



Wildlife Crime Control Bureau

वन्यजीव अपराध नियंत्रण ब्यूरो

GOVERNMENT OF INDIA
भारत सरकार

MINISTRY OF ENVIRONMENT
FORESTS AND CLIMATE CHANGE
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय

No 10-27/WCCB/2014/Part-I/No.03 - 14/ 1627

Date: 10th October 2014

To

The Director Generals of Police
All States/ Union Territories

Sub: Advisory on investigation of offences under the Wild Life (Protection) Act, 1972, by police officers - reg

Sir/Madam,

1. The Wild Life (Protection) Act, 1972, is the umbrella legislation for wildlife crime enforcement in the country and state police & forest departments are the primary agencies to enforce its provisions.

2. Wildlife crime especially the illegal trade of wildlife and their parts & products has become highly organized over the years with inter – state & international ramifications. State police departments have vital role in curbing these crimes, as they have the requisite resources and expertise to tackle organized crime.

3. However, due to differences in interpretation of the provisions under section 50 (1) & (8) of the Act, powers of police officers to investigate offences under the Act, are at times being questioned by certain police/ prosecution / judicial officers. In this regard, it is intimated that the issue had been addressed by the Supreme Court in Appeal (Cri.) No.476 of 2002 in Moti Lal Vs Central Bureau of Investigation and others, on 9th April 2002. The relevant observations of the Supreme Court in this regard are as under:

“Further, considering sub-section (1) of Section 50, it is apparent that under the Wild Life Act, the Director or any other officer authorized by him in this behalf or the Chief Wild Life Warden or the authorized officer or any Forest Officer are empowered to exercise the powers mentioned in sub-clauses (a), (b) and (c). Not only this, but it specifically empowers the Police Officer not below the rank of sub - inspector to inspect, conduct search or hold inquiry or seize articles, as provided in clauses (a), (b) and (c). **This would certainly mean that the Police Officers are not excluded from investigating the offences under the Act.**”

“Similarly, sub-section (8) empowers the officer not below the rank of an Assistant Director of Wild Life Preservation or Wild Life Warden for the purposes of making investigation into any offence against any provision of the Act: to issue search warrant; to enforce the attendance of witnesses; to compel the discovery and production of documents and material objects; and to receive and record evidence. Further, sub-section (9) provides that evidence recorded by such officer would be admissible in the trial if it is taken in presence of the accused person. **But this would have no bearing on the question whether the Police Officers are entitled to investigate the case or no.** As provided under sub-section (1) of Section 50, 'police officers' are not excluded for the purpose of investigation including inspection, search and seizure of the



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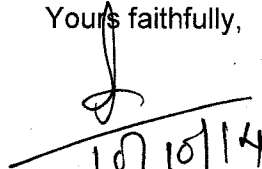
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offending articles. No doubt, special powers are conferred to other officers but that is in consonance with sub-section (2) of Section 4 of Code of Criminal Procedure”

“The scheme of Section 50 of the Wild Life Act makes it abundantly clear that Police Officer is also empowered to investigate the offences and search and seize the offending articles. For trial of offences, Code of Criminal Procedure is required to be followed and for that there is no other specific provision to the contrary. Special procedure prescribed is limited for taking cognizance of the offence as well as powers are given to other officers mentioned in Section 50 for inspection, arrest, search and seizure as well of recording statement. The power to compound offences is also conferred under Section 54. Section 51 provides for penalties which would indicate that certain offences are cognizable offences meaning thereby police officer can arrest without warrant”

4. It is therefore requested to kindly issue suitable directions to all concerned. Judicial officers and public prosecutors in the field may also be sensitized about the correct position and powers of the police officers to investigate wildlife offences, please.

Yours faithfully,


10/10/14
(S.B. Negi)
Additional Director/IGP

Copy to:

1. Additional Director General (WL), Ministry of Environment, Forests & Climate Change, Gol - for information.
2. Regional Deputy Directors, WCCB: NR/WR/SR/CR/ER – for information and necessary action.
3. Guard File.