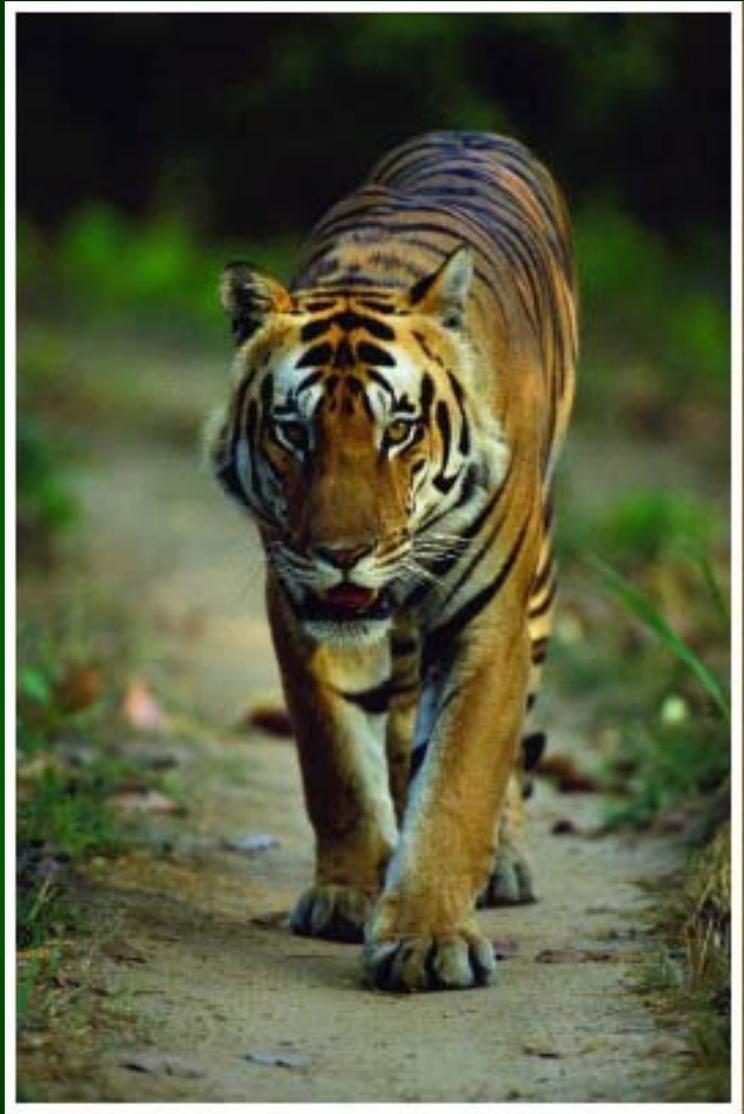


Wildlife Crime and Legal Issues

By

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India's Identity ?





But the issue is in
which way we wish to
see this God's creation ?



This way

OR



Satna 1990s





Itarsi 1993



Itarsi Seizures 1993

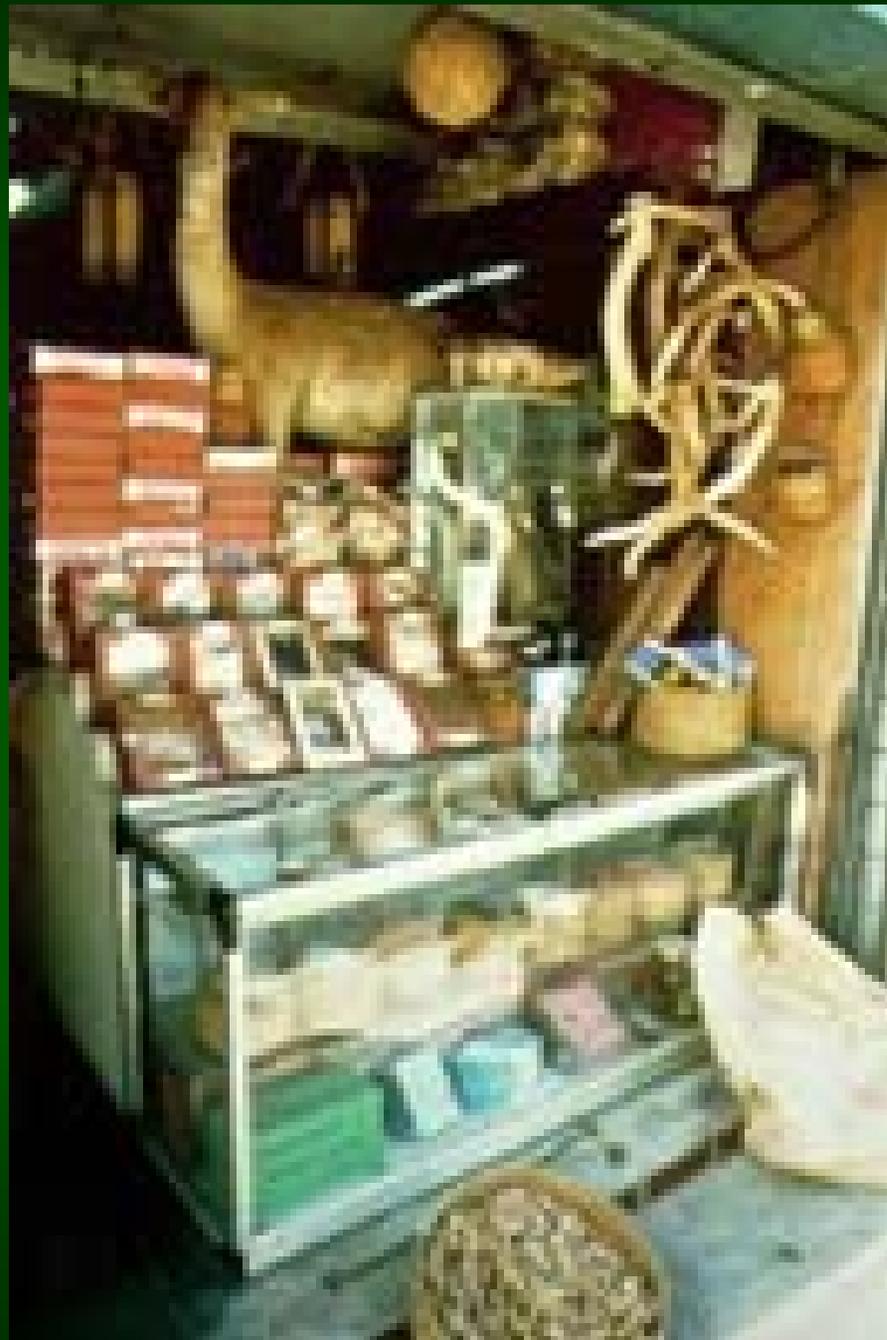


Right:
The largest seizure in India of tiger and leopard skins took place in Khaga 2000: 4 tiger skins, 70 leopard skins, 221 otter skins, 18 080 leopard claws, 132 tiger claws and 175kg of bone was seized

Khaga 2000



A Wildlife Shop in China



शेर क्या है ?

कारण?





Iron Traps



Iron Traps



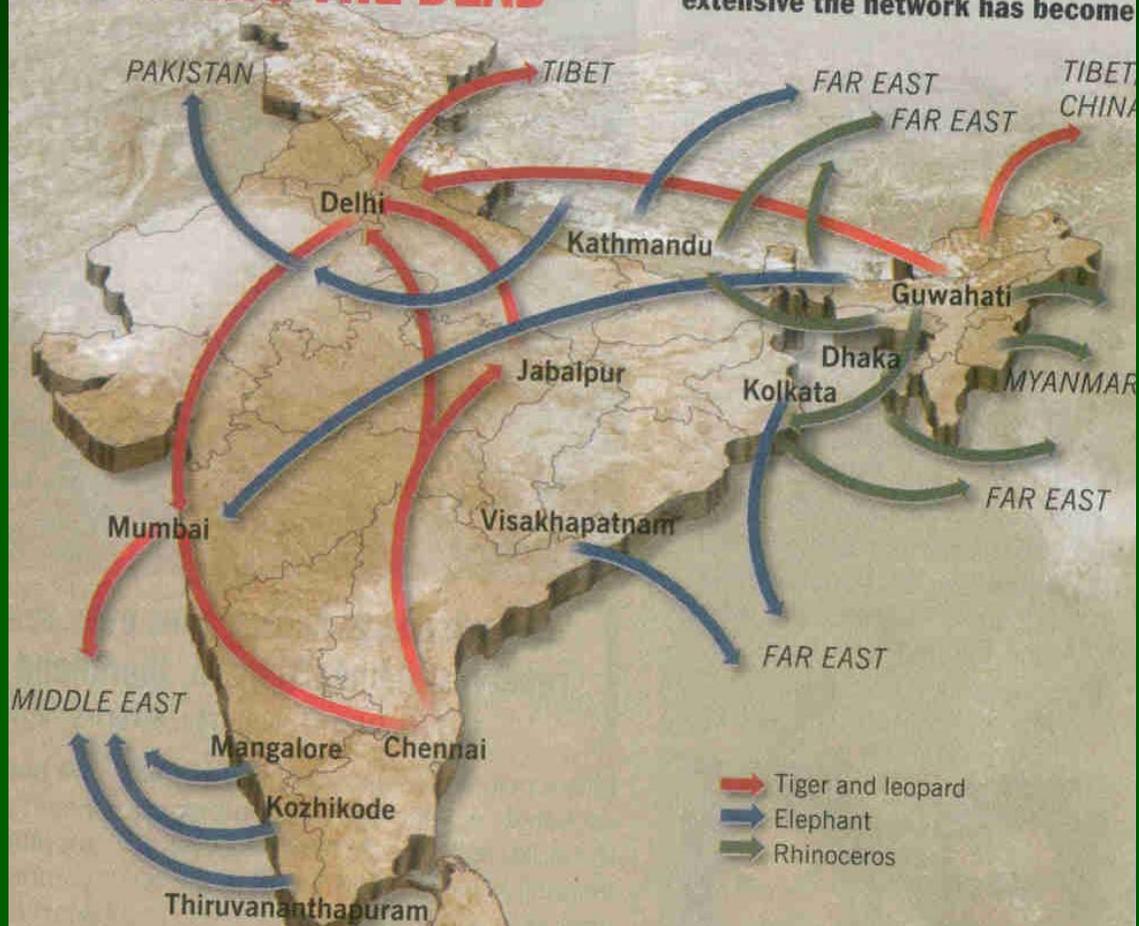
Iron Traps



Pardhies

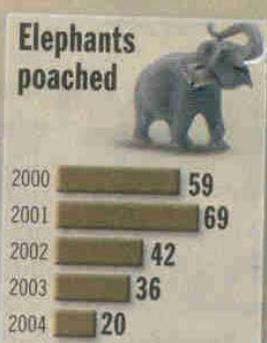
TRACKING THE DEAD

The wildlife crime trails show how extensive the network has become



All India statistics for poaching and seizures

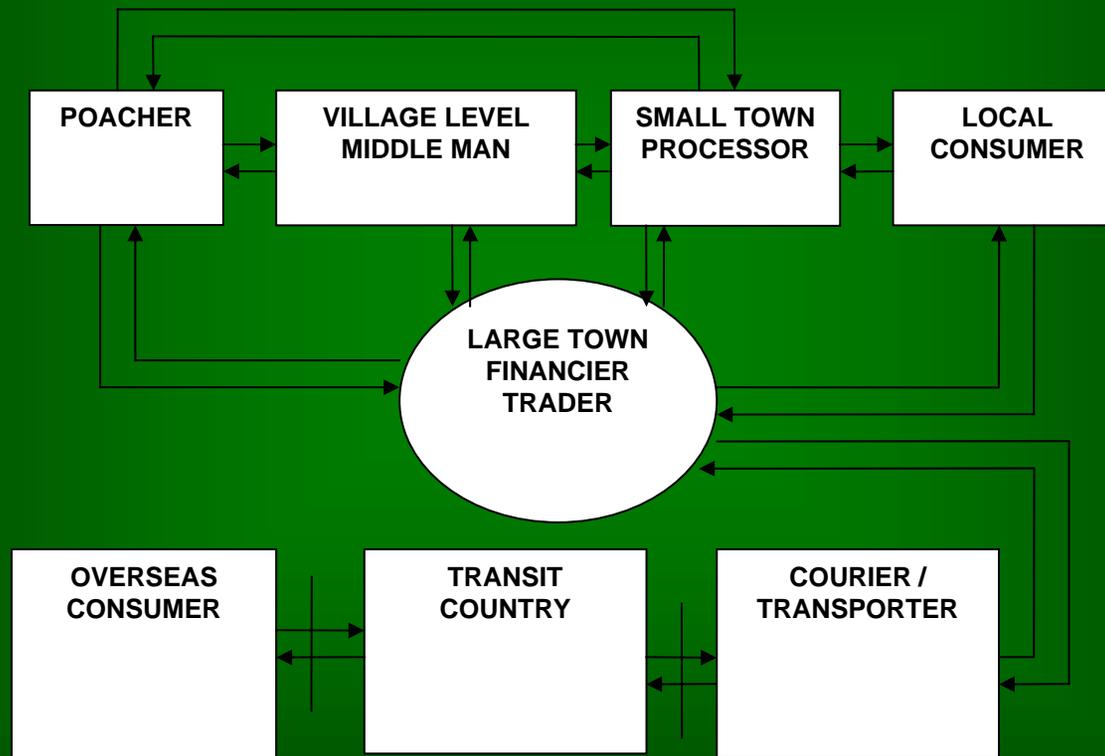
TRADE TOLL





**VILE: (Clockwise from top left)
Yakub, Tamang, Thinley, Chand**

How the wildlife Crime is effected



Who are all involved in Wildlife Crime :

- **Professionals**...Poachers, Middleman, Transporter, smuggler, Pharmacies and other end users linked with bigger mafia groups
- **Opportunists**.. Small time criminals attracted by high profits-low risk, helpers at the scene of crime
- **Little investigated groups**...Parthies, Bagadias, Tibetan settlements and Tibetan medicine
- **Politicians**...Political asylum

How a Forest Officer is equipped with :

No formal training to tackle this organised crime
(Training of forest guards/Foresters/ Range
Forest Officers/Assistant Conservator of Forests

- Supposed to get the training during the service on the field.
- Level of knowledge in the aspects related to wildlife crime by the higher officers in ...Prevention, Detection, Investigation to quote a few

Let us Proceed with the problems and
the required actions to overcome them one by one.

Issues

- Prevention
- Detection
- Investigation
- Backward and Forward Linkages
- Case Processing

Prevention

- Technical knowledge of identifying the wild animal and animal part.
- Important animals and animal parts in the trade
- Communities involved in wildlife crime
- Their cultural habits and their association with the crime mafia
- Knowledge of Wildlife poaching techniques
- Changes in their life style (Sudden upward spending pattern)
- Whether database of these people is made/updated and circulated to all concerned

Prevention

- Whether proper training has been imported to all the cutting edge staff .
- Who is responsible for what? Whether proper directions have been issued or not
- Whether the migratory routes of these people has been identified or not
- Whether local markets are being listed and checked regularly
- Whether on foot patrolling is being planned and conducted and its effectiveness monitored

Prevention

- Whether proper staff at all levels is properly equipped or not (Wireless/Reward money etc.,)?
- Whether staff has been properly trained in intelligence gathering or not?
- Whether staff has been properly trained in the legal aspects of investigation and case processing or not?
- Whether the department is able to penetrate local network or not?
- All these points and other aspects will matter in preventing the wildlife crime.

Administrative and Legal Issues

Administrative Issues

- Government of India...MoEF, Project Tiger, National Board for Wildlife (5A), Tiger Conservation Authority
- Supreme Court of India
- State Government Level...Ministry of Forest, CWLW, State Board for Wildlife (6), NPs, WLSs, Tiger Reserves etc.,
- Wildlife Management Plans

Legal Issues

- Wildlife (Protection) Act 1972
- Amendments...1991, 2002,2003,2006

Important Provisions of the Act

- Sec 9...Prohibition of Hunting
- Sec 17A-17H...Protection of Specified Plants (Cycas beddomei, Blue Vanda, Kuth, Ladies sliper orchids, Pitcher Plant, Red Panda)

Important Provisions of the Act

- Sec 18... Declaration of Sanctuary-

“State Government may by notification...any area other than area comprised within any reserve forest or the territorial water as a sanctuary...”

- Sec 18A Protection to Sanctuaries-

- Sec 18A1 ...Provisions of sections 27 to 33A (both inclusive) shall come into effect forth with.”

Important Provisions of the Act

- Sec 18B... Appointment of Collectors-

“State Government shall appoint an officer to act as Collector under the act, within ninety days of of coming into force of the WL Amendment act 2002 or within 30 days of the issue of notification under section 18....”

Important Provisions of the Act

- Sec 25A... Time limit for completion of acquisition proceedings-

25A1...The collector shall as far as possible complete the proceedings under sections 19-25 within a period of two years from the date of notification...

25A2...The notification shall not lapse if for nay reasons the proceedings are not completed within a period of two years”.

Important Provisions of the Act

- Sec 26A3... No alteration of the boundaries of a sanctuary shall be made by the state government except on a recommendation of the National Board.”.
(3.5 for National Parks)

Important Provisions of the Act

- Sec 27... Restriction on entry in sanctuary-
 - 27.1...No person other than
 - 27.2...Every person shall so long as he resides is bound

Important Provisions of the Act

- Sec 29... Destruction, etc., in a sanctuary prohibited without a permit-

“No person shall destroy, exploit or remove any wildlife including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal ...stop or enhance the flow of water into or outside the sanctuary except under and in accordance with a permit granted by CWLWand no such permit shall be granted ...unless ...with the consultation of the Board....” (35.6..for NPs)

Important Provisions of the Act

- Sec 30... Causing fire prohibited
- Sec 31... Prohibition of entry into sanctuary with weapon
- Sec 32... Ban on use of injurious substances
- Sec 33... Control of Sanctuaries... CWLW with approved Management Plan tool
- Sec 33B.. Advisory committee...
- Sec 34... Registration of arms

Important Provisions of the Act

- Sec 34A...Power to remove encroachment ... not below ACF
- Sec 35... National Parks
- Sec 36A.. Conservation Reserve
- Sec 36B.. Community Reserve

Important Provisions of the Act

- Sec 39... Wild Animals, etc to be Government Property-

39.1.a. ...wild animal

39.1.b. ... animal article

39.1.c. ... ivory imported

39.1.d. ... vehicle...that has been used for committing an offence and has been seized under the provision of this act shall be the property of the state government...

Important Provisions of the Act

- Sec 39... Wild Animals, etc to be Government Property-

39.2 ... within forty-eight hours...report it to the nearest police station or Authorized officer....

Madhukar Rao Vs Government of MP
subsequent stay by SCI

Important Provisions of the Act

- Sec 42 ... Certificate of Ownership.

Important Provisions of the Act

Sec 50 ... Power of entry, search, arrest and detention-

Sec 50.1. ... any forest officer or any police officer not below the rank of a sub-inspector...

Sec 50.1.a ... require any such person to produce for inspection

Sec 50.1.b ... stop any vehicle...conduct search or inquiry or enter upon and search any premises ...open and search any baggage...

Sec 50.1.a ... seize any animal...trap, tool vehicle ...arrest him without warrant...

Important Provisions of the Act

Sec 50 ... Power of entry, search, arrest and detention-

Sec 50.3.1. It shall be lawful to stop and detain any person

Sec 50.4 Any person detained or things seized ... shall forthwith be taken before a Magistrate to be dealt with according to law under intimation to CWLW or AO

Important Provisions of the Act

Sec 50.8. ... not below the rank of ACF authorized by the state government in this behalf shall have the powers for the purpose of making investigation into any offence against any provision of this act-

- a. to issue a search warrant
- b. to enforce the attendance of witness
- c. to compel the discovery and production of document and material objects and
- d. to receive an record evidence

Important Provisions of the Act

Sec 50.9 ... any evidence recorded under clause (d) of sub section 8 shall be admissible in any subsequent trial before a magistrate provided that it has been taken in presence of the accused person.

Important Provisions of the Act

Sec 51... Penalties

Sec 51.1 ...any contravention of the act or rule...punishable with imprisonment for a term which may extend to three years or with fine which may extend to Rs. 25,000 or both.

- Provided offence of Sch I or Part II of Sch II or offence in NP/WLS or altering boundaries... shall be punishable with imprisonment for a term which shall not be less than 3 years by may extend to seven years and also with fine which shall not be less than Rs. 10,000

Important Provisions of the Act

Sec 51... Penalties

Sec 51.1.

- Provided offence is repeated... fine not less than Rs. 25,000/-
- Chapter VA ...not be less than 3 years by may extend to seven years and also with fine which shall not be less than Rs. 10,000

Important Provisions of the Act

Sec 51... Penalties

Sec 51.2.

...any trap, tool, vehicle or weapon ... offence be forfeited to the state government ... any license of the person under this act be cancelled.

Sec 51.4. Arms license shall be cancelled ...shall not be eligible for a license under arms act 1959 for a period of five years from the date of conviction.

Important Provisions of the Act

Sec 51... Penalties

Sec 51.A. Certain conditions to apply while granting bail ... When any person....offence related to Sch I or Part II of Sch II or offences relating to hunting inside the NP/WLS or altering the boundaries of NP/WLS ...then notwithstanding anything contained in the Code of Criminal Procedure 1973 no such person who had been previously convicted of an offence under this Act shall be released on but unless—

Important Provisions of the Act

Sec 51... Penalties

- a. public prosecutor has been given an opportunity of opposing the release on bail
- B PP opposes.. Court is satisfied that ...he is not guilty ...and is not likely to commit any offence while on bail

Sec 52... Attempts and abetment –

Important Provisions of the Act

Sec 54... Power to compound offences –

...not below the rank of DCF ...provided that no offence for which a minimum period of imprisonment has been prescribed in section 51 shall not be compounded.

Important Provisions of the Act

Sec 58A-58Y... Forfeiture of property derived from illegal hunting and trade...

Sec 60A... Reward to persons...by court and Compounding officer

Case Processing

- Proper filling of POR
 - All relevant sections
 - No overwriting
 - To be filled with utmost precaution.
- Seizure Memo
 - Signature of owner/independent witness
 - List of articles to be attached
 - Seizure mark
 - Intimation to nearest police station
 - Lady staff/SC-ST Staff

Case Processing

- Panchanama (Made on the spot)
- Map of the Crime spot
- Legal status of the crime spot
- Authorisation of the officer
- Expert opinion and Post mortem report

Case Processing

- Statements
 - Should corroborate and not contradict
 - Signature of the accused and witness
 - Recorded by the AO
- Complaint case Vs Challan
 - Addressed with adjectives
 - Give sequence of events without contradictions
 - Exhibits in the same sequence
 - Punitive provisions be highlighted
 - Prayer

Case Processing

- Format and Documents of a complaint case
 - Given in the Hand Book.

Thanks