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Reasons for Failures in Wildlife Crime Investigations and Court Procedures of the Department of Wildlife Conservation in Polonnaruwa Assistant Directors' Region of Sri Lanka (Qualitative Study)

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Abstract

The Department of Wildlife Conservation (DWC) is the main government institution responsible for protection and conservation of biodiversity, and prevention of commercial and other misuse of fauna, flora and their habitats in Sri Lanka. Officers of DWC are empowered to perform their duties under the Fauna and Flora Protection Ordinance, No.2 of 1937 (FFPO) as amended. Wildlife crime investigation and taking legal actions against offenders are the main duties of field level wildlife officers with regard to protection and conservation of biodiversity in the country. However, some loopholes can be identified in the existing system that affect the effective implementation of legal actions at the ground level. The main objective of this study is to identify and critically analyze such existing gaps, and propose remedies.

This case-study was conducted in DWC Polonnaruwa Assistant Directors' region, and 50 wildlife crime cases filed before Polonnaruwa and Hingurakgoda magistrate courts by the Minneriya National Park office and Polonnaruwa wildlife rangers' office were analyzed. Concurrently, 20 wildlife officers who prosecute cases and 10 senior defense counselors (Lawyers) were randomly selected, information pertaining to implementation of legal actions were collected by personal interviews and structured questionnaires. Qualitative data analysis was done through framework analyzing method. The 50 cases were filed with regard to 15 different types of offences under the FFPO, and the most common offence was entering and being in wildlife protected areas without prior permission (43%). In 23 cases, the offenders pleaded guilty. The DWC succeeded in 08 cases after trial and unsuccessful in 16 cases. Three cases have not been decided. The Study found out that absence of a separate officer responsible for raids at field offices, weaknesses of initial investigations, not keeping accurate and complete records of crime incidences, errors in bail bonds, 'B' reports, and charge sheets, absence of relevant officials before the courts, evidence handling errors, and conflicting evidences as the major reasons for failures in wildlife crime investigations and bringing offenders before the courts.

Based on the respondent views, the case study found that giving sound hands-on training on court practices, employing a dedicated legal officer at DWC, provision of uniforms and side weapons, accelerating reward process, and appreciation of commitments would positively affected to increase the success rate of wildlife crime suppression.

Keywords: Wildlife crime, Ordinance, Investigation, Court procedures, Ranger