

## **2. Rules prescribing the procedure to be followed in case of firing by Forest Officers**

(Government of Bengal, Forest and Excise Department, Forest Branch, letter No. 1297-For., dated the 3rd February, 1940)

If in the course of his official duties a forest officer, in the exercise of his right of private defence of person or property, has been compelled to resort to the use of firearms, the following procedure shall be adopted :

- (1) The wounded must be given first-aid. The wounded and the dead, if any, must be removed as quickly as possible to the nearest hospital.
- (2) As soon as this has been done, the senior forest officer present at the firing shall draw up a full report of the occurrence, stating—
  - (a) the place of occurrence,
  - (b) the names of the forest officers present,
  - (c) the number of rounds fired,
  - (d) the number and the names of the persons killed and/or wounded,
  - (e) the measures taken to render first-aid and the hospital to which the casualties have been sent,
  - (f) an account of the events proceeding and leading to the firing including an explanation of the reasons for the resort to firearms, and
  - (g) any other relevant details.
- (3) This report should be taken by the reporting officer to the nearest Range Officer who will immediately forward it in original to the office-in-charge of the police-station within the jurisdiction of which the firing took place and shall also send a copy to the Divisional Forest Officer and to the District Magistrate.
- (4) On receipt of his copy of the report the District Magistrate shall, if injuries have been inflicted as a result of the firing, depute a Magistrate to make a full inquiry to ascertain whether the firing was justified. This enquiry shall be executive or quasi-departmental and not a judicial enquiry. It should be independent of enquiries made by the Police or Magistrate under section 174 or 176 or other sections of the Criminal Procedure Code, but the evidence recorded in such enquiries may be used. The report described in rule (2) shall be laid before the enquiring officer without delay to assist him in his enquiry. The representation of parties by pleaders or other legal practitioners shall not be allowed, but officers whose conduct is at issue in the enquiry shall be allowed to examine or cross examine witnesses and submit statements. On completion of the enquiry a report shall at once be sent to Government by the enquiring officer through the usual channel and a copy made over to the Divisional Forest Officer for submission to the Conservator of Forests.
- (5) The Divisional Forest Officer shall attend the enquiry and assist the enquiring officer.