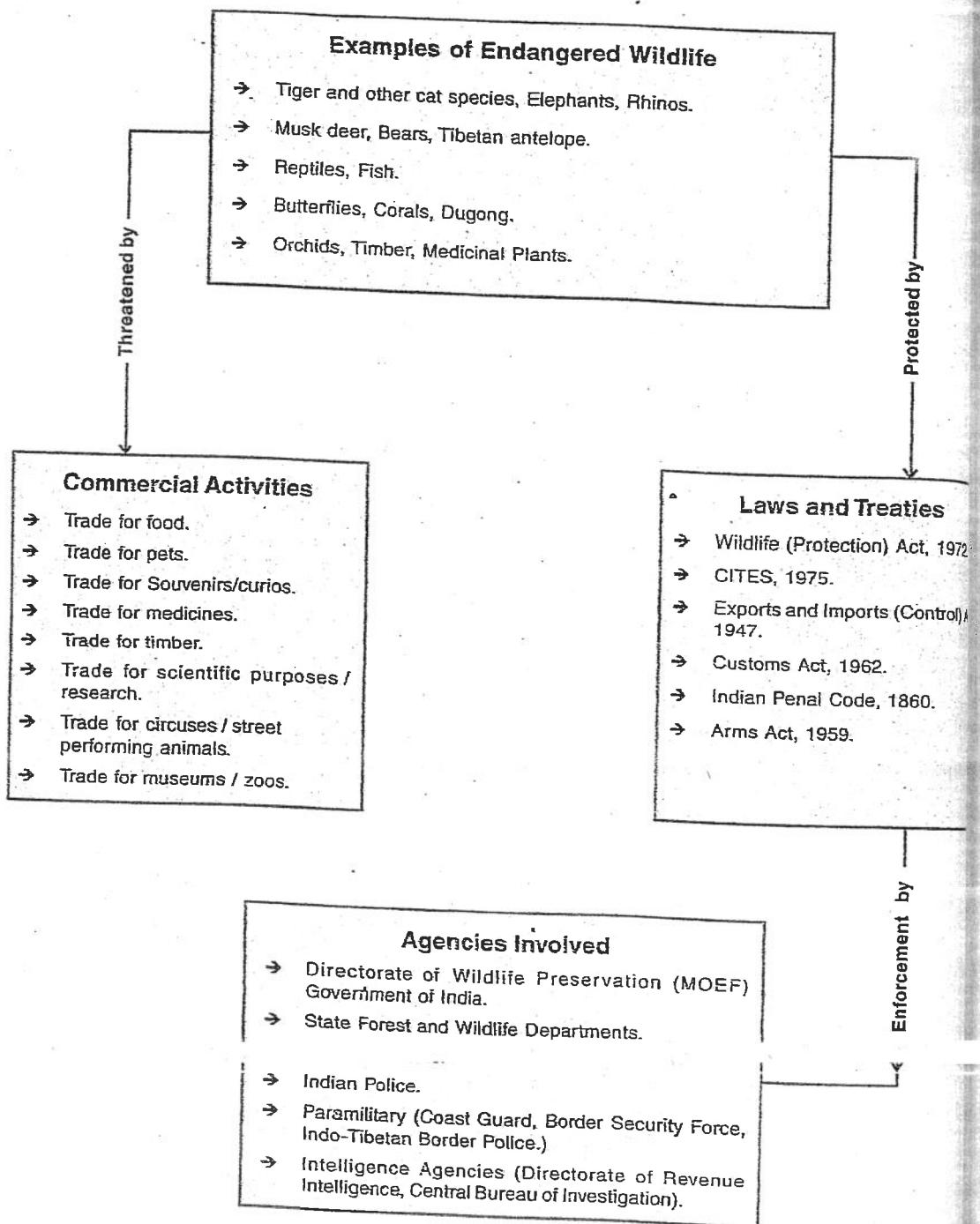
STUDY MATERIAL ON WILDLIFE CRIME

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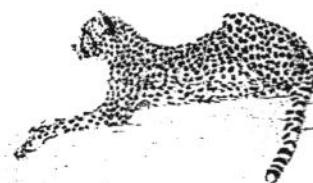
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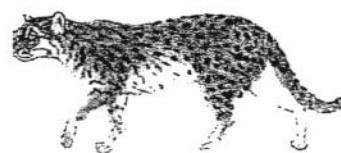
WILDLIFE TRADE : THE INDIAN SCENARIO



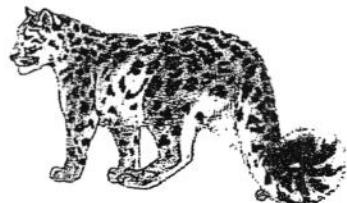
OTHER CATS OF INDIA



Acinonyx jubatus (Cheetah)



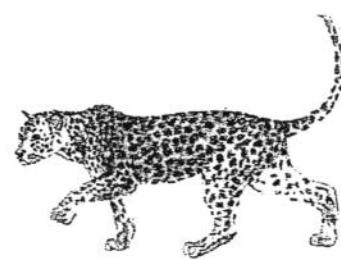
Felis Viverrina (Fishing Cat)



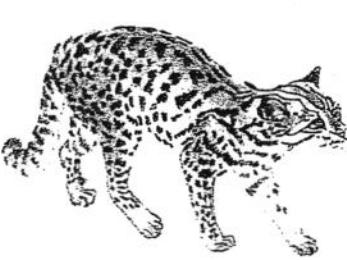
Panthera uncia (Snow Leopard)



Panthera leo (Lion)



Panthera pardus (Leopard)



Felis bengalensis (Leopard Cat)



Felis manul (Pallas's Cat)



Felis sylvestris (Desert Cat)



Felis chaus (Jungle Cat)



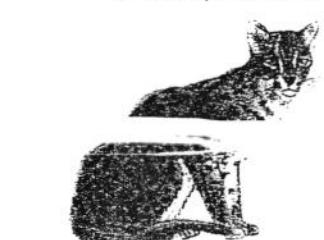
Neofelis nebulosa (Clouded Leopard)



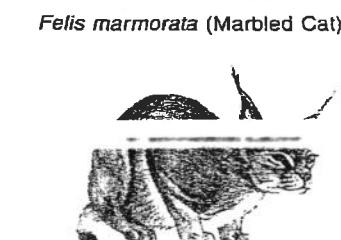
Felis marmorata (Marbled Cat)



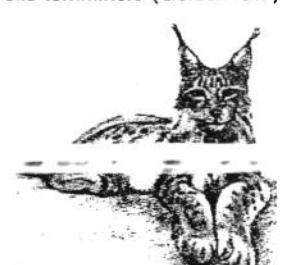
Felis temmincki (Golden Cat)



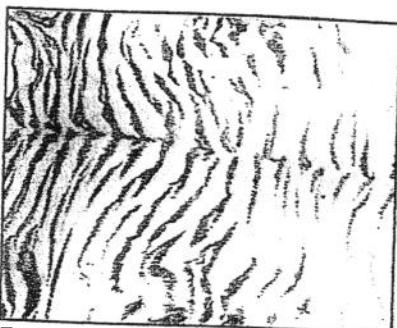
Felis rubiginosa (Rusty spotted Cat)



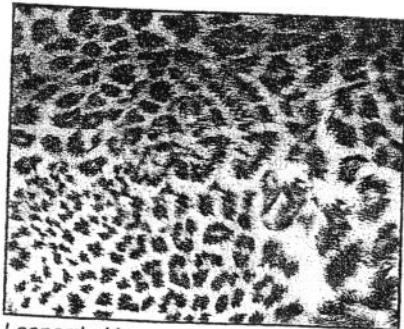
Felis caracal (Caracal)



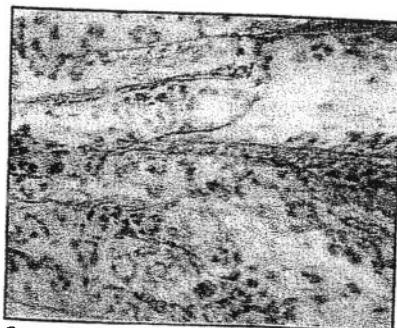
Felis lynx



Tiger skin



Leopard skin



Snow leopard skin



Clouded leopard skin



Marble cat skin



Leopard cat skin

Steps In The Prosecution of a Wildlife Criminal:

- 1) Power to enter, search any premises, vehicles, etc. and seize any wild animal article etc. (Section 50 of WPA).
- 2) Power to stop, detain or arrest any person without warrant (Section 50 WPA).
- 3) Recording of statement of the witnesses to the offence by Assistant Director of Wildlife Warden (Section 50(d) of WPA).
- 4) To produce the arrested person and articles seized before the concerned Magistrate (Section 50(g) of WPA).
- 5) Bail/Conditional grant of bail (Section 437(3) (b) Cr. P.C.)
- 6) Authorization to file complaint (Section 55 of WPA).
- 7) Filling of complaint (Section 55 WPA read with Section 190 Cr.P.C.).

- 8) Examination of the authorized person presenting the complaint to be dispensed with (Section 200 Cr.P.C.)
- 9) Issuance of warrants/summons by Magistrate to the accused alongwith the copy of complaint (Section 204 Cr.P.C.).
- 10) Recording of pre-charge evidence (Section 247 Cr.P.C.).
- 11) Framing of charge (Section 246 of Cr.P.C.).
- 12) Accused to state whether pleads guilty or not guilty of such charge (Section 246(2) of Cr.P.C.).
- 13) Accused pleads not guilty, then witnesses whose statement had been recorded earlier to be summoned for cross examination by the accused. (Section 246(4) Cr.P.C.).
- 14) Accused to enter upon his defence and produce his evidence (Section 247 Cr.P.C.).

- 15) Examination of the accused by court, accused has right to refuse to answer questions (Section 313 Cr.P.C.).
- 16) Submission of arguments (Section 314 Cr.P.C.).

...
~~Submission of arguments or quantum of sentence in event of conviction~~
(Section 248 Cr.P.C.).
- 18) Submission of arguments or quantum of sentence, in event of conviction (Section 248 Cr.P.C.).
- 19) Pronouncement of sentence/fine by court (Section 248 Cr.P.C.) in presence of accused. Accused to be sent to jail to undergo sentence.
- 20) Appeal. (Section 246(4) Cr.P.C.).

Wildlife Parts in trade

- Skin: Tiger, Leopard, Fur of lesser cats, snakes, Chital, sambar, barking deer, Gaur, Fakre etc
- Bone: Tiger, Leopard, Elephant, Wolf etc
- Bile: Bear, Civet, Fakre
- Musk Pod: Musk Deer, Fakre
- Ivory: Elephant, wild boar, Fakre
- Claws: Tiger, leopard, Bear, Birds, Fakre
- Finished: Shatoosh shawls, Crocodile/snake skin purse, wallets shoes ash travs. Paint and Drawing brushes, Ornaments (Bangles, pendants etc)
- Live Animals: Parrots, Reptiles, Monkeys, Birds, turtles, Corals-neckles Souvenirs
- Plants - Medicinal - Kuth
Ornamental - Orchids

Despite the various laws and prohibitions the illegal trade in Wildlife continues to flourish:

- India was one of the earliest members to sign the convention on International Trade in Endangered Species of Wild Fauna and flora (CITES)
- Wildlife (Protection) Act, 1972
- Foreign Trade (Development & regulation) Act, 1992
- Customs Act, 1962
- Indian Penal Code, 1860
- Code of criminal Procedure, 1974
- Arms Act, 1959
- The prevention of cruelty to animals act, 1960 etc

FIELD MANUAL FOR I.O's.

Stages in Crime Investigation

- i) Observation of the Crime Scene
- ii) Recognition of the Physical Evidence
- iii) Collection and Packaging of the Physical Evidence
- iv) Safe Transportation to the Forensic laboratory
- v) Analysis of the sample and Interpretation of the Results
Report writing
- vi) Expert Evidence in Court of law

Methods of Poaching

- Poisoning
- Pit Poaching
- Electrocution
- Shooting
- Leg traps, Snares
- Net

Things to carry to the Crime Scene

- Torch/Light
- Hand magnifier
- Tape/rope
- Note pad
- Camera
- Measuring tape
- Forceps
- Paper bags/Zip lock bags other receptacles like Vials for collection of blood and meat etc
- Masks and caps
- Silica gel granules

FIELD MANUAL FOR IO'S

(9)

What is a Physical Evidence?

It encompasses any and all objects that can establish that a crime has been committed or can provide a link between a crime & its victim (animal) or a crime & its perpetrator

How to Proceed to the scene of Crime?

- 2) Do not bring your vehicle too close to the crime scene
- 3) Immediately isolate the scene with a rope or tape
- 4) Record the scene/Make Written notes preferably with audio recording if possible

Take notes constantly throughout the processing of the crime scene & it must includes location of the evidence recovered, by whom, how and by whom it was packed and marked

- 5) Take photographs or video if possible

Scene of Crime Photography - why it is the needed

- a. Photographs serve as permanent record of the facts at the scene of crime
- b. It records facts for future use
- c. It helps to reconstruct the scene of crime
- d. It supplements other records
- e. It records details of the scene
- f. It provides Pictorial representation of the appearance & position of the objects

10 FIELD MANUAL FOR I.O'S

- g. It serves as an important evidence in the court of law & supports testimony of the investigator

Scene of Crime Photography - Paraphernalia required

- a. SLR (self loading camera) with close-up lenses and long shot provisions with lighting arrangements
- b. Fresh batteries or check the cells if they are fully charged
- c. Sufficient rolls of colour/black and white films
- d.
- e. Tripod stand etc.

Scene of Crime Photography - How to Proceed

- a. Before planning to brief the photographer the I.O. should make a cursory look at the SOC
- b. Take long distance, Intermediate distance and short distance or close ups of the SOC.

The long distance photograph will cover the whole location of the SOC, the intermediate photograph will cover the place where actually the crime has been committed while the close ups will indicate the various physical evidences, injuries, condition and position of the dead animals body.

- c. Measuring scale should be placed while taking the photographs mainly the close-ups as it will tell the actual size of the evidence even if the photograph is enlarged. If scale is not available than any standard item like a pen etc can be used.
- d. Do not compromise on the number of the photographs taken. Take as many photographs as the I.O. thinks will be useful in investigation.

FIELD MANUAL FOR IO's

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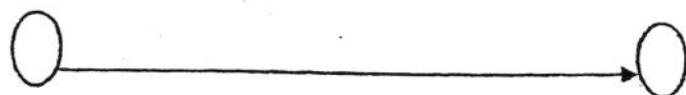
6. Make a sketch of the crime scene indicating the distance between various objects

Sketching the Scene of Crime

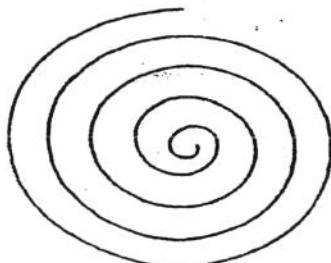
- a. Make a sketch of the crime scene indicating the distance between various objects. Photographs and sketch of the scene of crime are complementary to each other. One gets clear impression about the scene from a sketch which is not possible from thousands of photographs. It also provides the dimensions of various objects and their relative distances from each other and the direction or orientation.
 - b. Numbers or abbreviations may be used for indication various objects shown in the sketch explaining them in legend. Do not delay to put legend after coming to your office as you might forget some of the things in due course.
 - c. Always measure distance from two nearest permanent objects
 - d. Always indicate the North direction
7. Search for the evidences by various techniques

Various Search Techniques

- a. **Point to Point search in straight line**



- b. **Zonal Method OR quadrants** and search one by one quadrant



- c. **Spiral Method** - starting from point zero/focal point of the scene and carried out in spirals

(12)

Collection of physical evidences

FROM:

Scene of the crime

Animal

Suspect and his environment

Collection of physical evidences available

Blood – On substrate as such air dried

Meat – As per WIT Protocol

Skin – Air dry it to remove any moisture before packing and sealing

Bones – As such

Forensic importance of blood

Laboratory examination of blood is carried out to discover:

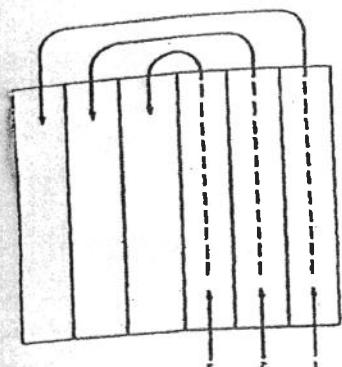
1. If it is blood or some other fluid (some oil, syrup etc)
2. If it is of human or of animal origin
3. Age of the blood stains
4. DNA profiling

Collection of Blood stains

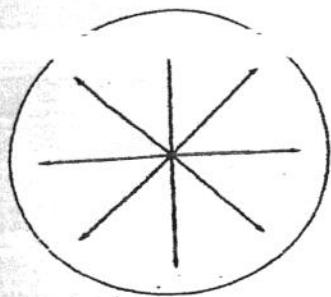
1. Use gloves
2. Allow the blood/stain to dry under shade (Air dry)
3. Avoid contact between two stains
4. Do not use air-tight packing material

FIELD MANUAL FOR IO'S

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d. **Strip method** - The scene of crime is divided into convenient strips and each strip is examined carefully



e. **Cross-hatch method** - Search from imagination centre point of a circle to radiate in different directions covering the whole circle

f. **Cross - hatch method** - the search for the due material is carried our two dimensionally, firstly length wise as in strip method and then width wise

8. Take foot prints of animals & humans in that area
9. Take tyre prints of the vehicles
10. Collect physical evidences available
11. Search for wounds or marks on the body of the animal if body is found for -
 - a. **Bullet marks**
 - b. **Cut marks - on body or on skin**
 - c. **Damage to the bones**
 - d. **Snare marks**
 - e. **Leg trap marks**
 - f. **Estimate time of death form the condition of the body - Putrefactions**

FIELD MANUAL FOR 10's

5. Liquid blood may be collected on cotton swab and dried before packing
6. Each exhibit should be labeled properly

Forensic importance of hair

Information can be obtained about:

1. Species Origin
2. DNA profiling from the hair root cell/follicle

Collection of hair

1. Pick up with forceps
2. Hair samples from two different locations should be collected & packed separately
3. Hair should not be bent
4. Place in paper or plastic bags

Forensic Importance of firearms and ammunition

1. Owner can be linked if it is licensed otherwise the person from whom it is seized
2. Probable time of last firing
3. Bullet found from the dead animals body can be linked to a particular firearm
4. Range of firing

Collection and handling of firearms

1. Should be carefully lifted taking care that the parts likely to have fingerprints are not destroyed
2. Cotton swab should be used to close the muzzle end

FIELD MANUAL FOR I.O.

(15)

3. Details of the firearm should be properly marked and numbered
4. The firearm should finally be packed in a suitable box and sealed

Collection and handling of cartridge case

1. Do not wash or clean the exhibit
2. The cartridge cases should be carefully picked - up, ideally using plastic tipped forceps's
3. Each empty cartridge case should be placed in a separate plastic bag taking care that
4. Firing pin & breach face marks should be protected by padding with cotton
5. Details about each casing should be documented
6. Each exhibit should be properly labeled

Collection & handling of ammunition - Bullets and pellets

1. Do not wash or clean the fired bullets
2. These should be carefully picked up with a plastic tipped forceps's
3. Each bullet or pellet should be placed in a separate plastic bag
4. Barrel marks should be protected by padding with cotton wool
5. Details about each pellet or bullet should be documented
6. Each exhibit should be labeled

Precautions:

1. Sufficient sample size should be sent- neither less nor too much
2. Standard or controls for comparison should also accompany the case exhibit/sample

FIELD MANUAL FOR IO'S

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3. Stains etc should not be scratched out but sent along with the substrate

PRESERVATION

For Organic matter like food, blood, tissue may change their character during some time due to natural decomposition

Prevent from exposing to high temperature

Wildlife matter identification techniques requires different procedures for preservation

Packaging

1. Articles/evidences that can be easily removed and conveniently packaged
2. Choice of container depends on the size of the specimen, its fragility, physical state and the mode of transmission, e.g. if the samples are to be sent through post do not use glass containers as they cannot withstand the handling jerks and may break before reaching to the laboratory.
3. Evidences should be properly marked or labeled – as the analysis/trial may take months to accomplish
4. Each evidence should be separately packed

FIELD MANUAL FOR 10

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Evidence Chart - should accompany the exhibit

S.No	Evidence	Quantity	Container	Seals	Witness	Remarks
01	Bullets	One	01	WII	abc	None
02.	Bone	Five	02	WII	abc	None
03.	Hair	Bunch	03	WII	abc	None

Sealing/ Labeling

1. Seal different evidences in different packages
2. Put all the packets in one big container and again put the seal
3. The sealed container should clearly bear the
 - i) Case #
 - ii) Date & time of finding the article
 - iii) Name & description of the article
 - iv) Location & time of discovery of the article
 - v) Signature of the IO and
 - vi) Name and signature if the witnesses

FIELD MANUAL FOR IO'S

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Forwarding Note (specimen) - *should accompany the exhibit*

Case(POR/FIR) number - -----

Police Station - -----

Which Section of Law-----

District - -----

Date - -----

State -----

Enclosed is a true copy of FTD /POR

Nature of Examination required:

- 1) To find out Species of Origin of Exhibit # 01
- 2) To find out Whether the exhibit marked as # 02 belongs to Tiger

Certificate of Authority

Certified that the Director, Wildlife Institute of India, P.O.Box - 18, Chandrabani, Dehradun, India, has the authority to examine the exhibits sent to him in connection with the case # -----, P.S.-----, U/S----- dt. ----- state versus----- and if necessary to take them to place or remove portion's for the purpose of said Examination.

Signature & designation
of the Forwarding Authority

FIELD MANUAL FOR JO's

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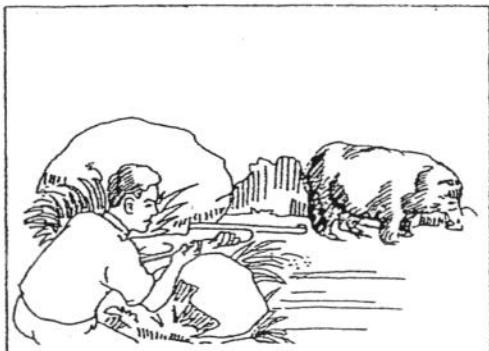
Transportation - safe and sound transportation should be ensured

THINGS THAT CAN GO WRONG

1. Failure to recognize what is evidence
2. Too many bystanders - improper protection of the crime scene
3. Too many officers - contamination of evidence
4. Using hit or miss type search techniques
5. Lack of organization and communication in the search
6. Failure to search outside the immediate crime scene
7. Failure to search area for witnesses
8. Failure to take proper notes, photographs or videos
9. Contamination of the evidence during handling
10. Placing wet/stained items in plastic bag before drying.
11. Packing more than one items in the same package
12. Jumping to the conclusion and making the scene fit theories
13. Failure to restrict information
14. Prematurely going to the information media to get name and fame without proper diagnosis

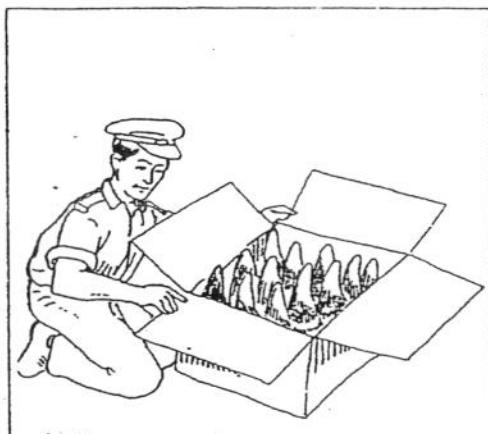
Who can stop wildlife crime?

Enforcement of laws against wildlife crime in India is complicated by the fact that a large number of agencies are directly or indirectly involved in trying to stop it. Given the complex system that exists, it is extremely important that agencies co-ordinate with each other and work in a co-operative fashion to tackle wildlife crime. The agencies listed below are connected with stopping wildlife crime and



Anti-poaching agencies

- State Wildlife Departments.
- State Forest Departments.
- Ministry of Environment and Forests.
- Army (wherever applicable).
- Police.
- Indo-Tibetan Border Police.
- Border Security Force.
- Coastguard.



Anti-smuggling agencies

- Customs.
- Wildlife Protection Department (GOI).
- Railway Protection Force.
- Directorate of Revenue Intelligence.
- Foreign Post Office.
- Central Bureau of Investigation
- Interpol Unit of CBI.
- Police.
- Border Security Force.
- Indo-Tibetan Border Police.

Support agencies

- Wildlife Institute of India.
- Central and Regional Forensic laboratories.
- Zoological Survey of India.
- Botanical Survey of India.
- Central Marine Fisheries Research Institute
- Honorary Wildlife Wardens and Special Police Officers.
- Wildlife Protection Society of India.
- Wildlife Trust of India.
- Regional NGOs.
- TRAFFIC India

Which laws regulate wildlife crime?

India controls wildlife crime through three primary legislations: the Wildlife (Protection) Act, 1972; the Customs Act, 1962; and the Export-Import Policy. Apart from this, a few other Acts are also used. Some salient features of these Acts are listed below.

Wildlife (Protection) Act, 1972

- Applicable all over India except Jammu and Kashmir which has its own Act.
 - Prohibits hunting of any wild animal listed in any of its schedules except mice, rats, common crow and fruit bats.
- which are punishable by varying penalties. A Schedule I offence can earn a repeat offender 6 years in prison and a fine of Rs 25,000. Section 51 lays down penalties for violations of the Act.
- Schedule V lists vermin which may be killed. Schedule VI lists protected plants.
 - The Act also sets down the rules of a protected area and penalties for violating them.

Foreign Trade (Development and Regulation) Act, 1992

- The Export-Import Policy is framed under this Act. It lists prohibited and restricted items.
- This Act replaces the earlier Imports and Exports (Control) Act, 1947.
- Wild animals including their parts and products such as ivory are prohibited for import.
- Wild animals and their derivatives are prohibited for export. Wood and certain wood products are also prohibited or regulated.
- 29 plant species are prohibited for export. Others are restricted and need a licence.

Customs Act, 1962

- All offences against CITES (see page 16) and the Export-Import Policy are punishable under the Customs Act.

Other Acts

- The Indian Penal Code, 1860.
- The Code of Criminal Procedure, 1974.
- The Prevention of Cruelty to Animals Act, 1960.
- The Arms Act, 1959.

Intelligence network

Setting up a system of information gathering, analysis and evaluation is the most important facet in anti-poaching or anti-smuggling. The procedure for setting up an intelligence network is as follows:

1. Collection

- The collection of information must be carefully planned, co-ordinated, and directed against a specific target, or gaps in information. It must be reviewed at different stages of the process.
- Overt collection of information can be through investigators, law enforcement agency records and from other sources.
- Covert collection of information can be through physical or electronic surveillance, informants or undercover agents.
- Collection of data must be done in accordance with the laws of the land.

2. Evaluation

- All information must be verified by an independent source if possible.
- Credibility ratings must be given to each item of information.
- Decide on the leads to be followed up.

3. Collation

- A filing system with cross-referencing and cross-indexing should be set up.
- A coding system for this should be worked out with emphasis on quick recovery of data.
- Useless and incorrect information should be sifted out.

4. Analysis

- An analyst must re-assemble the investigators' data.
- Preliminary hypotheses from this must be reviewed.
- Close contact must be maintained

between analyst and investigator, if separate.

- The analyst must keep in mind the final use of the analyses and proceed based on that.
- Can be oral or written but tailored to the need of the recipient.
- Should be objective, logical, concise and on the basis of accurate information.
- Should separate hypotheses from facts.

6. Dissemination

- Intelligence report must go through a one-person command (head of unit).
- List of recipients, depending on security clearance, should be prepared.
- Confidentiality of report is important but should not be the decisive factor in dissemination.

7. Re-evaluation

- Constantly review operation.
- Evaluate quality of reports, collection system, analyses.
- Request feedback from users of intelligence system.
- Develop tests to measure the ability of system to do quick analysis.
- Change the system of information gathering or analysis based on the re-evaluation.

The following points should be kept in mind while running an intelligence network:

Location

- The network should be headquartered at a place where the transfer of information to the recipient agencies is easy.
- The security of the location is paramount.

Staff

- The network should preferably be run by a small, efficient autonomous unit.
- Integrity, capability and personality are crucial in all staff.
- Investigators must be experienced, motivated, capable of taking initiative and of interpreting factual accuracy.
- Analysts must be intelligent, logical and precise.
- Specialist analysts should be used for certain skills such as legal issues, identification, etc.
- There should be one head of the unit with complete responsibility.

Training

- The value of good observers and good reporters should be made clear.
- The complexity and sophistication of organised crime must be emphasised.
- The goals of the unit must be made clear.
- Basic training in identification of species and products should be given.
- Use of the intelligence gathered, methodology of collection and analysis, new developments in collection techniques, court matters etc., must be explained.

Security

- Background investigation should be conducted on every new unit member. Periodic updates must be undertaken.
- be restricted.
- Files and computers must be physically and electronically protected. Duplicates must be maintained at two locations.
- Phone lines, computer lines and all means of communication should be checked at periodic intervals.
- Security is not an end in itself. It should not be used to conceal mistakes, corrupt activities, etc.

Potential sources of information

1. Informants (see page 31).
2. Crime scene investigation (see pages 37-39).
3. Documents (judicial, official, contracts, deeds, certificates, letters, books, memos etc.).
4. Business and service agencies (banks, hotels, tax agencies, telephone, credit, insurance, etc.).
5. Law enforcement agencies (records of offences, arrests, court proceedings, investigative reports, gun registrations, fingerprints, traffic accidents etc.).
6. General publications (newspapers, magazines, telephone and business directories, etc.).
7. Surveillance (see page 36).

Undercover operation

An undercover operation is legal, covert, investigative work which involves deception of, and association with, the suspect. This is often the only technique that can be used against well-organised criminal elements.

Planning

1. Establish reliability of intelligence and review background information
2. Collect background information on the activities, habits, records and vices of suspects; area of operation, ethnic background, language and even style of dress.
3. Evaluate manpower required including informants, law enforcement officers, follow-up team and back-up team.
4. Evaluate equipment including vehicles, cameras, video and audio equipment, communication equipment and weapons.
5. Estimate expenses for manpower, equipment running, subsistence, lodging, emergency money and 'show money' (where appropriate).
6. Establish criteria for calling off operation.

Initiation

1. Continue to develop background on suspects and maintain surveillance.
2. Select and test equipment including vehicles, communication equipment, tapes, cameras, etc.
3. Select undercover agent who is willing, even-tempered, adaptable, technically sound, patient and has initiative. Specifically, the agent should have appropriate physical appearance, know the local language and fit into the required role.
4. Develop background story which should accommodate actual background of agent as much as possible.

5. When selecting assumed identity try to choose one with similar personality traits and personal
6. When choosing a name, try and retain first name or nickname. Change last name.
7. Provide as much documentation as possible to the agent that corroborates his background story.
8. Establish means of communication including contact persons.
9. Brief all participants in the operation.

Operation

1. Approach suspect. If possible, use informer for introduction to save time, effort and money.
2. This can be a problem if there is a double-crosser, or if the informer is difficult to control. In which case try and approach suspect directly, pretending that it is a chance encounter or by using a lure.
3. Gain confidence of suspect. Use identification material that suspect can see. Speak only of things that the informer is confident about. Always bargain with suspect. Use false role even when not in front of suspect.
4. Maintain surveillance at site, prior to, and after, meeting suspect.
5. After returning to safe area, scrutinise evidence and record statements.
6. Conduct supporting investigations if necessary. Liaise with other agencies.
7. Evaluate progress.

Termination

The operation should be terminated if:

1. Investigation is complete.
2. Cover is blown.
3. No results are forthcoming nor foreseeable.
4. There is imminent danger to agent.

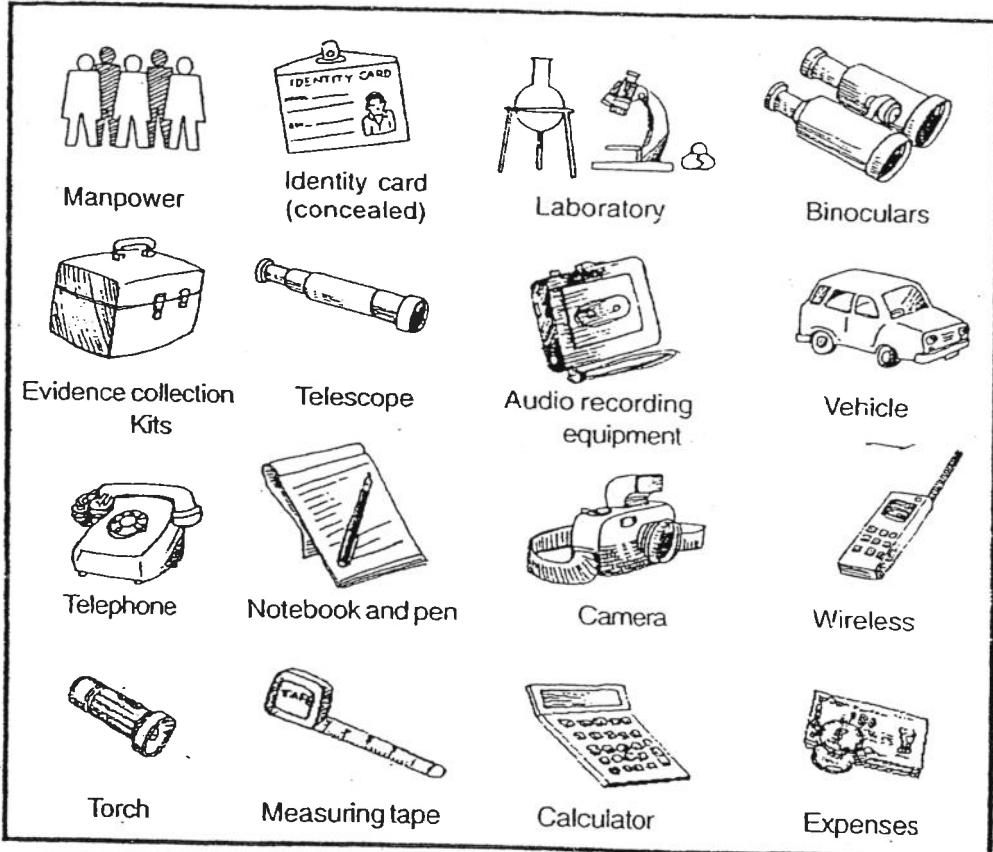
Evaluation

Identify and evaluate success and

Be careful of:

1. Faulty equipment such as audio and video recording systems.
2. Personal agenda of informants.
3. Entrapment by informer or suspect.

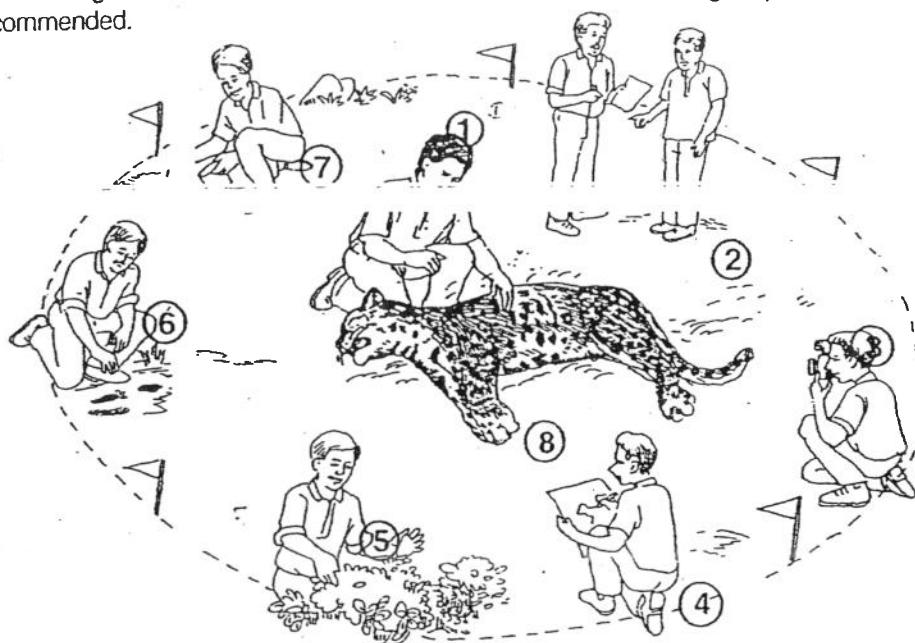
Investigation tools



Important: The physical well being of the agent and the informer is more important than a day's operation. **Withdraw if risky.** Continue later. Stay within legal bounds. Do not pay cash advances for goods or place orders for future delivery. This will be counter-productive to wildlife conservation for obvious reasons.

Crime scene search

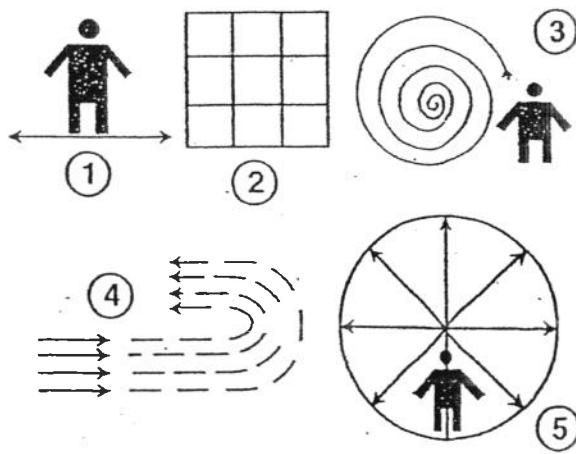
If a wildlife crime has been committed, an important starting point to the investigation is searching for evidence at the scene of the crime. The following steps are recommended.



1. Isolate scene with rope or tape.
2. Keep written notes or audio recordings.
3. Take photos (and video if possible).
4. Sketch area and positioning.
5. Search for evidence (see below).
6. Take footprints of animals and humans in the area (see page 38).
7. Collect evidence (see page 38).
8. Search for wounds or marks on the animal.

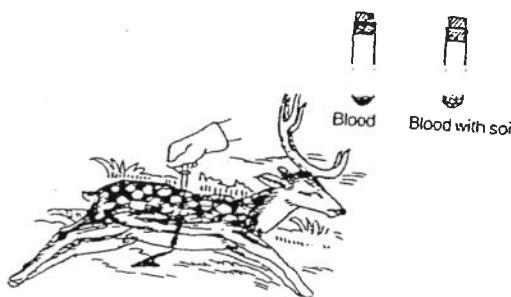
How to search for evidence⁴: The eye has to be trained to pick up evidence. Use one of the methods given below to maximise efficiency.

1. Start searching point-to-point in a straight line.
2. Divide area into quadrants. Search one quadrant at a time.
3. Cover the area in a spiral manner.
4. Send your men from point to point and then back again.
5. Send your men in a radial manner from the centre of a supposed circle.



Collection of evidence from crime scene

Collecting evidence from the scene of a crime has to be done in a scientific and precise manner in order for the evidence to have some use in the final investigation. The following evidence is commonly available at a poaching site.⁴



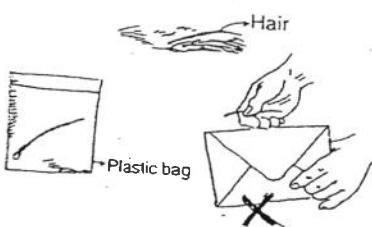
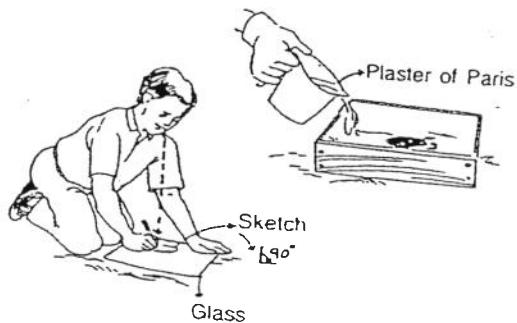
Blood

animal's body using a dropper into a test tube. Seal it tight with a cork.

- If blood is found on soil, collect blood with soil in a test tube and seal it.
- Collect soil without blood from the scene.

Footprint/pugmark

- Photograph print before taking impression.
- Put glass on the print. Sketch from above.
- Your eyes must be at 90° to the print in order to avoid parallax error.
- Fill print with Plaster of Paris. Allow it to dry. Collect the cast.



Hair

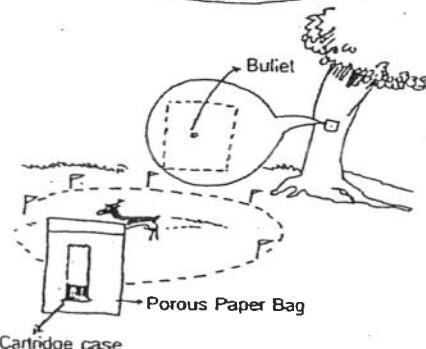
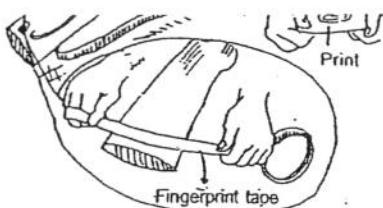
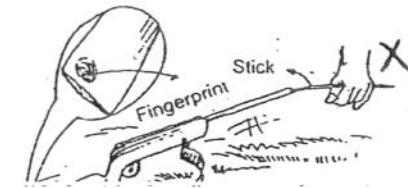
- Use forceps to collect hair for evidence.
- Do not bend hair while collecting.
- Collect hair from the root if possible.
- Place in a plastic bag (not paper envelope). Seal and label it.

Firearms

- Use gloves to pick up the firearms.
- Do not insert any object into the barrel of the gun.
- Note position of lock, hammer and catch (if present on the firearm) and do not change it.
- Note if gun has been fired or not.

.....

- Photograph fingerprints before lifting them.
- If fingerprint tape is available use it to collect print.



Bullet

- Take out bullet from animal's body without scratching it. Place it in a paper bag, seal it and label it.
- Cartridge cases found outside should also be collected in paper bags, sealed and labelled.
- In case bullet is embedded in hard object (eg. tree), cut around the bullet and place the whole block in a paper bag. Seal it and label it.

Photograph

- A photograph is useful evidence. On it should be date, time, place of incident, brief description, name & signature of photographer. Always place a case no. or some other identifier in each picture alongwith ruler or something that references size.

Things that can go wrong⁴

1. Failure to recognise what is evidence.
2. Too many bystanders - improper protection of the crime scene.
3. Too many officers - contamination of evidence.
4. Using hit-or-miss type search techniques.
5. Lack of organisation and communication in the search.
6. Failure to search outside the immediate crime scene.
7. Failure to search area for witnesses.
8. Failure to take proper notes, photograph or video etc.
9. Contaminating the evidence by handling.
10. Placing wet/stained items in plastic bag before drying.
11. Packing more than one item in the same package.
12. Bad collection of fingerprints.
13. Jumping to conclusions and making the scene fit theories.
14. Failure to restrict information.

A. VARIOUS ASPECTS OF INVESTIGATION

1. Intelligence gathering

- (a) Network of sources
- (b) Protection of identity of secret sources
- (c) Registration of Secret Information in r/o commission of crime and proper in advance information and approval of sr. officers.
- (d) Independent and cogent verification of Source Information.

Conduct of Raid

- (a) Efforts to join independent witnesses to conduct raid before proceedings to conduct raid.
- (b) Efforts to include some expert on wildlife for proper identification of the articles if the raid is conducted by officers of the department not related to wildlife department. Proper training of the officers of the agencies concerned in prevention of wildlife crime in respect of identification of wildlife articles.
- (c) Before proceedings towards the spot the raiding party team and independent witnesses if any, should be properly briefed.
- (d) The material required for sealing of the seized articles should also be taken along to avoid delay in seizure proceedings.
- (e) The independent witnesses should be offered the search of the raiding party members as well as the vehicles which will be utilised for conducting raid and this fact should reflect either in recovery memo or some separate memo.
- (f) Before leaving for the spot proper entries should be made in the register meant for such purpose such as general diary or daily diary.

3. On the spot proceedings

- (a) Proper deployment of the team at the spot.
- (b) Even if the raiding party is accompanied by independent witnesses, an effort should be made to join some independent witnesses from the spot as per requirement of Section 100 of Cr.PC. It is usually observed that public at large do not join the proceedings as independent witness on the spot due to fear of harassment. In order to counter this eventuality, CBI in its operation requests the various Govt. Deptt. to depute some officer to watch the proceedings as independent witness.

... the accused persons they should be informed about the purpose of interception of and their proper identity should be confirmed.

- (d) Before the search of accused or their vehicle or house or shop, the raiding party should offer them to take their search to avoid the allegation of false implementation. This fact should also be incorporated in the recovery memo.
- (e) Once the recovery of contraband is made the accused persons should also be asked as to whether they have any valid document or licence to possess the seized articles.
- (f) All the seized articles should be properly packed and sealed including the material which was earlier used for ferrying them.
- (g) The seal used for sealing purpose if possible, should be handed over to independent witness after the sealing work is over to avoid the allegation of tempering. In case no independent witness is available, it should be handed over to an officer other than the seizing officer. In most of the cases where large seizure has taken place of wildlife animal skins, it has been noted that they are displayed to the media showing lying in the open condition which raises questions about the sanctity of seizure proceedings. In order to avoid such complications, the sealing of skins should be done in separate transparent polythene packets and they should be sealed separately so that showing them of media does not create hindrances at the time of trial.
- (h) Separate specimen seals of the seal used on the spot on three plane papers should be made after the articles seized are sealed. This is important since when the case property is sent for expert opinion, the person opening it should be able to match

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the seal affixed on the case property with the specimen seal sent along with case property. This will counter the allegation of tempering with the case property.

- (i) The documents should be prepared on the spot in relation to the seizure proceedings. The signatures of all the concerned including accused and independent witnesses if any should be obtained on all the documents.
- (j) The arrest memo of the accused should also contain the ground of arrest and also the fact that arresting officer is satisfied that accused person shall not duly answer any summon or other proceedings which may be taken against him. This becomes necessary as per the requirement of section 50 (1) (c) and section 50 (3).
- (k) The accused persons after their arrest should be interrogated to confirm about the source of the seized articles and about further linkages and to make further

4. Other important aspects of Investigation

- (a) The seized articles should be kept in the proper malkhana along with entries in the record of the register of malkhana.
- (b) The seized articles and the person detained should be produced before the Magistrate forthwith under intimation to the Chief Wild Life Warden or the officer authorised in this regard as per the requirement of section 50 (4) of Wild Life (Protection) Act.
- (c) The Investigation after registration on FIR or information in other departments should try to establish the origin of seized articles as well as to know their final destination. Since the persons carrying articles usually are poor persons acting as couriers, the real persons behind the illegal trade should be identified and brought to book.
- (d) The case property should without delay be sent to obtain expert opinion especially where it has been seized by officers other than that of Wild Life Department.
- (e) Special feature of Wild Life (Protection) Act is that section 50 (8) provides that evidence recorded by authorised officials of Wild Life Department has been made admissible provided it has been recorded in the presence of accused.

During investigation all efforts should be made to collect as much as possible circumstantial and documentary evidence against the accused as one of the main short coming in these kind of cases and especially in cases of poaching / hunting is that the offences are committed in the deep interiors of the jungle and as in offences against humans we will not get any eye witnesses of the incident of poaching.

B. VARIOUS ASPECTS OF TRIAL

Once the Commission of offences and identity of accused persons is established then the next step is to launch prosecution against them so that they are put to trial before a competent Court of Jurisdiction. Following are important aspects which need to be paid attention while conducting trial for commission of offence under Wild Life (Protection) Act-

- (a) Section 55 in Wild Life (Protection) Act provides that cognizance of any offence against this Act, can be taken on the complaint of authorised persons as mentioned in the said section.
- (b) The complaint should mention in detail the evidence collected about commission of offences against the accused persons accompanied by list of witnesses as well as the list of documents relied upon by prosecution.
- (c) The complaint should also contain the authorisation detail of the complainant authorised to file the complaint and the notification or authorisation should also be filed with the complaint.
- (d) The prosecutor conducting the case should first of all, examine the expert who has given opinion on the case property as he is the person who will be able to identify the seal affixed on the property and it will also provide the opportunity to exhibit the case property at the earliest as they are prone to deteriorate with the passage of time.
- (e) All efforts should be made to conclude the trial speedily as with the passage of time quality of evidence is bound to weaken.

Any investigation can be termed fruitful only when it culminates into successful prosecution in the court. Both are inter-related and supplement to each other. It has been felt throughout that the kind of attention - the investigation gets is missing at the

time of prosecution of the same in the court. Though Central Bureau of Investigation does not lack in this aspect also and the cases investigated by it, largely result into successful prosecution also. But I still feel that as special investigating teams (SIT's) are formed while investigating cases involving wider ramifications, while prosecuting such important cases instead of one lone prosecutor conducting the case a team of prosecutors should be formed to counter the battery of defense counsels. We will then lay as much emphasis on trial as we do at the time of investigation and if we fail in this then all the purpose shall be defeated.

TECHNIQUES OF INVESTIGATION

Once the evidence on the scene of the crime is collected, the next step is to conduct a criminal investigation into the crime. Remember that for an investigation to start, a crime need not have been committed and this could be the beginning of an effort to foil the crime. For simplicity you can divide the investigation into five phases.

1. Intelligence gathering

- (a) Try and identify the suspects.
- (b) Through various sources, determining the scope of activity of the suspects. Documents and validate all the intelligence information gathered.
- (c) Analyze the intelligence reports.

2. Decision to conduct the investigation

- (a) The final decision to conduct the investigation must be taken after the background intelligence has been analyzed. At this stage, you can decide to close the case if background information so indicates.

3. Planning the investigation

- (a) Is there sufficient manpower?
- (b) Who will supervise the investigation?
- (c) Who will coordinate the investigation and serve as the "team leader"?
- (d) How many investigators/officers are available to provide for surveillance, evidence analysis, technical support?
- (e) Is the equipment available adequate and well maintained?
- (f) Are these arrangements for the storage of evidence?

4. Implementing the plan Always remember to:

- (a) Stay flexible.
- (b) Continue to update your intelligence.
- (c) Continue to identify your defendants, suspects, and charges.
- (d) Gather, label, analyze, evaluate and secure your evidence.
- (e) If needed, obtain and execute arrest warrants, summons, search warrants.
- (f) Conduct interrogations, take confessions in presence of two independent witnesses.
- (g) Produce in court within 24 hours.
- (h) Release synopsis of the investigation to media.
- (i) Prepare and submit your evidence. Brief lawyer.

5. Evaluate your results

- (a) Ask yourself what finally was accomplished. Evaluate if investigation has been a deterrent to future illegal activities and if, use to the case, more update and accurate intelligence is available.

POINTS TO REMEMBER DURING CRIME SCENE

CRIME SCENE SEARCH

It is a wildlife crime has been committed, an important starting point to the investigation is searching for evidence at the scene of the crime. The following steps are recommended.

1. Isolate scene with rope or tape.
 2. Keep written notes or audio recording.
 3. Take photos (and video if possible).
 4. Sketch area and positioning.
 5. Search for evidence
 6. Take footprints of animals and humans in the area.
 7. Collect evidence.
 8. Search for wounds or marks on the animal.
-

The eye has to be trained to pick up evidence. Use one of the methods given below to maximize efficiency.

1. Start searching point-to-point in a straight line.
2. Divide area into quadrants. Search one quadrant at a time.
3. Cover the area in a spiral manner.
4. Send your men from point to point and then back again
5. Send your men in a radial manner from the center of a supposed circle.

COLLECTION OF EVIDENCE FROM CRIME SCENE

Collecting evidence from the scene of a crime has to be done in a scientific and precise manner in order for the evidence to have some use in the final investigation. The following evidence is commonly available at a poaching site.

Blood

1. Collect blood from animal's body using a dropper into a test tube. Seal it tight with a cork.
2. If blood is found on soil, collect blood with soil in a test tube and seal it.
3. Collect soil without blood from the scene.

Footprint/Pugmark

1. Photograph print before taking impression.
2. Put glass on the print. Sketch from above.
3. Your eyes must be at 90 degree to the print in order to avoid parallax error.
4. Fill print with Plaster of Paris. Allow it to dry. Collect the cast.

Hair

1. Use forceps to collect hair for evidence.
2. Do not bend hair while collecting.

3. Collect hair from the root if possible.
4. Place in a plastic bag (not paper envelope). Seal and label it.

Firearms

1. Use gloves to pick up the firearms.
2. Do not insert any object into the barrel of the gun.
3. Note position of lock, hammer and catch (if present on the firearm) and do not change it.
4. Note if gun has been fired or not.

Fingerprint

1. Photograph fingerprints before lifting them.
2. If fingerprint tape is available use it to collect print.

Bullet

1. Take out bullet from animal's body without scratching it. Place it in a paper bag, seal it and label it.
2. Cartridge cases found outside should also be collected in paper bags, Sealed and labeled.
3. In case bullet is embedded in hard object (eg. tree), cut around the bullet and place the whole block in a paper bag. Seal it and label it.

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A photograph is useful evidence. On it should be date, time, place of incident, brief description, name & signature of photographer. Always place a case no. or some other identifier in each picture alongwith ruler or something that references size.

Things that can go wrong

1. Failure to recognize what is evidence.
2. Too many bystanders-improper protection of the crime scene.
3. Too many officers-contamination of evidence.
4. Using hit-or-miss type search techniques.
5. Lack of organization and communication in the search.
6. Failure to search outside the immediate crime scene.
7. Failure to search area for witnesses.
8. Failure to take proper notes, photograph or video etc.
9. Contaminating the evidence by handling.
10. Placing wet/stained items in plastic bag before drying.
11. Packing more than one item in the same package.
12. Bad collection of fingerprints.
13. Jumping to conclusions and making the scene fit theories.
14. Failure to restrict information.

CONDUCTING A CRIMINAL INVESTIGATION

Once the evidence on the scene of the crime is collected, the next step is to conduct a criminal investigation into the crime. Remember that for an investigation to start, a crime need not have been committed and this could be the beginning of an effort to foil the crime. For simplicity you can divide the investigation into five phases.

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- (e) Is the equipment available adequate and well maintained?
- (f) Are these arrangements for the storage of evidence?

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Always remember to:

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- (d) Gather, label, analyze, evaluate and secure your evidence.
- (e) If needed, obtain and execute arrest warrants, summons, search warrants.
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- (g) Produce in court within 24 hours.
- (h) Release synopsis of the investigation to media.
- (i) Prepare and submit your evidence. Brief lawyer.

5. Evaluate your results

- (a) Ask yourself what finally was accomplished. Evaluate if investigation has been a deterrent to future illegal activities and if, use to the case, more update and accurate intelligence is available.

INTERROGATION TECHNIQUES

A suspect may have to be interrogated before and or after the crime. In many cases interrogation of suspects may help prevent the crime. In case the crime has already been committed, interrogation becomes an investigative tool to help bring the criminal to justice. The following points may be followed or adopted during interrogation."

1. Questioning should usually be done by more than one person.
2. A brief check on the suspect's background must be made before interrogation.
3. Make use of available investigation reports, including from other enforcement agencies, to brief interrogator before the session. The interrogator must know more about the case or pretend to know more, than the suspect.
4. Cross-question suspect on details of the crime to detect contradictions.
5. Ask questions, even if they are not relevant to the interrogation, that allow you to be one-up on the suspect. This could generate a fear psychosis in the suspect's mind.
6. The suspect should be made aware of the conviction laws and the rigorous penalties he has to face if proven guilty by a court, and the possible repercussion to his family.
7. When appropriate, use the blow-hot blow-cold technique, whereby one investigating officer pretends to be tough and merciless while the other pretends to be more understanding. In many cases the suspect succumbs to this tactic.
8. If two persons are caught they should first be interrogated separately and then, if necessary, together.
9. If wildlife products are seized, effort should be made to find out where the goods originated, names of accomplices and names of ultimate buyers. Leads should be followed up immediately and swiftly to recover more articles and arrest accomplices.
10. In poaching cases or attempted poaching, names of other gang members, financiers, modus operandi or poaching, ultimate buyer of poached article, are vital to obtain. Try to obtain information that can be used to prevent further poaching in the area, not just investigate the current case.
11. Try to use independent witnesses during questioning. If not possible they must be present during recording confessions. Do not use your own staff as witnesses.
12. Confessions made in an enforcement officer may not be admitted by a court, but are still important for the purpose of investigation. However, Section 50, subsection (8) (9) of WPA are relevant in case of wildlife offences.

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THE WILDLIFE (PROTECTION) ACT 1972

(As Amended Upto 1991)

An act to provide for the protection of wild animals, Birds and Plants and for matters connected therewith or ancillary or incidental thereto

Definitions

- “**ANIMAL**” means any mammal and reptiles and their young ones (**Section 2(1)**).
- “**ANIMAL ARTICLE**” means an article made from any captive animal or wild animal (**Section 2(2)**).
- “**CAPTIVE ANIMAL**” means any animal, specified in schedule I, II, III or IV, which is captured or bred in captivity. (**Section 2(5)**).
- “**HABITAT**” includes land, water, or vegetation which is the natural home of any wild animal. (**Section 2(15)**).
- “**HUNTING**” includes a) capturing, killing, poisoning, snaring, and trapping of any wild animal and every attempt to do so; b) driving any wild animal for any of above purposes; c) injuring or destroying or taking any part of the body of any such animal or, in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles. (**Section 2(16)**).
- “**LIVESTOCK**” includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheep, yak and also includes their young (**Section 2(18A)**).
- “**SPECIFIED PLANT**” means any plant specified in schedule VI (**Section 2(27)**).
- “**TROPHY**” means the whole or any part of any captive animal or wild animal, other than vermin which has been kept or preserved by any means and includes a) rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy, b) antler, horn, rhinoceros horn, hair, feather, nail, tooth, musk, eggs and nests (**Section 2(31)**).

- “**VEHICLE**” means any conveyance used on land, water or air and includes buffalo, bull, bullock, camel, donkey, elephant, horse, and mules (**Section 2(33)**).
- “**WEAPON**” includes ammunition, bows and arrows, explosives, firearms, hooks, knives, nets, poison, snares, traps and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal (**Section 2(35)**).
- “**WILD ANIMAL**” means any animal found wild in nature and includes any animal specified in schedules I,II,III, IV,V wherever found (**Section 2(36)**).

Hunting of wild animals

- No person shall hunt any wild animal specified in schedules I,II,III,IV except as provided under section 11 and section 12 (**Section 9**).
- Hunting of animals to be permitted in certain cases (**Section 11**).
- Grant of permit for special purposes (**Section 12**).

Protection of specified plants

- Prohibition of picking, uprooting etc. of specified plants (**Section 17a**).
- Grant of permit for special purposes (**Section 17b**).

Sanctuaries & national parks

- The State Govt. may, by notification declare its intention to constitute any area as a Sanctuary or National Park if adequate ecological, faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or

- developing wildlife or its environment (**Section 18(1) & Section 35(1)**).
- Declaration of area as Sanctuary or National park (**Section 26 & Section 35(4)**).
 - No person other than persons specified in Sec 27(1) (a), (b), (c), (d) and (e) shall enter or reside in the Sanctuary or National Park except under and in accordance with the conditions of a permit granted under Sec 28 (**Section 27(1) & Section 35(8)**).
 - No person shall damage, alter, destroy, ... any boundary mark of the Sanctuary or National Park (**Section 27(3) & Section 36(8)**).
 - No Person shall tease or molest any wild animal or litter the grounds of Sanctuary or National Park (**Section 27(4) & Section 35(8)**).
 - Grant of permit to any person to enter or reside in a sanctuary or national park for the purpose specified in Sec. 28(1) shall be issued subject to such conditions and on payment of such fee as may be prescribed (**Section 28 & Section 35(8)**).
 - No person shall destroy, exploit, damage, deprive or remove any wildlife or its habitat within Sanctuary or National Park except under and in accordance with the permit which shall not be granted unless such destruction, removal or exploitation was necessary for the improvement and better management of wildlife (**Section 29 & Section 35(8)**).
 - No person shall set, kindle or leave any fire in the Sanctuary or National Park (**Section 30 & Section 35(8)**).
 - No person shall enter a Sanctuary or National Park with any weapon except by permission (**Section 31 & Section 35(8)**).
 - No person shall use in a Sanctuary or National Park any chemicals, explosives or any substance which may cause injury or endanger wildlife (**Section 32 & Section 35(8)**).
 - The Chief Wildlife Warden shall be the authority who shall control, manage and

maintain all Sanctuaries and National Parks (**Section 33 & Section 35(8)**).

- Immunisation of livestock against communicable diseases in or within 5 kms of the Sanctuary (**Section 33A**).
- Registration of certain persons in possession of arms within 10 kms of Sanctuary and National Park to be done in 3 months of declaration and no issue of new license without the prior concurrence of Chief Wildlife warden (**Section 34 & Section 35(8)**).
- No grazing or entry of livestock in National Park (**Section 35(7)**).

Recognition of zoos

- No zoo shall be operated without being recognised by the Central Zoo Authority (**Section 38H**).
- No person shall tease, molest, injure, feed or disturb zoo animals or litter the zoo (**Section 38J**).

Trade in wild animals and articles

- Every wild animal, other than vermin, which is hunted or kept or bred or found dead or killed by mistake in contravention of any provision of the Act or Rule; Animal article, trophy or uncured trophy or meat derived from any wild animal, ivory imported or an article made from such ivory; Vehicle, vessel, weapon, trap or tool that has been seized shall be the property of the Government. (**Section 39(1)**).
- Any person who obtains by any means such Govt. property shall inform within 48 hours of possession to the nearest police station or authorised officer (**Section 39(2)**).
- No person shall without the previous permission in writing acquire, transfer or destroy such Govt. property (**Section 39(3)**).
- Every person having control, custody or possession of any captive animal, animal article or trophy specified in Schedule I or Part II of schedule II, shall declare within

THE WILDLIFE (PROTECTION) ACT 1972

30 days of the commencement of the Act. (**Section 40(1)**).

- The Chief Wildlife Warden may issue a certificate of ownership for lawful possession of any wild animal, animal article or trophy (**Section 42**).
- Regulation of transfer of animal, animal article, trophy etc. (**Section 43**).
- Dealings in trophy and animal article without licence prohibited (**Section 44**).
- No licensee shall keep any animal, animal article or trophy not lawfully acquired or declared or capture any wild animal or acquire, sell or transport any captive animal specified in Schedule I or Part II of Schedule II or its derived products except in accordance with the provisions of the Act. (**Section 48**).
- No person shall transport any wild animal, animal article, specified plant or derivatives without prior permission (**Section 48A**).
- No person shall purchase or acquire any captive or wild animal, article, trophy etc, other than from a dealer or authorised person (**Section 49**).

Prohibition of trade

- Prohibition of dealing in trophies, animal articles etc. derived from scheduled animals (**Section 49B**).

Prevention and detection of offences

- The Chief Wildlife Warden or the authorised officer or any forest officer or any police officer not below sub-inspector, has power to enter, search, arrest and detain any person, vehicle or animal involved in the offence (**Section 50(1)**).
- Any person who contravenes any provision of the Act except Chapter VA and Section 38J on conviction will be punishable with an imprisonment which may extend to 3 years and fine which may extend to Rs. 25000 or both.
- Where the offence committed in relation to Scheduled animal (I and Part II of II) or

its derivative or hunting of or alteration of boundary in Sanctuary or National Park, imprisonment shall not be less than 1 year which may extend upto 6 years and fine shall not be less than Rs. 5000. Provided in subsequent offences, imprisonment shall not be less than 2 years and fine not less than Rs. 10000. (**Section 51(1)**).

not be less than 1 year and may extend upto 7 years and fine of not less than Rs. 5000. (**Section 51(1A)**).

- In case of section 38J, imprisonment may extend upto 6 months or fine upto Rs. 2000 or both. Provided in subsequent offences, it may extend upto 1 year or fine upto Rs. 5000 (**Section 51(1B)**).
- Provisions of Probation of Offender s Act not applicable (**Section 51(5)**).
- Whoever attempts to contravene, or abets the contravention of any of the provisions shall be deemed to have contravened that provision (**Section 52**).
- The Chief Wildlife Warden or any officer not below Dy. Conservator of Forests is empowered to compound offences for which minimum period of imprisonment has not been prescribed (**Section 54**).
- A court can take cognizance of any offence against this Act on the complaint of the following: a) The Director of Wildlife Preservation or authorised officer; b) The Chief Wildlife Warden or his authorised officer; c) any person who has given notice of 60 days specifying the alleged offence and his intention to make a complaint, to the Central Government, or the State Government or authorised officer. (**Section 55**).
- Presumption to be made in certain cases (**Section 57**).

Miscellaneous

- Protection of action taken in good faith (**Section 60**).
- Reward to persons (**Section 60A**).

SOURCE INFORMATION

1. Name, Designation and Address of the Suspect :

2. Introductory

3. Allegation in brief

4. Facts Available

5. Recommendation

ANNEX-III

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
.....
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:

MODEL RECOVERY MEMO

There was a secret source information to the effect that an Inter-State criminal gang is indulged in illegal trafficking of Wild Life skins, bones, body parts, their derivatives etc., banned under the provisions of Wild Life (Protection) Act, 1972, for their personal gain. The undersigned (seizing officer) was deputed to carry out necessary verification and do the needful.

During verification process, it was gathered through the source that the said criminal gang is planning to procure and transport Wildlife skins, bones etc. from _____ to _____ for its further sale to prospective buyers in the illegal market. Accordingly, the undersigned (the seizing officer) along with the supporting staff namely _____ reached _____ (name of place) on _____ (Date) for verification of aforesaid information.

During the process of verification, it was further gathered that the aforesaid criminal gang including _____ (names of suspects) who are in possession of wild life skins, bones etc, are camping in and around _____ (name of place) and are planning to move to _____ for selling the same to the prospective buyers through their key associate namely _____ (names of persons). Further process of verification also revealed that the above said criminal gang will proceed for _____ (name of place) with contra banned Wildlife skins, bones, body parts etc. on _____ (date) to _____ (name of place). Accordingly, it was decided to identify and apprehend the above said criminal along with contraband Wildlife skin, bones, body parts etc.

Thereafter, on _____ (date) the presence of S/Sh. (names of independent witnesses) was secured by the undersigned (seizing officer) for witnessing the seizure proceedings. All the above named officials & independent witnesses assembled at _____ (name of spot / place), where they all were briefed by the undersigned (seizing officer) about information in hand and further course of action. Before proceeding to the spot, the personal search of the all the team members were conducted by both the above named witnesses and it was

Wildlife Crime Investigation

Name & Designation of the office
sending the Offence Report to the Court

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

ensured that nothing incriminating except the necessary stationery items etc. were found in their possession. After reaching the spot, all the team members were deployed in and around the strategic points to keep a watch over the suspects. The source confirmed that the suspect persons all are in the possession of Wild Life skins & bones etc. for carrying the same to _____ (place/destination). The source particularly pointed out each member of the gang with their known names, who all were carrying some packages/baggage with them.

The suspects were closely observed by the team members during which they were observed to have a close hold of the packages/baggages available with them, which as per source were containing the contraband Wild Life skins, bones, body parts etc. Their activities and their movements were also observed to be suspicious. The constant watch over them was kept. Immediately, thereafter the suspect persons were surrounded by the team members and it was felt necessary to confront the suspects with information on hand regarding the possession of Wild Life skins, bones, body parts etc in the packages/baggages being carried by them. Accordingly, after disclosing the identity of the team members and independent witnesses, the suspects were informed about the purpose of interception and the information available on hand. On being confronted with the above said information as available with the team, they all became perplexed and kept mum. Thereafter, a thorough search of the packages/baggages as found in their control & possession was conducted in presence of the suspects and independent witnesses. Efforts were also made to join some persons to act as independent witness, who had gathered at the spot to witness the proceedings, but none of them came forward and dispersed one by one and left the place with the plea that are not in a position to associate with such proceedings. They also avoided disclosing their names and addresses even after repeated requests by the team.

On questioning the suspect persons, they informed that they do not have any license for keeping the said articles in their possession or for processing or trading the same. Thereafter, the search of the package and the bag as found in

possession of a suspect who introduced himself as _____ (name of the suspect person) resulted into the recovery of _____ (brief description of the articles). On close examination and confirmation by the suspect, the articles were found to be _____ (name of the animal), which are prohibited articles/items and in respect of which an offence against the wildlife (protection) Act, 1972 appears to have been committed and liable to be seized u/s 50 (1) (C) of the Wildlife Protection Act.

Similarly, search of package as found in the possession of another suspect who introduced himself as _____ (name of the suspect) resulted into the recovery of one _____ (brief description of the articles). On close examination and confirmation by the suspect, the articles were found to be _____ (name of the animal), which are prohibited articles/items and in respect of which an offence against the wildlife (protection) Act, 1972 appears to have been committed and liable to be seized u/s 50 (1) (C) of the Wildlife Protection Act.

All the aforesaid articles/trophies and derivatives (brief description of the articles) found in the conscious possession of the suspect persons were seized in the immediate presence of the independent witnesses.

Thereafter, the package found in the possession and control of aforesaid _____ (name of the suspect) was opened and the _____ (name of the article) wrapped with cloth as recovered from that package was taken out and measured. On measuring, the said skin was found having length of approx. _____ Inches (without tail) and _____ Inches (with tail) having width about _____ Inches at stomach portion. The said tiger skin is found having two holes apparently of gun shot. The said tiger skin was further wrapped with white markin cloth, sealed separately & hereby marked as 'A-1'.

Thereafter, the package as found in the possession and control of _____ (S-2) was opened and the tiger skin as recovered from that

package was taken out and measured. On measuring, the said tiger skin was found having length of approx. _____ Inches (without tail) and _____ Inches (with tail) having width of about _____ Inches at stomach portion. The said tiger skin is found having one hole apparently of gun shot another apparent wound mark. The said tiger skin was further wrapped with white markin cloth, sealed & hereby marked as 'B-1'. Besides, a poly packet containing the tiger bones/body parts wrapped with cloth was recovered which on being weighed was found _____ Kgs approx. The same was further wrapped with white markin cloth, sealed &

Thereafter, all the above mentioned packets/packages containing Wild Life Skin, bones, teeth and other incriminating articles as detailed above and marked as 'A-1' 'A-2', 'A-3', 'A-4', 'B-1' and 'B-2', duly signed by the concerned accused, both the independent witnesses, and team members (names to be specified) were sealed with the help of a brass seal having impression as _____ and after the sealing process, the said brass seal was handed over to independent witness _____ (name of the witness) with the direction to keep the same in safe custody and to produce before the court as and when required. The facsimiles of the above said brass seal have been taken on three separate sheets and signed by the all concerned. These packages containing the recovered tiger skin, bones/body parts teeths, packing material etc. as detailed above are being seized and taken into police possession as the suspect person could not produce any document in support of the above said seized Wild Life material.

All the above named suspects confirmed their knowledge about the fact that killing of animal and trade of their body parts is a crime and they further disclosed that they are doing the same for making money. During on spot examination, the suspect persons disclosed that _____ (about the source of procurement, mode of transportation, details of payments, details of prospective buyers, brokers or intermediaries involved in the trade, previous transactions made by them, mobile phone numbers of the accused and their contacts be recorded. The outcome of the spot examination also disclosed the

-28-

involvement of Sh. _____ (name of the prospective buyers).

No damage to any property or person has been caused at any stage of the proceedings and all the legal formalities were observed on the spot at the time of seizure as per the provisions of law.

Thereafter, at about _____ hours all the above named _____ accused persons were arrested, after informing them about the grounds of arrest and by adhering all the legal provisions and the guidelines vide separate 'Arrest Memos'. Their personal searches were also conducted in presence of both the independent witnesses, which also resulted into the recovery of crucial evidence including Cash, mobile sets etc. The items so recovered during the personal search of the accused persons were seized through separate Arrest-cum-Personal Search Memo and taken into police possession. The Arrest Memos as well as the Personal Search Memos are enclosed herewith. Copy of the Arrest cum Personal Search Memo was given to the accused persons under proper acknowledgement.

The contents of this Recovery Memo have been read over and explained in Hindi to all the _____ accused persons, the witnesses and the CBI team members and they all have signed the same in token of its correctness.

The proceedings completed at about _____ hours and a copy of this 'Recovery Memo' has been handed over to all the above named _____ accused persons under proper acknowledgement.

(Name & signatures of the seizing officer)

(Signatures of the team members)

(Signatures of the independent witnesses)

Note:-The signatures of the accused persons be obtained on all pages of the recovery memo.

The above Model Recovery Memo is subject to changes as per the situation and proceedings on the spot.

MODEL FOR CASE-DIARY

Name of SPE Branch

ORIGINAL/DUPLICATE

CASE DIARY
(U/S.172 Cr.PC)

Case Diary No.

Date

Crime No.

Year

Sections

Place of Occurrence

Date of Occurrence

Accused Name

Date & Hours -
Places visited and
decision taken

Record of Investigation

कब्जे में ली गई वस्तुओं का ज्ञापन-पत्र

SEIZURE MEMO

(दंड प्रक्रिया संहिता को धारा 523 के अधीन)

(Section 102 Cr. P. C.)

विषय पत्र कार्यालय
S.P.E. Office

रप्ताब संख्या या प्रथम सूचना संख्या

Crime No. or F.I.R. No.

वर्ष

Year

कब्जे में लेने की तारीख

197

Date of seizure

197

कब्जे में लेने वाले का नाम

By whom seized

किसके पास से वस्तुएं कब्जे में की गई और कहाँ ?
From whom seized and where ?

कब्जे में ली गई वस्तुओं का विवरण
PARTICULARS OF ARTICLES SEIZED

1.

2.

3.

HANDED OVER By

TAKEN OVER By

WITNESSES: 1.

NX

ANNEX-VII

- 51 -

S.P.I.

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	

P.T.O

15	Signature of the independent witness
16	Signature of the officer who effected the arrest

ANNEXURE- VIII
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

Wildlife Crime Investigation

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 referred to above, should be sent to the Imaqa 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.

INTERROGATION REPORTCASE NO.

Photograph

1. Name and alias, if any :
2. Father's Name :
3. Mother's Name :
4. Nationality :
5. Date and Place of Birth :
6. Profession/Occupation :
7. Passport number and date, place
of issue and validity and details
of trips abroad, if any :
8. Personal description :
 - a) Height :
 - b) Weight :
 - c) Built :
 - d) Complexion :
 - e) Colour of eyes :

f) Colour of hair :

g) Condition of hair :

h) Identification Mark :

i) Deformities, if any :

9. Address in India

(i) Local (a) Residential :

(b) Office :

(ii) Native :

(iii) Other addresses in different places in India :

10. Addresses abroad

11. Contact addresses

12. Name and details of complaints/firm owned or controlled by the person :
13. Languages spoken, written & understood :
14. Telephone numbers in his name :
15. Telephone numbers in his office or business premises :
16. Contact telephone, other than in his name :
17. Telegraphic address :
18. Post Box No. :
19. Properties owned in his name or benami :

20. Income tax assessee or not, if yes, ward no.etc.
21. Bank account number, safe deposit vaults or bank Lockers in his name or under his control
22. Vehicles number and details thereof including chassis number
 - (a) Owned
 - (b) Under his control
23. Any licenses held and their numbers
24. Friends and other relatives in other cities/city

25. Commodities smuggled by him, or he deals in :
.....
26. Family background
.....
27. Details of jobs/business under taken, if any :
.....
28. Reasons/source of joining :
.....
29. Source of procurement :
.....
30. Persons involved in the racket (supply) :
.....

31. Area of operation/Distribution Network (Disposed)

(i) Associates in India

(ii) Associate outside India

32. Details of other persons involved

33. Modus Operandi

(i) Procurement Method

(ii) Sale Method

(iii) Method of Communication

(iv) Place of collection/transaction

(v) Storage

34. Mode of payment

(i) Purchasing

(ii) Selling

35. Area of disposal

36. Utilization of sale proceeds

37. Involvement in offences (Case-Wise)
(Use separate sheet)

38. Details of any trial cases/previous convictions

39. Knowledge of similar activities of other persons

40. Knowledge of possession/storage of contraband items at particular place/city

41. Any clue of the absconding accused persons

42. Any other information relevant to this case

CASE-STUDY-I
(SANSAR CHAND CASE)

- One of the main person responsible for destroying the wildlife reserve of India by poaching/trading the wildlife articles on a large scale and organized way is Sansar Chand @ Sansar Gihara @ Sansar Saini @ Choua, also dubbed as Veerappan of North India. He hails from Gihara, a traditional hunters community and resident of Delhi.
- Born in 1962, the criminal career of Sansar Chand started in the year 1974 at the age of 12 years when he was caught with his grandfather in a wildlife case but released under probation since he was a minor at the time of recovery of the wildlife articles. He learned the tricks of the trade from Anil Rajani, a trader in snake skins. He developed contacts with Lalji Bawaria of Smalkha Gang near Panipat. He further developed contacts with Tibetans and Nepalese.
- After this case, Sansar Chand continued and further built his criminal career in procurement and supply of wildlife articles. His family members including wife Rani, son Akash, brothers Lalita Prasad, Narain, Rajkumar, nice Ritu and nephew Preetam and several others also became part of his criminal activities.
- He also established a network of connections with the poachers of wildlife animals throughout India particularly in forest reserves of Rajasthan, Haryana and Uttar Pradesh, and procured wildlife articles through them and supplied and same to international market through couriers based in Delhi and abroad.
- By the year 2005, Sansar Chand emerged as a big player in the trade of wildlife articles, casing huge damage to the rich wildlife reserves of India.

- A Criminal case was registered in CBI on 30.05.2005 on transfer of Complaint U/s 55 of Wildlife (Protection) Act, 1972 from Wild Life Department, NCT of Delhi. Further, Supreme Court of India transferred another Delhi Police case of P.S Timarpur relating to huge recovery of wildlife animals skins to CBI for further investigation.
- The case pertains to poaching of endangered Schedule-I and Schedule-IV animals as per the Wildlife {Protection} Act, 1972 by Sansar Chand and his associates.
- Accused Sansar Chand s/o Late Muni Lal was found to be involved in FIR No. 202/95 dated 17.07.95 of PS Sadar Bazar, Delhi, pertaining to seizure of a leopard skins in which complaint has been filed and cognizance against him has been taken by the Competent Court.
- Accused Sansar Chand was further involved in FIR No. 2/2003 of PS GRP, Bhilwara, Rajasthan, pertaining to seizure of two leopard skins etc. in which he has been convicted and sentenced to rigorous imprisonment for a term of five years and imposed a total fine of Rs. 60,000/ vide judgment passed by Addl. CJM, Railway Court, Ajmer.
- Further in FIR No. 82/2005 dated 31.01.2005 of PS Kamala Market, Delhi pertaining to seizure of Tiger, Leopard. Otter skins etc. a complaint has been filed against 8 accused persons including Sansar Chand in which cognizance has already been taken by the Hon'ble ACMM, Tis Hazari, Delhi. As far as Sudesh Kumar @ Suresh Kumar is concerned, he is involved in FIR No. 35/2003 dated 24.01.2003 of PS Railway Main Delhi {RMD}, Old Delhi Railway Station pertaining to seizure of skins in which complaint has been filed and cognizance taken by ACMM, Tis Hazari, Delhi.

- Further, FIR No. 82/2005 dated 31.01.2005 of PS Kamla Market, Delhi, pertaining to seizure of Tiger, Leopard, Otter skins etc. has been registered against Sudesh Kumar @ Suresh Kumar, in which a complaint has been filed against him and cognizance taken by the Hon'ble ACMM,Tis Hazari, Delhi.
- FIR No. 362/2004 dated 17.10.2004 has been registered at Manek Chowk, PS of Jaipur City, Rajasthan in which members of the organized crime syndicate of ~~the syndicate namely Akash Gihara and Kali Gihara~~ have been arrested and cognizance taken against them.
- **In view of the fact MCOCA, 1999 was invoked by the Competent Authority against accused Sansar Chand and Sudesh Kumar @ Suresh Kumar in the instant case for the first time. This case which has been investigated by me is first ever case of its kind in the history of investigation of Wildlife Offences in India in which the provisions of MCOCA as extended to NCT Delhi have been invoked. As a result, the accused Sansar Chand is still in Jail.**
- On the request of the CBI, this case was transferred to the Designated Court {MCOCA Cases} and taken on record on 08.09.2005.
- That investigation had revealed evidence of involvement of Sansar Chand and his associates in continuous illegal activity pertaining to trafficking of wildlife animals skins and derivatives. Custodial interrogation of Sansar Chand and Sudesh Kumar have revealed modus operandi of this crime syndicate and identified several associates including poachers.
- The evidences adduced during investigation against Shri Sudesh Kumar @ Suresh Kumar {A1} revealed that he was indulging in continuing unlawful activities as a member of organized syndicate led by Sansar Chand. He was

found in possession of one leopard skin, which was recovered by special cell of Delhi Police. During custodial remand accused Shri Sudesh Kumar volunteer to give confesson statement u/s 18 of MCOCA .

- The evidence adduced during investigation against Ritu {A2} reveal that he was working for Sansar Chand who was procuring skins of Tiger, Leopard etc. from poachers belonging to forest area of Himachal Pradesh, UP and Nepal for RS.20,000 to 50,000/- per skin. She was found in possession of two skins of Tiger and eight skins of Leopard including one snow Leopard skin during searches.
- The evidence adduced during investigation against Babu {A3} and Badal {A4} reveals that they were found in conscious possession of huge quantity of Wild Life animal skins and its derivatives such as 30 skins of Leopard and 42 skins of Otters, 3 Kgs of nails of Tiger, 14 pieces of Teeth of Tiger and 30 pieces of Tiger claw, 10 pieces of Tiger Jaw, 135 Kgs. of Percupine Quills and 20 pieces of bone of animals. Both were employed by Sansar Chand mainly for purpose of transportation of skins from one place to another.
- The evidence adduced during investigation against Sansar Chand {A5} reveals that accused Sansar Chand had formed a well-organized crime syndicate. He has a group of associates who facilitate poaching, procuring, storage and transportation of skins. These facts are corroborated by the statement of accused Sudesh Kumar and Satyabhan recorded u/s 18 of MCOCA.
- Accused Sansar Chand admitted in his voluntary confessional statement u/s 18 of MCOCA that he has been indulging in the trade of wildlife skins since 1972-73 and number of cases are pending against him in various courts in Delhi and other parts of country.

- The investigation has conclusively established that accused Sansar Chand had indulged in continuous unlawful activities for committing offences under the provisions of wildlife {P} Act, 1972. **There also appear to be no doubt that crime syndicate controlled by accused Sansar Chand is one of the most dreaded wildlife crime syndicate operating in the country and unless severe measures are taken, their continued unlawful activities shall seriously threaten the wildlife heritage.**
- The evidence adduced during investigation against Narain {A6}, Preetam {A7} and Lalita Prasad {A8} are family members of Sansar Chand and they were felicitated Sansar chand illegal business of wild animals skins.
- The evidence adduced during investigation against Satyabhan {A9} reveals that he facilitated in supply the wildlife animal skins to Sansar Chand. Accused Satyabhan has also given voluntarily confection statement u/s 18 of MOCCA and admitted to have acted as a career in supply of five animal skins {Leopard skins} to Sansar Chand.
- That during the course of investigation, all out efforts were made to trace out the poachers of Samalkha, Panipat namely Jassu, Chatru and Mahabair. Further action was also taken to identify the ultimate buyers mostly, Nepalies and Tibetens so as to bring them to justice.
- The close associates of the crimes syndicate controlled by accused Sansar Chand have been broadly identified as under:-
 - Suppliers Poachers.
 - **Samalkha Gangs (Panipat)**
Jassu, Mange, Chatru, Raja, Jeevan Kalbeliya, Surta Kalbeliya (Modus operandi – shift from village & camp near Reserve forest like Banjaras for months together)

- **Rajasthan based local Poachers**

Kalya, Johrumev

- **Accomplices**

Satyabhan, Sunja, Mahaveer

- **Families Members/Associates**

Rani (wife)

Akash (son)

Narain (brother)

Sudesh Kumar (close associate)

Badal (employee)

Lal Singh (commission agent)

- **Buyers**

Tenzing Lama, Tashi, Pemi Lama, Tsiring Tamang @ Undu, Chidder, Chibbing.

Kana and Juba etc. were the main buyers of wildlife skins who purchased wildlife skins from Sansar Chand.

- **Other active gangs**

Mohd Yakoob @ Chacha of Kanpur one of the biggest trader.

Wide network of Bawarias belonging to Ludhiana and Smallkha.

Khaliq Hussain r/o Fatehpur UP-mainly depends upon the Bahelias of Madhya Pradesh (Katni area).

Motilal once a major trader.

Suraj Pal of Khaga Dist., Fatehpur

Main source of suppliers are the Poacher of Bawaria community belonging to area of Dist. Panipat, Haryana.

X

CASE-STUDY-II
(TEHALKA/KUMAR BADAL CASE)

- This is a case where in the forest officials had decided to share his source with Pankaj@kumar Badal Journalist in Tehlaka.com with a belief that Pankaj was actually a research agent who wanted to work under cover and help the forest authorities in apprehending the illegal traffickers indulging in the killing of endangered species.
- Sh. Pankaj @Kumar Badal working as Journalist for Tehlaka (Media Networks Pvt. Ltd.) was introduced to a DFO through an NGO Group. DFO sole intention was to try this new face for under cover work and could operate in the Rajaji Natural Park Area at Haridwar area independently without exposing any Enforcement Officer/Agency.
- The DFO in turn has introduced Pankaj to Meharban who was working as source to DFO. Pankaj had given a video camera for recording the entire process of Poaching and skinning of the Leopard. Meharban had taken the assistance of a Poacher who was a co-villager Inam in trapping the Leopard killing it by gunshot and then video recording the entire process.
- The local police of PS Biharigarh, Sharanpur had apprehended two persons namely, Meharban and Imam of village Shahjahan Pur, Distt. Biharigarh, Saharnpur who had laid a traps (Kadaki) for video recording the entire process of killing and skinning of animal at the instance of Sh. Pankaj.

- A Criminal case was registered in CBI on 03.06.02 on transfer of Crime No. 71/2002 under various section of Wildlife (Protection) Act, 1972 from P.S Biharigarh, Saharanpur District, UP
- The case pertains to poaching of endangered Schedule-I and Schedule-IV animals as per the Wildlife {Protection} Act, 1972 by two person namely Meharban and Inam of Village Shahjahan Pur, Distt. Bihari Garh, Saharanpur.
- The allegations in the FIR mentioned that the entire process of killing and skinning of animals was video recorded by the poachers at the instance of and on being financed by one Pankaj, who is reportedly a Delhi based person.
- On the basis of report that some notorious criminals are present in dense forest of Mohand range at a distance of 3.1/2 kilometer from Shahjahanpur road towards north and have taken position and laid traps {Kadaki} for the trapping and killing of wild animals while also carrying illegal weapons. The source led the party to the spot in dense forest and pointed towards the persons who were hiding behind the trees.
- After cordoning the area, the police party challenged them and at this point of time, these two persons fired at the police party with the intention to kill. Taking cover of the trees and at the risk of their life, the police party overpowered the two persons.
- The two persons disclosed their names and addresses as Inam S/o Barkat Gujjar r/o Chandi Gher and Meharban s/o Pathan Sharif r/o Saharanpur, PS Bihari Garh.

- From the possession of Inam one country made SDDL gun along with one empty cartridge in the barrel and three live cartridge of 12 bore LG were recovered from the right side Paijama pocket. The barrel was found to be giving freshly fired explosive smell.
- From the possession of Meharban, a 12 bore CMP gun with hammer and trigger in running condition and one empty cartridge in the barrel and two live cartridges of 12 bore from his shirt pocket were recovered. The gun barrel was giving freshly fired explosive smell. Meharban was found to be carrying a video camera of "SONY" make {handicam QCR-TRV 1000} working condition along with a film, which was found hanging on the right shoulder of Meharban.
- On being asked about the video camera, Meharban disclosed that it had been given to him by one Delhi based person named Pankaj, which was given for filming the killing of wild animals. He further disclosed that previously also he had supplied several films to him.
- On being asked about the address of Pankaj, he stated that he does not know his address but used to contact him on his mobile phone nos. 9810559893 and 9810290047 after completion of job assigned relating to filming of the trapping and killing of wild life animals. It is revealed that Pankaj used to come to the appointed place for obtaining the video films and skins of wild life animals.
- He also disclosed that they are engaged in trading of wild life skins after killing them. On being asked, they could not produce the licence of recovered weapons and ammunition. On inspection of the spot, 3

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traps {Kadaki} were found chained to the trees. All the aforesaid articles were taken into police possession and sealed separately.

- Mehaban led the police party to his residence and on his pointing out two panther skins were recovered from a plastic katta behind a box, which was taken into police. Similarly, accused Inam also led the police party to his residence at Chandi Gher and at his pointing out, the police party recovered one panther skin, one bijju skin and three sambhar horns which were kept in a plastic bag hidden in a heap of straw {bhusa} in his house.
- Immediately, on the registration of the case CBI obtained police remand of accused Inam and Meharban on 4.6.2002 till 7.6.2002.
- During investigation it transpired that Meharban was earlier working as Field Asstt. in the Wild Life Institute, Dehradun for 13 years from year 1987 to 2000 and was in constant touch with some DFO and used to occasionally work as a source information at his behest. Later on, accused Meharban was introduced by one DFO to a person identified as Pankaj at Delhi. Later on, Pankaj instructed Mehraban to locate some persons who could do poaching of wild animals. Accused Meharban further disclosed that he had done poaching of a leopard in the month of March at the instance of Pankaj of Delhi.
- He also disclosed that he was introduced to Pankaj by DFO. Pankaj had given him a video camera for recording the entire process of poaching and skinning of the leopard. He had taken the assistance of his co-villager Inam in trapping the leopard, killing it by gun-shot and then had video recorded the entire process.

- He further disclosed that he had handed over the video cassette so prepared of poaching to Pankaj at Dehradun Railway Station sometime in the month of March when Pankaj had come to meet him. He also disclosed that he was paid Rs. 15,000/- for the entire operation, out of which he spent Rs. 2000/- for procuring guns/ammunitions from an unknown local hunter for the purpose of killing of the leopard.
- He also disclosed the two telephone numbers 9810559893 and 9810290047 of Delhi on which he was in frequent communication and stayed in various hotels where Meharban had been asked to meet him. Thus he disclosed that the entire operation of killing, skinning and video recording the process of poaching of the leopards, etc. was done at the instance of and been funded by Pankaj of Delhi.
- All the above evidence which have come on record, prove that in fact there was a meeting between poacher Meharban and Pankaj, a video camera was supplied by Pankaj to Meharban, frequent visits were made by Pankaj to Dehradun and also to Shivalik Forest Range, Saharanpur, inducements were given by Pankaj to Mehraban for poaching and video recording the process of poaching and finally the cassette of poaching, recorded by Meharban, was taken away by Pankaj for some purpose. These facts not only prove hatching of the criminal conspiracy but also continuous participation of Pankaj by direct and indirect means in execution of the criminal conspiracy.
- On the basis of disclosure statement made by the accused Meharban, on 7.6.2002 while the accused were still in Police custody accused Meharban effected the recovery of 84 STD PCO slips

containing two mobile phone numbers viz 9810559893 and 9810290047 u/s 27 of the Indian Evidence Act. The Owner of the STD PCO (which was pointed out by the accused Meharban as being the booth from where he used to make the calls to Pankaj at Bihari Garh was located and examined. The owner of the PCO identified Meharban who was regularly making calls to mobile phone numbers of Delhi.

DFO figured in the interrogation of accused Meharban. He further revealed that he had decided to share his source with Pankaj in the belief that Pankaj was actually a research agent who wanted to work undercover and help the forest authorities in apprehending the illegal traffickers indulging in the killing of endangered species. DFO also stated that since the person named Pankaj was unknown to him as such he had quietly noted the number of a blue coloured Maruti Esteem in which Pankaj had come for the first meeting with accused Meharban near the Bus stop of India Habitat Centre, New Delhi.

- DFO further communicated the vehicle No. DL 2C N 4866 by telephone to the CBI. DFO stated during investigation that Meharban had rang him up on two occasions and informed him that Pankaj is insisting on the actual trapping, killing and then skinning of leopards for the sake of recording the process of poaching on video film for which Kumar Badal was offering to pay a hefty amount.
- This witness had produced the said visiting card which was handed over to him by said Pankaj Singh during their first meeting. The said visiting card was taken into police possession. It is noteworthy that the visiting card mentions Pankaj's contact No. 9810559893

mentioned by accused Meharban as the one which he used to contact Pankaj. 84 STD, PCO slips recovered u/s 27 of the Indian Evidence Act from the residence of accused Meharban.

- During investigation, it revealed that the said Pankaj Singh had been introduced to DFO by a NGO sometime in the month of September/October, 2001 at New Delhi with the sole intention that Pankaj could operate in the Rajaji National Park at Hardwar area independently without exposing any enforcement officials and that DFO try this new face for undercover work with respect to exposing poaching.
- That Pankaj is the pseudonym of a journalist namely Kumar Badal working for Tehelka.com. From this the investigation focused on establishing the real identity of Pankaj and there is considerable evidence to show that Pankaj is none other than Kumar Badal. A photograph of Kumar Badal was procured and the same was identified as that of Pankaj by witnesses including DFO and Army Officer.
- The said journalist Pankaj @Kumar Badal went underground and he was tracked after subjecting him to technical surveillance.
- Searches of the residence and office premises of Pankaj led to the recovery of various documents which shows that Kumar Badal @ Pankaj is working for Tehelka.com. Records of M/s Buffalo Networks Pvt. Ltd. reveal that the journalist Kumar Badal was using Mobile Telephone No. 9810290047 on which Meharban was in continuous communication with.

- Thus clearcut and reliable evidence had emerged during the course of investigation that Pankaj is none else than Kumar Badal and is an investigating journalist working with Tehelka.com.
- During the course of investigation, it transpired that Kumar Badal had stayed in some hotels in Dehradun for facilitating his meetings with accused Meharban. Few hotels were checked up and in one of the hotel viz. Shalimar Hotel, it was found that one entry against SI No 839 dt. 7.2.2002 in the name of accused Meharban giving particulars of his residence and police station have been made in English in the hotel register. Incidentally, the attendance register of M/s Buffalo Networks Pvt. Ltd. seized during searches also confirms that on 7.2.2002, Kumar Badal was on tour, which is the same date as shown in the Hotel register.
- The case property pertaining to this case i.e. wild life animals skins, sambhar horns and traps (Kadaki were sent to the Director, Wild Life Institute, Dehradun vide letter No. 4544/3/5/2002-SIU.XI dated June 17, 2002 with specific pointers on which expert opinion were sought.
- Vide report of Wildlife Institute, Dehradun expert opinion No. WLI/WFC-389/2002 dated 17.07.2002, it is opined that based on the hair characteristics, morphometry and physical examination and comparing hair characteristics of the skins with reference samples, it is concluded that one of the skins {sample no. 389/1A} is of Common Palm civet {Paradoxurus hermaphroditus} and other three skins{ sample nos. 389/2A and 389/2B} are of Leopard {Panthera pardus}.

- The CBI filed complaint against all the accused persons under various provisions of IPC and Wildlife Act in the Court of Special Magistrate for CBI cases, Ghaziabad. The Hon'ble Court has already taken cognizance in the case.
- During investigation some more evidences were collected against Pankaj @ Kumar Badal and a supplementary complaint was filed in the competent Court.
- The case is at the stage of prosecution evidence and is going on in the trial Court of Spl. Judicial Magistrate, CBI cases, Ghaziabad.

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CASE STUDY-III

KHAGA CASE

- A Criminal case was registered in CBI on 23.03.2000 on transfer of Crime No. 11/2000 under various section of Wildlife (Protection) Act, 1972 from P.S Khaga (Fatehpur), UP.
- Investigation revealed that on 11.01.2000, SP Fatehpur received an information from a reliable source that Shabbir Hassan and his associates were indulging in illicit killing of wild animals and sale of their skins/bones/nails to various persons based in countries like Nepal, Bangladesh and China.
- On the basis of information received raids were conducted on the residential premises of the suspects and to effect recovery by different Police teams.
- During the raids, at one spot, before the arrival of the Police Party, the main accused Shabbir Hassan along with his sons namely Sarfaraz and Sartaj managed to escape from their residence in their Mahindra Marshall vehicle bearing No. UP-70P-6220. Another accused Manzoor Ahmad also managed to escape from the house in his Voxwagon Car bearing Regn. No. DL-1117 along with his associate Mazeed. As the FIR, while Manzoor was escaping from the spot, one bundle

of skins fell down from the vehicle which was taken into custody.

- During the raids, the house of Shabbir Hassan was searched and where Mohd. Ranizan, Hamid Ali and Smt. Zaibun were found present. On their disclosure, the house was searched and a huge consignment of 210 black-buck skins, 12 leopard skins and 84 tiger nails were recovered from different parts. From the roof of the same house, 11 black-buck skins, 35 leopard skins, 2 tiger skins, 4 wooden planks used for drying and tools or tanning of skins were recovered.
- The Police team conducted house search of another accused Azizullah and recovered 23 leopard skins, 2 tiger skins, 2 teeth of leopard, 48 tiger nails, 3000 leopard nails and one penis of tiger. The contraband articles were taken into police custody.
- The Police team also searched the house of accused Wahid located in Village Eetgaon and recovered 8000 leopard nails and also SBBL Gun along with 14 cartridges.
- During interrogation, the accused Wahid led the Police party to the house of Shabbir Hassan and upon his disclosure, the earth was dug out and a big blue plastic cane containing 7000 leopard nails, was recovered. The nails were seized and taken into police custody.

- During examination the main accused Shabbir Hassan admitted that prospective buyers from different parts of the country and abroad used to visit his house and after selecting the best skin, used to put their signatures on the back of the skin as a mark of identification. The skins from Khaga were taken to Delhi via Kanpur and Allahabad and in trade.
- Accused Manzoor Ahmad during custodial interrogation, disclosed the names of known smugglers who are part of the racket, he specifically disclosed that Tamding Khamba, Tashi and their certain associates are the main smugglers of skins and that they are Tibetan by origin, based in Kathmandu. The skins are brought to Delhi from Khaga and are sent in innocuous packets through various transport companies to Siliguri and to different bordering areas from where those are smuggled out of the country to Nepal.
- That during the course of investigation, it was conclusively established that the ultimate buyer of the skins seized at Siliguri is the same person who had identified the skins at Khaga and was also the owner of the skins seized at Ghaziabad. That the identity of that person was established to be that of Tashi Tsering and this was also confirmed by

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Jampa Lama during his interrogation when he revealed that he was working for Tashi who is based in Kathmandu.

- That the investigation and interrogation of the accused persons have also revealed that Tashi and Tamding Khamba are now based in Nepal and are aware that Police/CBI are looking for them.
- The modes operandi of the gang was to bring the skins of wild animals to Delhi from where these were booked under the guise of different consignment through transport companies to the bordering areas like Siliguri and Haldwani. Thereafter, the accused person used to get those consignment released and then by human couriers used to smuggle those to Nepal from where those were exported to countries in the Far-East and also in Europe.
- That the instant case relates to one of the biggest seizures of wildlife skins in the country of the recent times. The seizure attracted not only national but also international attention as a systematic decimation of wildlife on a large scale and an organized effort on the part of crime syndicates to smuggle such skins were manifest.

- Forensic Evidence obtained from Wildlife Institute of India, Dehradun also confirmed that the skins and other derivatives seized by the Police party were of wildlife animals included in the schedules of Wildlife {Protection} Act, 1972.
- The CBI had filed complaint against all the accused persons under various provisions of IPC and Wildlife Act in the Court of Special Judicial Magistrate for CBI cases, Lucknow. The Hon'ble Court has already taken cognizance in the case and pre-charge evidence has been completed and trial is under progress.

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EXERCISE
KHAGA CASE

Based on the following facts of the case, please frame 10 questions to be asked while interrogating the suspects.

- A Criminal case was registered in CBI on 23.03.2000 on transfer of Crime No. 11/2000 under various section of Wildlife (Protection) Act 1972 from D.C.O. Lucknow UP.
- Investigation revealed that on 11.01.2000, SP Fatehpur received an information from a reliable source that Shabbir Hassan and his associates were indulging in illicit killing of wild animals and sale of their skins/bones/nails to various persons based in countries like Nepal, Bangladesh and China.
- On the basis of information received raids were conducted on the residential premises of the suspects and to effect recovery by different Police teams.
- During the raids, at one spot, before the arrival of the Police Party, the main accused Shabbir Hassan along with his sons namely Sarfaraz and Sartaj managed to escape from their residence in their Mahindra Marshall vehicle bearing No. UP-70P-6220. Another accused Manzoor Ahmad also managed

to escape from the house in his Voxwagon Car bearing Regn. No. DL-1117 along with his associate Mazeed. As the FIR, while Manzoor was escaping from the spot, one bundle of skins fell down from the vehicle which was taken into custody.

- During the raids, the house of Shabbir Hassan was searched and where Monu, Ranizai, Ramu, etc., were found present. On their disclosure, the house was searched and a huge consignment of 210 black-buck skins, 12 leopard skins and 84 tiger nails were recovered from different parts. From the roof of the same house, 11 black-buck skins, 35 leopard skins, 2 tiger skins, 4 wooden planks used for drying and tools or tanning of skins were recovered.
 - The Police team conducted house search of another accused Azizullah and recovered 23 leopard skins, 2 tiger skins, 2 teeth of leopard, 48 tiger nails, 3000 leopard nails and one penis of tiger. The contraband articles were taken into police custody.
 - The Police team also searched the house of accused Wahid located in Village Eetgaon and recovered 8000 leopard nails and also SBBL Gun along with 14 cartridges.
 - During interrogation, the accused Wahid led the Police party to the house of Shabbir Hassan and upon his disclosure, the

earth was dug out and a big blue plastic cane containing 7000 leopard nails, was recovered. The nails were seized and taken into police custody.

- During examination the main accused Shabbir Hassan admitted that prospective buyers from different parts of the country and abroad used to visit his house and after selecting the best skin, used to put their signatures on the back of the skin as a mark of identification. The skins from Khaga were taken to Delhi via Kanpur and Allahabad and in Delhi, his elder brother Manzoor Ahmad was managing and trade.
- Accused Manzoor Ahmad during custodial interrogation, disclosed the names of known smugglers who are part of the racket, he specifically disclosed that Tamding Khamba, Tashi and their certain associates are the main smugglers of skins and that they are Tibetan by origin, based in Kathmandu. The skins are brought to Delhi from Khaga and are sent in innocuous packets through various transport companies to Siliguri and to different bordering areas from where those are smuggled out of the country to Nepal.
- That during the course of investigation, it was conclusively established that the ultimate buyer of the skins seized at Siliguri is the same person who had identified the skins at

Khaga and was also the owner of the skins seized at Ghaziabad. That the identity of that person was established to be that of Tashi Tsering and this was also confirmed by Jampa Lama during his interrogation when he revealed that he was working for Tashi who is based in Kathmandu.

That the investigation and interrogation of the accused persons have also revealed that Tashi and Tamding Khamba are now based in Nepal and are aware that Police/CBI are looking for them.

- The modes operandi of the gang was to bring the skins of wild animals to Delhi from where these were booked under the garb of different consignment through transport companies to the bordering areas like Siliguri and Haldwani. Thereafter, the accused person used to get those consignment released and then by human couriers used to smuggle those to Nepal from where those were exported to countries in the Far-East and also in Europe.
- That the instant case relates to one of the biggest seizures of wildlife skins in the country of the recent times. The seizure attracted not only national but also international attention as a systematic decimation of wildlife on a large scale and an organized effort on the

part of crime syndicates to smuggle such skins were manifest.

- Forensic Evidence obtained from Wildlife Institute of India, Dehradun also confirmed that the skins and other derivatives seized by the Police party were of wildlife animals included in Schedule I and Schedule II of the Wildlife Act, 1972.
- The CBI had filed complaint against all the accused persons under various provisions of IPC and Wildlife Act in the Court of Special Judicial Magistrate for CBI cases, Lucknow. The Hon'ble Court has already taken cognizance in the case and pre-charge evidence has been completed and trial is under progress.

X

Supreme Court of India
 Supreme Court of India
 Sansar Chand vs State Of Rajasthan on 20 October, 2010
 Author: M Katju
 Bench: Markandey Katju, T.S. Thakur
 IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2024 OF 2010

[Arising out of Special Leave Petition (Crl.) No.5599 of 2009] Sansar Chand .. Appellant -versus-
 State of Rajasthan .. Respondent JUDGMENT

Markandey Katju, J.

1. Leave granted.

2. Shera was the symbol of the recent Commonwealth Games, but ironically Shera has been almost exterminated in our country. The Sher Khan of Rudyard Kipling's 'Jungle Book', which once abounded in India, is rarely to be seen today. 2

3. This case reveals how avaricious and rapacious persons have by organized crime destroyed large parts of the wild life of India and brought many animals e.g. tigers, leopards, bison, etc. almost to the brink of extinction, thereby seriously jeopardizing and destroying the ecological chain and ecological balance in our environment.

4. The appellant herein has been convicted under the Wildlife (Protection) Act, 1972 by all the three courts below and now he is in appeal before us.

5. Before dealing with the facts of this case, we would like to comment upon the background. India, at one time, had one of the richest and most varied fauna in the world. However, over the last several decades there has been rapid decline of India's wild animals and birds which is a cause of grave concern. Some wild animals and birds have already become extinct e.g. the cheetah and others are on the brink of extinction. Areas which were once teeming with wild life have become devoid of it, and many 3

sanctuaries and parks are empty or almost empty of animals & birds. Thus, the Sariska Tiger Reserve in Rajasthan and the Panna Tiger Reserve in Madhya Pradesh today have no tigers.

6. One of the main causes for this depredation of the wild life is organized poaching which yields enormous profits by exports to China and other countries.

7. Article 48A of the Constitution states as follows : "48A. Protection and improvement of environment and safeguarding of forest and wild life. - The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country";

8. Article 51A (g) of the Constitution states that it is the duty of every citizen of India to protect and improve the natural environment including the wild life.

9. The Wildlife (Protection) Act, 1972 was enacted for this constitutional purpose. Chapter III of the said Act prohibits hunting of wild animals except in certain limited circumstances. 4

Chapter IV enables the State Government to declare any area as a sanctuary or national park, and destruction or removal of animals from those areas is prohibited except under very limited circumstances. Chapter V & VA prohibits trade or commerce of wild animals, animal articles or trophies. Chapter VI makes violation of the provisions of the Act a criminal offence. By the Wildlife Protection (Amendment) Act, 2002 the punishment has been increased vide Section 51 as amended, and the property derived from illegal hunting and trade is liable to forfeiture vide Chapter VIA.

10. Before dealing with the facts of this case, we may consider why preservation of wild life is important for human society.

11. Preservation of wild life is important for maintaining the ecological balance in the environment and sustaining the ecological chain. It must be understood that there is inter-linking in nature. To give an example, snakes eat frogs, frogs eat insects and insects eat other insects and vegetation. If we kill all the 5

snakes, the result will be that number of frogs will increase and this will result in the frogs eating more of the insects and when more insects are eaten, then the insects which are the prey of other insects will increase in number to a disproportionate extent, or the vegetation will increase to a disproportionate extent. This will upset the delicate ecological balance in nature. If we kill the frogs the insects will increase and this will require more insecticides. Use of much insecticide may create health problems. To cite another example, if we kill all the wild boar and to resultant crop devastation causing several cases of abandonment by humans of agricultural fields. Destruction of carnivorous animals will result in increase of herbivorous animals, and this can result in serious loss of agricultural crops and other vegetation.

12. It must be realized that our scientific understanding of nature, and in particular of the ecological chain and the linkages therein is 6

still very primitive, incomplete and fragmentary. Hence, it is all the more important today that we preserve the ecological balance because disturbing it may cause serious repercussions of which we may have no idea today.

13. As already stated above, the wild life in India has already been considerably destroyed. At one time there were hundreds of thousands of tigers, leopards and other wild animals, but today there are only about 1400 tigers left, according to the Wildlife Institute.

14. Until recently habitat loss was thought to be the largest threat to the future of tigers, leopards etc. However, it has now been established that illegal trade and commerce in skins and other body parts of tigers, leopards etc. has done even much greater decimation. Poaching of tigers for traditional Chinese medicine industry has been going on in India for several decades. Tigers and leopards are poached for their skins, bones and other constituent parts as these fetch high prices in countries such as 7

China, where they are valued as symbols of power (aphrodisiacs) and ingredients of dubious traditional medicines. This illegal trade is organized and widespread and is in the hands of ruthless sophisticated operators, some of whom have top level patronage. The actual poachers are paid only a pittance, while huge profits are made by the leaders of the organized gangs who have international connection in foreign countries. Poaching of wild life is an organized international illegal activity which generates massive amount of money for the criminals.

15. Interpol says that trade in illegal wild life products is worth about US\$ 20 billion a year, and India is now a major source market for this trade. Most of the demand for wildlife products comes from outside the country. While at one time there were hundreds of thousands of tigers in India, today according to the survey made by the Wildlife Institute of India (an autonomous body under the Ministry of Environment and Forests),

Sansar Chand vs State Of Rajasthan on 20 October, 2010

there were only 1411 tigers left in India in 2008. There are no reliable estimates of leopards as no proper census has been carried out, but the rough estimates show that the leopard too is a critically endangered species.

16. There is virtually no market for the skins or bones of tigers and leopards within India. The evidence available points out that tigers and leopards, poached in the Indian wilderness, are then smuggled across the border to meet the demand for their products in neighbouring countries such as China. When dealing with tiger and leopard poachers and traders, it is therefore important to bear in mind that one is dealing with trans-national organized crime. The accused in these cases represents a link in a larger criminal network that stretches across borders. This network starts with a poacher who in most cases is a poor tribal and a skilled hunter. Poachers kill tigers and leopards so as to supply the orders placed by a trader in a larger city centre such as Delhi. These traders are very wealthy and influential men. Once the goods reach the trader, he then arranges for them to be smuggled across the border to his

counterpart in another country and so on till it reaches the end consumer. It is impossible for such a network to sustain itself without large profits and intelligent management.

17. Under the Wildlife (Protection) Act, 1972, trading in tiger, leopard and other animal skins and parts is a serious offence. Apart from that, India is a signatory to both the UN Convention on International Trade in Endangered Species (CITES) and the UN Convention against Transnational Organized Crime (CTOC). However, despite these National and International laws many species of wildlife e.g. tigers, leopards, bison etc. are under threat of extinction, mainly due to the poaching organized by international criminal traders and destruction of the habitats.

18. Sansar Chand, the appellant before us has a long history of such criminal activities, starting with a 1974 arrest for 680 skins including tigers, leopards and others. In the subsequent years the appellant and his gang has established a complex, interlinking smuggling network to satisfy the demand for tiger and leopard

parts and skins outside India's borders, particularly to China. It is alleged that the appellant and his gang are accused in 57 wildlife cases between 1974 and 2005.

19. Sansar Chand the appellant herein has a long history of involvement with wildlife crime. A brief account of the same is given below:

(i) In a seizure dated 11.09.1974 having criminal case No. 20/3 Sansar was held guilty by the Court of Shri H.P. Sharma ACMM, Delhi on 1.8.1981 and sentenced on 3.8.1981 to rigorous imprisonment for one year and six months. This Court vide its judgment dated 13.5.1994 ordered the release of Sansar Chand on the ground that he was a juvenile on the date of the offence and his sentence be considered to have undergone.

(ii) In another seizure dated 20.11.1974 he was held guilty and sentenced to pay a fine of Rs. 20,000/- (iii) The third conviction of Sansar Chand was by the Special Railways Court vide its order dated 20.4.2004 which

was pleased to award Sansar Chand rigorous imprisonment for 5 years. The said judgment has been subsequently affirmed by the Sessions Court on 19.10.2006 and the High Court of Rajasthan vide its order dated 10.12.2008 against which Sansar Chand has preferred this special leave petition. (iv) In addition to the above there are other cases pending against the appellant which provide details of his pending cases in various Courts and which were admitted by him in his statement under Section 313 Cr.P.C. and which are Ex. P- 46 and P-47. These exhibits show the extent of involvement of Sansar Chand in wildlife crime.

(v) In order to highlight the extent of the organized nature of wildlife crimes being committed by the appellant, it is important to mention here that it is not just Sansar Chand, but other members of his family and associations who are also involved in the illegal trade in wildlife. It is alleged that the appellant's younger brother Narayan Chand is mentioned in FIR No. 82/2005, Kamla Market Police Station, New Delhi, involving the seizure of, inter alia, 2 tiger skins, 38 leopard skins and 1 snow leopard skin and has been named as an accused in the complaint filed under Section 55 of the Wild 1

Life (Protection) Act, 1972 in this case. Narayan Chand is also an accused in Court Case No. 1145/2009 being tried before the Additional Chief Judicial Magistrate, Haldwani, arising from Preliminary Offence Report No. 13/Fatehpur/2008-2009, involving the seizure of 1 tiger skin and a tiger skeleton. Sansar Chand's wife Rani and son Akash are accused in the case arising from FIR No. 362/2004, Manak Chowk Police Station, Jaipur, involving the seizure of leopard paws and claws. CBI in the year 2005 invoked MCOCA against Sansar Chand and his family members and associates which case is pending trial in a Delhi Court.

20. The present case is only one of the cases in which the appellant has been accused. The facts of the case have been set out in detail in the judgment of the High Court and hence we are not repeating the same here. Briefly stated, on January 5, 2003 the police arrested one Balwan who was traveling in a train with a carton statement to the SHO, GRP Bhilwara that the two leopard skins were to be handed 1

over to Sansar Chand at Sadar Bazar, Delhi. The appellant was charged sheeted and after trial he was convicted by the Additional Chief Judicial Magistrate (Railways), Ajmer, Rajasthan by his judgment dated 29.4.2004. The appellant filed an appeal which was dismissed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Ajmer vide his judgment dated 19.8.2006. Thereafter the appellant filed a Revision Petition, which was dismissed by the Rajasthan High Court by the impugned judgment dated 10.12.2008. Hence, this appeal.

21. Thus, all the courts below have found the appellant guilty of the offences charged.

22. Learned counsel for the appellant submitted that the prosecution case is solely based on the extra judicial confession made by co-accused Balwan vide Ex.P-33. We do not agree. Apart from the extra judicial confession of Balwan there is a lot of other corroborative material on record which establishes the appellant's guilt.

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23. It must be mentioned that persons like the appellant are the head of a gang of criminals who do illegal trade in wildlife. They themselves do not do poaching, but they hire persons to do the actual work of poaching. Thus a person like the appellant herein remains behind the scene, and for this reason it is not always possible to get direct evidence against him.

24. In the courts below the prosecution filed a list of pending cases against Sansar Chand, in some of which he has been found guilty and punished. The appellant has been prosecuted by the Wildlife Department in various courts as mentioned in the letter of the Deputy Inspector General of Police, CBI, New Delhi to the Inspector General of Police, Jaipur dated October 20, 2004.

25. Ex.P-33 which contains the confession of the appellant, was written by PW-11 Arvind Kumar on the instructions given by the accused Balwan while in custody. Prior to Ex.P-33, Balwan has 1

also disclosed the name of the appellant vide Ex.P-6 on January 6, 2003.

26. In our opinion, Ex.P-33 supported by the evidence of Arvind PW 11 and Ex.P-6 cannot be treated to be concocted documents which cannot be relied upon. As per the disclosure statement of Balwan the other

co-accused persons were also arrested and articles used for killing and removing skins from the bodies of leopards were also recovered.

27. The accused Balwan was released on bail on 18.01.2003, and thereafter he sent the written confession Exh.P-33 on 23.01.2003 during judicial custody at Central Jail, Ajmer. In our opinion it cannot be held that the accused Balwan was under any pressure of the police. The said letter Ex.P-33 dictated by Balwan to Arvind Kumar was directly sent from the Central Jail, Ajmer to the Chief Judicial Magistrate's Court, Ajmer.

- We are of the opinion that the letter P-33 was not fabricated or procured by pressure. The accused Balwan has clearly stated in Exh.P-33 that he was paid 1

Rs.5000/- and Rs.10000/- by the appellant. The appellant has several houses in Delhi, purchased in his name and in the name of his wife. It appears that these houses were purchased with the help of gains made out of his illegal activities stated above.

28. Pw-11 Arvind Kumar has stated in his deposition before the Court that he wrote the letter Ex.P-33 at the

- 29. At the instance of the appellant one Bhua Gameti was questioned who stated that the panther's skin had been taken by various persons e.g. Khima, Nawa, Kheta Ram, Mohan and Chuna, who were also arrested. At their pointing out the equipment used for hunting the leopard and poaching it were seized. Panther's nails were also recovered from accused Bhura and the guns, cartridges, and knives for removing the skins of panthers were recovered from the accused.

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30. There is a large amount of oral and documentary evidence on record which has been discussed in great detail by the learned Magistrate and the learned Special Judge and hence we are not repeating the same here. Thus the appellant has rightly been held guilty beyond reasonable doubt.

31. As already stated above, in such cases it is not easy to get direct evidence, particularly against the leader of the gang (like the appellant herein).

32. The appellant, Sansar Chand has been doing this illegal trade for more than 30 years. He is habitual of doing this illegal business of trade in skins and parts of panthers and tigers. He has, as far back as in 1974, committed his first crime when he was barely 16 years of age and the conviction was upheld by the Supreme Court in Criminal Case No. 15 of 2001. A large number of cases are pending against him in Delhi, Uttar Pradesh and Rajasthan. Taking all these materials into account there is no doubt that the appellant is guilty of the offence charged. 1

33. There is no absolute rule that an extra judicial confession can never be the basis of a conviction, although ordinarily an extra judicial confession should be corroborated by some other material vide Thimma vs. The State of Mysore - AIR 1971 SC 1871, Mulk Raj vs. The State of U.P. - AIR 1959 SC 902, Sivakumar vs. State by Inspector of Police - AIR 206 SC 563 (para 41 & 42), Shiva Karam Payaswami Tewar vs. State of Maharashtra - AIR 2009 SC 1692, Mohd. Azad vs. State of West Bengal - AIR 2009 SC 1307. In the present case, the extra judicial confession by Balwan has been referred to in the judgments of the learned Magistrate and the Special Judge, and it has been corroborated by the other material on record. We are satisfied that the confession was voluntary and was not the result of inducement, threat or promise as contemplated by Section 24 of the Evidence Act.

34. The learned Magistrate and the Special Judge have discussed in great detail the prosecution evidence, oral as well as 1

documentary and have found the appellant guilty. The High Court has affirmed that verdict and we see no reason to take a different view. The appeal, therefore, stands dismissed.

35. Before we part with this case, we would like to request the Central and State Governments and their agencies to make all efforts to preserve the wild life of the country and take stringent actions against those who are violating the provisions of the Wildlife (Protection) Act, as this is necessary for maintaining the ecological balance in our country.

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.....J.

(MARKANDEY KATJU)

.....J.

(T. S. THAKUR)

NEW DELHI;

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20 OCTOBER, 2010

Convicted!

Infamous wildlife smuggler Sansar Chand has finally been convicted and sentenced to five years of rigorous imprisonment, writes B.K. Sharma.

Infamous wildlife smuggler Sansar Chand has finally been convicted. In a landmark judgement, the Hon'ble Addl. Chief Judicial Magistrate, Ajmer,

smuggler in a case involving the seizure of leopard skins.

On January 15, 2003, Head Constable Shaitan Singh and Constable Ratan Lal of the Government Railway Police Station, Bhilwara, noticed a passenger on the Udaipur-Delhi Chetak Express carrying a suspicious-looking cardboard carton. A quick inspection revealed two leopard skins. The passenger revealed his name to be Balwan, a resident of P.S. Sadar Hansi, Hissar, Haryana and further stated that he was carrying the skins under the directions of Sansar Chand of Delhi, who had paid him Rs.5,000/- . During the course of investigations, seven others from whom Balwan had procured the skins were arrested and from their possession, leopard nails along with equipments for poaching, including guns, ammunitions, etc. were seized. On the basis of Balwan's disclosure, a police party searched Sansar Chand's residence in Sadar Bazar, Delhi but no contraband wildlife articles were found. Subsequently, on the basis of a Production Warrant

issued by the Court, Sansar Chand was arrested in November 2003 and produced before the court. After a keenly contested legal battle, the court finally convicted Sansar

51 and 52 of the *Wildlife (Protection) Act, 1972*. He was sentenced to rigorous imprisonment for a term of five years and imposed a total fine of Rs.60,000/- on six counts. Six other accused were sentenced to undergo various terms of imprisonment and fines, while one accused was acquitted due to a lack of evidence.

There are many significant aspects to this historic judgment. The degree at which the trial was expedited was laudable; lasting just four months, during which 17 witnesses, 59 documents and 13 physical exhibits were produced by the prosecution. In spite of the delaying tactics of the accused, the court attached unprecedented importance to the necessity of concluding the trial expeditiously and finally delivered its judgment on April 29, 2004. This is probably the first time in the history of wildlife offences in India that a trial involving eight accused was concluded so quickly.

A look at the case against Sansar Chand reveals the high quality of investigation conducted by the police. Crucially, no recoveries were effected either from Sansar Chand or his residence. Notwithstanding such

a handicap, the court accepted the evidence adduced by the police, primarily under sections 24, 27 and 30 of the *Indian Evidence Act*. The main accused Balwan, during judicial custody,

himself and Sansar Chand. This was recorded by Arvind Kumar, a prisoner serving a life sentence in the jail. Since prison authorities are not treated as police officials and the confession was not made under any inducement, threat or promise, the court accepted it. The court also relied on the evidence adduced by the prosecution under section 27 of the *Evidence Act* since Balwan led the police to Sansar Chand's Delhi residence, showing his knowledge about the house and his nexus with Sansar Chand. The court also lent credence to the confession of accused Balwan against co-accused Sansar Chand under section 30 of the *Indian Evidence Act* as it was a joint trial. Sansar Chand's previous conviction, upheld by the Supreme Court in its judgement dated May 13, 1994, involving the seizure of a tiger skin, was accepted by the court as a reflection of his antecedents. A series of cases pending against Chand in Delhi, Rajasthan and Uttar Pradesh also proved his continuous involvement in wildlife crime.

Right from the registration of the case against Balwan and his implication of Sansar Chand, a series of bail pleas and arguments were launched by defence lawyers at various fora. First, Sansar

"After a keenly contested legal battle, the court finally convicted Sansar Chand under sections 9, 44, 48, 49, 49-B, 51 and 52 of the Wildlife (Protection) Act, 1972. He was sentenced to rigorous imprisonment for a term of five years and imposed a total fine of Rs.60,000/- on six counts. Six other accused were sentenced to undergo various terms of imprisonment and fines, while one accused was acquitted due to a lack of evidence."



B.K. Sharma



Sansar Chand's name has cropped up repeatedly in wildlife poaching and trade investigations, but with his conviction, it should hopefully be a long time before Chand can attempt to resume his 'profession'.

Chand immediately moved the court for anticipatory bail. This was rejected. He moved an appeal in the High Court of Rajasthan, which was also rejected. Interestingly, the court named him the 'Veerappan of north India'. Sansar Chand did not give up and moved the Hon'ble Supreme Court, which also saw no reason to interfere and directed him to surrender before the trial court. Tactfully, Sansar Chand got himself remanded to Tihar Jail by cancelling his bail, granted in an earlier case. The police, however, managed to locate him and on the basis of a Production Warrant issued by the court, he was taken to Ajmer for trial. During the course of the trial, the power of the police to investigate wildlife offences was challenged, but as settled in April 2002 by the

Supreme Court in the matter of 'Moti Lal v/s C.B.I.', the court held that the police has the power to investigate wildlife crime.

The role of the police in the investigation of the case deserves commendation. Under the dynamic leadership of S.P. Hernant Priyadarshi, IPS, a quality investigation was undertaken, including forensic examination of seized contraband articles by the Wildlife Institute of India. Special Public Prosecutor, Ashok Kumar Batar was appointed exclusively to conduct the trial. Even after completion of the investigation against the other accused, the filing of the *challan* was delayed till Sansar Chand was arrested so that legal advantage of Section 30 of the *Indian Evidence Act* in the matter of confession by a co-accused could be used against him.

A notable feature of the case has been the close involvement of NGOs, all of it from outside. The role of the Wildlife Trust of India (WTI) and Wildlife Protection Society of India stand out. They enlightened the Investigating Officers with the rulings of various courts and the antecedents of Sansar Chand, providing evidence of the same to be placed before the court. Dr. Mahendra Kachhwaha, a lawyer appointed by WTI, successfully opposed the bail pleas of Sansar Chand before the Rajasthan High Court.

Sansar Chand's conviction for five years is the highest punishment ever awarded in a wildlife case. With the amendment of the *Wildlife (Protection)*

the minimum punishment under section 51 is three years, extendable up to seven years. This is the first instance that the amended act has been applied to impose a stricter punishment.

This judgment shows that quality investigation and perseverance can ensure the imprisonment of wildlife criminals. S.P. Hernant Priyadarshi has shown that dedicated and dynamic police leadership can make a vast difference in on-the-ground enforcement efforts. NGOs working in close liaison with the police can have a multiplying effect and the long incarceration and subsequent conviction that Sansar Chand and the others have been sentenced to demonstrates the sharper teeth of the amended *Wildlife (Protection) Act, 1972*. This judgment is hopefully the harbinger of better days ahead in the fight to curb wildlife crime.

Stop Press: As we went into print, news was received that Sansar Chand has been granted bail by the Special Sessions Court in Ajmer. The battle for justice continues and we will keep readers informed.

B.K. Sharma is Dy. Inspector General of Police, Central Bureau of Investigation, New Delhi. He has been a Fulbright scholar at Johns Hopkins University, USA, where he specialised in law enforcement issues with specific reference to wildlife crime and narcotics.