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Seizure to Financial Disruption: India's Legal Response to Illegal Ivory and Rhino-Horn Trafficking

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***Abstract*—The illegal trade in elephant ivory and rhinoceros horn is usually treated as a conservation problem focused on curbing poaching and seizing contraband. While India grants strict statutory protection to the Asian elephant and the greater one-horned rhinoceros under Schedule I of the Wild Life (Protection) Act, 1972 (reinforced by its 2022 Amendment and alignment with CITES), an enforcement model reliant on prohibition and seizures rarely dismantles the criminal networks running the trade. Low-level couriers are regularly prosecuted, yet the financiers, brokers, online vendors, and cross-border facilitators who profit from these supply chains frequently evade liability. Positioned simultaneously as a source, transit, and enforcement jurisdiction in South Asia, India must confront wildlife trafficking as a complex, transnational organised crime. Examining how wildlife legislation intersects with the Customs Act, 1962, the Prevention of Money Laundering Act (PMLA), and evidentiary rules governing electronic records, this study identifies critical gaps in forensic capacity, financial tracing, and coordination between central and state agencies. It argues that curbing the trade depends less on harsher statutory penalties and more on shifting enforcement from visible contraband to the concealed financial and digital structures driving it. The study concludes with an integrated enforcement framework built on financial intelligence, digital forensics, clear legal liability for online intermediaries, and stronger interagency coordination.**

***Index Terms*—CITES, elephant ivory, financial investigation, India, organised crime, Prevention of Money Laundering Act (PMLA), rhinoceros horn, Wild Life (Protection) Act 1972, wildlife trafficking**

I. INTRODUCTION

The illegal trafficking of rhinoceros horns and elephant ivory is often presented as a conservation issue: courts punish criminals, enforcement agencies seize contraband, and protected animals are poached. This notion is reflected in India's legal system, which is based mostly on prohibition and forbids hunting, trading in protected species and their derivatives, possession, transportation,

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and commercial exchange. However, the continued existence of rhino horn and ivory trafficking indicates that, despite its necessity, seizure-led enforcement is insufficient to undermine the mechanisms that enable such a lucrative trade. While low-level carriers may be detained, horns and tusks may be seized, and shipments may be intercepted, the financiers, brokers, transporters, internet vendors, and cross-border facilitators that support the trade frequently evade legal action. India occupies a unique position in this trafficking economy. It is home to the Asian elephant and the greater one-horned rhinoceros, both of which receive the highest degree of statutory protection under Schedule I of the Wild Life (Protection) Act, 1972.[1] India also functions as a source, transit, and enforcement jurisdiction within wider South Asian and global trafficking routes. Its legal framework is therefore not merely domestic: it intersects with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), customs law, anti-money-laundering law, cybercrime regulation, and cooperation with neighbouring states. Despite this apparently extensive framework, Indian enforcement continues to face frequent difficulties, including continuous institutional responsibility, limited forensic and financial-investigation capacity, irregular coordination between central and state agencies, and the challenge of converting seizures into prosecutions of higher-level participants.

This study argues that India's response to ivory and rhino-horn trafficking remains excessively dependent on a species-protection and seizure-centred model. The Wild Life (Protection) Amendment Act, 2022 strengthened India's statutory framework and improved alignment with CITES obligations.[2] However, the law still does not adequately address the organisational and financial architecture of wildlife trafficking. Contemporary trafficking networks operate through layered intermediaries, digital communication, informal payment mechanisms, and cross-border logistics. The central legal question, therefore, is no longer only whether India prohibits ivory and rhino-horn trade; it is whether Indian law and enforcement institutions can identify, disrupt, and prosecute the economic networks behind that trade.

The study divided in five parts. The next section talks about the nature of ivory and rhino-horn trafficking in India and explains why these commodities should be analysed as high-value, organised, and transnational criminal markets. The third section gives a overview of India's existing legal framework, including the Wild Life (Protection) Act, 1972 and its 2022 Amendment, the PMLA, the Customs Act of 1962, and the regulations pertaining to electronic evidence and investigations. With an emphasis on network responsibility, financial investigation, and online trafficking, the fourth segment looks at the main enforcement and evidential gaps. The last section provides suggestions for enhancements, an enforcement model, more robust digital evidence procedures, enhanced interagency cooperation, and more precise legal accountability for online facilitation.

In order to combat ivory and rhino horn trafficking, India does not primarily require harsher sanctions. It requires a more sophisticated enforcement architecture that incorporates financial, digital, and forensic data, considers wildlife crime as organised financial crime, and financial

[1] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), sch. I.
[2] The Wild Life (Protection) Amendment Act, 2022 (Act 18 of 2022).

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evidence, and shifts the enforcement focus from the visible object of trafficking to the invisible structures that profit from it.

II. IVORY AND RHINO-HORN TRAFFICKING IN INDIA: A NETWORKED CRIMINAL MARKET

Illegal trafficking in elephant ivory and rhinoceros horn should not be understood merely as a series of isolated acts of poaching or possession. It is better understood as a layered criminal market in which poaching, concealment, transport, brokerage, sale, and laundering of proceeds are performed by different actors, often across jurisdictions.

2.1. Elephant Ivory: Prohibition and Illicit Markets

India bans hunting of wild animals listed in Schedule I, which includes the Asian elephant, except in the limited circumstances permitted under sections 11 and 12 of the Wild Life (Protection) Act, 1972.[3] The Act also restricts dealings in trophies and animal articles, including ivory, through licensing and regulatory provisions.[4] The commercial trade in ivory has been progressively restricted, and the Delhi High Court upheld the constitutionality of the prohibition in M/s. Ivory Traders and Manufacturers Association v. Union of India, holding that no citizen possesses a fundamental right to trade in ivory or ivory articles.[5]

The legal difficulty, however, lies in distinguishing lawful legacy possession from unlawful commercial circulation. Ivory articles lawfully acquired before prohibition may continue to exist in private hands, while seized or inherited ivory may enter informal markets through misdeclaration, concealment, or fraudulent documentation. This creates a continuing evidentiary problem for enforcement agencies: they must establish not only that an article is ivory, but also that its possession, transfer, or sale falls outside the narrow lawful categories recognised by the statute. The risk of laundering ivory through claims of antiquity, inheritance, or pre-ban importation makes documentary verification and forensic identification central to any prosecution.

India's ivory problem is also shaped by its position within regional trafficking routes. Seizures and enforcement operations indicate that ivory moves through domestic and international networks involving states such as Uttar Pradesh, Karnataka, West Bengal, Rajasthan, Madhya Pradesh, and Assam.[6] These routes connect source areas, transit hubs, border regions, and external markets. Consequently, an ivory seizure in one state may represent only one node in a longer chain involving poachers, intermediaries, transporters, and overseas buyers.

2.2. Rhino Horn: Current trends

[3] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), ss. 9, 11, 12; sch. I.
[4] Id., s. 44
[5] M/s. Ivory Traders and Manufacturers Association v. Union of India, AIR 1997 Del 267.
[6] A. Choudhary, S. Gubbi, S. Badola, et al., "Current Wildlife Crime (Indian Scenario): Major Challenges and Prevention Approaches" 34 Biodiversity and Conservation (2023).

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The greater one-horned rhinoceros is similarly protected under Schedule I of the Wild Life (Protection) Act, 1972.[7] Assam, particularly the Kaziranga landscape, contains the largest share of India's rhinoceros population and has therefore been a principal site of rhino-poaching and horn-trafficking concerns. Research on Indian wildlife crime notes that Assam accounts for a considerable share of India's rhino population and has experienced repeated poaching incidents over the past two decades.[8]

Rhino horn trafficking is especially transnational in character. Earlier assessments found that horns originating in Assam often moved first through Nepal before reaching markets in China, while more recent enforcement information has also identified Myanmar as an important onward route.[9] This movement pattern illustrates why a purely domestic enforcement response is incomplete: the horn may be poached in Assam, moved through Nepal or Myanmar, and ultimately sold in destination markets outside India. Indian law may punish the poacher, possessor, or transporter within Indian territory, but the economic benefit is frequently realised by actors located beyond the jurisdiction in which the offence is detected.

The trafficking chain also demonstrates the limits of treating rhino-horn crime as a simple offence of possession. A poacher may kill or mutilate a rhinoceros; a local intermediary may collect and conceal the horn; a transporter may move it across state or national boundaries; a broker may negotiate with buyers; and a financier may advance money or launder proceeds. Each actor may handle only a limited part of the transaction, making it difficult for investigators to prove knowledge, conspiracy, or participation in a broader criminal enterprise. This fragmentation of roles is precisely what allows higher-level traffickers to distance themselves from the physical contraband.

2.3. The Trafficking Chain: From Poaching to Profit

Ivory and rhino-horn trafficking generally follows a sequence of linked activities: poaching or unlawful acquisition; local aggregation; concealment; transport; storage; brokerage; sale; payment; and laundering of proceeds. Wildlife-crime research in India identifies inter-state links, particularly between Assam and West Bengal, as evidence of organised trafficking networks rather than isolated local offences.[10] The same research records large seizures of ivory and rhino horn alongside other wildlife products, indicating that trafficking networks may deal in multiple high-value species and derivatives.[11]

This networked structure has three legal consequences. First, the offence may be committed by several persons in different places, requiring coordinated investigation across police, forest, customs, and border authorities. Second, the evidence may be dispersed across physical contraband, digital communications, financial transactions, transport records, and witness

[7] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), sch. I.
[8] Choudhary et al., supra note 9.
[9] International Union for Conservation of Nature and TRAFFIC, "African and Asian Rhinoceroses – Status, Conservation and Trade" (2022).
[10] Choudhary et al., supra note 9.
[11] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 38Z.

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testimony. Third, the most profitable actors may never come into direct contact with the seized item. A carrier may be arrested with a horn or tusk, while the person who financed the operation, arranged the buyer, or received the payment remains unidentified.

The Wildlife Crime Control Bureau (WCCB) has an important statutory role in addressing this problem. It is mandated to collect and disseminate intelligence relating to organised wildlife-crime activities and to coordinate action with state and other enforcement agencies.[12] Between 2014 and 2021, the WCCB reportedly conducted 717 joint operations, resulting in the arrest of 1,488 wildlife criminals and the profiling of 3,248 wildlife offenders.[13] These figures demonstrate institutional capacity, but they also highlight the scale of the challenge: joint operations and arrests do not necessarily translate into dismantling the financial and organisational structures of trafficking networks.

2.4. Why the Existing Framework Is Insufficient

The existing legal framework is strong in declaring conduct unlawful, but weaker in ensuring that enforcement reaches the upper levels of the trafficking chain. The Wild Life (Protection) Act prohibits hunting, regulates dealings in animal articles, empowers officers to search and seize, and penalises contraventions.[14] Yet these provisions are primarily directed at identifiable acts—hunting, possession, transport, sale, or dealing—rather than at the financial architecture of trafficking.

This creates a structural mismatch. Trafficking is organised, transnational, digitally facilitated, and profit-driven; the traditional wildlife offence is often localised, possession-based, and focused on the physical object. A seizure of ivory or rhino horn may remove contraband from circulation, but it does not necessarily remove the capital, contacts, logistics, or online marketplace through which the trade can resume. Unless investigators trace payments, communications, transport arrangements, and assets, enforcement remains reactive rather than preventive.

The problem is compounded by the evidentiary burden. To prosecute a trafficker above the level of physical possession, investigators must establish links between the seized item, the accused, communications, financial flows, and the broader criminal enterprise. This requires forensic identification of species and product, digital evidence from devices and platforms, financial records, and coordinated witness testimony. Without such integration, prosecutions may remain confined to carriers, couriers, or local possessors, while the principal beneficiaries of the trade avoid liability.

III. THE INDIAN LEGAL FRAMEWORK

[12] Choudhary et al., supra note 9.
[13] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), ss. 9, 39, 44, 50, 51.
[14] The Wild Life (Protection) Act, 1972 (Act 53 of 1972).

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India's legal response to ivory and rhino-horn trafficking is dispersed across several statutes. The Wild Life (Protection) Act, 1972 supplies the core species-protection and trade-prohibition framework; the Customs Act, 1962 governs smuggling at India's borders; the Prevention of Money Laundering Act, 2002 provides a route to financial investigation and asset confiscation; and the criminal-procedure and evidence statutes govern investigation, arrest, search, seizure, and electronic evidence. The 2022 Amendment further strengthened the wildlife framework by aligning domestic law more closely with CITES. Yet these laws operate through different agencies, procedures, and institutional logics. The principal weakness is not the absence of legal authority, but the lack of an integrated enforcement model capable of using that authority against organised trafficking networks.

3.1. The Wild Life (Protection) Act, 1972

The Wild Life (Protection) Act, 1972 is the foundational statute for the protection of wild animals, birds, and plants in India.[15] It prohibits the hunting of wild animals specified in Schedules I to IV, except where permitted under sections 11 and 12.[16] Both the Asian elephant and the greater one-horned rhinoceros are listed in Schedule I, thereby receiving the highest level of domestic protection.[17]

The Act also declares certain wild animals, animal articles, trophies, and uncured trophies to be government property.[18] This provision is significant for trafficking cases because ivory and rhino horn derived from protected animals are not treated merely as private commodities; once their unlawful origin is established, the State may claim ownership and initiate forfeiture. The Act further prohibits unlicensed dealings in trophies and animal articles.[19] In the context of ivory, this restriction is particularly important because it limits lawful commercial dealing and creates a presumption against unregulated trade in ivory articles.

The Act empowers authorised officers to enter, search, seize, and arrest in connection with wildlife offences.[20] These powers are essential for interdiction at markets, transport nodes, border areas, and premises where wildlife articles are stored. However, their effectiveness depends on intelligence, inter-agency coordination, forensic capacity, and the ability to connect a seizure to a wider trafficking network. A search-and-seizure power directed at the person in possession of contraband does not, by itself, provide a complete answer to organised trafficking.

The penal provision is contained in section 51, which prescribes imprisonment and fines for contraventions of the Act.[21] The severity of punishment has increased over time, and state-level amendments, particularly in Assam, have introduced enhanced penalties for rhino poaching.[22] Nevertheless, punishment remains largely offence-specific. It does not automatically produce a

[15] Id., ss. 9, 11, 12.
[16] Id., sch. I.
[17] Id., s. 39.
[18] Id., s. 44.
[19] Id., s. 50.
[20] Id., s. 51.
[21] Government of Assam, "Celebrating World Rhino Day" (Press Information Bureau, Sept. 22, 2024).
[22] The Wild Life (Protection) Amendment Act, 2022 (Act 18 of 2022).

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financial investigation into the proceeds generated by the offence, nor does it necessarily capture the organisers and financiers who may never physically handle the contraband.

3.2. The Wild Life (Protection) Amendment Act, 2022

The Wild Life (Protection) Amendment Act, 2022 modernised the 1972 framework and strengthened India's implementation of CITES.[23] It reduced the earlier schedule structure and introduced a new Schedule IV for species listed in the appendices to CITES.[24] It also inserted Chapter VB, titled "Regulation of International Trade in Specimens of Scheduled Species," comprising sections 49C to 49Q.[25]

Chapter VB establishes the institutional machinery for CITES implementation. It provides for the designation of a Management Authority and a Scientific Authority, regulates import and export of scheduled specimens, and prescribes conditions for trade in CITES-listed species.[26] The Management Authority is responsible for issuing permits and certificates, while the Scientific Authority advises on whether proposed trade is detrimental to the survival of the species.[27] This institutional design is relevant to ivory and rhino-horn trafficking because it creates a formal interface between domestic wildlife law and international trade controls.

The Amendment also introduced section 49M, which requires persons possessing living specimens of scheduled species to report and register them with the Management Authority.[28] Although this provision primarily concerns living specimens rather than ivory or rhino horn, it reflects a broader legislative shift towards documentation, traceability, and regulatory oversight. The same logic—registration, verification of lawful origin, and reporting of transfers—could be extended more rigorously to high-risk animal articles, including ivory and rhino horn, where provenance is often disputed.

The 2022 Amendment therefore strengthens India's formal compliance with CITES and improves the statutory basis for regulating international trade. Its limitation is that it remains primarily a trade-regulation framework. It does not, by itself, create a comprehensive mechanism for tracing proceeds of wildlife crime, compelling platform cooperation in online trafficking cases, or coordinating financial investigation after a major seizure.

3.3. The Customs Act, 1962 and Border Enforcement

Because ivory and rhino horn are frequently moved across borders, the Customs Act, 1962 is central to India's anti-trafficking framework. Customs authorities may intercept smuggled wildlife products, detain contraband, investigate import-export documentation, and coordinate

[23] Id.; see also Swetab Kumar v. Ministry of Environment, Forest and Climate Change, 2023 SCC OnLine SC 613.
[24] The Wild Life (Protection) Amendment Act, 2022 (Act 18 of 2022), ch. VB, ss. 49C–49Q.
[25] Id., ss. 49D–49F.
[26] Id., s. 49F.
[27] Id., s. 49M.
[28] The Customs Act, 1962 (Act 52 of 1962).

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with other enforcement agencies.[29] The Act is especially relevant where trafficking involves false declarations, misclassification of goods, concealment in cargo, or movement through airports, seaports, and land borders.

Customs enforcement is also important because trafficking networks often exploit legitimate trade channels. Wildlife products may be concealed among lawful commodities, mis declared as other materials, or moved through transhipment routes. In such cases, the evidentiary focus must extend beyond the physical contraband to shipping documents, manifests, cargo records, payment records, and communications between exporters, importers, brokers, and transporters.

However, customs law and wildlife law often operate through separate institutional processes. Customs may detect a smuggling attempt, while the Wildlife Crime Control Bureau, state forest departments, police, and the Enforcement Directorate may each have relevant information or jurisdiction. Unless these agencies share intelligence promptly and adopt common investigative protocols, a border seizure may result in confiscation without producing a full understanding of the trafficking chain.

3.4. The Prevention of Money Laundering Act, 2002

The Prevention of Money Laundering Act, 2002 (PMLA) is the principal Indian statute for investigating and confiscating proceeds of crime.[30] Its Schedule includes specified offences under the Wild Life (Protection) Act, 1972 as predicate offences, including offences relating to hunting, government property in wildlife, unlicensed dealings in trophies and animal articles, purchase of animals by licensees, and dealings in trophies or animal articles derived from scheduled animals.[31]

This scheduling is legally significant. It means that ivory and rhino-horn trafficking can, in appropriate cases, be investigated not only as a wildlife offence but also as a money-laundering offence. The Enforcement Directorate may examine the origin of funds, trace transfers, identify assets derived from criminal activity, and seek attachment or confiscation of proceeds of crime.[32]

The PMLA therefore offers India a powerful route from physical seizure to financial disruption. If a rhino horn is seized in Assam and traced to payments routed through intermediaries, the investigation need not stop at the carrier. It may extend to the person who financed the poaching operation, the broker who arranged the sale, and the recipient of the proceeds. Similarly, if ivory is moved through a trafficking network, financial records may reveal repeated payments, common beneficiaries, or links between seemingly unrelated seizures.

In practice, however, the PMLA is underused in wildlife-trafficking cases. Wildlife agencies often lack financial-investigation capacity, while financial agencies may not receive timely referrals from forest, police, or customs authorities. The result is that wildlife seizures are

[29] The Prevention of Money Laundering Act, 2002 (Act 15 of 2002).
[30] Id., sch., para. 1, Part A; The Wild Life (Protection) Act, 1972 (Act 53 of 1972), ss. 9, 39, 44, 48, 49B.
[31] The Prevention of Money Laundering Act, 2002 (Act 15 of 2002), ss. 5, 8, 17, 24.
[32] The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023); the Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023).

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frequently treated as the end point of enforcement, rather than as the starting point for asset tracking and network investigation.

3.5. Investigation, Electronic Evidence, and Procedural Law

The investigation and prosecution of wildlife trafficking also depend on general criminal-procedure and evidence law. The Bharatiya Nagarik Suraksha Sanhita, 2023 governs investigation, arrest, search, seizure, and procedural safeguards, while the Bharatiya Sakshya Adhiniyam, 2023 governs the admissibility and proof of evidence, including electronic records.[33]

Digital evidence is increasingly central to wildlife-trafficking cases. Advertisements, WhatsApp or Telegram communications, social-media posts, online payment records, location data, device data, and platform records may establish communication between traffickers, negotiation of sales, coordination of transport, or transfer of proceeds. But such evidence must be collected lawfully, preserved with a reliable chain of custody, and certified in accordance with statutory requirements.[34]

The procedural framework therefore creates both an opportunity and a vulnerability. It allows investigators to use digital and financial evidence to build a network-level case, but it also imposes technical requirements that may defeat a prosecution if evidence is collected or certified improperly. Wildlife investigators, forest officers, and prosecutors therefore require specialised training in digital forensics, financial investigation, and electronic-evidence certification.

3.6. The Structural Gap: Fragmentation Without Integration

India's legal framework is not inadequate because it lacks relevant statutes. It is inadequate because those statutes are insufficiently integrated. The Wild Life (Protection) Act identifies the offence; the Customs Act addresses the border; the PMLA addresses proceeds of crime; and the criminal-procedure and evidence statutes govern investigation and proof. But no single institutional mechanism routinely connects these legal tools in an ivory or rhino-horn case.

A more effective framework would treat a major seizure as the beginning of a multi-agency investigation. It would require immediate referral to financial investigators, preservation of digital evidence, forensic identification of the product, mapping of transport and communication links, and assessment of assets attributable to the trafficking network. Without such integration, India will continue to possess strong prohibitory laws while remaining vulnerable to trafficking networks that operate across agencies, borders, and digital platforms.

IV. ENFORCEMENT GAPS AND REFORM IMPERATIVES

4.1. Prohibition Without Network Disruption

India's prohibition-first approach focuses on the physical contraband and the person found in possession of it, but does not consistently reach the organisers, financiers, and repeat facilitators

[33] The Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023), s. 63.
[34] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), ss. 9, 39, 44, 50, 51.

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operating above the point of seizure. The law punishes identifiable acts such as hunting, possession, transport, and unlicensed dealing, but organised trafficking depends on distributed roles and concealed command structures.[35] A carrier may be arrested with contraband while the person who financed the operation or received the proceeds remains unidentified.

This gap is particularly serious because trafficking networks are designed to insulate senior participants from direct contact with contraband. The person who finances a poaching operation, arranges transport, identifies a buyer, or receives payment may never possess the horn or tusk in the legal sense. Unless investigators can prove conspiracy, abetment, common intention, or participation in a trafficking enterprise, enforcement will remain concentrated on lower-level actors.

4.2. The Underuse of PMLA and Asset Confiscation

The PMLA provides India with a powerful mechanism for shifting enforcement from seizure to financial disruption. Because specified wildlife offences are scheduled predicate offences, ivory and rhino-horn cases can be investigated as money-laundering cases.[36] The Enforcement Directorate may examine the origin of funds, trace transfers, identify assets derived from criminal activity, and seek attachment or confiscation of proceeds of crime.[37]

A "follow-the-money" approach should mandate a systematic examination of financial transactions, payment records, communication trails, transportation arrangements, and associated assets following every high-value seizure of ivory or rhino horn. This approach would assist investigators in tracing individual seizures to larger trafficking networks, identifying key facilitators, and holding accountable those who derive the greatest financial benefits from the illegal trade.[38]

4.3. Online Trade and Digital Evidence

Digitally facilitated wildlife trafficking presents an additional challenge to the existing regulatory framework. Social media platforms, messaging applications, e-commerce websites, and encrypted communication channels may be exploited to advertise illicit wildlife products, negotiate transactions, facilitate payments, and coordinate their transportation. Research on cyber-enabled wildlife offences in India highlights the limitations of the current legal framework in addressing such activities, particularly the absence of specific provisions expressly targeting digital wildlife trafficking. These challenges are further compounded by limited cyber-investigation capabilities, uncertainties regarding jurisdiction, inadequate monitoring of online activities, and insufficient coordination between wildlife enforcement authorities and cybercrime agencies.[39]

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[35] The Prevention of Money Laundering Act, 2002 (Act 15 of 2002), sch., para. 1, Part A.
[36] Id., ss. 5, 8, 17, 24.
[37] Bhardwaj, supra note 5.
[38] Money Laundering and the Illegal Wildlife Trade, published 25 June 2020.
[39] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 38Z.

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Digital evidence is increasingly central to wildlife-trafficking cases. Advertisements, WhatsApp or Telegram communications, social-media posts, online payment records, location data, device data, and platform records may establish communication between traffickers, negotiation of sales, coordination of transport, or transfer of proceeds. But such evidence must be collected lawfully, preserved with a reliable chain of custody, and certified in accordance with statutory requirements.[40]

Indian law should expressly address digital facilitation, advertisement, promotion, and brokerage of illegal wildlife trade. It should also clarify platform duties to preserve relevant records, respond to lawful preservation requests, and report credible indicators of wildlife trafficking. Without such reforms, enforcement agencies will remain dependent on evidence that is easily deleted, encrypted, or hosted outside Indian jurisdiction.

V. RECOMMENDATIONS

5.1. Legislative Reforms

India should strengthen its legislative framework to address the growing role of digital platforms in facilitating illegal wildlife trade. The law should clearly define and establish liability for the digital advertisement, promotion, facilitation, and brokerage of illicit wildlife products. It should also clarify the circumstances in which online intermediaries may be held accountable for knowingly facilitating, enabling, or financially benefiting from wildlife-trafficking activities. Furthermore, the legal framework should incorporate stronger provisions addressing organized wildlife crime, criminal conspiracy, trafficking networks, and the confiscation of assets derived from illegal activities. Such reforms would extend criminal accountability beyond individuals found in physical possession of contraband to those who organize, finance, facilitate, and profit from the wider trafficking enterprise.

5.2. Institutional Reforms

India should establish a permanent inter-agency coordination mechanism for investigating wildlife-related financial and digital crimes. This mechanism should bring together the Wildlife Crime Control Bureau (WCCB), the Enforcement Directorate, Customs authorities, State Forest Departments, police forces, cybercrime units, and prosecuting agencies. Although the WCCB has a statutory mandate to coordinate enforcement activities and collect and disseminate intelligence concerning organized wildlife crime, a more structured operational framework is necessary to translate this mandate into coordinated action. Under such a framework, every significant seizure of ivory or rhino horn should prompt an appropriate assessment of associated financial transactions, digital communications, transportation arrangements, and potential links to wider criminal networks.

[40] The Wild Life (Protection) Act, 1972 (Act 53 of 1972); The Wild Life (Protection) Amendment Act, 2022 (Act 18 of 2022).

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Institutional reform should also be accompanied by specialized training for investigators, forensic experts, and prosecutors in wildlife-product identification, electronic-evidence collection, financial investigation, and wildlife-crime prosecution. Strengthening these capabilities would enable enforcement agencies to identify the individuals and entities operating behind trafficking networks and present comprehensive evidence connecting individual offences to organized criminal activity.

5.3. Evidentiary and Procedural Reforms

India should develop standardized, wildlife-specific protocols governing the collection, preservation, authentication, and presentation of physical, digital, and financial evidence. These protocols should incorporate clear chain-of-custody requirements, procedures for preserving online communications and transaction records, and appropriate safeguards for obtaining and certifying electronic evidence in accordance with applicable law. Investigative procedures should also encourage the systematic correlation of seizure records with communications, payment trails, transport arrangements, and suspected proceeds of crime.

A more integrated evidentiary framework would help investigators move beyond cases centred solely on possession of contraband and build cases that establish the structure, operations, and financial beneficiaries of trafficking networks. Standardized procedures would also strengthen evidentiary reliability, reduce avoidable procedural defects, and improve the prospects of successfully prosecuting individuals involved at different stages of the illegal wildlife trade.

VI. CONCLUSION

India's legal framework for combating ivory and rhino-horn trafficking is substantial in form but incomplete in operation. The Wild Life (Protection) Act, 1972 prohibits hunting and regulates possession, trade, transport, and dealings in protected wildlife and wildlife articles; the Wild Life (Protection) Amendment Act, 2022 strengthens CITES implementation and modernises the statutory structure.[41] The Customs Act, 1962 addresses cross-border smuggling, while the Prevention of Money Laundering Act, 2002 creates a legal pathway for tracing and confiscating proceeds derived from scheduled wildlife offences.[42] Yet these laws remain institutionally fragmented. Wildlife enforcement, customs, police, cybercrime units, and financial investigators often operate under different mandates, procedures, and evidentiary priorities. The result is a system capable of intercepting contraband but less capable of dismantling the organised networks that produce, finance, transport, and profit from it.

India's response's primary flaw is its ongoing dependence on a seizure-centered paradigm. Ivory or rhino horn seizures are required but insufficient. One object is taken out of circulation by a seizure, but the money, contacts, transportation routes, internet platforms, and financial systems that enable trafficking may still exist. The Wildlife Crime Control Bureau's duties include

[41] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 38Z.
[42] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), ss. 9, 39, 44, 50, 51.

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gathering information on organised wildlife crime, coordinating enforcement between federal and state agencies, creating a consolidated database on wildlife crime, and assisting with scientific research and prosecution.[43] These functions are directly relevant to trafficking networks, but their effectiveness depends on timely information-sharing, forensic capacity, and financial investigation. Without these connections, enforcement remains reactive: it responds to the visible object of trafficking rather than preventing the invisible system that regenerates it.

The study has identified three interrelated gaps. First, India's prohibition-first approach does not adequately reach higher-level traffickers, financiers, brokers, and repeat facilitators. The law punishes identifiable acts such as hunting, possession, transport, and unlicensed dealing, but organised trafficking depends on distributed roles and concealed command structures.[44] A carrier may be arrested with contraband while the person who financed the operation or received the proceeds remains unidentified. Second, the PMLA remains underutilised. Because specified wildlife offences are scheduled predicate offences, ivory and rhino-horn cases can be investigated as money-laundering cases; however, wildlife seizures are not routinely followed by financial investigation, asset tracing, or referral to the Enforcement Directorate.[45] Third, online and digitally facilitated trafficking exposes a regulatory vacuum. Research on cyber-enabled wildlife offences in India finds that existing law does not expressly regulate digital wildlife crime, while enforcement faces inadequate cyber expertise, jurisdictional uncertainty, weak monitoring of online content, and limited coordination with cybercrime agencies.[46]

These gaps point toward a common reform imperative: India must move from a contraband-focused model to a network-and-proceeds-focused model. This requires treating every significant ivory or rhino-horn seizure as the beginning of a multi-agency investigation rather than the end of one. Such an investigation should include forensic identification of the product, preservation and certification of digital evidence, mapping of communications and transport links, financial tracing, and assessment of assets derived from the offence. It should also require early referral of high-value wildlife cases to financial-investigation authorities under the PMLA.[47]

Legislative reform should proceed in three directions. First, Indian law should expressly criminalise the digital facilitation, advertisement, promotion, and brokerage of illegal wildlife trade, including conduct occurring through social media, messaging platforms, and e-commerce interfaces. Research demonstrates that protected species and wildlife products continue to be offered, displayed, or promoted online despite existing prohibitions, and that platform liability remains insufficiently developed. Second, the law should make clear what platforms and intermediaries must do to protect pertinent documents, reply to legitimate requests for preservation, and disclose reliable signs of wildlife trafficking. Third, in order to prevent culpability from being limited to the individual who is physically found in possession of the

[43] The Prevention of Money Laundering Act, 2002 (Act 15 of 2002), sch., para. 1, Part A.
[44] Id., ss. 5, 8, 17, 24.
[45] Bhardwaj, supra note 5.
[46] The Prevention of Money Laundering Act, 2002 (Act 15 of 2002), ss. 5, 8, 17, 24.
[47] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 38Z.

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contraband, Parliament should enhance its rules on organised wildlife crime, conspiracy, trafficking enterprises, and asset confiscation.[48]

Institutional reform is equally necessary. India should establish a permanent wildlife-financial-crime coordination mechanism involving the Wildlife Crime Control Bureau, Enforcement Directorate, Customs, state forest departments, police, cybercrime units, and prosecutors. The WCCB already possesses a statutory mandate to coordinate enforcement and disseminate intelligence on organised wildlife crime; what is required is a mandatory operational protocol that converts a major seizure into a coordinated financial and digital investigation. Specialised training in forensic identification, electronic evidence, financial tracing, and wildlife prosecution should accompany this institutional reform.

In the end, punishing merely individuals who own the horn or tusk will not be sufficient to combat the trafficking of ivory and rhino horns. The payments, communications, transportation arrangements, online marketplaces, and asset-holding systems that make trafficking profitable must all be disrupted. The fundamental components of this strategy are already present in India's legal system. Integration between financial and wildlife law, between digital and physical evidence, and between network investigation and seizure is still inadequate. India will continue to document seizures without necessarily dismantling the trafficking networks that cause those seizures until these links are established in a methodical manner.

[48] The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 38Z.