

2023

NACIN



National Academy of Customs,
Indirect Taxes & Narcotics, Zonal
Campus, Kanpur



National Academy of Customs, Indirect Taxes & Narcotics, Zonal Campus, Kanpur

SALAAM CHRONICLE

A QUARTERLY NEWSLETTER

(For Departmental Officers)



JULY, 2023

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2023



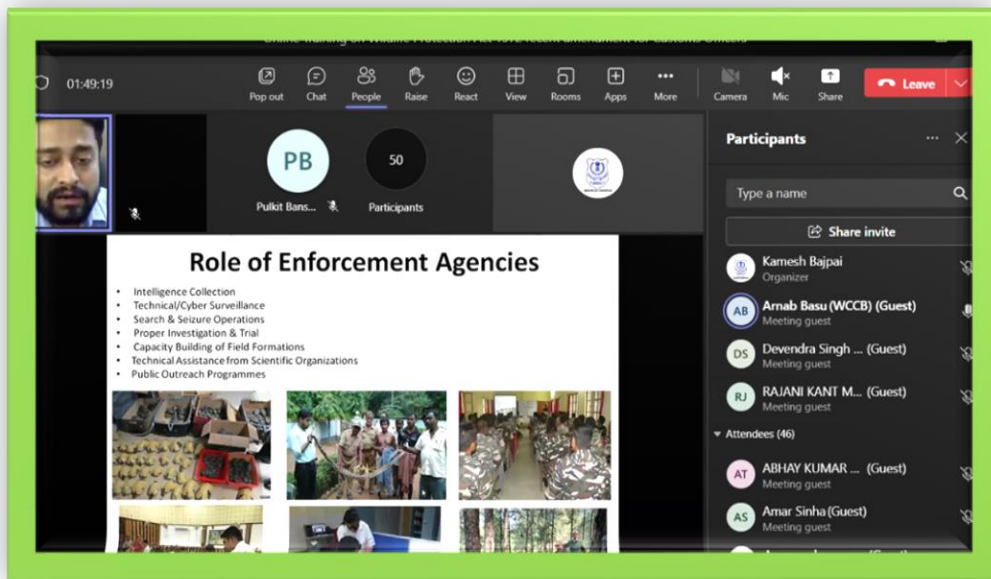
* Training at Katarniaghat *



2023



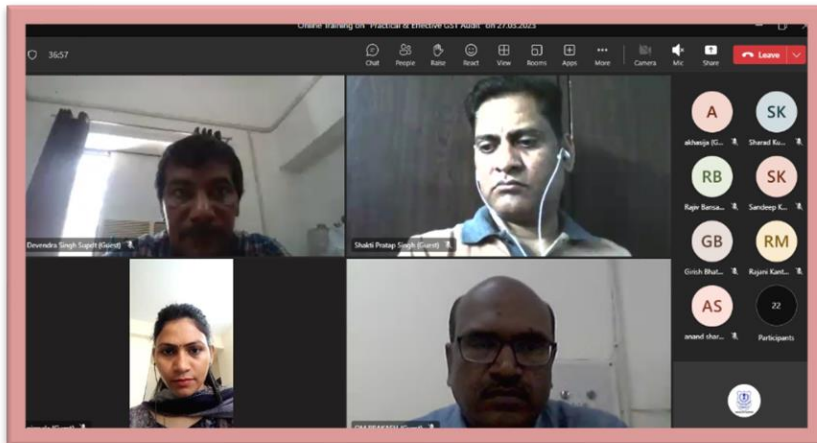
Online Training on Wildlife Protection



2023



Online Training on Practical and Effective GST Audit



Certificate Distribution on completion of 3-Weeks Training for LDCs/Head Havaldars/Havaldar for promotion to the grade of Tax Assistant



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QUARTERLY PERFORMANCE

Training on	No. of Courses	Total No. Of Participants	Total Man-Days	Total Man-Hours
GST	3	79	98	245
CUSTOMS	6	186	295	738
NARCOTICS				
ADMINISTRATION	7	192	1087	5180
INFORMATION TECHNOLOGY	2	47	75	375
VIGILANCE	2	47	47	178
OTHERS				
TOTAL	20	551	1602	6715

UP-COMING PROGRAMMES

Next 3 Months

JULY-2023

(3 rd July)	(5 th to 07 th July)	(10 th to 11 th July)	(13 th July)
Soft Skills	Administration, Establishment and Accounts	Orientation Course for Retiring Officers	Export Promotion Schemes and Duty Drawback
(14 th July)	(17 th July to 20 th July)	(27 th to 28 th July)	(31 st July)
Tracking Money Trails & Combating TBML	GST Audit Orientation	Capacity building training programme	Website security (cyber Security & IT infra security)

AUGUST-2023

(02 nd to 03 rd August)	(04 th August)	(7 th August)	(8 th August)
Digital Forensics	Preventive Vigilance (For Customs Officers)	Session on Health Awareness	GST (Recent Updates, Scrutiny of returns, E-Way Bill, ADVAIT
(11 th August)	(16 th to 18 th August)	(22 nd to 25 th August)	(28 th August)
Orientation Course for Air Customs Officers	GST-Orientation Course for newly transferred Officers	Customs-Orientation Course for newly transferred Officers	E-Office (All India)

SEPTEMBER-2023

(1 st September)	(4 th to 5 th September)	(8 th September)	(11 th September)
Rajbhasha Workshop: Hindi Fortnight	CBEC GST IT Back end refresher training	Rajbhasha Workshop: Hindi Fortnight	GST: Invoice and Returns
(12 th September)	(14 th September)	(18 th September)	(21 st September)
GST: E way Bills and E invoicing	Rajbhasha Workshop: Hindi Fortnight	FTA & Enforcement issues relating to COO	Drug law Enforcement for officials of Civil Department/Society Organizations
(22 nd September)	(25 th September)	(26 th September)	
GeM, Public Procurement, GFR	IPR Related Issue in Customs	Sevottam and Citizen Charter	



Shri Arvind Chaurasia

Additional Commissioner,
WCCB, New Delhi

WILD LIFE

1. Catastrophic Consequences of Wildlife Trafficking
2. Wild Life (Protection) Amendment Act, 2022 : Combating Exotic Wildlife Smuggling
3. eCITES : Moving Towards Paperless Enforcement of CITES
4. Brief Field Guide for Law Enforcement Officers- Copyleft Available Public Sources

Catastrophic Consequences of Wildlife Trafficking

Do you remember these images?



Yes, you are right!

These images are from Covid-19 Pandemic.

Now many of you might wonder as to what is connection between these images and wildlife trafficking?

The answer is that there is a direct connection between Covid-19 Pandemic and wildlife trafficking. Covid-19 Pandemic is nothing but a zoonotic disease. The virus causing zoonotic disease is transmitted from wildlife to humans. SARS-CoV-2 virus responsible for Covid-19 Pandemic is naturally found in Bat species. When these Bats are taken out from their wild habitat and cramped into cages with other wild animals in the wet markets for their trade, they undergo through huge stress. This weakens their immunity system and they shed these viruses through their body fluids which come into contact with other wildlife/animals which are not meant to host these viruses. Once this virus enters the intermediary carrier (in case of Covid-19 Pandemic, it is believed to be pangolin), it gets mutated. From pangolins it is believed to have entered into humans in the wet markets and from humans to humans it got spread throughout the world facilitated by rapid air connectivity.

Whosoever is reading this post must have witnessed the catastrophic consequences of Covid-19 Pandemic. Following is taken from World Health Organization (WHO) Covid-19 Dashboard:

WILD LIFE



Search by Country, Territory, or Area



[Overview](#)

[Measures](#)

[Table View](#)

[Data](#)

[More Resources](#)

WHO Coronavirus (COVID-19) Dashboard

[Back to top](#)

Globally, as of 12:15pm CEST, 21 June 2023, there have been 768,187,096 confirmed cases of COVID-19, including 6,945,714 deaths, reported to WHO. As of 19 June 2023, a total of 13,461,344,203 vaccine doses have been administered.

Global Situation

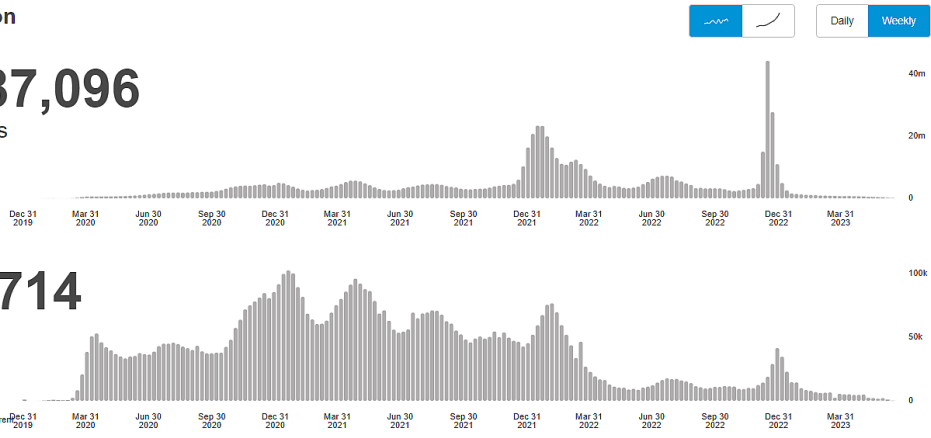
768,187,096

confirmed cases

6,945,714

deaths

Source: World Health Organization
Data may be incomplete for the current day or week.



As on 21st June, 2023 more than 6.9 million people across the globe have already died due to Covid-19 Pandemic. These are official data as reported by governments to WHO. However, estimates from the World Health Organization (WHO) published in May 2022 show that the full death toll associated directly or indirectly with the COVID-19 pandemic (described as “excess mortality”) between 1 January 2020 and 31 December 2021 was approximately 14.9 million (range 13.3 million to 16.6 million). Excess mortality was calculated as the difference between the number of deaths that had occurred and the number that would have been expected in the absence of the pandemic based on data from earlier years.

Here I recall the following article published in the New York Times:

The New York Times

Coronavirus: Revenge of the Pangolins?

China has banned the trade of wildlife, suspecting that exotic animals infected humans. What will that really do?

March 5, 2020

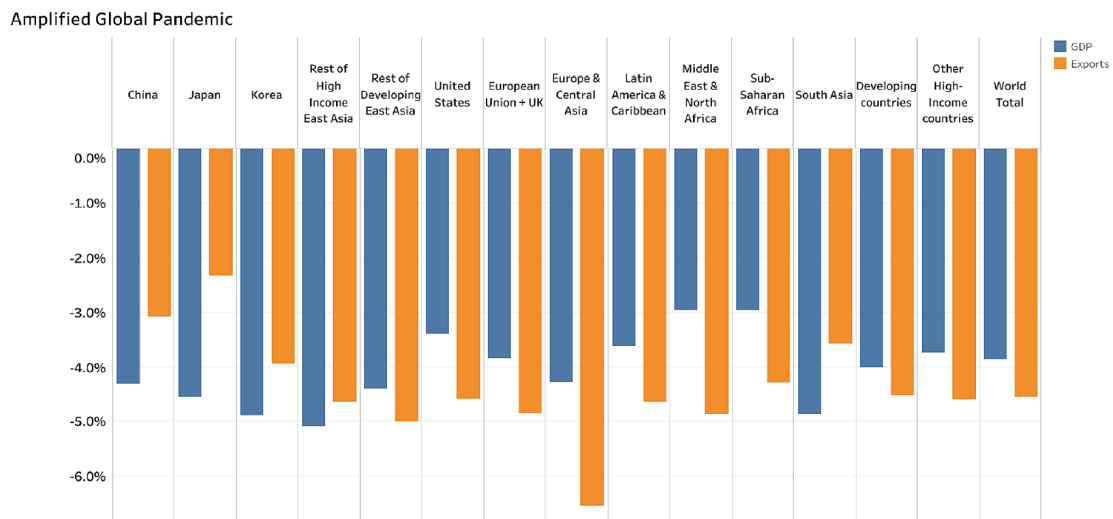


WILD LIFE

The title of this article seems to be so realistic suggesting that *just as humans have driven the pangolin (most trafficked mammal) on the verge of extinction through poaching and illegal trade, the pangolin has taken revenge from the humans by bringing them on the verge of extinction through Covid-19 Pandemic. During peak of Covid 1.0 and Covid 2.0 in 2020 and 2021 how many of us would have thought that they would survive this Pandemic.* It appeared as if entire humanity was cursed to be doomed.

To contain the spread of Covid-19 Pandemic, governments imposed several lockdowns resulting in shutting down of various industries. This rendered millions of workers unemployed. In third world countries where robust social security system is not in place, this Pandemic caused unimaginable suffering in economic terms for larger section of the population. *As per an estimate by International Labour Organization (Covid-19: ILO Monitor-8th Edition) due to Covid-19 Pandemic, global hours worked in 2021 was 4.3 percent below pre-pandemic levels which was equivalent of 125 million full-time jobs.* As per report titled *"The Potential Impact of COVID-19 on GDP and Trade"* published by World Bank Group, there was approximately -4% and -5% deviation from the benchmark for global GDP and Export respectively due to COVID-19.

Figure 3a. GDP and export implications of amplified global pandemic scenario (% deviation from the benchmark)



These negative growth rates in GDP and export resulted in huge losses of revenues of governments which could have been utilized for developments of social and physical infrastructures.

Covid-19 Pandemic wreaked havoc in many countries with tourism based economy. For example, in Sri Lanka where tourism contributes significantly in its GDP, due to Covid-19 tourists' footfall was negligible for two years which severely impacted the forex reserves of Sri Lanka. This alongwith other factors exacerbated the economic crisis in that country leading to mass protests against the government in 2022. *These mass protests also resulted into political crisis, resignation of the then cabinet and fleeing of the then President from the country.*

WILD LIFE

Covid-19 Pandemic has a devastating consequences for education also. For almost two years educational institutes were closed and online classes were being conducted. In middle and lower income countries many schools were not technically equipped to conduct online classes. Similarly in these countries, a larger section of population could not afford to provide internet and digital gadgets to their children because of their poverty. This resulted in loss of two years of education for millions of children in these countries. *As per the report titled "The State of the Global Education Crisis: A Path to Recovery" published jointly by UNESCO, UNICEF and the World Bank , learning losses from Covid-19 could cost this generation of students close to \$17 trillions in lifetime earnings. This report also shows that in low and middle income countries, the share of children living in 'Learning Poverty' - already 53% before the pandemic - could potentially reach 70% given the long school closures and the ineffectiveness of remote learning.*

Covid-19 Pandemic must serve as a last warning for humans to mend their ways of dealing with wildlife. Humans must leave the wildlife in the wild. If not, *who knows what would be the severity of next zoonotic pandemic and whether humanity would be able to survive that or become extinct as many wildlife species have gone due to wildlife trafficking.*

Wild Life (Protection) Amendment Act, 2022 : Combating Exotic Wildlife Smuggling

India has seen a spurt in smuggling of exotic wildlife species from across the border over last few years. Smuggled exotic species include chimpanzees, kangaroos, radiated & aldabra tortoises, hyacinth macaws, capuchin monkeys, iguanas, burmese pythons, tarantula, hornbills, lion cub, leopard cub, red-eared slider turtles, monitor lizards, golden-headed lion tamarin, marmosets, meerkats, gerbil, albino frogs, albino porcupine, beavers, wild cats, pottos, three toed sloths, sugar gliders, armadillos, wallaby, white cockatoos, ball pythons, green cornsnakes, mexican black kingsnakes, green anacondas and chameleons etc. The following may give a glimpse of smuggling of exotic species into India through land borders and by air:



▲ ABP LIVE
59 Exotic Animals Seized From Flyer At Chennai Airport Deported To Bangkok
 At Chennai Airport, customs agents confiscated exotic species such as ball pythons, marmosets, star tortoises, and corn snakes from...
 16-Jan-2023



NDTV.com
Over 6,500 Live Turtles Seized At Tamil Nadu Airport. 2 Arrested
 Officials of the Custom Air Intelligence Unit (AIU) on Friday seized 6500 live red-eared sliders, a species of turtle, and arrested two...
 Hindustan Times
Wallaby, rare tortoise and exotic monkeys smuggled from Myanmar seized in Assam
 The animals, which include rare tortoises, monkeys and wallabies, were recovered from two premium SUVs bearing Delhi number plates at Rangia...
 06-Sep-2022
The Diplomat
Smuggling of Exotic and Endangered Species From Myanmar Increasing
 Established routes used for trafficking drugs and gold from Myanmar into India are used to transport wildlife, say Indian government...
 22-Jun-2022

Nine exotic animals, smuggled from Indonesia, rescued
 BB Goswami / TNN / Updated: Apr 11, 2023, 12:25 IST

DRI arrests two for smuggling 665 exotic animals, 117 died during transit
 By Vijay Kumar Yadav

Oct 09, 2022 12:41 AM IST
Over 600 Smuggled Exotic Animals Seized At Mumbai Airport

The animals, smuggled into the country concealed in an imported consignment of live fish, included rare lizards, pythons and iguanas, he said.
17 exotic wildlife species, smuggled through Myanmar, rescued in Mizoram: Police
 By Biswa Kalyan Purkayastha

Indiatimes.com
18 Exotic Creatures, Including 14 Pythons Trafficked From Thailand Seized In Bengaluru Airport



In a massive crackdown on illegal wildlife trafficking, the Directorate of Revenue Intelligence (DRI) has arrested seven passengers...
 28-Jan-2023



The Asian Tribune
Smuggling of exotic animals: Is Northeast becoming the next big hub?
 Gwalior, Nov 25, Wildlife species are highly sought in the international markets of Southeast Asia to be used as ingredients in medicines...
 25-Nov-2022



WILD LIFE

Indo-Mynmar and Indo-Bangladesh Land Borders have been widely used for smuggling of exotic species into India mainly from Thailand. Similarly International Airports in India at Mumbai, Chennai, Bangalore, Trichy etc. have recorded many seizures of smuggled exotic species from passengers coming mainly from Bangkok and Kualalampur. Smugglers have also used the modus operandi of smuggling exotic species in air cargo by misdeclaring them something else such as ornamental fishes mainly at Mumbai and Chennai Air Cargo Complex.



Before amendment in Wild Life (Protection) Act in 2022, exotic species were not protected under this Act. Smuggling of exotic species were dealt with under the provisions of the Customs Act, 1962 read with Foreign Trade Policy. Whenever customs authorities seized smuggled exotic species at land borders while being smuggled into India or at the Customs Port, they were registering and investigating the case under provisions of the Customs Act. But in many cases when the smugglers succeeded in smuggling the exotic species into India and later on those species were seized by enforcement agencies in Domestic Tariff Area (DTA), the forest/wildlife/police authorities could not register and investigate the case under Wild Life (Protection) Act as these species were not covered under this Act.

468 Smuggled Exotic Species Seized by Mizoram Police on 25/05/2022

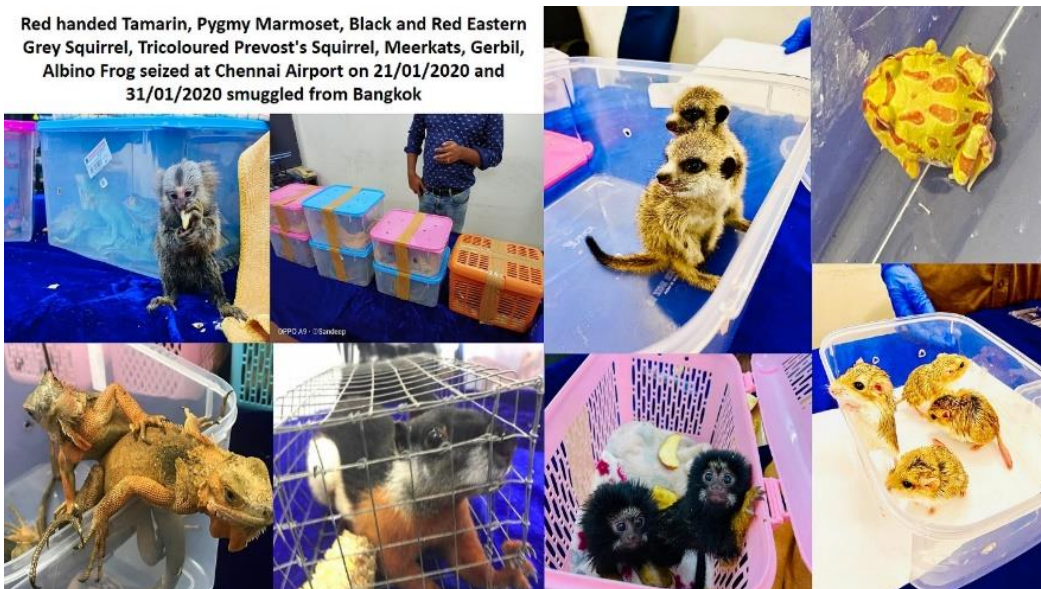


WILD LIFE

In such scenario, seized exotic species were handed over to the customs authorities for registering the case under the Customs Act. As exotic wildlife species are not covered under section 123 of the Customs Act, the onus to prove beyond reasonable doubt that those exotic species were smuggled into India from across the border by the person from whose possession they were seized was on customs authorities. It was very difficult to prove due to lack of any paper trail and from the fact that those exotic species changed many hands by the time they were seized.

The smugglers of exotic species were taking advantage of such legal lacunae and approaching the Courts for setting aside the smuggling case against them. Judiciary also used to rule in their favour as those species were not protected under Wild Life (Protection) Act. After such court rulings the traffickers would go scott free and customs authorities would have to release the seized exotic species to the smugglers.

Red handed Tamarin, Pygmy Marmoset, Black and Red Eastern Grey Squirrel, Tricoloured Prevost's Squirrel, Meerkats, Gerbil, Albino Frog seized at Chennai Airport on 21/01/2020 and 31/01/2020 smuggled from Bangkok



To plug these legal loopholes, necessary provisions have been incorporated in the Wild Life (Protection) Amendment Act, 2022. Relevant provisions from the perspective of countering smuggling of exotic species are discussed below:

- After Chapter VA, new Chapter VB on Regulation of International Trade in CITES listed Species has been introduced. All species under three Appendices of CITES have been incorporated under Schedule IV of the amended Act. Thus all CITES listed exotic species are now protected under Wild Life (Protection) Amendment Act, 2022.
- To document the complete trail of such exotic species, a very robust mechanism has been provided in the amended Act: Under Section 49(H) any person who imports, exports or re-export such exotic species is required to present that for clearance at the port of entry or exit as the case may be before the customs officer or the Management Authority or the authorised officer. Under Section 49(M) of the amended Act, any person who is in possession of such exotic species is required to report the details of the species to the Management Authority or the authorised officer. After verifying the legality of such possession, a registration certificate would be issued to the person. Similarly transfer of such species to another person, birth of offsprings by such species and death of such species also need to be reported to the Management Authority or the authorised officer.

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- Captive breeding of exotic species under Appendix I of CITES are to be governed by licensing provisions as contained in Section 49(N) and 49(O) of amended Act.
- Earlier only forest and police authorities were empowered as law enforcement officers under Wild Life (Protection) Act. The Amended Act has also empowered customs and coast guard authorities as law enforcement officers under section 50(1) of Wild Life (Protection) Act. As the customs has a pan India presence with its enforcement wings i.e. Customs Preventive Formations, Directorate of Revenue Intelligence (DRI), Air Intelligence Units (AIU), Special Intelligence & Investigation Branches (SIIB), Marine & Preventive Wings (MPW) which have required resources and skillsets to combat smuggling, it is expected to have a significant impact as far as curbing the smuggling of exotic species are concerned not only through exit/entry points or international borders but also within domestic tariff area.

Date: 06-10-2022, Exotic Species Seized by DRI at Mumbai Air Cargo Misdeclared as Ornamental Fishes (Total 665)

(Yellow Pond Turtle, Alligator Snapping Turtle, Common Snapping Turtle, Iguana, Spiny Tailed Lizard, Pan Cake, Salamander, Vietnamese Black Breasted Leaf Turtle, Red Eared Slider Albino Turtle, Rainbow Boa, Monitor Lizard, Burmese Albino Python, Albino Ball Python, Ball Python, Burmese Python and Leopard Tortoise)



- Similarly empowering Coast Guard as law enforcement agency under amended act will go a long way in combating smuggling of such exotic species through marine routes.

Wild Life (Protection) Amendment Act, 2022 came into force on 01/04/2023. Now if any person is found to be in possession of any CITES listed exotic species, the burden to prove that they were legally obtained would be on him. He will be required to produce the legal import documents; certificates of registration of possession, transfer, birth of exotic species as the case may be; licence for captive breeding etc. If he fails to produce such documents as the case may be, it would be treated as if those exotic species were obtained in contravention of the provisions of the Act rendering that person liable for criminal proceedings. Such exotic species would also become property of Central Government under Section 49(Q) of Wild Life (Protection) Amendment Act, 2022.

WILD LIFE

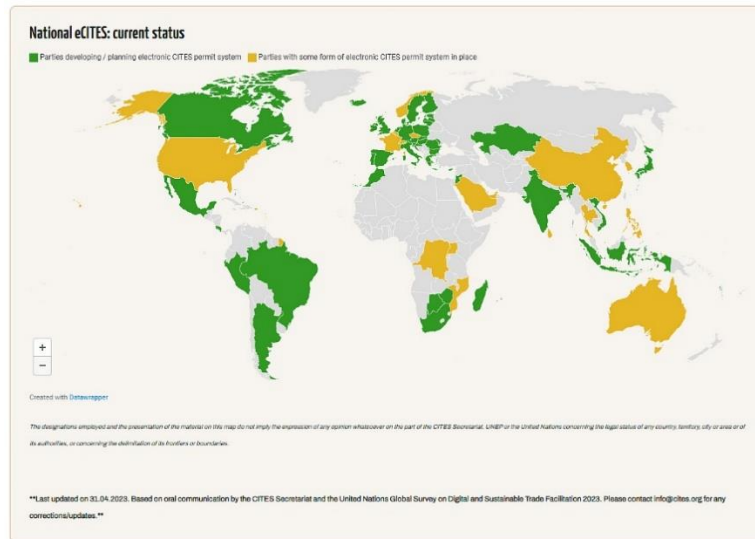
eCITES: Moving Towards Paperless Enforcement of CITES

The "**Convention on International Trade in Endangered Species of Wild Fauna and Flora**" (CITES), also known as *Washington Convention* is an international legally binding agreement. It was signed on 03/03/1973 and came into force on 01/07/1975. Currently there are 184 Parties (including European Union) to this Convention. *The main objective of CITES is to regulate international trade of wild animal and plant species so that it does not threaten their survival in the wild.* More than 40,000 plant and animal species are covered in three Appendices of CITES according to varying degrees of protection accorded to them. **Three principles governing international trade of CITES listed species are as follows:**

1. **Legality:** The species/their parts/products/derivatives etc. being internationally traded should be legally obtained. Parties are required to obtain legal procurement certificates to ensure legality.
2. **Sustainability:** The international trade in CITES listed species/their parts/products/derivatives etc. should be sustainable and it should not be detrimental for survival of those species in the wild. Parties are required to conduct Non-Detrimental Findings (NDFs) studies to confirm sustainability.
3. **Traceability:** International trade in CITES listed species/their parts/products/derivatives etc. should be traceable. To ensure traceability Parties are required to issue CITES Permits/Certificates containing all details of the import/export/introduction from the sea of CITES listed species. The details of these CITES Permits/Certificates are required to be shared with CITES Secretariat in National Annual Reports of the Parties to be incorporated in the CITES Trade Database.

CITES Permits/Certificates are main instruments for regulation of international trade of CITES listed species. **Para 3(l) of Conf. 12.3 (Rev. CoP18) of CITES recommends that “all Parties consider the development and use of electronic permits and certificates”.** Despite this not all Parties to CITES have implemented eCITES Permit System. As per CITES Website countries like USA, France, Norway, Germany, Czech Republic, Saudi Arabia, Mozambique, Democratic Republic of Congo, China, Sri Lanka, Thailand, Republic of Korea, United Arab Emirates, Uganda, Belgium, Switzerland, Norway etc. have some form of electronic CITES permit system. Mozambique and Sri Lanka have adopted the ASYCUDA eCITES solution. Other countries seem to have adopted their own eCITES Permit System. Following Map shows the current status of adoption of eCITES Permit System by Parties to CITES. (Source: <https://cites.org/eng/prog/eCITES>)

WILD LIFE



From the above Map it's clear that most of the Parties to CITES don't have eCITES Permit System in place as of now.

Disadvantages of Paper based CITES Permit System: Major disadvantages of Paper based CITES Permit System are following:

- ***Fake Permits:*** Paper based CITES Permits can easily be forged by wildlife traffickers using ICT Tools and in collusion with corrupt officials responsible for issuance of CITES Permits or officials of Press responsible for printing Papers for CITES Permits.
- ***Delay in clearance of Import/Export consignments of CITES listed species:*** Before giving clearances of Import/Export consignments of CITES listed species, customs authorities/CITES Management Authorities generally verify the genuinity of CITES Permits by sending e-mails to the CITES Permits issuing Management Authorities for confirming the veracity of the same which results in delay in the clearance and increase in cost for the importer/exporter.
- ***Mismatch in data of Import and Export of CITES listed species:*** Paper based CITES Permits System results in manual compilation of data for CITES Annual Report by Parties to CITES to be submitted to the CITES Secretariat for CITES Trade Database: As the CITES Management Authorities are not exchanging information with each other electronically regarding CITES Permits issued by them, many a time mismatch of data as reported by Management Authorities of Exporting and Importing countries in respect of CITES listed species are observed. This happens because to increase their competitiveness in international trade, countries are adopting risk-based approach and trade facilitation measures which result in automated clearance of most of the import-export consignments without assessment & examination by the customs authorities. Due to this, many times CITES Management Authorities of importing countries may not be aware about import of CITES listed species in their countries if the importers or the customs brokers do not submit copies of CITES Import Permits to them in respect of consignments which are cleared without assessment & examination.

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Advantages of eCITES Permit System:

- eCITES is a cloud-based system that automates application, processing & issuance of electronic CITES Permits. Applicant can track his application status online and submit requisite documents and replies to the queries online. It also brings transparency and accountability.
- eCITES Platform can electronically integrate all stakeholders responsible for proper implementation of CITES in a country such as CITES Management Authorities, Scientific Authorities (who conducts Non-Detrimental Findings (NDF) Studies, Authorities responsible for issuing Legal Acquisition Certificates, Authorities responsible for issuing Licence for Import/Export of CITES listed species, Authorities responsible for fixing quota for export of CITES Listed species, Competent Authorities responsible for issuing Comparable Documentations for export of CITES listed species in case that particular Party has entered a reservation against inclusion of that particular species in CITES, Enforcement Focal Point etc. for better co-ordination and implementation of CITES provisions.
- It is very useful in monitoring the quota fixed for export of CITES listed species. As and when quota is exhausted, system would flag that to ensure no export Permit is issued in excess of the fixed quota.
- It facilitates electronic CITES permit information exchange between Management Authorities and respective Customs Authorities as well as among Management Authorities of importing, exporting and re-exporting countries in a safe and secure manner. It makes verification of CITES Permits (with QR Codes) easier and faster resulting in increased trade facilitation for bona fide traders. It also helps in detection of forged CITES Permits & in combating smuggling of CITES listed species by taking appropriate legal enforcement action against the traffickers.
- It may also help in monitoring trends and patterns in international trade of CITES listed species. If a particular CITES listed species is being exported by a Party to the other Party in a quantity which is in excess to the quantity that exporting country is known to have, it may be sign of laundering of the CITES listed species smuggled from some other country in collusion with the corrupt officials of the exporting country who issue Legal Acquisition Certificates/CITES Permits for those smuggled species.
- When embedded with Risk Analytical Tool, eCITES may also help in identifying the risk indicators in respect of import and export of CITES listed species which may be incorporated in the Customs Risk Management System for interdiction of risky CITES listed wildlife consignments.
- eCITES may automate the generation of CITES Annual Report and CITES Annual Illegal Trade Reports with accuracy ruling out the possibility of error that may occur in manual compilation of data.
- eCITES may also solve the problem of mismatch between the trade data reported by importing and exporting countries as it facilitates the electronic exchange of data of CITES Permits between various Parties. It may also help in ascertaining the actual quantity of import and export against the quantity mentioned in CITES Permit through Customs as they will also be part of eCITES Platform.

WILD LIFE

Way Forward: All Parties to the CITES who have not yet developed eCITES must strive to develop it at the earliest. *They can either go for ASYCUDA eCITES Solution developed jointly by CITES Secretariat and UNCTAD or they can develop their own full-fledged eCITES Ecosystem with all stakeholders on board.* Similarly, Parties who have already developed some kind of eCITES Platform should augment it into full-fledged eCITES Ecosystem with all stakeholders on board.

Management Authorities of all Parties to CITES must use EPIX Connect (<https://epix-staging.linode.unep-wcmc.org/>) for electronic permit information exchange (EPIX) instead of exchange of paper permits. EPIX Connect may also be used for verification of details of CITES Permits. Currently EPIX Connect is being implemented for direct, point-to-point (P2P) electronic CITES Permit data exchange between the Management Authorities of the exporting and importing country which may also be further developed as a Central Exchange Hub for CITES Permits with consensus among all Parties.

FIELD GUIDE FOR LAW ENFORCEMENT OFFICERS

(A). 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) Filing 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 or Pre-charge evidence (Section 244 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.)
- 17) Acquittal or 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.).

FIELD GUIDE FOR LAW ENFORCEMENT OFFICERS

(B). 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

(C). How to proceed to the scene of Crime?

- 1) Constitute the team with defined clearly responsibility of each member
- 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 include location of the evidence recovered, by whom, how and by whom it was packed and marked
- 5) Take photographs or video if possible

(D). Scene of Crime Photography - why it is 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
- g. It serves as an important evidence in the court of law & supports testimony of the investigator

(E). 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. Data cable / storage device etc.
- d. Tripod stand etc.

(F). 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.
- e. Make a sketch of the crime scene indicating the distance between various objects

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(G). Sketching the Scene of Crime

- 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.
- 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.
- Always measure distance from two nearest permanent objects
- Always indicate the North direction

(H). Search for the evidences by various techniques:

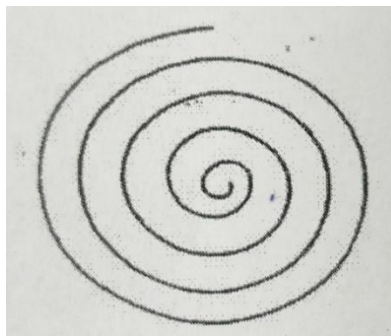
Various Search Techniques

- Point to Point search in straight line



- Zonal Method OR quadrants:** search one by one quadrant

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



Collection of physical evidences

FROM:

Scene of the crime

Animal

Suspect and his environment

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Collection of physical evidences available

Blood - On substrate as such air dried

Meat - As per WII Protocol

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

Bones - As such

Forensic importance of blood

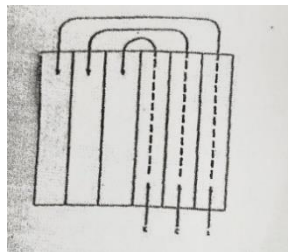
Laboratory examination of blood is carried out to discover:

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

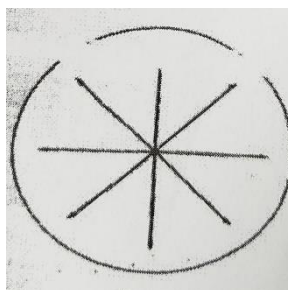
Collection of Blood stains

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

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



- e.* **Radial Method** – Search to start from centre point of a circle to radiate in different directions covering the whole circle



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- f. Cross-hatch method-** The search for the clue material is carried out two dimensionally, firstly length wise as in strip method and then width wise
1. Take foot prints of animals & humans in that area
 2. Take tyre prints of the vehicles
 3. Collect physical evidences available
 4. 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**
 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
3. Details of the firearm should be property marked and numbered
4. The firearm should finally be packed in a suitable box and sealed

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

Preservation

1. For Organic matter like food, blood, tissue may change their character during some time due to natural decomposition
2. Prevent from exposing to high temperature
3. 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 broke 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

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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

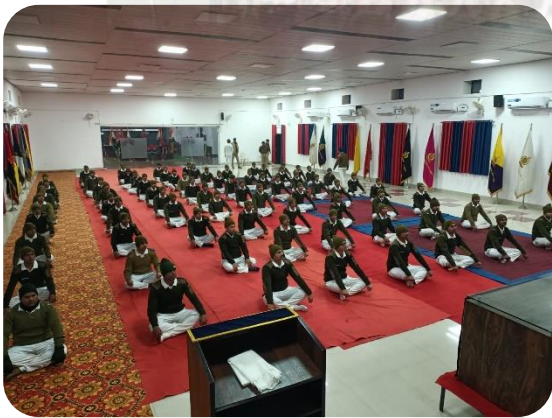
Sealing/ Labeling

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

2023



* Memorable Photographs *





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