



# **WILDLIFE FIRST**

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8th June, 2013

Regd. A/d

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The Chief Wildlife Warden & Statutory Authority  
Karnataka Forest Department  
2<sup>nd</sup> Floor, Aranya Bhavan  
Malleswaram, Bangalore - 560 003

Sir:

**Sub: Seizure of Elephant Tusks from the residence of Shri CD Dyavaiah IFS**

**Ref: Reports in the media on seizure carried out by the CBI.**

We are writing to you on an extremely serious case of a very senior IFS officer of the rank of Addl. PCCF being allegedly trapped by the Central Bureau of Investigation Anti-corruption Bureau (CBI-ACB) on 14-05-2013 with elephant tusks (which is a "Trophy" as defined under clause (b) of sub-section (31) of Section 2 of the Wildlife (Protection) Act, 1972) kept at his residence as reported in the media. It also appears that the APCCF could not produce any license issued by the Chief Wildlife Warden which is mandatory for any person - including a forest officer- to be in possession of tusks of a wild animal listed in Schedule I, leading to a seizure.

As you are aware this amounts to an alleged offence of Section 39 which prohibits the acquisition or possession of tusks without the previous permission in writing of the Chief Wildlife Warden. Further, such possession may also amount to a violation of Sections 40, 48, 48-A and 52 of the Wildlife Act apart from possible infringement of Chapter VI-A and provisions of the Karnataka Forest Act. As per Section 57 of the Wildlife Act any person caught with tusks will be presumed to be in unlawful possession until the contrary is proved the burden of which lies on the accused.

We believe that this alleged offence by a senior forest officer presents a rare opportunity to the Forest Department to act impartially and strongly against its own officer. By doing so, a clear message that such violations will be firmly and evenly dealt with irrespective of whether the person occupies a high office, will get communicated. This will also boost the morale of all sincere forest officials and staff fighting to protect wildlife as they may otherwise face uncomfortable questions from the public about the said senior forest officer's alleged violation.

Going by several precedents of bureaucratic and other pressures that usually prevail, it may be extremely difficult for a DCF rank officer to thoroughly investigate an APCCF rank officer and seek his prosecution. This may also include attempts to tamper with evidence/ forensic reports and creation of back-dated records by the officer under probe. In order to deal with such extraordinary circumstances, Sub-section (3) of Section 5 of the Wildlife Act empowers you to issue a special direction to appoint a senior officer of high integrity to handle this case. Furthermore, sub-section (8) of Section 50 also provides for empowering such a senior officer (other than those who are already authorized) to investigate offences.

In view of the above facts and to pre-empt any anticipated mischief, we request you to entrust this sensitive investigation to a senior officer of the same rank as the officer under probe or even senior under your direct supervision as the Statutory Authority in order to ensure prompt and proper investigation and action.

Sincerely

KM Chinnappa /Praveen Bhargav  
Trustees

Copies to: The Media