

NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION No. 168/ 2023/EZ

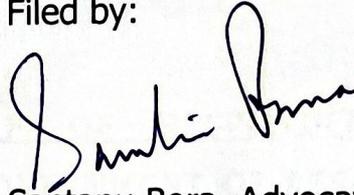
(Dilip Nath - *Versus*- Principal Chief Conservator of Forest (PCCF),

Assam and Others

I N D E X

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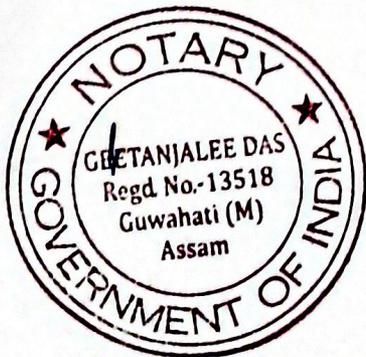
Filed by:



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**NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH,
KOLKATA**

ORIGINAL APPLICATION No. 168/2023/EZ

IN THE MATTER OF :

Dilip Nath

..... Applicant

-Versus-

Principal Chief Conservator of Forest
(PCCF) Assam and Others

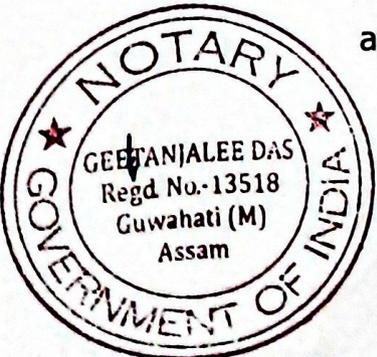
..... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT No.
2. REPRESENTING THE GOVERNMENT OF ASSAM AND
ITS OFFICIALS.

Bidit Das

Joint Secretary to the Govt. of Assam,
Environment and Forests Department,
Janata Bhawan, Dispur, Guwahati - 6.

I, Sri Bidit Das, ACS, son of late Dondiram Das, aged about 54 years, presently holding the post of Joint Secretary to the Government of Assam, Environment and Forest Department, Dispur, Guwahati -6, in the district of Kamrup (M), Assam, do hereby solemnly affirm and state as follows:



*Filed by -
Respondent no. 2
Nath - Santam Nath
S. C. D. 677, Assam.*

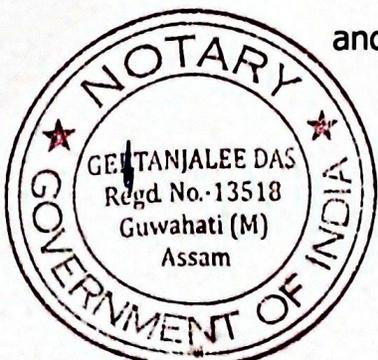
1. That I am presently holding the post of Joint Secretary to the Government of Assam, Environment and Forest Department, Dispur, Guwahati -6, in the district of Kamrup (M), Assam representing the Government of Assam in the instant Original Application (Suo Motu) and being well conversant with the facts and circumstances of the case, I am competent to swear this affidavit. A copy of the Original Application (Suo Motu) filed by the applicant was served upon the answering respondents and after going through the same and having understood the contents thereof and I swear this instant affidavit – in - opposition.

2. That saves and except the statements, which are matters of records and specifically admitted, all other averments made in the Original Application (Suo Motu) be treated as denied and disputed by the answering deponent.

3. That the answering deponent begs to state that, Charduar Reserve Forest covers an area of 24072 Ha. notified vide Govt. Notification No.5 dated 17.10.1878. That Balipara Reserve Forest covers an area of 18972 Ha notified vide Govt. Notification No.5 dated 27.10.1878. That a part of the Charduar Reserve Forest covering an area of 22000 Ha. which includes Sonai Rupai Wildlife Sanctuary and the sanctuary was earlier under administrative control

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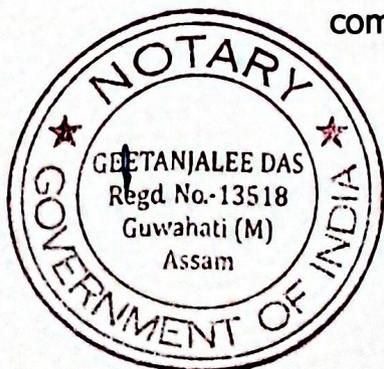
of Sonitpur West Division, but on 22th July, 2006, the sanctuary was handed over to Western Assam Wildlife Division, Tezpur vide Govt. notification No 172 dated 22.10.1998. That, at that time, a significant portion of the Sanctuary was under encroachment, estimated to be approximately 85 sq. km.

4. That the answering deponent begs to state that, Sonai Rupai Wildlife Sanctuary (WLS) was a part of Charduar Reserved Forest. It was declared as Game Sanctuary with an area of 161.28 Sq. Km vide Govt. Notification No. A/317 dated 21.11.1934, later the area was extended to 191.65 Sq. Km vide notification N118-G.S. dated 27.07.1937. Finally, the area was declared Sonai Rupai Wildlife Sanctuary vide notified vide Govt. Notification No. FRW-33/98/11 dated 04.09.1998. It is worth mentioning that there was no forest village inside the RF and the sanctuary and no claims of rights within the reserve forest boundary or within the boundary of sanctuary was received during the process of declaration of Sanctuary.

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Joint Secretary to the Govt. of Assam,
Environment and Forests Department,
Jeneta Bhawan, Dispur, Guwahati - 6.

5. That the answering deponent begs to state that, however, the said RF subjected to various biotic pressures mostly in the form of organized encroachments, the sanctuary faced major encroachment mainly by the Bodo communities, spreading northwards from the Batashipur



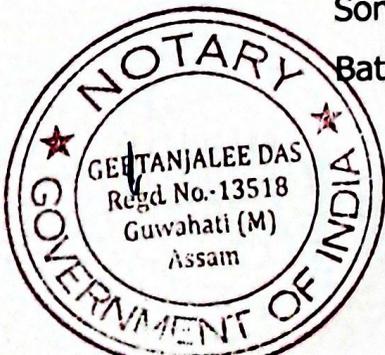
area of Charduar RF. The encroachments started in the year 1977-78 in Charduar and Balipara RF in small scale and during the year 1996-97 in a big way in planned manner, when thousands of people mostly indigenous people and other than tribal peoples from Assam comes in a single day and started clearing the Forest land. That by 2002-03, prime forest land between the Belsiri and Panchnoi Rivers was cleared due to these encroachments.

6. That the answering deponent begs to state that, against the large scale encroachment, action was taken against encroachers in Charduar RF and Sonai Rupai Wildlife Sanctuary by undertaking numerous eviction operations since 1996 resulting in demolition of a lot of huts and other activities done inside the RF/Sanctuary. That in the year 2013 eviction/ ejection operation was also carried out as and when there was any new encroachment noticed in RF/Sanctuary areas.

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Environment and Forests Department,
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7. That the answering deponent begs to state that, in order to assess the ground situation at Sonai Rupai Wildlife Sanctuary, on 30.11.2006 the Deputy Commissioner (DC) of the district, Superintendent of Police (SP) of the district, Divisional Forest Officer (DFO), WAWL Division and DFO, Sonitpur West Division, and the Commandant of 168 CRPF Battalion visited the Sanctuary, which revealed extensive



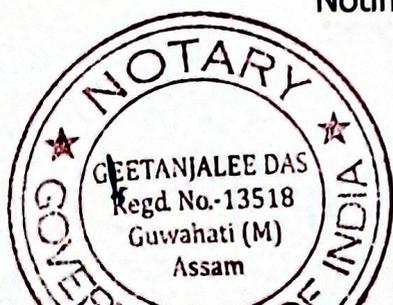
tree felling inside the RF.

8. That the answering deponent begs to state that, on 04.12.2006, a meeting was held at the office of the Deputy Commissioner, attended by DC and SP, Sonitpur, DFO, WAWL Division, DFO, Sonitpur West Division and Commandant, 168 CRPF Battalion to discuss measures to contain the large-scale tree felling and prevent further destruction of the forest inside the Sanctuary. That on 08.12.2006, the SP, Sonitpur, requested to DIG, Northern Range for deployment of 4-armed force companies to stop encroachers from advancing further into the non-encroached area of Sonai Rupai Wildlife Sanctuary. That on 30.08.2007, the DC cum DM Sonitpur imposed section 144 of CrPC in the forest area between Sonitpur Kameng Elephant Reserve (that includes Sonai Rupai WLS Sanctuary) to stop further encroaching of forest land.

Bidit Dm

Joint Secretary to the Govt. of Assam,
Environment and Forests Department,
Janata Bhawan, Dispur, Guwahati - 6.

9. That the answering deponent begs to state that, due to spike in the incidents of threat and assault on Forest Staff posted in Kalamati Range, to control Sonai Rupai Wildlife Sanctuary by encroachers/ in the year 2014 and to safeguard the remaining undisturbed forest tract of Sonai Rupai WLS, an area of 120 sq. km was notified as "Satellite Core of Nameri Tiger Reserve on June 18, 2015 vide Govt. Notification No. FRM- 236/2014/23 dt. 18th June, 2015.

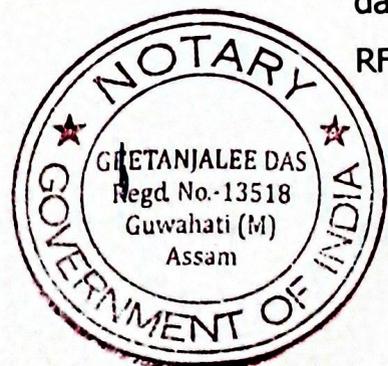


10. That the answering deponent begs to state that, inside the Charduar RF and Sonai Rupai Wildlife Sanctuary there are schools functioning and indulging in non forest activities inside the RF areas in violation of Forest (Conservation) Act, 1980. That action has been taken by Dhekiajuli Range Officer by lodging FIR at Dhekiajuli Police station against the managing committee of schools inside Charduar RF for the violation of provision of FC Act, 1980.

11. That the answering deponent begs to state that, the irrigation department is constructing a sluice gate at Siloni river in violation of FC Act, 1980 within Charduar RF. That the DFO concerned on 19.01.2023 has issued a letter to the Executive Engineer, Udalguri Mazbat Irrigation Division, Udalguri regarding illegal construction work carried out within Charduar RF without prior permission from the authority in violation of FC Act, 1980 with a direction to RFO, Dhekiajuli Range to stop such construction works inside Charduar RF. That DFO Sonitpur West Division has initiated action in the matter and instructed to Executive Engineer, Udalguri- Mazbat Irrigation Division, Udalguri vide letter no FSWT/B/FCA, 1980/Diversion proposal/Gen/2023/1297-99 dated 13.03.2023, not to take up such construction inside RF area without prior approval from the authority under

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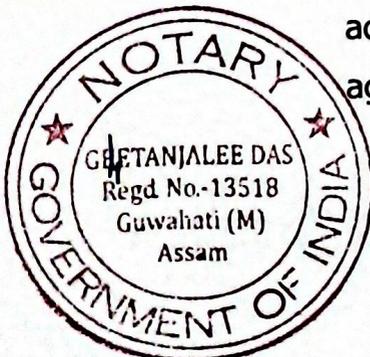
section 2 of FC Act,1980. That instructions have been issued to take action against all for non- forest activities undertaken in violation of FC Act, 1980.

12. That the answering deponent begs to state that, on 12.06.2018, DFO issued a letter to Chairman, ABITA Sonitpur, Tezpur to provide all details regarding established/ set up tea garden by one Jay Ram Rabha within Charduar RF without any prior permission from competent authority which violated FC Act,1980. That on 10.10.2017 and 27.06.2018 the RO, Charduar Range was instructed to dismantle existing and ongoing infrastructure works inside Balipara RF by the various organization vide letter No FSWT/B/FCA,1980/2017/5811-13 dated 10.10.2017 and FSWT/B/FCA,1980/ 2018/3857-59 dated 27.06.2018.

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Joint Secretary to the Govt. of Assam,
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13. That the answering deponent begs to state that, it has come to the notice of the answering authority that roads are being constructed without prior no objection certificate in violation of FC Act, 1980. That show cause notices were issued u/s 9(1) of the Forest Conservation Rule 2003 to the Executive Engineer, State Road Division. That as the relay and response from the district administration is not satisfactory; an FIR was lodged against the contractor Sri Lalit Kr. Agarwal for violation of



various section of Wildlife (Protection) Act, 1972 and FC Act, 1980 by constructing road of 5 km long within Sonai Rupai Wildlife Sanctuary. That vide letter dated 20.09.16, the concerned Executive Engineer, PWD Sonitpur informed construction was stopped.

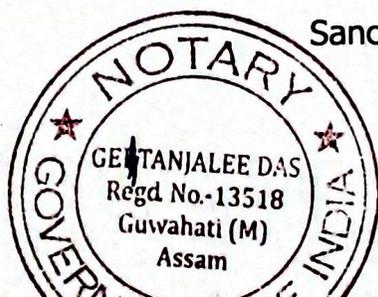
14. That the answering deponent begs to state that, it has also come to the notice of the answering authority that polling stations under 71 Dhekiajuli, 74 Rangapara and 75 Sootea Legislative Assemble were set up within the Sonai Rupai Wildlife Sanctuary. The Deputy Commissioner, Sonitpur has been informed and the Deputy Commissioner reported that matter is being taken up with Chief Election Officer, Assam.

15. That the answering deponent begs to state that, it has come to the notice of the answering authority that illegal ring wells were installed by the Public Health Engineering Department within the Sonai Rupai Wildlife Sanctuary. The DFO, WAWL Division vide letter dated 03.04.10 instructed to stop installation of ring well and Public Health Engineering Department has stopped construction.

16. That the answering deponent begs to state that, the State is committed to protect the Sonai Rupai Wildlife Sanctuary from all encroachments by any private

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Joint Secretary to the Govt. of Assam,
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Jenata Bhawan, Dispur, Guwahati - 6.



individual, group of people or associations or even from any Government instrumentalities. The State will make every endeavor to evict all encroachments and restore the Sonai Rupai Wildlife Sanctuary.

17. That the statements made in paragraph 2 & 16 of this affidavit are true to my knowledge and belief, those made in paragraph 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15 being matters of records which I believe to be true and rest are my humble submission before this Hon'ble Court.

That the declarations made in the above paragraphs are true and it conceals nothing and that no part of it is false, so help me God.

And I sign this affidavit on this the 8th day of April 2024 at Guwahati.

Bidit Das

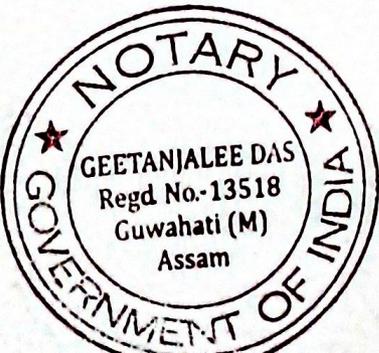
DEPONENT

Joint Secretary to the Govt of Assam,
Environment and Forests Department,
Janata Bhawan, Dispur, Guwahati -6.

Identified by me:
[Signature]
Advocate

Sl. No. 1560
Date... 08/04/24

Solemnly affirmed before me this day, I Certify that I read over and explained the Contents to the declarant and that the declarant Seemed perfectly to understand them



NOTARY
GEETANJALEE DAS
Guwahati (M) Assam
Regd. No.- 13518
GOVT. OF INDIA