

# 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)



**OCTOBER, 2023**

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NACIN, ZC, KANPUR



# 2023



## Training for Trainers



# 2023



## Training for Trainers



NACIN, ZC, KANPUR





# 2023



## City Montessori School, Lucknow

DRUG ABUSE AND DRUG LAW ENFORCEMENT

National Academy of Customs, Indirect Taxes and Narcotics, Kanpur



## Drug Law Enforcement



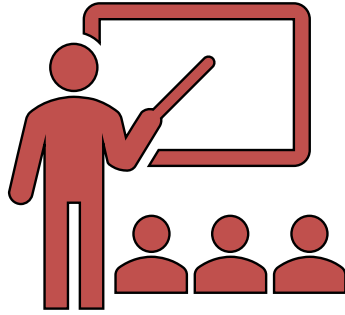
## Drug Abuse



# 2023



## राजभाषा - हिन्दी



हिन्दी



दिवस



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## QUARTERLY PERFORMANCE

Training on	No. of Courses	Total No. of Participants	Total Man-Days	Total Man-Hours
GST	6	198	331	638
CUSTOMS	13	731	870	2395
ADMINISTRATION	21	522	1551	6475
VIGILANCE	3	145	145	423
INFORMATION TECHNOLOGY	3	74	102	443
NARCOTICS	0	0	0	0
OTHERS	2	35	35	140
<b>TOTAL</b>	<b>48</b>	<b>1705</b>	<b>3034</b>	<b>10513</b>

## UP-COMING PROGRAMMES

Next 3 Months

### OCTOBER-2023

(3 <sup>rd</sup> )	(5 <sup>th</sup> )	(6 <sup>th</sup> )	(9 <sup>th</sup> -20 <sup>th</sup> )
Refund Processing & Frauds in GST Refunds	Criminal Procedural Law – Search & Arrest	E-Office (Online)	Induction Training of newly joined Havaldars
(11 <sup>th</sup> )	(16 <sup>th</sup> )	(18 <sup>th</sup> )	(25 <sup>th</sup> to 26 <sup>th</sup> )
FTA & Enforcement issues related to Certificate of Origin	GST – Input Tax Credit	Health Awareness	Training on Digital Forensics
(27 <sup>th</sup> )		(30 <sup>th</sup> October to 1 <sup>st</sup> November)	
Mentorship Programme of new Inspectors, undergone Induction Training (Pt.II) (Online)		Workshop for Ios/POs (Physical Mode)	

### NOVEMBER-2023

(2 <sup>nd</sup> )	(3 <sup>rd</sup> )	(6 <sup>th</sup> )	(7 <sup>th</sup> )
Public procurement/Ethics & Governance/Cyber hygiene & Security	Criminal Procedural Law: Bail & Trial	Indo-Nepal Border Specific Issues	GST-Detection, Confiscation, Prosecution and compounding of offences
(9 <sup>th</sup> )	(16 <sup>th</sup> - to 30 <sup>th</sup> )	(17 <sup>th</sup> )	(20 <sup>th</sup> )
GST: TDS/TCS, Concept of Electronic Commerce Operators etc.	Induction course for Newly Recruited/Promoted Tax Assistants	Health Awareness	GST- Insurance Sector & Tour Operator
(22 <sup>nd</sup> November)	(24 <sup>th</sup> November)	(Four weeks Start from 06.11.2023)	
Soft Skills (Communication Skills and Media Dealings)	GST Advance Ruling	Induction Training of Newly joined Havaldars	

### DECEMBER-2023

(4 <sup>th</sup> Dec-13 <sup>th</sup> Mar)	(18 <sup>th</sup> )	(19 <sup>th</sup> )	(29 <sup>th</sup> )
Induction Course for Newly Recruited / Promoted Inspectors	BIFA-GST Analytics	ADVAIT – A wonder Tool	Soft Skills



# VIP Security in India

VIP Security is generally given only to someone who holds a position of consequence either in the government or in civil society. Certain individuals, by reason of positions they hold in government, are automatically entitled to security cover.

They include:

- The Prime Minister and his immediate family.
- The Home Minister.
- Officials such as the National Security Advisor.

In cases where the central government decides to extend security to an individual, the level of security needed by any individual is decided by the MHA, based on inputs received from intelligence agencies which include the Intelligence Bureau (IB) and Research and Analysis Wing (R&AW).

Confidential Inputs: The intelligence inputs that these agencies generate, particularly in cases where VIP security is involved, is neither put out in the public domain nor is it open to scrutiny by any other agency. Indian intelligence agencies are not accountable to any statutory body, and are subject only to the internal oversight of the Government.

Levels of Protection: There are broadly six categories of security cover: X, Y, Y-plus, Z, Z-plus, and SPG (Special Protection Group). The SPG is meant only for the Prime Minister and his immediate family, other protection categories can be provided to anyone about whom the Centre or state governments have inputs of a threat. There are various kinds of security cover even within these levels. These include Security of residence, Mobile security, Office security, and Inter-state security. The number of personnel guarding the protectee differ from category to category. The X category on average entails just one gunman protecting the individual. The X category is the most basic level of protection.

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## VIP Security in India

Z-plus category protectees have 10 security personnel for mobile security, and two (plus 8 on rotation) for residence security. 2/3 Different Forces Involved: Protectees get residence security from state police, but mobile security from a Central Armed Police Force (CAPF). Central Armed Police Forces of India is a group of forces (under the Ministry of Home Affairs) for internal security. It includes the CRPF, CISF, ITBP, etc.

For VIPs other than the PM, the government has mandated the National Security Guard (NSG), Central Reserve Police Force (CRPF) and the Central Industrial Security Force (CISF) to provide security cover. The government has intended over the years to reduce the burden of VIP security on the NSG, because the core function of the NSG is counter-terrorism operations, not providing VIP security.

It is for this reason that the Home Minister and NSA have been given CRPF and CISF cover respectively.

**Paying for the Protection:** On Assessment by the Intelligence Agencies, anyone to whom the government provides security after assessment by intelligence agencies, gets the protection for free. However, those who have an elaborate security cover such as those in the Z and Z-plus categories, may have to consider accommodation for these security personnel on their own.

**Private Individuals:** Those who apply for the security but their case is not having consequences on the government and civil society, the government can charge a private individual for their security cover even after assessing a threat

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## **PROTOCOL: GENERAL INFORMATION**

Protocol means the system of rules governing formal occasions or the accepted way to behave in a particular situation.

### **STATE GUEST**

▶ Arrangements for all VVIPs'/VIPs' looked after by the protocol Branch of General Administration Department.

#### A. OFFICIAL VISIT

#### B. NON-OFFICIAL VISIT

▶ The dignitaries of the GOI and other State Governments and others normally treated as State Guests are given below:

(i) the following dignitaries are treated as State Guests during their official and Non-official visits to this State.

1. The President of India.
2. The Vice-President of India.
3. The Prime Minister of India.
4. The Chief Justice of India.
5. Governors of other states including Lieutenant Governor of Union Territories.
6. The Ex-Presidents of India.

7. The Ex-Vice Presidents of India.
8. The Ex-Prime Ministers of India.
9. The Judges of Supreme Court of India.
10. The Speaker and Deputy Speaker, Lok Sabha and Deputy Chairman, Rajya Sabha.
11. The Union Ministers, Ministers of State and Deputy Ministers of Union Cabinet.
12. The Deputy Chairman and Members of Planning Commission.
13. The Chief Ministers, Ministers, Ministers of State and Deputy Ministers of other States.
14. The Personal Staff accompanying the President of India, Vice-President of India and Prime Minister of India.
15. The Chief Justice of High Court of other States.
16. The Speakers of Legislative Assemblies of other States.
17. The Chief Election Commissioner

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## **PROTOCOL: GENERAL INFORMATION**

Protocol means the system of rules governing formal occasions or the accepted way to behave in a particular situation.

### **STATE GUEST**

ii) The following dignitaries are treated as State Guests during their official visits only:

1. The Judges of High Courts of other States.
2. The Chairman and Deputy Chairman, Deputy Speakers of Legislatures of other States.
3. The Chiefs of Staff of Armed Forces.
4. The Area Commander not below the rank of Lieutenant General on first visit to the State Capital on assumption of charge.
5. The Chairman, Union Public Service Commission.
6. The Comptroller and Auditor General of India.
7. The Secretaries to Government of India including those holding equivalent posts in Government.

8. The Chief Secretaries of other State Governments.

9. The Leader of opposition in Lok Sabha / Rajya Sabha.

10. The Chairmen of

- a. The National Commission for S.Cs/S.Ts.
- b. The National Commission for Backward Classes.
- c. The National Commission for Minorities.
- d. The National Commission for Women.
- e. The National Commission for Safai Karamcharis.
- f. The National Human Rights Commission.
- g. The National Commission for Weavers.
- h. Chairman, Press Council of India.
- i. Chairman, National Judicial Pay Commission.
- j. Chairman, Law Commission of India.

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## PROTOCOL: GENERAL INFORMATION

### ACCOMODATION & BOARDING

♣ State Guests are provided for free of charge, accommodation and boarding.

♣ They are normally accommodated in the State Guest House/Circuit House/ Inspection Bangalows / Travellers Bungalow.

♣ In case sufficient accommodation is not available, arrangement may be made in equally standard star hotel.

▶ The five categories can be described (loosely) as follows:

▶ **\*(one star)** – low budget hotel; inexpensive; may not have maid service or room service.

▶ **\*\* (two stars)** – budget hotel; slightly more expensive; usually has maid service daily.

▶ **\*\*\* (three stars)** – middle class; moderately priced; has daily maid service, room service, and may have dry-cleaning, Internet access.

▶ **\*\*\*\* (four stars)** – first class hotel; mostly expensive (by middle-class standards) has all of the previously mentioned services; has many semi “luxury” services (for example: massages or a health spa).

▶ **\*\*\*\*\* (five stars)** – luxury hotel; high price; numerous extras to enhance the quality of the client’s stay such as a private golf course or air strip

**Menu:** Menu may be decided in consultation with personal staff of the visiting dignitaries. Vegetarian or Non-vegetarian Food ,South Indian or North Indian Food

**Transport:** Free Government Transport will be provided by giving Govt. Car or proper standard private vehicles drawn from transport agencies.

**Telephone Facilities:** Entire expenditure on casual telephones will be bear by the state government.

Contd.../-



## PROTOCOL: GENERAL INFORMATION

### Visit of President of India:

a) Public Visit – First visit after assumption of office as President treated as the Public Visit.

b) Official Visit – All visits will be treated as official visit.

President's visit to state capital is accorded ceremonial reception and send off. The following dignitaries and officers shall present on both the occasions of arrival /departure.

- 1) Governor.
- 2) Chief Minister.
- 3) Chief Secretary.
- 4) Director General & Inspector General of Police.
- 5) Secretary to Government (Political) GAD
- 6) Commissioner of Police
- 7) Joint Secretary to Government (GAD) and Director of Protocol.
- 8) The Collector & District Magistrate.
- 9) Senior most officers of Defence Services.
- 10) Commander, Andhra Sub Area.
- 11) Station Commandant, Indian Air Force Station.

► Non Officials:

- 1) Ex-Governors.
- 2) Ex-Chief Ministers.
- 3) Honorary personal staff of the President at State Capital.
- 4) The Members of the Press.

On Alighting the Governor receives the President and introduces to the Chief Minister, Minister in waiting, the Mayor and the other officers present.

### Visit of Vice-President of India:

Arrangements will be generally same as in the case of visit of President.

### Visit of Prime Minister:

Arrangements will be generally same as in the case of visit of President except inviting Defence Services officers and the honorary personal staff of the President.

### Transit Halt of PM:

► CM can receive if he wishes or the PM desires CM to meet him or else an executive officer and one police officer may be deputed to render necessary assistance

Contd.../-

## **PROTOCOL: GENERAL INFORMATION**

### **Visit of Governors:**

▶ The Governor shall be received by the Collector and SP at the place of arrival and departure. The arrangements to be made for Governor's visit can be given by the Governor's secretariat. The expenditure for the visit can be bear by the State Government.

### **Visit of Chief Minister:**

▶ CM will be received by the District Collector and Superintendent of Police.

▶ They shall bear the camp and visit the CM.

▶ When they are unable the District Collector and SP may not receive CM but explain the position to CM and can depute any senior most officer to receive the visiting the CM. Visit of other Ministers:

▶ The above instructions generally will apply to the first visit of all ministers.

▶ The Revenue Divisional Officer should normally attend to the protocol work within his jurisdiction in all other cases.

▶ Be in contact with the PA/PS of the Ministers.

▶ Where civil receptions organised in honor of the visiting ministers, the collector and other district officers shall attend when they are in the HQ.

▶ When minister visits his own district at frequent intervals the district officer concerned need not receive him after his first visit unless specifically asked to by the minister.

### **The arrangements to be made during the visit of CM:**

▶ The visit of the CM shall be informed to all the elected representatives of the district along with the copy of programme.

▶ During inauguration or laying of foundation stones, the names on the plaque have to be carved in the order of presidencies and protocol.

▶ The names must be spell properly.

▶ The barricading has to be made at the place of inauguration or laying foundation stones.

▶ In case CM is coming in helicopter, the helipad has to be selected as far as practicable nearer to the site.

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## PROTOCOL: GENERAL INFORMATION

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- ▶ The Coordinates have to be communicated by using GPS as well as manual method with the help of topo-sheet.
- ▶ The Bushes around the helipad shall be cleared up to 10 meters and on either side of the roads on which VVIP is traveling.
- ▶ The Gangmen shall be placed on patrolling duty and near important bridges, culverts for detecting any sabotages.
- ▶ The helipad preparation is the responsibility of R&B Department.
- ▶ The helipad has to be dampened before landing to avoid rising of dust while landing and taking out.
- ▶ There must be one VVIP tent with temporarily toilet fixed with western commode and a tent shall also be erected for the visiting officials and non officials.
- ▶ One Stationary fire tender shall be placed at helipad.
- ▶ One Medical Officer shall be suitably instructed to keep the team of doctors and medical theatre in preparedness, medicines, blood of required group, oxygen cylinders.
- ▶ Necessary check up of the bouquets have to got checked up by the security.
- ▶ In every Convoy there must be one ambulance.
- ▶ The convoy has to conduct rehearsal one day in advance.

- ▶ At the tent there must be protocol team shall be placed to attend the courtesies to the VVIP.
- ▶ Transport Department shall keep one Motor Vehicle Inspector in that convoy to inspect the vehicles in case of necessary.
- ▶ Dias shall be arranged so that the visiting VVIP shall be visible to all the public.
- ▶ The Public address system has to be arranged by Radio Engineer from the Public Relations Department.
- ▶ One mobile public address system shall be kept ready as a stand by.
- ▶ There must be generators for meeting in any emergency of power failure.
- ▶ Inviting dignitaries to the dias shall be strictly as per the protocol.
- ▶ Fans/Air coolers shall be provided on the dias during summer and leak proof tent has to be erected during rainy season
- ▶ Four sets of newspapers shall be placed.
- ▶ Necessary security arrangement shall be made.
- ▶ Required food arrangements shall be made
- ▶ Arrange New soap, Fresh Towels, Tissue Paper, Water supply, Functioning of taps etc.,

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## PROTOCOL: GENERAL INFORMATION

### Camp Office:

- ▶ Arrange cots with neat bed sheets, toilets have to be checked up by the Tahasildar/RDO to ensure the correctness.
- ▶ Brand new bathing soaps, neat and new towels shall be placed.
- ▶ Mosquito repellents shall be arranged.
- ▶ Arrange TV with remote facility.
- ▶ Keep one good condition radio/transistor.
- ▶ Keep first aid kit.
- ▶ Arrange Telephone with STD facility.

### ASL: Advance Security Liaison

- The Collector, SP and other officers to visit and finalize the location of helipad and the route for the visit of VVIPs who are in 'Z' category protection in advance and to submit the report to the Government about the safety of route.

In any function the order of protocol of persons present would be as follows: -

- Governor
- Chief Minister
- Cabinet Ministers of the Union of India
- Minister of State for the Union of India
- Chairman, Legislative Council
- Speaker of Legislative Assembly
- (a) Leader of Opposition, Legislative Council
- Leader of Opposition, Legislative Assembly
- Ministers In charge of the District
- Ministers (Cabinet Rank) / Chairman, Regional Planning & Dev. Board
- Dy. Ministers of Union of India
- Ex-Chief Minister
- Ex. Governors
- Ministers (State)
- Deputy Speaker, Legislative Assembly
- Government Chief Whip
- Government Whips
- Mayor/ Chairperson Z.P. / Mayor of Corporations
- M.Ps. • M.L.Cs. • M.L.As.
- Chairperson, Municipal Council, Vice-Chairperson, Zilla Parishad / Deputy Mayor / Chairperson of Standing Committee of Municipal Corporation / Municipal Council.
- President, Mandal Praja Parishad
- Member, ZPTC
- Member, MPTC / Ward Councilor / Corporator
- Sarpanch
- Donors and Non-Government Organizations

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## PROTOCOL: GENERAL INFORMATION

### Role Of Non-officials At Functions

- Generally Chairman (LC), Speaker, Leader of Opposition (LC), Ministers, Chairman, Regional Planning & Development Board, Dy. Speaker, Govt., Chief Whip, Govt. Whips, MPs, MLCs, MLAs, ZPP Chairpersons will be the Chief Guests / Guests of Honour.
- In case of funds from Government, the MLA will generally preside over the function; in the absence of Minister, MLA will generally be the Chief Guest.
- Where the funds are exclusively of the local bodies, the Mayor / Chairperson / Sarpanch would generally preside.
- Generally, all local elected representatives eg. Deputy Mayor, Chairpersons of Standing Committees, Municipal Corporation / Municipal Council, Deputy Chairperson, Vice President of MPP, ZPTC / Member, MPTC, Corporator & Councillor etc., must be invited to all important functions.
- Donors & Non-Govt. Organizations who have contributed to the function may be made special invitees / guest of honour.

### Order Of Names In The Invitation:

1. Chief Guest
2. Guest of Honour
3. President of Function
4. Other non-officials who grace the function

Courtesies to be observed by the officers in their dealings with the Ministers / MLAs / MLCs Memo No.303/Ser-c-91-1, dt:27-08-1991 & 404/PoIII.A(2)/2001-3, dt:31-05-2001.

### Seeking Information

- When a request for information is received from MP/MLA/MLC on details of administration or any other factual information, the officer should immediately acknowledge it in a letter and tell the member that a reply would be sent shortly and accordingly send it as soon as possible.

### Telephone Calls

- Whenever the MLAs telephone to the officer concerned, should immediately come into contact with Legislator and attend to him. If the officer concerned is not available the officer must record the phone call and whenever the officer is available he should immediately call back the MLA

Contd.../-

## PROTOCOL: GENERAL INFORMATION

### Interview With Officers

- When a MP/MLA/MLC comes to see the officer an officer should raise from his seat to receive the member and to see him off.
- For purposes of interview, MP/MLA/MLC should be given preference over other visitors, and in very rare cases where an officer is unable to see a MP/MLA/MLC at a time about which he had no previous notice, the position should be politely explained to the Member and another appointment fixed in consultation with him.
- Where for unavoidable reasons, which should not arise, the officers are unable to grant interviews to MP/MLA/MLC during office hours even though it be beyond the hours fixed for interview, they should be so intimated politely only at the instance of interviewing officers and not by the stenos or Receptionists or their own accord.

### Public Functions

#### Intimation Of Arrangement Of Seats

- At public functions, seats befitting their position should be reserved for MP/MLA/MLC. Where any such function is presided over by an officer, MP/MLA/MLC present should be given seats on the dais.

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## EVIDENCE ACT: ADMISSION/CONFESSION

### SECTION 31:

#### ADMISSIONS NOT CONCLUSIVE PROOF, BUT MAY ESTOPPELS

Admissions are not conclusive proof but are only prima facie proof. They operate as estoppels. Hence, they are weak evidence and should be corroborated.

#### Sahoo v. State of UP:

The Supreme Court laid down a two-fold test to determine the validity of an admission:

1. Whether such confession is perfectly voluntary.
2. If so, whether it is true and trustworthy.

### CONFESSIONS (SECTIONS 24 TO 30)

- Definition of admissions applies to confessions too.
- Confession- A statement made by a person charged with a crime suggesting an inference as to fact in issue or relevant fact. Such inference should suggest his guilt.
- Confession should be free and voluntary. Admissible if made with a desire to make reparation.

#### State (NCT of Delhi) v. Navjot Sandhu (SC - 2005):

Confessions are considered to be highly reliable because no rational person would make it unless prompted by his conscience to tell the truth.

#### Palvinder Kaur v. State of Punjab (1952 - SC):

A statement which has both incriminating and exculpatory elements is not a valid confession. The court cannot pick incriminating part and exclude exculpatory part.

#### Rahim Beg v. State of UP (1973 - SC):

An extra-judicial confession must stand the test of reproduction of exact words, reason, and motive. The identity of the person to whom it is made should be clear.

### Irrelevant Confessions

#### Section 24:

*Confession Caused By Inducement, Threat, Or Promise, When Irrelevant In Criminal Proceeding*

Contd../

## EVIDENCE ACT: ADMISSION/CONFESSION

Confession is not relevant when:

- ❖ It is made to a person in authority;
- ❖ Caused or obtained by reason of any inducement, threat, or promise proceeding from such person;
- ❖ Such inducement, threat, or promise must have reference to the charge against the accused;
- ❖ The accused believed or supposed that he would gain any advantage or avoid any evil
- ❖ can't you be a man and admit it? - inducement

### **Pyare Lal v. State of Rajasthan (1963 – SC):**

*Strict proof of inducement, threat, or promise is not needed. As long as it appears to the court that any of these elements may be present, the court should refuse to accept the admission. Courts should err on the side of caution.*

- ❖ Even a private person can, in circumstances like an employer, etc, be a person in authority over the employee but a purely private person, generally, cannot be regarded as a person in authority.
- ❖ The mind of the accused is the key consideration
- ❖ Illustration- Tell me & I will be favorable to you or it will be worse for you/ why can't you be a man and admit it? - inducement.

### **SECTION 25:**

#### **CONFESSION TO POLICE OFFICER NOT TO BE PROVED**

No confession made to a police officer shall be proved as against a person accused of any offence.

Section 25 is applicable even when the person is a secret agent of the police deputed for the very purpose of receiving a confession. Such confession will be inadmissible.

### **Queen Empress v. Babu Lal (1884):**

*The ambit of the section is wide enough to cover both statements made during the investigation or even before.*

### **Sita Ram v. State (1966 – SC):**

*A letter found by the police next to the dead body placed when no police is present is valid confession.*

### **Confessional FIR:**

Only that part of a confessional FIR is admissible which does not amount to confession or which comes under section 27.

Non-confessional part can be taken under section 8 as conduct.

Contd.../-



## EVIDENCE ACT: ADMISSION/CONFESSION

### *Aghnoo Nagesia v. State of Bihar:*

Confessional FIR will be hit by Section 25. However, statements other than confession will be relevant as 'conduct' under Section 8.

### SECTION 26:

#### CONFESSION BY THE ACCUSED WHILE IN CUSTODY OF POLICE NOT TO BE PROVED AGAINST HIM

❖ It states that a confession made in the custody of a police officer (except in the immediate presence of a Magistrate) cannot be proved against an accused.

❖ The magistrate does not include the head of the village discharging magisterial functions. (Explanation)

'Custody' is not strictly legal. Even surveillance of the police in custody. It does not differentiate between lawful and unlawful custody.

Section 26 applies when a person in police custody is in conversation with any person other than a police officer and confesses his guilt. Ex: accused in police custody conversing with media persons.

### *State (NCT of Delhi) v. Navjot Sandhu (2005 - SC):*

Statements made to the press in the presence of police are not admissible.

### SECTION 27:

#### HOW MUCH OF INFORMATION RECEIVED FROM THE ACCUSED MAY BE PROVED

- ❖ When any fact is deposed as to be discovered
- ❖ As a consequence of information received from an accused
- ❖ In the custody of a police officer
- ❖ So much of such information as it relates distinctly to the facts discovered may be proved.

### *Pakala Narayana Swami v. Emperor:*

Section 27 is an exception to Section 26. It can be invoked only when statements result in a discovery of a fact.

### *Pulukuri Kottaya v. Emperor:*

The accused said to the police, "I beat the deceased to death and hid the spear in the rick of my village." If the spear is found, only the second part of the statement is relevant.

### *Mohd. Inayatullah v. State of Maharashtra:*

The Supreme Court held:

There must be a discovery of a fact. Such discovery must be deposed to. Hence, the object should be found. Accused must be in the police custody at the time of receipt of the fact. Only so much information as relates to the discovery is admissible.

## EVIDENCE ACT: ADMISSION/CONFESSION

### ***State of Maharashtra v. Suresh:***

*When the object is discovered and the accused does not show how he had such information, the court may presume that he placed it there himself*

### **Mukesh v. State (NCT Delhi)**

*Section 27 is an exception to section 24, 25 and 26. It serves in the investigation process once recovery is proved by the prosecution. Burden of proof to rebut the same is very strict on defence.*

### ***State of Bombay v. Kathi Kalu***

*Section 27 was constitutionally challenged. It was contended that it violates Article 20(3).*

*Court upheld its constitutional validity and held that the discovery is not self-incriminatory if it is not given under any threat. Also, drafters of constitution were aware that section 27 IEA exists and even after enactment of the constitution they chose not to repeal it.*

### **SECTION 28:**

**CONFESSION MADE AFTER REMOVAL OF IMPRESSION CAUSED BY INDUCEMENT, THREAT, OR PROMISE RELEVANT**

If such a confession as is referred to in section 24 is made after the impression caused by any such inducement, threat or promise has, in the opinion of the Court, been fully removed, it is relevant.

### **SECTION 29:**

**CONFESSION OTHERWISE RELEVANT NOT TO BECOME IRRELEVANT BECAUSE OF PROMISE OF SECRECY, ETC**

Any confession which is otherwise relevant does not become irrelevant merely because it was made:

- ❖ Under a promise of secrecy
- ❖ In consequence of a deception practiced on an accused.
- ❖ When the accused was drunk.
- ❖ In answer to the question, he need not have answered.
- ❖ When the accused was not warned that he was not bound to make a such confession.

**Contd../-**

## EVIDENCE ACT: ADMISSION/CONFESSION

### SECTION 30:

#### CONFESSION BY CO-ACCUSED

- ❖ When more than 1 person is being jointly tried for the same offence
- ❖ A confession is made by any of them affecting himself and other co-accused and is proved.
- ❖ Such confession may be relevant against the maker as well as other co-accused.

Section 30 says nothing about the evidentiary value of the confession of a co-accused, leaving it to the court's discretion.

Confession of a co-accused cannot be sole basis of conviction. It is a weak evidence. Even weaker than evidence of approver.

### EVIDENTIARY VALUE OF A CONFESSION:

#### ***Kashmira Singh v. State of MP***

*The appellant was convicted solely on the basis of confession of his co-accused. Supreme Court held that a man cannot be deprived of his life and personal liberty only on the basis of an uncorroborated confession of his co-accused. In case of acquittal of confessing co-accused, the confession does not cease to be admissible against others.*

#### Retracted Confession:

Person having recorded a confession which is relevant goes back upon it, saying either he never confessed or he wrongly did.

#### **Pyare Lal v. State of Rajasthan:**

*A conviction can be based on retracted evidence only after general corroboration from independent evidence.*

#### Judicial Confession:

- ❖ Recorded by a Magistrate under section 164 CrPC.
- ❖ Section 80 IEA- a confession recorded by a Magistrate according to law shall be presumed to be genuine.
- ❖ A conviction can be based if proven to be voluntary and true.

#### Extra Judicial Confession:

- ❖ Weak evidence
- ❖ Can be relied upon only if clear, consistent, and convincing
- ❖ Evidence is required to corroborate. It should be voluntary and truthful.

## EVIDENCE ACT: ADMISSION/CONFESSION

ADMISSION	CONFESSION
Used in both civil and criminal proceedings.	Relevant only in criminal proceedings.
More comprehensive. Every confession is an admission.	More specific. Not every admission is a confession.
Generally, a statement against one's interests. However, exceptions to Sec. 21 allow some statements in favor of the maker.	Involve admission of guilt. Hence, always against the maker.
Relevant irrespective of to whom it is made including police, or under inducement or threat.	Not relevant when made to police or under inducement, threat, or promise. Hence, it should be free and voluntary.
May proceed from a non-party to the matter.	Always proceeds from the accused.
Admissions by co-defendants are not admissible against each other	Confessions by co-accused are relevant against other co-accused.
Not conclusive proof but may estop (section 31)	Substantial evidence is voluntary and truthful



## EVIDENCE ACT:

## EXAMINATION OF WITNESS

**Section 132:** Witness not excused from answering on ground that answer will incriminate. However, he shall not be subjected to arrest or prosecution based on his answer, except for prosecution for giving false evidence.

**Section 134:** No particular number of witnesses shall be required for the proof of any fact.

**Chacko v. State of Kerala (2004 – SC):**

One credible witness outweighs the testimony of other witnesses. Quality, and not quantity, of evidence matters. Evidence is weighed, not counted.

### **Section 135:**

The order of witness production shall be regulated by civil or criminal procedure. In the absence of such a law, it will be the discretion of the court.

Generally, when one witness is being examined, other witnesses should not be present. If present, a note to that effect should be made in the record.

### **Section 136:**

When a party proposes to give evidence of any fact, the judge may ask in what manner such fact may be relevant.

### **Section 137:**

#### **DEFINES**

- ❖ Examination-in-Chief: Examination of a witness by the party who calls him.
- ❖ Cross-Examination: Examination by the adverse party. This is a must.
- ❖ Re-Examination: Examination again by the party which calls the witness.

## EVIDENCE ACT:

### EXAMINATION OF WITNESS

#### Section 138:

#### ORDER OF EXAMINATION

Examination-in-Chief → Cross-Examination → Re-Examination

#### Section 139:

A person summoned to produce a document need not be a witness merely by such production. He cannot be cross-examined unless and until he is called as a witness.

#### Section 140:

#### WITNESSES TO CHARACTER MAY BE CROSSED AND RE-EXAMINED

#### Pointers on Examination:

- ❖ Cross-examination can extend to all relevant facts, whether touched in chief or not.
- ❖ A witness can be subject to cross only after the chief. Hence, cross follows chief. However, if a witness is not available for a cross, his chief may not have value.
- ❖ When there is no cross on a point touched in chief, it leads to an inference that the statement is accepted as truth.
- ❖ Co-defendants can be crossed by each other when their interests are adverse.
- ❖ If re-examination introduces a new matter, there can be a crossover.

#### Section 141:

‘Leading questions’ are questions suggesting the answer which the person asking expects.

## EVIDENCE ACT:

### EXAMINATION OF WITNESS

#### **Section 142:**

Leading questions should not be asked in chief or re-examination, except with the permission of the court. The other party may object to such questions. However, the court shall permit them if they are:

- ❖ Introductory;
- ❖ Undisputed;
- ❖ Sufficiently proved matters;

#### **Section 143:**

Leading questions may be asked in cross-examination.

#### **Section 144:**

When a witness gives evidence as to a matter in writing, the opposite party may object to it until:

Original document is produced; or

- ❖ Party producing is entitled to give secondary evidence;

#### **Section 145:**

A witness may be contradicted against any statement he made earlier.

#### **Section 146:**

A witness can be asked all questions on relevant facts including:

- ❖ To test his veracity;
- ❖ To discover who he is and his position in life;
- ❖ To shake his credit by injuring his character even if it incriminates him;

## EVIDENCE ACT:

### CROSS-EXAMINATION

#### **Section 147:**

During cross-examination, a witness should answer even if it may incriminate him. If he does not, then his testimony will lose value.

#### **Section 148:**

When a question not relevant to the facts, but only to shake the credit of the witness by exposing his character, is asked, then the court may or may not require the witness to answer. The court may also warn the witness that he is not bound to answer.

#### **Section 149:**

A question carrying an imputation to a witness shall not be asked unless there are reasonable grounds. The court may even report the Advocate asking such question to the High Court or any professional body such as BCI. (Section 150)

#### **Section 151:**

The court can prevent indecent and scandalous questions from being asked.

#### **Section 152:**

Questions to insult or annoy witnesses can be prevented by the court.

#### **Section 153:**

If a witness has answered a question as to his credit, no evidence can be given to contradict his answer. However, if his answer is false, he can be prosecuted later under Section 193 of IPC for perjury. Exceptions to this rule are:

- ❖ Previous Conviction- When the witness denies a previous conviction of a crime, such previous conviction can be proved.
- ❖ Impartiality-When witness is asked a question to impeach his impartiality and he answers by denying the facts suggested, he may be contradicted. (Ulterior motive can be proved)

If the fact asked has a direct bearing on the issue, it can be contradicted by independent evidence.

Illustration- A, a witness testifying against B, is asked whether his family has had a prolonged dispute with the family of B. He denies it. He may be contradicted as such question tends to impeach his impartiality.



## EVIDENCE ACT:

### HOSTILE WITNESS

#### Section 154:

The court may allow a party calling a witness to put him questions that could be asked in a cross by the adverse party. This means that questions can be asked on:

- ❖ Leading questions can be asked under Section 143;
- ❖ Questions on previous written statements under Section 145;
- ❖ Questions to test veracity or shake credit under Section 146;

A witness gained by the opposite party is called a hostile witness. However, a witness is not hostile:

- ❖ Simply because his testimony does not support the party calling him;
- ❖ When he is not produced out of the fear that he might disfavor the party;
- ❖ Merely because he gives inconsistent answers;

#### *State of Bihar v. Laloo Prasad (2002 – SC):*

The party may seek court's permission to declare a witness hostile at any stage of the trial. However, the court has the discretion to grant it or not. Alternatively, the party may simply not rely on the evidence of such witness and ignore it, although the court may still consider it



## Digital DNA: The Role of Hash Value in Wildlife Criminal Justice System

**Introduction:** In modern digital era, everyone who is part of digital ecosystem leaves digital footprints of their activities on various digital platforms. The same holds true for the wildlife criminals also.

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They are using digital gadgets & internet to commit wildlife crimes. In the process, they also leave digital footprints of their criminal activities which can be used by wildlife law enforcement agencies as digital evidence against wildlife criminals in the court of law during trial to secure their conviction.



These digital evidences may be admissible in the court of law only when their integrity and authenticity is unquestionable. Wildlife crime investigators can use hash value to prove the integrity and authenticity of the digital evidences in the court of law.

**What is Hash Value:** A hash value is a **fixed-length alphanumeric string** that is generated using a mathematical algorithm like SHA-256 or MD5. This cryptographic output can be termed as a unique digital fingerprint for a given set of digital data. Two different sets of digital data can not have same hash value. **In some ways the hash value of a digital file can be likened with human DNA.** Just as every human being has a unique sequence of DNA, every digital file has also unique hash value. DNA is used to identify the individual and hash value is used to verify the authenticity of digital files and to check if any tampering has been done. Both DNA & Hash Value are used in the court as evidence by the prosecutors against the criminals including wildlife traffickers.

### **Calculating Hash Value of Digital**

**Files:** Hash Value can be calculated for all types of files i.e. text file, word file, audio, video, pdf, ppt etc. Even a Folder containing several types of files or media storage of a digital device containing huge amount of digital data can also be selected for calculation of Hash Value. Digital Forensics Laboratories use various forensic tools like Cellibrite UFED to calculate the Hash Value of digital data contained in digital device using various **cryptographic algorithms**. There are also many open source Hash Value calculation tools available such as

**HashCalc**(<https://www.slavasoft.com/hashcalc/>), **QuickHash** (<https://www.quickhashgui.org/>), **HashMyFiles** ([https://www.nirsoft.net/utils/hash\\_my\\_files.html](https://www.nirsoft.net/utils/hash_my_files.html)) etc.

**Following is the example of calculation of Hash Value of several types of files using 'HashMyFiles' tool. This tool shows the Hash Value of a file using different cryptographic algorithms such as MD5, SHA1, CRC32, SHA-256, SHA-512 etc.**

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Filename	MD5	SHA1	CRC32	SHA-256	SHA-512
TEST FILE.docx	99f3642b80bd49d30dc8f82207e12...	da8567c85da56fed9c9e0f225c7f6...	9c425f08	cf1a5a1d72a52eb6bb0527d694b...	3ecbee7e
OVERVIEW OF WILDLIF...	a1a5dbdbbefe8cbe28f7144c6d9639...	4b860625d498f54dd625429cd8df...	59d7a832	5f772a0c0eac25089eefde23f2555...	3b729da91
CITES.pdf	b3d8d02c19eca7f703c92195e1a439...	f94266cadc2c9967160661e6bb...	6ca7c94b	4730ffa1e987533b7b12919bf33e...	7980383d8
FATF MONEY LAUNDER...	e61b1d771a4a67f303e7ecce1e1a22f3	1ebe69091ea95d871379ac59df7...	64250122	c7d54e4fa539ff1d9f201b97b4e19...	3d6a53108

If any alteration (addition or deletion) is done in any digital file, its hash value will change completely. Let me show it by calculating the hash value of same doc file i.e. TEST File.docx twice: once in its original form and then after adding just one additional comma (,) in this file. Let's see how two different hash value of same file is generated:

Filename	SHA-256
TEST FILE.docx	cf1a5a1d72a52eb6bb0527d694b181282e1d8144bc9d9af3c217de1007f21177
TEST FILE2.docx	fe4aa9dfe09e604d8a6453be01dc729bc85e3b35b07e957c4828e6062cf72c1b

As is evident from the above that even a miniscule alteration in the file changes its hash value.

### Significance of Hash Value in Wildlife Law Enforcement:

- Through hash value, wildlife crime investigator can ensure the **integrity of digital evidences** gathered during the investigation against the accused. Whenever the investigating officer obtains some digital file of evidentiary value, he should calculate the hash value and record it in the seizing documents in the presence of eye-witnesses. **If the integrity and authenticity of that digital evidence is ever questioned by the defence counsel in the court of law accusing wildlife law enforcement officials of planting those incriminating evidences in the seized device at later stage to frame his client, it's hash value can be recalculated and can be compared with the original one.** If both hash value match, it shows that no tampering with the evidence has been done and that evidence will be admissible in the court leading to conviction of the wildlife crime accused.
- Maintaining **Chain of Custody** is also very crucial in wildlife crime investigation. Hash Value can play instrumental role in it. Each time the seized digital devices change hands, their hash value can be recomputed and recorded to create an unbroken trail that shows who had access to the evidence and when. It also ensures the accountability on the part of the official under whose custody the evidence was there. If any tampering is done at any stage, that can easily be attributed to the individual official and responsibility can be fixed. **This not only strengthens the credibility of digital evidence presented in the court but also uphold the integrity of the entire wildlife crime investigative process itself.**

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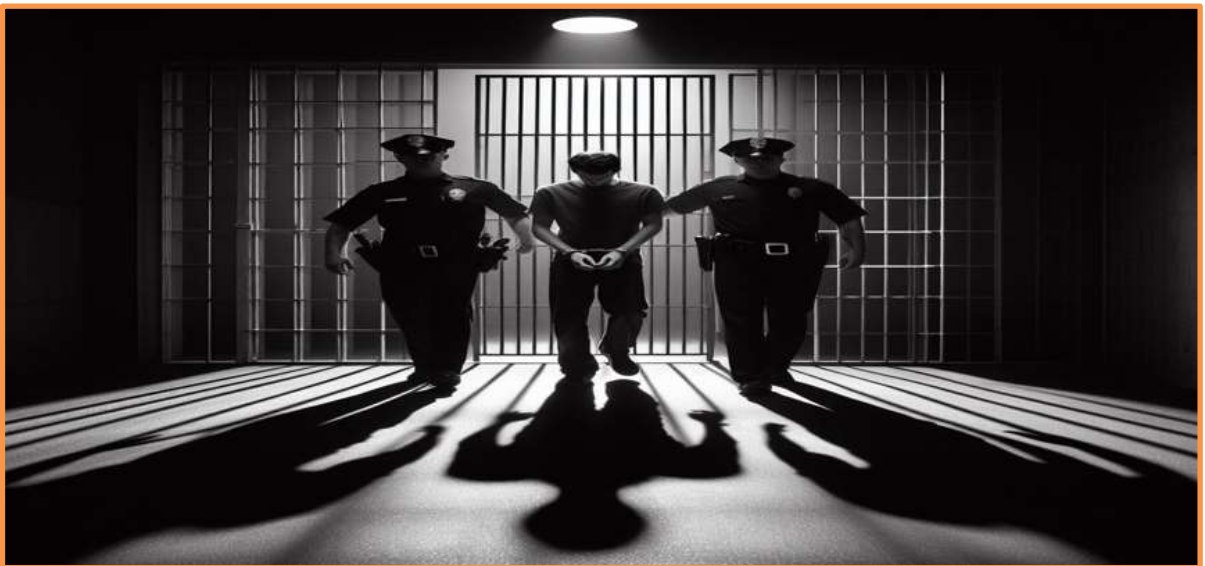


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## Digital DNA: The Role of Hash Value in Wildlife Criminal Justice System

- Hashing of digital evidences can also ensure that **data is not tampered during digital transmission** to other stakeholders of wildlife criminal justice ecosystem such as defence lawyer, prosecutorial officers, judicial officers etc. Before sending sensitive information to other agencies or experts, it can be hashed. Upon receiving of information, the recipient can again hash it to see if any tampering has taken place during transmission or it is the original one by matching the two hash values
- **Hashing can also identify duplicate or similar files.** In wildlife law enforcement, this may be important to establish connections between suspects of wildlife poaching or illegal wildlife trade. Identifying similar or duplicate files may also help in **efficient data management** by wildlife crime investigators. By comparing hash values duplicate files can easily be identified and removed streamlining the investigative process and conserving the valuable resources.



**Conclusion:** Hash Value or Cryptographic Fingerprints of digital evidences provide a robust mechanism to establish the authenticity and integrity of the digital evidences in ever-evolving landscape of wildlife law enforcement. It will not be an exaggeration to call Hash Value a formidable ally of wildlife crime investigator in ensuring that case against the wildlife criminals are proven beyond any reasonable doubt in the court of law during the trial and wildlife criminals are convicted for their crimes.

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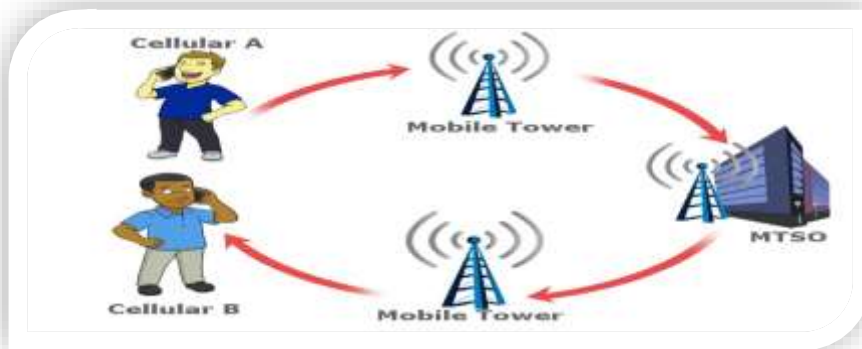
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## Tower Dumps: Tracking Wildlife Criminals

In a rapidly changing world, where technological advancements are enhancing the capabilities of wildlife criminal networks for committing poaching & illegal trade of protected wildlife species and making huge profits at the cost of biodiversity; traditional wildlife law enforcement needs to be equipped with innovative technological solutions to stay ahead of the criminals. Tower Dumps can be of immense help for law enforcement officials in their endeavour towards fighting the menace of wildlife crimes.



A 'Tower Dump' refers to the large volume of mobile phone data from a specific geographical area for a specific time period collected by the law enforcement agencies from respective telecom service providers operating in that particular area in pursuance of the investigation of a crime. When a mobile phone is active, it communicates with the nearby cell towers for maintaining the connection to the network. The cell tower keeps a record of all the phones which are connected to it at any particular time. By obtaining and analyzing these records or Tower Dumps collected from one or more cell towers for a specific time period, law enforcement officials can gather information about the presence and movements of all mobile devices in that particular area at a given time period and zero in on the suspects of the crimes being investigated by them.



Unlike crime against the humans and properties, the victims of wildlife crimes i.e. flora & fauna are voiceless. Neither the victims nor other wildlife who must have witnessed the crime being perpetrated can lodge a criminal complaint with the wildlife enforcement agencies against the wildlife criminals nor they can testify against the perpetrators in the court of law to secure their conviction. Most of the time wildlife crimes are committed inside the forests or other aquatic/marine protected areas which makes the job of wildlife law enforcement officials undoubtedly very challenging as it is very difficult to find eye-witnesses who can assist the enforcement officials in their investigation and in bringing the criminals to justice.

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## Tower Dumps: Tracking Wildlife Criminals

In such scenarios **Tower Dumps** may prove to be the best investigative ally for **wildlife enforcement officers** to start their investigation and connect the missing dots leading to **busting of the entire supply chain & wider wildlife criminal syndicates**. Inside and in the vicinity of the protected areas where a wildlife crime has been committed, the number of active cell phones would always be very less and this may help the investigators in tracking down the individuals who were present near the crime scene when the crime was committed. Once the Tower Dumps have been obtained, the same may be analysed by the investigators who may then filter the suspected phone numbers through elimination technique. Then CAF (Customer Application Forms), CDR (Call Detail Records) of those suspected phone numbers may be analysed by the investigators and checked in their historical wildlife crime data records to find if any of them has earlier been found involved in the wildlife crimes inter alia looking for other red flags.



**This is also to be remembered that Tower Dumps can only be a corroborative evidence to link the suspect with the wildlife crime. It can not become a sole irrefutable evidence against the suspect.** It has to be corroborated with other evidences like recovery of wildlife contrabands & tools/weapons/poison etc. used for committing wildlife crimes from the suspect or the evidences of sale of wildlife contrabands by the suspect to the buyer. Such evidences can be gathered by the investigator through digital forensics of the digital gadgets of the suspects, through email forensics, through financial investigation & OSINT Techniques etc. **Once corroborated with other independent evidences, Tower Dumps will be a crucial evidence to prove the case beyond any reasonable doubt against the suspect in the court of law to secure his conviction as this evidence is neutral in nature, never goes hostile and can not be accused by the defence lawyer of being inimical to his client as can be alleged in case of an eye witness.**

If preserved properly, Tower Dumps can be presented in the court of law as evidence even after long period. It is very important for wildlife criminal justice systems in the third world countries where it takes very long for the trial to start and complete in the court of law which results in either non-traceability of the eye witnesses or eye witnesses going hostile as they feel harassed due to long & cumbersome trial of the case. **As the human memory gets contaminated with each passing day, delayed trial results in many contradictions in the testimony of the eye witnesses raising doubt, the benefit of which always goes in the favour of the accused.**



Tower Dumps can also play crucial role in identifying the prospective poachers/illegal wildlife traders, hot spots for poaching/illegal wildlife trade, routes followed by the poachers/illegal wildlife traders etc. which may help in preventing further poachings/illegal wildlife trade by analyzing the loopholes in law enforcement ecosystem and plugging those loopholes. Tower Dumps can also help in identifying the pattern in the movement and behaviours of the poachers/illegal wildlife traders, identification of other players of wildlife criminal networks etc. **Such insights can empower the wildlife law enforcement agencies for taking well coordinated & targeted interventions and pro-active enforcement measures against the wildlife criminals.**

In a nutshell, wildlife law enforcement has to be future-ready. To win the battle against the wildlife criminal syndicates, innovative & technology-driven solutions like Tower Dumps are required. **However while using the Tower Dumps as an investigative tool, wildlife law enforcement officials must be well trained to strike balance between the individual privacy and law enforcement. Tower Dumps should always be used responsibly and strictly within the legal framework as provided under the relevant constitutional provisions & national legislations: for example, Article 21 of the Indian Constitution, relevant Sections of Information Technology Act & Indian Evidence Act in Indian Constitutional-Legal Ecosystem.**



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## Unleashing the Power of the 'Internet of Things' (IoT) in Wildlife Law Enforcement

With growing sophistication of organized wildlife crimes, wildlife law enforcement agencies need to be armed with cutting-edge technologies like the 'Internet of Things' (IoT) to stay ahead of the criminals. 'Internet of Things' is a network of interconnected devices, objects or systems that are embedded with software, sensors and network connectivity which allows them to collect, exchange and act upon those data, often without any human intervention.



By harnessing the capabilities of 'Internet of Things', wildlife law enforcement agencies can revolutionize their fight to counter the wildlife crimes. **For wildlife law enforcement, 'Internet of Things' can be leveraged in following ways to further strengthen the monitoring of wildlife, detection of threats and response by enforcement officials:**

- ❖ Law enforcement agencies can track the movement of protected wildlife species in real time by outfitting them with **GPS enabled collars** which sends signals to the centralized monitoring centre which is also connected with the regional monitoring centres & **GPS enabled patrolling vehicles**. Similarly **Geo-Fencing Technology** can be utilized by wildlife law enforcement to create **virtual boundaries** around the protected areas. This may generate alerts whenever any protected wildlife species crosses the predefined areas. Crossing the predefined protected areas makes them vulnerable to poaching. This may also lead to human-wildlife conflict and retaliatory killing of protected wildlife. After getting alerts, enforcement officials may take suitable action to bring the wildlife back to predefined areas and avert the poaching or human-wildlife conflict.
- ❖ Wildlife law enforcement agencies can place **IoT enabled cameras equipped with artificial intelligence, facial recognition system, motion sensors, thermal imaging** etc. on strategic locations inside and outside the wildlife protected areas. These smart cameras can automatically detect & capture images of suspected poachers, movement of wildlife and transmit the data in real time to the enforcement officials enabling them to take swift action to prevent poaching and other related activities.
- ❖ **Environmental Sensors** may also provide valuable insights to the wildlife law enforcement agencies about the wildlife habitats by monitoring **environmental parameters such as temperature, humidity, air quality** etc. that may help in identifying the changes which may be indicating of illegal logging, habitat destruction or poaching.

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## Unleashing the Power of the 'Internet of Things' (IoT) in Wildlife Law Enforcement

- ❖ **Drones equipped with IoT capabilities** can be leveraged by wildlife enforcement agencies for conducting aerial surveys, monitoring of large & remote areas, capturing of high resolution images & videos of suspected activities in and around protected wildlife habitats and sharing them in real time with nearest patrol team for taking timely decision and action.
- ❖ Wildlife law enforcement agencies can also deploy **IoT enabled Acoustic Sensors** with advanced algorithms to monitor and analyze different types of **sounds including distress calls of wildlife, gunshots, vehicle engines** etc. to detect potential threats and responding quickly to those threats



### Benefits of leveraging IoT for wildlife law enforcement can be summarized as follows:

- ❖ Continuous and real-time monitoring of wildlife habitat by IoT ecosystem enables law enforcement in timely detection of suspicious activities. It also **substantially reduce the response time and increases the likelihood of prevention of poaching and apprehending the poachers.**
- ❖ The data collected by various devices interconnected on IoT ecosystem can help wildlife enforcement officials in taking data-driven decisions. **This data-driven approach is crucial for allocation of resources, deployment of patrolling vehicles etc. for their effective & optimal utilization.**
- ❖ IoT ecosystem also provides solution to the problem of detrimental impact of unplanned manned patrolling on wildlife habitat as **it minimizes the need for regular physical presence which causes disturbances to wildlife and their habitat.**
- ❖ IoT based surveillance system also act as a **deterrent for potential poachers** as they know that wildlife protected areas are under constant monitoring and the probability of them getting caught by enforcement officials is very high due to real time data sharing by the devices connected on IoT with the strategically placed patrol teams.



However, IoT based ecosystem also poses challenges with regard to data privacy and security as they are vulnerable to hacking if proper security measures are not in place. Such hacking of IoT may prove disastrous for wildlife. Regular security audit & penetration testing, using Firewalls & Intrusion Detection Systems, encrypted communication between devices of IoT, using strong passwords & multi-factor authentication etc. are some of the measures needed to significantly reduce the risk of hacking of IoT based wildlife monitoring & surveillance system.

In a nutshell, integration of the IoT technology into wildlife law enforcement is a significant step forward in combating the menace of wildlife crimes. New innovations in artificial intelligence & machine learning are expected to further increase the analytical capabilities of IoT based system which will enable enforcement officials for more accurate detection of poaching & other threats to wildlife and enhance their response to those threats

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## \* Some Memorable Photographs \*





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