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FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

NOTIFICATION

The 5th July 2023

No. 13915—FE-WL-WLF-0015/2023-FE & CC.—Whereas the Government of Odisha, being conscious of the vulnerability of Forest land and Forest based resources in forest area as well as wildlife in Protected and Reserved Forest areas of the State to mounting threats to their conservation, protection and existence have decided to arm forest personnel of the State with fire arms ;

And whereas, the Government of Odisha is aware that the use of fire arms in discharge of their mandated duty and responsibility, may expose forest personnel to vexatious criminal proceedings and that there is need to provide them immunity from prosecution without prior sanction ;

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 all other powers enabling it in that behalf, the Governor of Odisha is hereby pleased to direct that :—

- (a) the provisions contained under sub-section-(2) of Section 197 of CrPC shall apply to all the Forest Guards, Foresters, Deputy Forest Range Officers, Forest Range Officers, Assistant Conservators of Forests, Sub-Divisional Forest Officers, Deputy Conservators of Forests, Deputy Directors, Divisional Forest Officers, Regional Chief Conservators of Forests, Field Directors and any other Forest Officers in the State who are charged with maintenance of public order relating to forest and wildlife protection, conservation and management.
- (b) Whenever firing is resorted to by the forest personnel mentioned in the Clause (a) above, each such incident shall be enquired into by an Executive Magistrate of the locality; and any proceedings including institution of a criminal case of any nature and / or effecting an arrest shall be initiated by the Police, only if it is held, as a result of the Magisterial Enquiry that the use of fire arms has been unnecessary, unwarranted and excessive and further that such Magisterial Enquiry report has been accepted by the State Government.

By order of the Governor

SATYABRATA SAHU

Additional Chief Secretary to Government