

Appendix III (viii), (Vide Article - 3.04)

REVENUE AND FORESTS DEPARTMENT

Manatralaya, Mumbai 400 032, dated the 19th September, 2006.

NOTIFICATION

Code of Criminal Procedure, 1973

No. TRS-1095/C.R.112/F-6 – Whereas, the Government of Maharashtra, being aware of the threats to which the forests and protected areas of the State are prone to, have decided to provide the forest personnel of the State with fire arms;

And whereas, the Government of Maharashtra is conscious that the use of fire arms may expose the forest personnel to vexatious criminal proceedings;

Now, therefore in exercise of the powers conferred by sub-section (3) of section 197 of the Code of Criminal Procedure, 1973(2 of 1974), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby directs, that,--

- (a) the provisions of sub-section (2) of section 197 of the said Code, shall apply to the Forest Guards, Foresters, Range Forest Officers, Assistant Conservators of Forests, Deputy Conservators of Forests and Divisional Forest Officers, in the State of Maharashtra who are charged with the maintenance of public order relating to forest protection;
- (b) Wherever firing is resorted to by any forest personnel mentioned in clause (a) above, each such incident shall be enquired into by the Executive Magistrate of the locality; and any proceeding including instituting a criminal case or effecting an arrest can be initiated by the Police, only if it is held, as a result of the Magisterial Enquiry that the use of the fire arms has been unnecessary, unwarranted and excessive and such report has been accepted by the Government, after its examination.

By order and in the name of Governor of Maharashtra

NEELA SATYANARAYAN,
Principal Secretary to Government.