



ENFORCEMENT BOTTLENECKS AND EVIDENTIARY CHALLENGES IN WILDLIFE CRIME PROSECUTIONS

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ABSTRACT

The prosecution of wildlife offences in India confronts a formidable array of enforcement bottlenecks and evidentiary challenges that systematically undermine conservation efforts. This article examines the procedural, institutional, and evidentiary obstacles encountered by law enforcement agencies in investigating and prosecuting wildlife crimes under the Wild Life (Protection) Act, 1972. It analyses key enforcement gaps including deficient investigation practices, inadmissible confessions, forensic funding constraints, digital evidence vulnerabilities, and outdated prosecution formats. The article further explores structural weaknesses such as the misuse of vermin declarations, the erosion of statutory oversight in habitat diversion, and procedural lapses that enable acquittals despite strong prima facie evidence. Drawing upon recent judicial pronouncements and empirical studies, the article argues that wildlife prosecution failures are less attributable to substantive legal inadequacies than to systemic enforcement deficits. It concludes by proposing institutional reforms including standardised investigation protocols, specialised forensic funding mechanisms, digital evidence training, and procedural harmonisation to strengthen wildlife crime prosecution in India.

Keywords: Enforcement bottlenecks, evidentiary challenges, wildlife crime, wildlife prosecution, Wild Life (Protection) Act 1972, investigation deficiencies, arrest procedures, inadmissible confessions, case diary, forensic funding, forensic testing, DNA analysis, chain of custody, seizure deficiencies, seizure panchnama, Malkhana register, digital evidence, social media-enabled wildlife offences, e-Sakshya Management Rules 2025, Bharatiya Nagarik Suraksha Sanhita, video recording of crime scene, outdated prosecution formats, vermin declaration, Section 62 WPA, species protection, habitat diversion, National Tiger Conservation Authority, NTCA, National Board for Wildlife, Standing Committee, forest rights, Forest Rights Act 2006.

1. INTRODUCTION

Wildlife crime in India presents a unique prosecutorial challenge. Offences occur in remote, inaccessible terrains; evidence degrades rapidly; witnesses are scarce; and offenders often belong to marginalised communities unfamiliar with legal procedures. Despite a robust legislative framework anchored in the Wild Life (Protection) Act, 1972 (WPA), conviction rates remain disproportionately low. This enforcement deficit has profound consequences for biodiversity conservation, particularly for endangered species whose survival depends upon effective legal protection.

The gap between legislative intent and prosecutorial outcome is attributable to a complex interplay of factors. Investigative lapses, forensic funding constraints, outdated documentation practices, and evidentiary procedural failures collectively create a system where even well-documented offences frequently result in acquittals. Recent judicial interventions—including the Madras High Court's directions on digital evidence training and the Chhattisgarh High Court's acquittal based on procedural omissions—have highlighted the systemic nature of these challenges.

This article examines the enforcement bottlenecks and evidentiary challenges in wildlife crime prosecutions through a multi-dimensional lens. It analyses deficiencies at the investigation stage, procedural obstacles in evidence handling, institutional constraints in forensic testing, and structural weaknesses in legislative implementation. The article argues that meaningful reform requires not legislative amendment but institutional capacity-building, procedural standardisation, and judicial sensitisation to the distinctive characteristics of wildlife offences.

2. INVESTIGATIVE DEFICIENCIES: THE FOUNDATION OF PROSECUTORIAL FAILURE

2.1 Lapses in Arrest Procedures

Forest officers are vested with powers of warrantless arrest under Sections 50(1)(c) and 50(3) of the WPA. In practice, however, significant procedural lapses occur in the documentation of arrests. These include failure to record the proper time, place, and grounds of arrest, or omission in preparing the arrest memo altogether. Non-compliance with procedural safeguards—such as informing the arrestee of the grounds of arrest and their legal rights—renders arrests legally vulnerable and open to challenge at trial.

The Chhattisgarh High Court's recent judgment in a leopard skin possession case illustrates the consequences of investigative omissions. The Court acquitted the accused, noting that "any incriminating circumstance not put to the accused cannot be used against him, and the omission may cause serious prejudice to the defence". The forensic report confirming the seized skin as that of a leopard was rendered inadmissible because no question regarding it was put to the accused during examination under Section 313 of the Criminal Procedure Code.

2.2 Inadmissible Confessions and Deficient Case Diaries

The Special Investigation Team (SIT) probing elephant poaching cases in Tamil Nadu identified a pervasive investigative failing: forest officials rely "solely on the confession of the accused to prosecute them instead of conducting a detailed field investigation to gather additional materials".

This over-reliance on confessions is compounded by the fact that "in almost all cases, the confession of the accused involved in forest offences is recorded by an officer below the rank of Assistant Conservator of Forests, thereby making the confession inadmissible in evidence".

The SIT further noted that forest officials "were not in the habit of maintaining a serially numbered case diary". The absence of systematic case documentation undermines prosecutorial coherence and impedes judicial scrutiny of investigative integrity.

2.3 Socio-Economic Dimensions of Investigation

A significant proportion of individuals apprehended in wildlife offences belong to Scheduled Castes or Scheduled Tribes, often from forest-dependent communities. Many are illiterate or unaware of legal procedures, raising serious issues regarding informed consent, understanding of rights, and voluntariness of statements. This socio-legal context gives rise to recurring procedural issues, including non-mention of caste status in prosecution reports. While caste may not be directly relevant to establishing the commission of an offence, its omission can lead to legal complications, particularly given the safeguards against wrongful implication or misuse of authority applicable to SC/ST individuals. The issue lies not merely in whether caste is mentioned, but in how investigations ensure procedural fairness, non-discrimination, and compliance with constitutional safeguards.

3. EVIDENTIARY CHALLENGES: FROM SEIZURE TO CONVICTION

3.1 Forensic Funding Constraints

The Karnataka tiger poaching case of October 2025 exposed a critical financial gap in wildlife crime investigation. Field officials struggled to arrange over Rs 2 lakh for mandatory forensic tests, with each sample costing approximately Rs 7,000. Additional samples—including weapons, clothing, and tiger teeth and claws—required DNA analysis at the Advanced Institute for Wildlife Conservation in Chennai, incurring further costs exceeding Rs 1 lakh. The absence of an institutional mechanism to release funds for forensic procedures caused delays that "could have risked stalling investigation at a crucial stage".

The inquiry committee recommended "a system for immediate payment of the amount from the respective tiger foundation in such emergency situations". The Forest Minister subsequently directed the Principal Chief Conservator of Forests to make arrangements for funding such expenses from departmental resources, indicating administrative recognition of the problem.

3.2 Chain of Custody and Seizure Deficiencies

The Chhattisgarh High Court's acquittal in the leopard skin case was significantly influenced by chain-of-custody failures. The investigating officer admitted that "the seized article was neither sealed nor kept in safe custody, and in this regard, no Malkhana register has been produced". The inconsistency regarding the period during which the seized skin was allegedly kept at the police station, and the unexplained delay in sending it for forensic examination, "created serious doubt about the integrity of the seized property".

Furthermore, "independent witnesses have not supported the prosecution's version and have stated

that no seizure or panchnama proceedings were conducted in their presence". The Court held that "in view of the material discrepancies, lack of corroboration, and failure to establish the fact that the seized article was properly sealed and kept in safe custody, the prosecution has failed to prove the guilt of the accused persons beyond a reasonable doubt".

3.3 Digital Evidence Vulnerabilities

Social media has emerged as a significant platform for enabling wildlife offences in India, with protected species and their body parts openly traded, displayed, and promoted in violation of the law. A recent empirical study based on interviews with 25 enforcement experts identified critical legislative and evidentiary gaps in addressing social media-enabled wildlife offences.

The WPA "does not explicitly address electronic or social media-facilitated offences, and no express provision regulates the indirect and unintentional promotion of such content". In relation to digital evidence, the study found "gaps in maintaining the chain of custody and complying with authentication and admissibility criteria".

Responding to these challenges, the Madras High Court directed the Tamil Nadu forest department to conduct training programmes for field-level officers "on the nuances involved in investigating wildlife offences with greater stress on collection of digital evidence". The Court specifically directed attention to the provisions of the Bharatiya Nagarik Suraksha Sanhita regarding video recording of the scene of crime and seizures, as well as the e-Sakshya Management Rules, 2025.

4. STRUCTURAL ENFORCEMENT WEAKNESSES

4.1 Outdated Prosecution Formats

A significant yet often overlooked challenge is the continued use of outdated prosecution and documentation formats. The forms prescribed for offence reports, seizure lists, arrest memos, remand applications, and prosecution complaints "have not been substantially revised for years, despite major developments in criminal procedure and judicial jurisprudence".

These outdated formats fail to capture several procedural details now considered essential in criminal investigation. For instance, "the offence report does not mention the time at which the offence report was made; it mentions only the time at which the seizure or detection of the crime was carried out, which again creates conflict in the court of law". The before-search and after-search protocol is nowhere reflected in the forms, and there are no standardised forms specifically prescribed for forensic examination or chain-of-custody records.

4.2 The Vermin Declaration Mechanism

The legislative architecture of the WPA contains a structural weakness that undermines species protection: Section 62 empowers the Central Government to declare an entire species "vermin" for a specified area and period, stripping all statutory protection so that anyone may kill. This provision "requires no scientific evidence, population data, expert consultation, limit on scope or duration, culling protocol, and no obligation to record how many animals are killed or whether non-target species are harmed".

The 2022 amendment made this architecture more dangerous by reducing the WPA's six schedules

to four, folding former Schedules III and IV into Schedule II. "At least 41 mammals, 864 birds, 17 reptiles and amphibians, and 58 insects entered the set of species the Centre can now declare vermin". The reform "widened the killing power while making it look restrained". Furthermore, because Schedule V no longer exists, "a declared species does not move into a defined legal category; it simply drops out of protection entirely".

4.3 Erosion of Statutory Oversight in Habitat Diversion

The erosion of statutory oversight mechanisms represents another structural enforcement weakness. Section 38-O(1)(g) of the WPA empowers the National Tiger Conservation Authority (NTCA) to ensure that "tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in the public interest, and with the approval of the National Board for Wildlife and on the advice of the National Tiger Conservation Authority".

Despite this unambiguous mandate, recent cases demonstrate systematic bypass of NTCA's statutory role. The Sharavathi Pumped Storage Project, overlapping a tiger corridor linking Kali Tiger Reserve and Sharavathi Valley Sanctuary, received wildlife clearance without NTCA's advice. The Ministry of Environment, Forest and Climate Change's Regional Office in Bengaluru cleared the Kaiga–Bare Road widening and National Highway-766E expansion through tiger corridors without mandatory scrutiny. This pattern reveals "a systemic effort to bypass NTCA precisely where its scrutiny matters most—rendering its statutory role hollow".

Similarly, a PIL before the Delhi High Court challenges the National Board for Wildlife and its Standing Committee, alleging they have become a "clearing house" that routinely diverts protected areas to roads, mining, industry and other non-conservation projects. Between 2014 and 2026, the Standing Committee approved "more than 97% of proposals for diverting, reducing or de-notifying protected land, often considering over 100 proposals in a single day's meeting".

5. JUDICIAL INTERVENTION AND EMERGING REFORMS

5.1 The Saranda Wildlife Sanctuary Case

The Supreme Court's intervention in *In Re Saranda Wildlife Sanctuary* addressed the intersection between wildlife protection and forest rights. The State of Jharkhand had repeatedly shifted its position on the sanctuary's extent, citing the protection of forest rights of tribal communities under the Forest Rights Act, 2006. The Supreme Court clarified that the FRA's "vesting" of rights includes "responsibilities and authority for sustainable use, conservation of biodiversity, and maintenance of ecological balance". This effectively dispensed with the argument that forest rights are incompatible with wildlife protection.

The Court further underscored that any modification of forest rights or resettlement "must proceed strictly within the FRA's framework and in accordance with its 'very stringent provisions'". The WLPA "cannot be invoked to displace rights under Section 3 of the FRA, which will continue to protect these rights 'even after declaration of the said area as a wildlife sanctuary'".

5.2 Digital Evidence Training Directives

The Madras High Court's direction to the Tamil Nadu forest department to conduct training programmes for field-level officers "on the nuances involved in investigating wildlife offences with greater stress on collection of digital evidence" represents a significant judicial recognition of enforcement needs. The Court specifically directed attention to the provisions of the Bharatiya Nagarik Suraksha Sanhita with respect to video recording of the scene of crime and seizures, as well as the e-Sakshya Management Rules, 2025.

The SIT's report, which prompted this intervention, had noted that "almost all wildlife offences get reported late due to the nature of the terrain where such offences occur and hence, crucial evidence, required to prosecute the offenders, gets lost by the time the forest authorities reach the scene of crime". The SIT emphasised the importance of scientific evidence collection, lamenting that "chances of direct evidence, such as eye witness, were remote in wildlife offences," and that scientific evidence collection was "not been found done in most of the cases".

5.3 Recommendations for Institutional Reform

Based on the analysis of enforcement bottlenecks, the literature recommends several institutional reforms:

Standardised Investigation Protocols: A uniform system should be adopted across States for the registration of wildlife offence reports, with standardised formats and nomenclature to avoid confusion before the courts. Clear operational guidelines must be issued to harmonise the procedural overlap between the WPA and general criminal procedure laws.

Capacity Building: Regular training programmes should be conducted for forest officers on investigation techniques, evidence handling, arrest procedures, and the preparation of prosecution documents. Specialised sensitisation programmes for judicial officers and prosecutors are equally necessary to improve understanding of the distinctive nature of wildlife offences.

Forensic Funding Mechanisms: An institutional mechanism for immediate payment of forensic testing costs should be devised, with funding available from tiger foundations or departmental resources in emergency situations.

Updated Prosecution Formats: Outdated documentation formats should be revised to incorporate safeguards and documentation requirements laid down in *D.K. Basu v. State of West Bengal* and subsequent judicial pronouncements.

6. ANALYSIS: THE SYSTEMIC NATURE OF ENFORCEMENT FAILURE

The enforcement bottlenecks and evidentiary challenges examined in this article are not merely isolated procedural failures but symptoms of a systemic institutional deficit. Three inter-related themes emerge from the analysis.

6.1 Investigation as the Weakest Link

The investigative phase consistently emerges as the most significant point of failure. Over-reliance on inadmissible confessions, absence of systematic case documentation, failure to collect scientific evidence, and procedural lapses in arrest and seizure collectively undermine prosecutorial viability

before cases reach court. The Madras High Court's observation that "almost all wildlife offences get reported late due to the nature of the terrain" underscores the distinctive challenges of wildlife investigation. When combined with inadequate training and outdated documentation formats, these challenges become insurmountable barriers to successful prosecution.

6.2 The Forensics-Poverty Nexus

The funding gap for forensic testing in Karnataka exposes a critical institutional vulnerability. When field officers "struggle to immediately arrange over Rs 2 lakh for mandatory forensic tests," the integrity of the entire prosecution process is compromised. Forensic evidence is particularly crucial in wildlife offences given the absence of direct witnesses. The inability to access timely forensic analysis—whether due to funding constraints, procedural delays, or absence of standardised protocols—creates a systemic weakness that defence counsel can readily exploit.

6.3 Structural Weaknesses in Legislative Implementation

The misuse of Section 62's vermin declaration power and the erosion of NTCA's statutory oversight reveal that enforcement challenges extend beyond prosecution to the broader framework of species and habitat protection. The 2022 amendment, ostensibly a rationalisation, "widened the killing power while making it look restrained". Similarly, the systematic bypass of NTCA's statutory role in habitat diversion cases demonstrates that "this is not administrative oversight—it is a deliberate erosion of legal safeguards".

7. CONCLUSION

The enforcement bottlenecks and evidentiary challenges in wildlife crime prosecutions in India reflect a complex interplay of investigative deficiencies, procedural gaps, institutional constraints, and structural weaknesses. The high acquittal rate in wildlife offences cannot be attributed to deficiencies in substantive law alone; rather, it is the cumulative effect of systemic enforcement failures that undermine prosecutorial viability at every stage.

Recent judicial interventions—including the Madras High Court's digital evidence training directives, the Supreme Court's harmonisation of the FRA and WLPA in the Saranda case, and the Chhattisgarh High Court's stringent application of procedural safeguards—signal judicial awareness of these challenges. However, meaningful reform requires institutional transformation: standardised investigation protocols, specialised training programmes, forensic funding mechanisms, updated prosecution formats, and restoration of statutory oversight mechanisms.

The stakes are high. As the extinction crisis intensifies and human-wildlife conflict escalates, the capacity to effectively prosecute wildlife offences becomes increasingly critical to India's conservation commitments. The enforcement bottlenecks identified in this article are not merely technical obstacles but fundamental impediments to the realisation of constitutional obligations under Articles 48A and 51A(g) and India's international commitments under the Convention on Biological Diversity and CITES.

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