

IN THE HON'BLE NATIONAL GREEN TRIBUNAL (EZ)

IN

ORIGINAL APPLICATION NO. 105 OF 2024**IN THE MATTER OF:****Rohit Choudhury****....Applicant****Vs.****State of Assam & Ors.****....Respondents****INDEX**

S. No.	Particulars	Pg. No.
1.	Counter Affidavit on Behalf of the Union of India, Ministry of Environment, Forest and Climate Change (Respondent No.3)	1-3
2.	Copy of affidavit dated 03-10-2024 filed by MoEF&CC <u>Annexure-A1</u>	4-34
3.	Copy Committee Report <u>Annexure-A2</u>	35-140

Place: Guwahati

Date: 03-01-2025

For Respondent No. 3

Filed through

*Amrita Pandey*Ms. Amrita Pandey
Advocate

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOLKATA
IN
Original Application No. 105 of 2024 (EZ)**

IN THE MATTER OF:

Rohit Choudhury

.....Applicant

-Versus-

State of Assam & Ors.

.....Respondent(s)

200

**COUNTER AFFIDAVIT ON BEHALF OF THE MINISTRY
OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(MoEF&CC) (Respondent No.3)**

MOST RESPECTFULLY SHOWETH:

I, Ms. Laetitia Jean Syiemiong, daughter of (L) Andrew Rane aged about 48 years, holding the post of Deputy Inspector General of Forest (Central), Regional Office, Shillong, Ministry of Environment, Forest & Climate Change, Government of India do hereby solemnly affirm and state as under: -

1. That I am holding the post of Deputy Inspector General of Forest (Central), Regional Office, Shillong, Ministry of Environment, Forest & Climate Change, Government of India. I have made myself acquainted with the facts and circumstances of this instant case and I have been duly authorized and empowered to make and swear this affidavit for and on behalf of the Ministry of Environment, Forest & Climate Change and I am competent to do so.



03 JAN 2025

NOTARY
Mumtaz Begum Kalita
Kamrup (Metro), Guwahati,
Regd. No. KAM-17

Preliminary Submissions:-

2. It is submitted that Ministry has filed its affidavit dated 03.10.2024 stating the action taken in the instant matter as directed by the Hon'ble Tribunal vide order dated 09.08.2024 **(Annexure-A1)**.
3. It is submitted that the Hon'ble Tribunal vide order dated 29.05.2024 constituted a Committee to enquire into the instant matter and directed that the Additional Director General of Forests (FC) shall be the Nodal officer for filing the report on affidavit. That in compliance of the said order the ADG (FC) has provided a signed copy of the Committee Report. The copy of the said report as received from ADG (FC) is annexed as **(Annexure-A2)**.
4. It is also submitted that the State Government of Assam has submitted a proposal under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and MoEF&CC has referred the matter to the Advisory Committee {constituted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980}. The Advisory Committee (AC) in its meeting held on 27.08.2024, has deferred the proposal, *inter alia*, seeking a copy of this report under filing. Hence this report will also be provided to the AC, for its further necessary action.
5. It is respectfully submitted that this answering respondent without prejudice reserves its right to file additional information till pendent-lite, if so required.



NOTARY
Mumtaz Begum Kalita
Kamrup (Metro), Guwahat
Regd. No. KAM-17

03 JAN 2025

6. That, in view of the foregoing submissions, this Hon'ble Tribunal may take on record the report of the committee and pass such orders as it may deem fit in the interest of justice.

VERIFICATION

I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at Guwahati on this 3rd day of January, 2025.

Identified by:-

Mehboob Alam

MEHBOOB ALAM

Advocate

Enrolment No. 571 of 2017

Guwahati High Court.

[Signature]
(Mrs. LAETITIA JEAN SYIEMIONG)
DEPONENT

उप वन महानिरीक्षक (केंद्रीय)
Deputy Inspector General of Forests (Central)
परिष्कारण, वन एवं जलवायु परिवर्तन मंत्रालय
Department of Environment, Forest and Climate Change
कार्यालय, शिल्लोंग / Regional Office, Shillong



[Signature]
NOTARY
Mumtaz Begum Kalita
Kamrup (Metro), Guwahati
Regd. No. KA/11-17

03 JAN 2025

IN THE HON'BLE NATIONAL GREEN TRIBUNAL (EZ)

IN

ORIGINAL APPLICATION NO. 105 OF 2024**IN THE MATTER OF:****Rohit Choudhury****....Applicant****Vs.****State of Assam & Ors.****....Respondents****INDEX**

S. No.	Particulars	Pg. No.
1.	Counter Affidavit on Behalf of the Union of India, Ministry of Environment, Forest and Climate Change (Respondent No.3)	1-9
2.	Copy of Site Inspection Report <u>Annexure R1</u>	10-30
3.	Copy of letters dated 28.08.2024 <u>Annexure R2</u>	31-34

Place: 01-10-2024

Date: Guwahati

For Respondent No. 2

Filed through

Ms. Amrita Pandey
Advocate

IN THE HON'BLE NATIONAL GREEN TRIBUNAL (EZ)

IN

ORIGINAL APPLICATION NO. 105 OF 2024

IN THE MATTER OF:

Rohit Choudhury

....Applicant

Vs.

State of Assam & Ors.

....Respondents

Additional Counter Affidavit On behalf of Ministry of Environment, Forest and Climate Change (MoEF&CC) (Respondent No.3)

IT IS MOST RESPECTFULLY SHOWETH:

I, Laetitia Jean Syiemiong, D/o (L) Andrew Ranee, aged about 47 years, working as Deputy Inspector General of Forests (C) in the Regional Office, Shillong of the Ministry of Environment, Forest and Climate Change ('MoEF&CC' for short), do hereby solemnly affirm and state as follows:

1. That I am holding the post of Deputy Inspector General of Forests (C) in the Ministry of Environment, Forest & Climate Change, Regional Office, Shillong I have made myself



acquainted with the facts and circumstances of this instant case and I have been duly authorized and empowered to make and swear this affidavit for and on behalf of the Ministry of Environment, Forest & Climate Change and I am competent to do so.

2. That, the deponent has been served with a copy of the said application in which the deponent have perused and understood the contents/ allegations/averments/statements and/ or tenor thereof made in the application. At the outset, the deponent denies all averments, submissions; statements and allegations made therein except as may be specifically admitted herein after.

Statement of Facts

3. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, inter-alia, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under



State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.

4. It is submitted that prior approval of the Central Government under Section-2 (1) (ii) of the *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980* (earlier known as Forest (Conservation Act) is required for carrying out any non-forestry activity on forest land.
5. That the answering Ministry, on account of media report dated 25.04.2024 that "*A second commando battalion in Assam established without FC nod*", vide letter dated 25.04.2024 and subsequent reminder letter dated 13.06.2024 requested the State Govt. to furnish a detailed factual report vis-à-vis allegations of violation of statutory provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the PCCF/HoFF, Assam. Additionally, Regional Office, Shillong of the answering Ministry vide letter dated 06.05.2024 requested the State Govt. to provide a detailed factual report in this regard. Reply is awaited in this regard.



6. Subsequently, the Hon'ble Tribunal vide order dated 29.05.2024 constituted a committee comprising of the officers of MoEF&CC to enquire into the instant case comprehensively. Accordingly, in compliance of the order supra, the answering Ministry vide Office Memorandum dated 05.06.2024 issued a formal letter regarding the formation of the said Committee and filed an affidavit in this regard.
7. It is submitted that State Govt. vide letter dated 25.06.2024 submitted a proposal for ex-post facto approval for non-forestry use of 28.0 Ha. of forest land for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division, Sivasagar District in the State of Assam with online proposal No. FP/AS/OTHERS/478981/2024 to this answering Ministry. That after examination of the said proposal certain shortcomings were observed and the same was communicated to the State Government vide letter dated 16.07.2024. The State Government submitted its reply



on 08.08.2024 to the queries raised by this answering Ministry vide letter dated 16.07.2024.

In addition, the answering respondent vide letter dated 16.07.2024 requested its Sub-office, Guwahati of Regional Office, Shillong to carry out site inspection and submit a report to this Ministry. The Sub-office, Guwahati of Regional Office, Shillong vide letter 22.08.2024 submitted a Site Inspection Report (SIR) of 28 ha of forest land proposed for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest. (Copy of the SIR annexed as **Annexure-1**)

8. It is submitted that said SIR has been examined in the answering Ministry and *prima facie* it has been observed that the non-forestry activities have been allowed without prior approval of the Central Government on the forest land in question which is in contravention of the statutory provisions and rules of *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980*. In the meantime, the proposal of State Govt. for ex-post facto approval was further deliberated in the Advisory Committee (AC) meeting held on 27.08.2024.



The AC, after detailed discussion and deliberation, deferred the said proposal and sought the following details:-

i. The Report of the Committee constituted in pursuance of Hon'ble NGT in their order dated 29.05.2024 in Original Application No.105/2024/EZ, will be perused for further consideration in the instant proposal, once same is submitted.

ii. The Regional Office shall initiate action in the instant matter and complete the proceedings as prescribed under section 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

iii. The State Government shall discontinue any kind of construction activities forthwith in the proposed forest area.

iv. The State Government shall provide details of the forest clearance letter of diversion of forest land "Exploration of oil at nine site by ONGC-IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC" and the current status of the project.

v. The State Government shall exclude the diverted forest area for exploratory drilling by ONGC located within the proposed area of 28 ha in Geleky RF and submit a revised proposal.

vi. The State Government to suitably modify the proposal to include the alternate approach road to the



proposed area with area 0.16Ha, as indicated in the SIR of Regional Office.

vii. The State Government shall provide comments of CWLW Assam for the proposed site in the light of human wild animal conflict reported around the proposed area. (The same has been communicated to the State Govt. through Parivesh 2.0 portal of MoEF&CC)

9. That taking into account the Site Inspection Report (SIR), the answering Ministry vide letter dated 28.08.2024 requested its Regional Office, Shillong to initiate action in the instant matter as prescribed under section 3A and 3B of *the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980*, as appropriate. Moreover, the answering Ministry vide letter dated 28.08.2024 also requested the State Government to stop and discontinue any kind of activities forthwith in the forest area in question. (Copy of the letters dated 28.08.2024 annexed as **Annexure-2**)

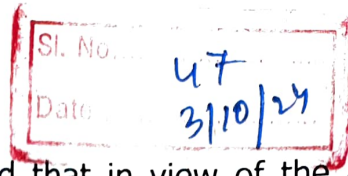
10. It is further submitted that the Hon'ble Tribunal vide order 09.08.2024 directed that the Committee should submit its report in four weeks' time in the instant matter. In this regard, it is humbly submitted that because of Budget



Session of Parliament up to 12th August, 2024 and also due to rainy season, field visit could not be taken up. Moreover, in the meantime, Additional Secretary level officer (Shri Tanmay Kumar) who was made part of the Committee has been promoted and was replaced with another Additional Secretary level officer, namely, Shri Amandeep Garg (vide O.M. dated 28.08.2024). Subsequently in the first week of September, 2024, one of the member of the Committee, the DDGF of Shillong was diagnosed with some serious medical ailment. In view of these, the field visit could not be taken up. However, the committee has now visited the site in question on 27.09.2024, though the preparation of the report and its submission to Hon'ble NGT will take some more time. Accordingly, the Additional Director General of Forest (FC), MoEF&CC has humbly requested the Hon'ble Tribunal to kindly allow additional four weeks time for submission of the Report by the Committee.

- 11.** It is respectfully submitted that this answering Ministry without prejudice reserves its right to file additional information till pendent-lite, if so required.





12. It is respectfully submitted that in view of the above mentioned facts, the replying Respondents humbly pray that the Hon'ble Tribunal may be pleased to pass such order as deemed fit in the interest of the Justice.

VERIFICATION:-

I, the above named deponent, do hereby verify that the contents of the above counter affidavit are true and correct to my knowledge as per the records of the answering respondent. No part of it is false and nothing material has been concealed therefrom. Verified at Guwahati on this 1st day of October, 2024.

Identified by:

Mehboob Alam

MEHBOOB ALAM

Advocate

Enrolment No. 571 of 2017

[Signature]

DEPONENT

(Ms. LAETITIA JEAN SYEMIONG)



[Signature]
GITANJALEE SARMAH
NOTARY
Guwahati, Kamrup (M)
Regd. No. - KAM-13517
GOVT. OF INDIA

उप वन महानिरीक्षक (केंद्रीय)/
Deputy Inspector General of Forests (Central)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, शिलांग / Regional Office, Shillong

NOTARY PUBLIC : OATH COMMISSIONER
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.



भारत सरकार

Government of India

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change

क्षेत्रीय कार्यालय, शिलांग/Regional Office, Shillong

उप कार्यालय, गुवाहाटी/Sub - office, Guwahati

चौथीमंजिल, हौसेफेड इमारत, जीएसरोड, रुक्मिणीगाँव, गुवाहाटी-७८१०२२

4th Floor, Housefed building, GS Road, Rukminigaon, Guwahati - 781022

दूरभाष/Tel Fax/ 0361-2962350, E-mail:iro.guwahati-mefcc@gov.in

F.No.3 ASC/255/2024/GHY/381

ANNEXURE-1



22nd August, 2024

सेवा मे.

✓ The Addl. Director General of Forests (FC)
Ministry of Environment, Forest & Climate Change
Government of India
Indira Paryavaran Bhawan,
Jor Bagh road, Aliganj, New Delhi -110003

Sub: Proposal for diversion of 28 Ha forest land for the purpose of the establishment of Commando Battalion Camp in Assam-Nagaland Inter State border area of Geleky Reserved Forest under Sivasagar Forest Division, Assam

Sir,

With reference to above, I am directed to enclose herewith the site inspection report of the proposal mentioned under the subject above, for kind information and further necessary action.

Encl: As stated.

भवदीय,

(Ms. Laetitia Jean Syiemiong)

वन उप महानिरीक्षक (केंद्रीय)

Deputy Inspector General of Forests(C)

o/c

SITE INSPECTION REPORT

PROPOSAL FOR DIVERSION OF 28 HA FOREST LAND FOR THE PURPOSE OF THE ESTABLISHMENT OF COMMANDO BATTALION CAMP IN ASSAM-NAGALAND INTER STATE BORDER AREA OF GELEKY RESERVED FOREST UNDER SIVASAGAR FOREST DIVISION, ASSAM

State Government of Assam vide online proposal No.FP/AS/OTHERS/478981/2024 on 06.06.2024 submitted the proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Sivasagar Territorial Forest Division, Assam for non-forestry use of 28.0 Ha. of forest land for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division, Sivasagar District in the State of Assam.

The purposed of this proposal is to establish a Commando Battalion infrastructure in Assam-Nagaland border to resist further encroachment and further destruction of forest resource by the ever-increasing pressure for occupation of land by deployment of forest protection force.

Background of proposal:

The matter on the proposal for diversion of 28 ha forest land for the purpose of the establishment of commando battalion camp in Assam-Nagaland inter state border area of Geleky Reserved Forest under Sivasagar Forest Division was reported by “Northeast Now” newspaper dated 22.01.2024 titled as “Assam PCCF in hot water again: 28 hectare of Geleky Forest diverted for commando camp” wherein reported on violation of Forest Conservation Act, 1980 and the order of Supreme Court in Godavarman Thirumulkad Vs Union of India. The matter was further reported by national daily “Hindustan Times” dated 25.04.2024 titled “A second Battalion in Assam established without FC nod”.

Subsequently a court case O.A.105/2024/EZ, Shri Rohit Choudhury -Vs- State of Assam & Ors was filed and registered on 25-05-2024 by Shri Rohit Choudhury before the National Green Tribunal, Eastern Zone Bench Kolkata. Thereafter affidavit dated 30.07.2024 was e-filed on 01.08.2024 by the Ministry on the matter to Hon'ble NGT. The Hon'ble court observed that the matter relates to substantial environmental issue and violation of Forest (Conservation) Act, 1980 and requires consideration. In pursuance to Hon'ble NGT, Kolkata first order dated 29.05.2024, Ministry vide its letter dated 05.06.2024 constituted the committee comprising of (a) Shri AK Mohanty, ADGF, MoEF&CC(FC), MoEF&CC, (b) Shri Tanmay Kumar, Addl. Secretary, MoEFCC & (c) Ms. Imtiena Ao, DDGF(C) MoEF&CC, Regional Office, Shillong and directed that the committee shall visit the site and submit its report on affidavit to the Hon'ble NGT and the ADG(FC) shall be the Nodal Officer for filing the report affidavit.

The Hon'ble NGT in its latest order dated 09.08.2024 observed that two months have already passed and no report has been placed before the Tribunal by the ADG(FC) MoEF&CC and further the court granted four weeks time for filing the said affidavit indicating what action has been taken against the PCCF Shri. M.K. Yadava who permitted diversion of Forest land in violation of the statute.

As per the provision of the F(C)Act,1980, the site inspection of this instant proposal was conducted by Sub Office Guwahati under Regional Office, Shillong, Shillong on 16.08.2024 and 17.08.2024 along with the following officials of the State Forest Department and representatives of User Agency:-

1. Ms Sayambrita Dutta, Divisional Forest Officer, Sivasagar

2. Shri Himangshu Gogoi, Range Officer, Sivasagar Range, Sibsagar Forest Division.
3. Sonam Kumar Gupta, Range Officer, Dhaniala Range, Burachoparia Wildlife Sanctuary, Nagaon Wildlife Division.
4. Shri Sambhu Jadav, Public Relation Officer, Badri Rai & Company.

1) The Legal Status of the forests land proposed for diversion

District	Forest Division	Area involved (ha)	Legal Status	Aerial distance of the proposed area from the nearest PA/WLS/NP
Sivasagar	Sivasagar	28	Geleky Reserved Forest	30 Km from Hollongapar Gibbon WLS.

Component wise break up of the proposed area (need to submit the revised):-

Sl. No.	Type of Building	As per the submitted documents (in ha)
1	Residential building	0.80
	Future Expansion	0.85
2	Non residential building	0.80
3	Activity Area	7.50
4	Utilities	0.10
5	Natural stream	1.80
6	Landscape and Park Area	3
7	Road/Footpath Area	3.50
8	Open Land Area	9.65
	Total	28.00

2) Whether proposal involved any construction of buildings (including residential) or not. If yes details thereof:

-Yes. The detail component wise proposed construction of building provided by the DFO Sivasagar are as under:

(i) Residential building details:-

RESIDENTIAL BUILDINGS								
SL. NO	NAME OF THE BUILDINGS	NO. OF UNITS			NO OF FLOOR	NO OF BLOCK	BUILT UP AREA PER BLOCK	TOTAL BUILT UP AREA
		PER BLOCK	TOTAL UNITS	PER UNIT/FLAT AREA (Sq. M)				
1	CO's Residence	1	1	250.00 (4BHK+Office+ Servant)	G+1	1	250	250
2	Deputy Commandant	4	4	165.00 (3BHK+Servant)	G+1	1	720	720
3	Assistant Commandant	4	8	138.00(3BHK+ Servant)	G+1	2	600	1200
4	Inspector/Sub-Inspector Residence	12	24	12 0.00(3BHK+ Servant)	G+2	2	1560	3120
		8	8	120.00(3BHK+ Servant)	G+2	1	1040	1040
5	Havildar's ASI, Constable Residence	12	96	84.00 (2BHK)	G+2	8	1101	8811.20
6	Followers QTR	8	8	65.00(2BHK)	G+1	1	640	640
7	Barrack Accommodations	60 Cap	240 Cap	216.00(30 Persons per floor)	G+2	4	1008	4032
8	Accommodation for SO's (Inspector/SI)	10 Rooms (Twin Sharing)	20 Cap	250.00(25 Sq m per Room)	G+1	1	600	600
Total:-								20413.20

(ii) Non residential building components:

NON RESIDENTIAL BUILDINGS								
SL. NO	NAME OF THE BUILDINGS	MAIN FACILITIES OF BUILDING			No of Floor	No of Block	Built up Area per Block	Total Built up Area (Sq. M)
		Type	Nos./CAP	Area (Sq. M)				
1	COS Office Building	Conference Room	20 Cap	60.00	G+2	1	1080.00	1080.00
		CO Room with Attached Toilet	01 Nos.	48.00				
2	M.T. Garage with Office (Assam Type)	LMV	06 Nos.	174.00(29 sqm per vehicle)	G	1	870.00	870.00
		MMV	06 Nos.	174.00(29 sqm per vehicle)				
		HMV	06 Nos.	298.00(50 sqm per vehicle)				
		Office Block	10 Nos.	224.00				
3	Ration Store & Clothing Store (G+1)	Hall	02 Nos.	174.00 (87 sqm per hall)	G+1	1	300.00	300.00
4	Magazine/Kote Building & Sentry Post & Boundary Wall/Fencing (B/G)	Magazine/ Kote Building	10 Cap	218.00	G	1	350.00	350.00
		Explosive Depo Block	01 Nos.	96.00	B			
		Common Toilet Block	08 Cap	28.00	G			
5	GO's Mess (G+1)	Deluxe Rooms with Attached Toilet	04 Nos.	100.00 (25 sqm per room)	G+1	1	650.00	650.00
		Suites	02 Nos.	100.00 (50 sqm per room)				
6	SO's Mess(G+1)	Twin Sharing Rooms with Attached Toilet	14 Nos.	336.00 (24 sqm per room)	G+1	1	850.00	850.00
		Community Centre	75-100 Cap	253.00				
7	Community Centre with Canteen, Saloon & Laundry	Laundry/Saloon/ Daiyneeds	NA	120.00	G	1	600.00	600.00
		Canteen	48 Cap.	158.00				
8	Hospital-10 Beeded-(G)	10 Badded	10 Badded	330.00	G	1	330.00	330.00

9	Drill Shed (Assam Type)	Covered platform	150 Cap	400.00	G	1	400.00	400.00
10	Gate Complex with 10 Men Barrack (Assam Type)	10 Men Barrack	10 Cap.	100.00	G	1	175.00	175.00
11	Watch Towers (10 Nos.)-G	Watch tower	10 Cap.	50.00	G	1	50	50
12	Fire Station with Barrack(G+1)	Lecture room	10 Cap.	17.00	G+1	1	350.00	350.00
		Accomodation room	04 Badded	30.00				
		Fire tender parking space	02 Vehicles	140.00				
13	ATM(G)	NA			G	1	15.00	15.00
14	Control Room(G)	NA			G	1	50.00	50.00
15	Classroom Block with computer lab(G+1)	50 Seated classrooms	06 Nos.	390.00 (65.00 sqm per classroom)	G+1	1	700.00	700.00
16	Indoor Sports Complex with Gym(G)	Badminton hall	01 Court	208.00	G	1	800.00	800.00
		Table tennis hall	01 Table	152.00				
		Gym hall	40-50 Cap.	150.00				
17	Primary School (Assam Type)	30 Seated classrooms	05 Nos.	36.00	G	1	560.00	560.00
18	Family Welfare Centre (Assam Type)	Training hall	30 Cap.	98.00	G	1	500.00	500.00
19	Naamghar	Hall	50 Cap.	100.00	G	1	100.00	100.00
		Table tennis hall	1 Table	104.00				
20	Recreation Hall(G)	TV/Multipur pose hall	50 Cap.	76.00	G	1	400.00	400.00
21	Garrage-02 Nos. (For COS Office)-Assam Type	NA			G	1	80.00	80.00
22	Sentry Post-02 Nos. (For COS Office)-Assam Type	NA			G	1	8.00	8.00
23	Sentry Post-01 Nos. (For COS residence)- Assam Type	NA			G	1	16.00	16.00

24	Guard Sheed-01 Nos. (For COS Residence)- Assam Type	NA	G	1	74.00	74.00
25	Kill House (G)	NA	G	1	280.00	280.00
Total:-						9588.00

The building construction has been started on the proposed site. The component wise (%) work constructed and finished so far as provided by the DFO, Sivasagar is as under:

Sl No	Name of Building	% completed
1	4 Nos of Barrack	92%
2	8 nos Havildar and 3 nos of Inspection building	79%
3	Hospital and 10 men barrack	95%
4	School and Fire station	75%-78%
5	Deputy Commandant Building	0%
6	Canteen and Recreation hall	0%
7	Namghar	75%
8	Indoor stadium	0%
9	CO Building	78%
10	CO Residence	0%
11	GO Mess Building	80%
12	SOS Mess Building	80%
13	Commandant Office Block	80%
14	SOS Accomodation Building	80%
15	Small components (ATM,Sentry post etc)	0%

3) Total cost of the Project at present rates.

The total cost of the project is Rs. 176.25 cr.

4) Whether forest area proposed for diversion is important from wildlife point of view or not.

No wildlife was cited on the day of inspection, however the DFO, Sivasagar informed that wildlife viz., Leopard, wild boar, Snakes etc. are reported in the surrounding area. However Divisional Forest Officer, Sivasagar informed the inspection team that Human wildlife conflict has been reported earlier around the proposed area.

5) Vegetation

Sl. No.	Forest Division	Reserve Forest & area (in ha)	Total Nos. of trees to be felled including poles
1	Sivasagar	Geleky RF & 28 ha	Few standing trees viz., <i>Duwabanga sp.</i> , <i>Sterculia villosa</i> , <i>Ficus spp</i> , <i>Sapium baccatum</i> (Saleng), <i>Anthocephalo cadamba</i> etc were observed during the site visit

Effect of removal of trees on the general ecosystem in the area

The proposed area is broken and construction is on going on the day of inspection. The vegetation in the proposed area has been almost entirely clear felled except few standing trees viz, *Duwabanga sp.*, *Sterculia villosa*, *Ficus spp*, *Sapium baccatum* (Saleng), *Anthocephalo cadamba* etc with pockets of baboo species like *Dendrocalamus hamiltonii* (kako bah), *Bambusa tulda* (Jati bah), *Bambusa balacoa* (Bholuka bah), *Schizostachyem dullooa*(Dolo Bah) etc.

The effect of tree removal in the area can be minimize by undertaking plantation measures under relevant guideline and rules.

6) Background note on the proposal

As given in the first paragraph.

7) Compensatory Afforestation:

The CA site has been proposed in 28 ha equivalent non forest land in the identified compensatory afforestation land bank of 830 ha evicted non forest land in Sonitpur district of Assam located adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division in Sonitpur district of Assam.

District	Forest Division	Range/ Location	Area (in ha)	Financial outlay(Rs)
Sonitpur	Nagaon Wildlife Division	Dhania Range	28	2.12 crore

Whether land for compensatory afforestation is suitable from plantation and management point of view or not.

The Sate Govt of Assam vide its letter No ECF, 439104/2024/16 dated 29.07.2024 notified the evicted non forest land of 830 ha handed over to State Forest Department in Sonitpur district of Assam adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division for providing lands towards compensatory afforestation for forest diversion cases in Assam. The final notification of identified CA site to RF/PRF has not been completed however the Range Officer, Dhania Range informed that it will be completed before grant of Stage II /Final Approval of the proposal.

The CA site is located around the submergence area of Brahmaputra river which is about 2 km from the identified CA site. The approach route to the CA site is through two nallahs i.e. Phultala Nallah and Boga Nallah by boat or temporarily constructed bamboo bridge. On the day of the site inspection, the Range Officer informed that temporary illegal settlement are still occupying the evicted CA land bank. The team observed that agricultural practices and rearing of livestock, cows etc are still continuing in this evicted land.

The identified CA site is an open forest with few standing trees species like *Streblus asper*, *Bombax ceiba* etc. The team observed continuous large scale cultivation of *Corchorus capsulansies sp.* (Jute) and other vegetables like Brinjal in the identified CA site. The Range Officer, Dhania Range informed that some illegal temporary settlement are still existing in the evicted CA land bank of 830 ha and forest department is in the process of eviction of such temporary settlement.



Photographs of approach route to CA site through two Nallahs
(A) & (B) above, channels of Brahmaputra river



Photographs showing *Corchorus sp.* (Jute) and Brinjal crop in the CA site

The identified CA site is suitable for plantation. However following measures suggested:-

- (i) The complete demarcated and proper fencing of the boundary of identified CA site to prevent from encroachment, etc.
- (ii) State Govt to take necessary action for removing the existing temporary encroachment/encumbrances around the identified CA land.

Whether land for compensatory afforestation is free from encroachments/other incumbencies.

Yes, however temporary settlement observed around the identified CA land bank.

Whether land for compensatory afforestation is important from religious and archaeological point of view.

No.

Land identified for compensatory afforestation is in how many patches, whether patches are compact or not

One patch

Maps with the details.

Submitted in SoI toposheet as well as soft copies of shape file along with proposal.

Total financial outlay:

Rs. 2.12 crore

- 8) Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes a report on violation including action taken against the concerned officials:**

Yes.

The State Govt has not taken any action on the responsible officers/officials of the State Forest Department / user agency.

- 9) **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Govt or not.**

No displaced person involved in this proposal.

- 10) **Reclamation Plan**

Not required.

- 11) **Cost Benefit ratio.**

The State Govt submitted that Cost benefit analysis could not be quantified as the proposed battalion is primarily for protection of forests and forest land.

- 12) **Recommendation of the Principal Chief Conservator of Forests/State Govt.**

The proposal has been recommended at all levels by the Govt of Assam.

- 13) **Recommendation of DDG(C), Regional Office, Shillong along with detailed reasons.**

The under construction camp of Commando Battalion spread over 28 ha is basically meant for forest protection, specifically the Geleky RF in the sensitive Assam-Nagaland border. The construction is large scale and of permanent nature with no resemblance to the activities specified in explanation (b) of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The proposal for diversion was received on 06.06.2024 under Section 2 of the Adhiniyam, 1980 and approval by GoI is pending, however the construction is going on in full swing as seen during the site inspection on 16.08.2024. Therefore noting that it is prima facie a case of violation, it was sent to Ministry for consideration under Rule 10 (2) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

The establishment of the battalion with well trained and armed personnel could be of immense help to the State Forest Department for the protection, conservation and management of forest and forest resources.

The proposal is therefore recommended for ex-post facto approval.

- 14) DDG(C), Regional Office, Shillong shall give detailed comments on whether there are any alternatives examined for locating the proposal in non-forest land.**

-No alternative examined as the proposed area is an on going project.

- 15) Utility of the proposal.**

This proposal is for the purpose of the establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division.

- 16) Whether land being diverted has any socio-cultural/religious value.**

Not involved.

- 17) Whether any scared grove or very old growth trees/forests exists in the area proposed for diversion.**

Not involved.

- 18) Situation w.r.t. any Protected Area**

The proposal area is 30 Km aerial distance from the nearest protected area i.e. Hollongapar Gibbon WLS. The proposed area does not fall under any Eco-Sensitive zone/protected area nor under any elephant /wildlife corridor. There was no encounter with any wildlife in the proposed area on the day of inspection, however the DFO, Sivasagar informed that wildlife viz., Leopard, Wildboar, snakes etc. are reported in the surrounding area and there are reports on Human wildlife conflict around the proposed area.

- 19) Whether the land under diversion forms part of unique eco-system.**

No

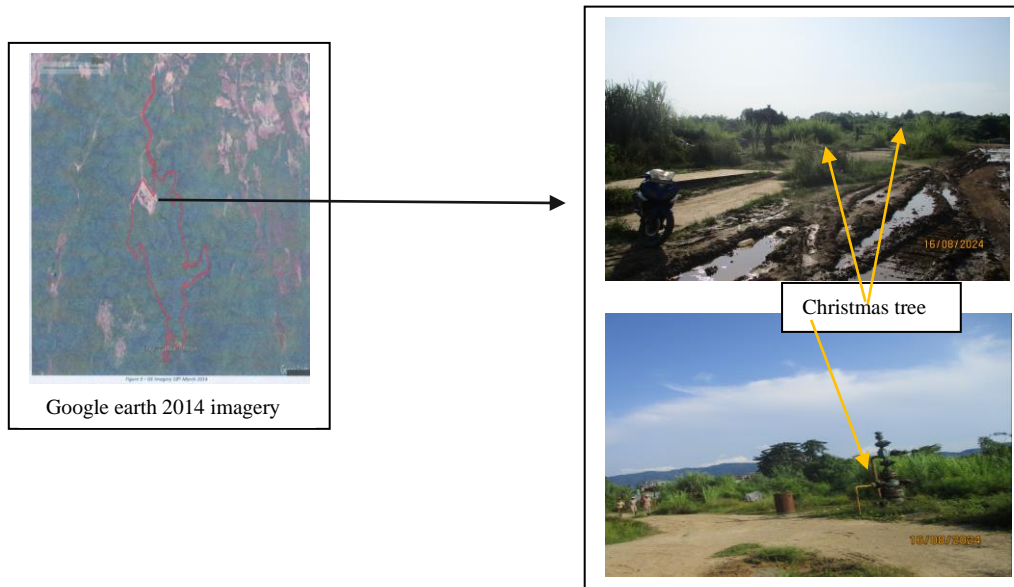
20) Any other information relating to the proposal.

The user agency for this proposed area is Divisional Forest Officer, Sivasagar Forest Division whereas the administrative approval and the Financial Sanction are in the name of Assam Police Headquarter and the Financial Sanction are marked to Assam Police Housing Corporation Limited as vendor which is a State Public Sector Undertaking under the administrative control of Assam Police.

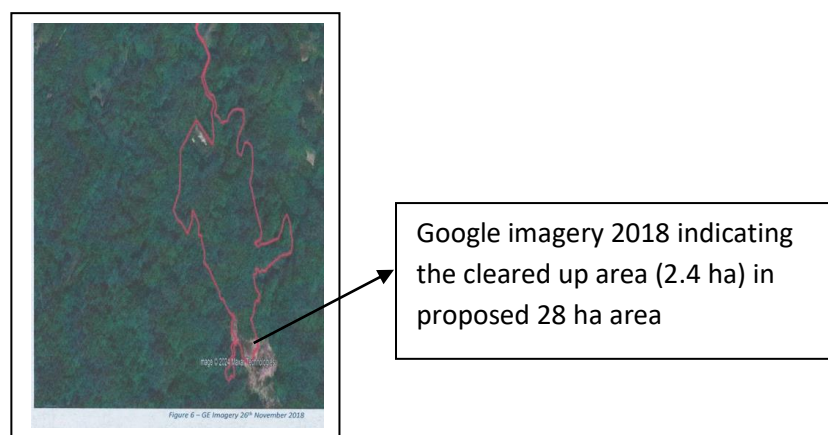
The Geleky Reserve Forest (5929.20 ha) where the proposed area has been proposed is under enormous anthropogenic pressure as 4000 ha i.e. 67 % of the RF has been reported encroached by the DFO, Sivasager. The Geleky RF is in contiguous with Dissoi valley RF, Dissoi RF, Tiru Hills RF and Abhayapur RF. The nearest village is Athkhel NC, Deopani Village in Assam which is about one and half km from the proposed area. The Nagaland State boundary is about 3.5 km away from the proposed area and nearest villages of Nagaland viz., Wamaken village, Anaki village and Kangtsung are 2- 3 km away from the proposed site.

The terrain of proposed area is undulating and observed to be broken and construction work was in full swing on the day of site visit with involvement of about 400 Nos. of workers. The proposed area is a prima facie case of violation of Section 2(1) (ii) Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as the work has been started without prior permission of Central Govt. One enquiry of the inspection team, work was initiated in the proposed area on 20.11.2022 and construction work started in 18 ha and remaining 10 ha is yet to be taken up for developmental. The DFO informed that 85% of work has been completed and 75% procurement of goods has been done. Moreover observed that 4.2 km of boundary wall has been constructed out of total 4.8 km.

The installed “03 Nos of Christmas tree” used for drilling exploration for oil and gas operations was observed within the proposed 28 ha area.



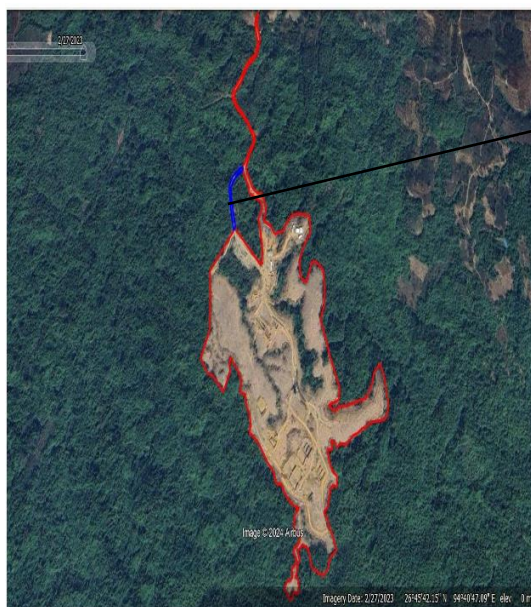
On enquiry, the DFO informed that 19.50 sq km of South Geleki area was earlier used by the ONGC, out of which 2.63 ha area is within this proposed 28 ha. This area was also verified from the google earth 2014 imagery. There is an existing approach road of 6 meter wide to this drilling sites which were used by the ONGC. The DFO further informed ‘Exploration of oil at nine site by ONGC- IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC was granted vide Ministry letter No.8-106/86/FC dated 6.5.1985 but not for the existing road. However no forest Clearance approval letter could be traced by the DFO, Sivasager.



Moreover the broken area on the southern part (2.4 ha) of the proposed area as seen in google earth 2018 imagery was the cleared up area by miscreants from Nagaland which was later on stopped by the Assam as per the DFO.

The establishment of battalion with well trained and armed personnel in the region will strengthen the State Forest Department to encounter protection, conservation and management of forest and forest resources and support in reducing the anthropogenic pressure in the region. Hence the proposal is recommended for ex post facto approval subject to the following:-

- (i) The Ministry may issue necessary direction for immediate stopping of the ongoing work and the detail Action Taken Report on violation of Section 2(1) (ii) Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be submitted by the State Govt as per para 1.16 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- (ii) The forest clearance letter of diversion of forest land “Exploration of oil at nine site by ONGC- IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC” and the current status of the project.
- (iii) The diverted forest area for exploratory drilling by ONGC located within the proposed area is to be excluded from the proposed 28 ha, and necessary changes in the proposal is to be done, if required.
- (iv) The proposed approach road to the proposed site comprises of an old existing road without the forest clearance and newly broken area of 0.32 ha by the current user agency. However instead of using 0.32 ha another old existing approach road of 0.16 ha (approx.) to the proposed site is being used by the user agency in addition to the proposed area of 28 ha.



Indicating additional 0.16 ha (in blue colour) approach road are to the proposed area being used by the user agency

- (v) State Govt shall ensure for no obstructing in the e-flow of the region by providing preventive and protective measures of the nalah existing within the diversion area which falls into permanent stream namely Deopani Nalah and Namti Nalah.
- (vi) The identified CA site boundary should be demarcated immediately to avoid confusion and possible encroachment.
- (vii) State Govt shall ensure to take necessary action immediately for removing of the existing temporary settlement/ encroachers/ encumbrances around the identified CA land.
- (viii) Re-enumeration of the standing trees as few standing trees *viz.*, *Duwabanga sp.*, *Sterculia villosa*, *Ficus spp*, *Sapium baccatum (Saleng)*, *Anthocephalo cadamba* etc were observed during the site visit.
- (ix) The Environment clearance of the proposed area shall be obtained, if applicable.
- (x) Comment of CWLW on the proposed site as conflict of human wild animal conflict has been reported around the proposed area.

Yours faithfully,



(Ms Lactitia Jean Syiemiong)

Deputy Inspector General of Forests

PHOTOGRAPHS OF THE PROPOSED AREA



Construction site of Commandant Office Block



Construction site of Assistant Commandant Block



Photographs of SoS block



Work Station site



Hospital construction site

Construction Site for Primary school

16/08/24 02:33 PM GMT +05:30



Temporary Labour shed



Undergoing construction sites in indoor sports complex



Constructed road inside the proposed area



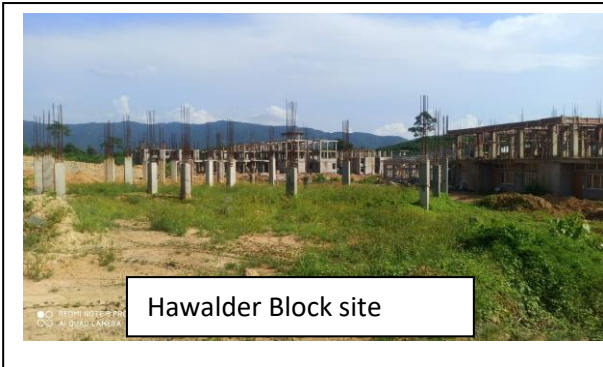
Hawalder Barrack site



Construction site for Inspector Unit



Construction site for Barrack site



Hawalder Block site



Water Tank under construction site



Overhead water tank site



Constructed Boundary wall of the proposed site



Boundary wall and proposed site



Brick block material inside the proposed site



Levelled Parade Ground site



Under construction of culvert for the approach road



Approach road to the proposed site



Undergoing construction of the approach road

31
312

35

ANNEXURE-2**Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)**

Indira Parayavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi-110003
Dated: As per e-sign

To,

Deputy Director General of Forests,
Regional Office, MoEFCC,
Law-U-Sib, Lumbatngen, Near MTC Workshop,
Shillong

Sub:

**Non-forestry activity on 28 hectares of forest land for construction of
commando batallion in Geleky, Sivasagar, Assam**

Ref: Letter No. F.No. 3ASC/255/2024/GHY/381 dated 22.08.2024.

Madam,

With respect to the above mentioned subject for which a proposal from State of Assam for ex-facto approval of violation of Van (Sanrakshan evam Samvardhan) Adhinyam, 1980 has been received in the ministry. Before that, an information regarding same was also received to the Ministry which was intimated to State of Assam and Regional Office for the needful.

In this connection, Regional Office Shillong (MoEF&CC) has submitted a Site Inspection Report (SIR) vide letter no. F.No. 3ASC/255/2024/GHY/381 dated 22.08.2024 to this Ministry.

The said SIR has been examined in the Ministry and prima facie it has been observed that the non forestry activities have been allowed without prior approval of the Central Government on the forest land in question which is in contravention of the statutory provisions and rules of *Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980*.

Taking into account the aforesaid, it is requested to initiate action in the instant matter as prescribed under section 3A and 3B of the *Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980*, as appropriate.

Yours sincerely,

Signed by Suneet Bhardwaj
Date: 28-08-2024 18:47:47

Sd/-
(Suneet Bhardwaj)
Asst. Inspector General of Forests

Copy to: Sub-office Guwahati of Regional Office, Shillong of MoEF&CC .

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Parayavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi-11003
Dated: As per e-sign

To

The Additional Chief Secretary (Forests),
Government of Assam,
Guwahati

**Sub: Non-forestry activity on 28 hectares of forest land for construction of
commando batallion in Geleky, Sivasagar, Assam**

Madam/Sir,

With respect to the above mentioned subject for which a proposal from State of Assam for ex-facto approval of violation of Van (Sanrakshan evam Samvardhan) Adhinyam, 1980 has been received in the ministry. Before that, an information regarding same was also received in the Ministry which was intimated to State of Assam and Regional Office for the needful.

In this regard, the Regional Office, Shillong has submitted a Site Inspection Report (SIR) (Copy attached). The Sub-office vide its letter no. F.No. 3ASC/255/2024/GHY/381 dated 22.08.2024 *inter alia* submitted the following with respect to the forest area in question:

i) The under construction camp of Commando Battalion spread over 28 ha is basically meant for forest protection, specifically the Geleky RF in the sensitive Assam-Nagaland border. The construction is large scale and of permanent nature with no resemblance to the activities specified in explanation (b) of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.

The Sub-Office *inter alia* recommended that the Ministry may issue necessary direction for immediate stopping of the ongoing work and the detail Action Taken Report on violation of Section 2(1) (ii) Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 shall be submitted by the State Govt as per para 1.16 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.

The said report has been examined in the Ministry and *prima facie* it has been observed that the use of forest land for non forestry activities has been allowed without prior approval of the Central Government which is in contravention of the statutory provisions and rules of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.

Taking into account the aforesaid, the State Government is requested to stop and discontinue any kind of activities forthwith in the forest area in question. It is further stated that non-adherence to the aforesaid request/direction will amount to wilful violation of statutory provisions of *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980*.

Enc. As above

Signed by Suneet Bhardwaj

Date: 28-08-2024 18:49:39

Yours sincerely,

Sd/-

(Suneet Bhardwaj)

Assistant Inspector General of Forests

ANNEXURE-A2

**Report of the Committee constituted as per order of Hon'ble National Green
Tribunal in the O.A. no. 105/2024/EZ**

A. Background

The instant case pertains to the Original Application No. O.A.105/2024/EZ, titled Sh. Rohit Choudhury -Vs- State of Assam & Ors, filed in the Hon'ble NGT (EZ), regarding establishment of 2nd Assam Police Commando Battalion in the Geleky Reserve Forest (RF) in Sivasagar District of Assam over 28 ha of forest area, by the Assam Forest Department without prior approval from MoEF&CC under the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980 (*referred to as 'FCA 1980' in following sections*).

On 29.05.2024, while the matter was taken up, Hon'ble NGT issued an order which, *inter alia*, reads as follows:

11. *We deem it appropriate to constitute a Committee comprising of the following officers of MoEF&CC to enquire the case comprehensively: - (i) Additional Director General of Forest, MoEF&CC dealing with Forest (Conservation) Act; (ii) Additional Secretary, MoEF&CC nominated by Secretary, MoEF&CC; and (iii) Deputy Director General of Forests (C), MoEF&CC, Integrated Regional Office, Meghalaya.*

12. *The Committee shall visit the site and submit its Report on affidavit. The Additional Director General of Forest, MoEF&CC shall be the Nodal officer for filing the report on affidavit.*

Accordingly, the Committee was constituted by MoEF&CC vide its Office Memorandum dated 05.06.2024 comprising of the following members:

- a) Sh. AK Mohanty, ADGF (FC) MoEF&CC (Nodal Officer),
- b) Sh. Tanmay Kumar, Addl. Secretary, MoEF&CC and
- c) Ms. Imtiena Ao, DDGF(C) MoEF&CC, Regional Office, Shillong

Consequent upon the promotion of Sh. Tanmay Kumar as Special Secretary, the competent authority nominated Sh. Amandeep Garg in his place in the said committee. Subsequently, MoEF&CC vide its Office Memorandum dated 28.08.2024 reconstituted the said committee as follows:

- a) Sh. AK Mohanty, ADGF (Forest Conservation), MoEF&CC, Nodal Officer
- b) Sh. Amandeep Garg, Addl. Secretary, MoEF&CC
- c) Ms. Imtiena Ao, DDGF(C) MoEF&CC, Regional Office, Shillong

B. Source of information which were referred for preparing the report

The basis for preparing this report by the Committee, was the perusal/reliance on the information from the following sources:

1. Site inspection of the area in Geleky RF, where the construction of facilities of the Assam Police Commando Battalion had started and has now been discontinued.
2. Interaction/discussion with State Government Officials and local people who were present during the site inspection.
3. Past Working Plans of Sivasagar Forest Division; (2001-02 to 2010-11 Working Plan, in which a fair amount of information for the period since



- 1930s could be accessed on Forest types, forest quality, proposed management & rationale thereof, threats etc. to RFs of the Division having inter-state border with Nagaland): (relevant pages enclosed as **Annexure-I**)
4. OA no. 105/2024/EZ filed by the applicant, counter affidavits filed by MoEF&CC and counter affidavits filed by State Government of Assam
 5. Site Inspection Report (SIR) of Regional Office, MoEF&CC, Shillong (**Annexure-II**)
 6. Proposal of the State Government for diversion of 28 ha under FCA 1980, submitted to Central Government (**Annexure-III**)
 7. Minutes of meeting (held on 27.08.2024) of Advisory Committee (AC) constituted under FCA-1980, on the proposal for Diversion of 28 ha of forest land for Establishment of a Commando Battalion Camp in the Assam-Nagaland Inter State Border Area of Geleky RF under Sivasagar Forest Division, Sivasagar District in the State of Assam. (**Annexure-IV**)
 8. Orders of Hon'ble NGT on the OA no 105/2024/EZ
 9. India State of Forest Reports (ISFRs) of Forest Survey of India (FSI), MoEF&CC (As available in the public domain)
 10. FCA 1980, including Rules and Guidelines made thereunder and their modifications made at different times (**Annexure-V & VI**)
 11. Standard Terms of Reference (ToR) to the proposed project of Assam Police Housing Corporation under the EIA notification, 2006 granted by State Level Expert Appraisal Committee (SEAC) Assam (**Annexure-VII**)



12. Consent to Establish (CTE) under Water (Prevention & Control of pollution)

Act, 1974 and Air (Prevention & Control of pollution) Act, 1981, for the project granted by the Pollution Control Board, Assam (**Annexure-VIII**)

C. Chronology of events concerning the extant non-forestry activity:


Sl. No.	Date	Brief Discription of events
1.	15.11.2022	Approval for establishment of Commando Battalion Camp was issued by PCCF and HoFF, Assam vide letter No. FG.46/Border/Nagaland/Pt-II.
2.	25.04.2024	A news report in Hindustan Times made regarding establishment of second commando battalion in Assam without FC nod.
3.	25.04.2024	Ministry requested State Government to furnish a detailed factual report.
4.	06.05.2024	Regional Office, Shillong requested State Government to provide factual report and offer comments.
5.	25.05.2024	O.A No. 105/2024/EZ was filed in Hon'ble NGT, Kolkata by one Shri Rohit Choudhury
6.	04.06.2024	A proposal under FCA 1980 was registered on PARIVESH 2.0 by the User Agency.
7.	05.06.2024	As per directions of Hon'ble NGT in its order dated 29.05.2024, a committee was constituted to enquire into the case comprehensively.
8.	13.06.2024	Ministry once again requested State Government to furnish a detailed factual report.
9.	18.06.2024	State Government was again requested to expedite submission of factual report and also intimated regarding constitution of Committee as per

		directions of Hon'ble NGT in its order dated 29.05.2024, by Regional Office, Shillong.
10.	25.06.2024	Proposal was received in the Ministry for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
11.	16.07.2024	Essential details were sought by the Ministry from the State Government.
12.	16.07.2024	Regional Office, Shillong was also requested to carry out site inspection and submit site inspection report.
13.	08.08.2024	Reply to query raised by the Ministry dated 16.07.2024 was uploaded by the State Government on PARIVESH 2.0.
14.	20.08.2024	Site inspection report was received from Regional Office, Shillong.
15.	27.08.2024	The proposal was discussed in Advisory Committee meeting held on 27.08.2024.
16.	28.08.2024	State Government was requested to stop and discontinue any kind of activities in the forest area.
17.	28.08.2024	Regional Office, Shillong was requested to initiate action as prescribed in Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
18.	28.09.2024	The Committee constituted vide the order of Hon'ble NGT, made the site inspection.

D. Site visit of the Committee

The following members of the Committee undertook the site inspection on 28.09.2024.

- a) Sh. AK Mohanty, ADGF (Forest Conservation), MoEF&CC, Nodal Officer
- b) Sh. Amandeep Garg, Addl. Secretary, MoEF&CC


Ms. Imtiena Ao, DDGF(C) MoEF&CC, Regional Office, Shillong was unable to visit the said site due to ill-health. Ms. Ao deputed her subordinate officer Ms. Laetitia Jean Syiemiong, Deputy Inspector General of Forests (DIGF) MOEF&CC, Regional Office, Shillong to visit the said site.

Following officers accompanied the Committee to the site of the 2nd Assam Commando Battalion in Assam-Nagaland Interstate Border Area of Geleky Reserve Forest located in Sivasagar District of Assam:-


- a) Sh. Rajendra Garawad, Chief Conservator of Forests, Assam & Nodal Officer (Forest Conservation), Assam
- b) Sh. K. Deka, Divisional Forest Officer, Sivasagar Forest Division, Sivasagar District, Assam

E. Observations:

1. **Working Plan of the Sivasagar Forest Division (2001-02 to 2010-11):** To get a reliable background information, a working plan of the concerned Forest Division, which was written more than 20 years ago, was perused. The relevant information which was obtained from this document is as follows:

- a. As far as maintenance of RF boundaries is concerned, the interstate boundaries particularly in Abhoypur RF and Geleky RF have not been inspected and maintained for several years, which has resulted in serious encroachments, due to hostile situation there.
- b. The forest had several canopy layers, most of which are of evergreen nature. The RFs are mainly of Assam Tropical Evergreen Forests characterized by rich varieties of species, heavy rainfall, damp climate, deep soil etc. The important species such as Hollong (*Dipterocarpus retusus*)



6




and Mekai (*Shorea assamica*) formed the top canopy.

c. In the prescription section, out of the seven RFs in the division, it is only the Geleky RF which has been kept fully under Protection Working Circle, with specific comments as "Encroached by Naga People". The encroachment pressure in the forests in the interstate border areas, existed since 1950s.

d. It was stated that upto 4,000 ha out of total area of 5886 ha of the Geleky RF (in the subsequent documents, the figure for total area is given as 5929 ha) was under encroachment, by way of reducing the evergreen forests through jhum cultivation, establishment of saw mills etc. This constituted an encroachment of about 67% of total area of the Geleky RF.

2. **Forest cover analysis:** As per ISFR 2021 (India State of Forest Report-2021) of FSI, Sivasagar district has 159.5 sqkm area under dense forest cover (very dense forest + medium dense forest). Further, the SFR 2001 (State of Forest Report-2001) shows that same district had 203 sqkm of dense forests. Thus, it can be inferred that there has been a significant reduction of dense forests in the district in the last 20 years.

3. **State Government proposal for diversion of 28 ha in Geleky RF:** Meantime, the Government of Assam has made an application (under the FCA 1980) for diversion of 28 ha of Forest land for establishment of an Assam Police Commando Battalion in Geleky RF of Sivasagar District. This diversion proposal is at present under consideration in MoEF&CC. Some of the information given in the proposal, which has been noted, are as follows:

a. The State Government agrees that no prior permission was taken from



Central Government (under FCA-1980), since it considers that the non-forestry activity which has been initiated in the said 28 ha area, is for forest conservation and protection.

- b. The then PCCF & HoFF issued diversion order dt. 15.11.2022. Thereafter, the project got financial approval on 20.04.2023 and administrative approval on 12.04.2024.
- c. The original high forests of the Geleky RF with Hollong and Mekai dominating the top canopy, has been reduced over the last few decades to a miscellaneous vegetation dominated by Kako bamboo (*Bambusa balacoa*) and without prevalence of valuable tree species. Due to gradual destruction of forest wealth in the past, the area of 28 ha has been transformed into a degraded forest mostly with naturally growing bamboo patches which also include Jatibaanh (*Dendrocalamus hamiltonii*), Bholuka, Dolo and Mukal. *(This was also noticed by the committee during their visit, that the vegetation around the area under diversion, is predominantly of local bamboo species, which appeared to be early colonizers in degraded forests in this landscape.)*
- d. The area under diversion is about 2 Km from the disputed interstate Assam-Nagaland border.
- e. As per the interpretation and views of the authorities in the State Government, the non-forestry activity initiated for establishment of the Police Commando Battalion is for the Forest Conservation and protection and within the activities which are exempted from the purview of the FCA 1980.



4. Site visit:

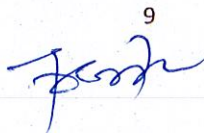
- a. The area concerned is undulating and about 80% of the construction work for most of the proposed buildings has been completed.
- b. There was no construction work going on during the visit. Apparently, it has been stopped after direction from the MoEF&CC.
- c. The vegetation of about two-third area within the 28ha area has been cleared for making ground for the construction works.
- d. The vegetation around the 28ha area was inspected and found to be dominated predominantly by local bamboo species such as kako bamboo, jatibaanh etc, which appeared to be early colonizers in degraded forests in this landscape.
- e. A boundary wall has been constructed around the concerned area, of which about 90% was found to be complete.
- f. The following Civil Constructions were also found to have been initiated in the said site.

Sl. No.	Type of Constructions as seen on 28.09.2024
1	Residential building - for Officers & Staff
2	Office Building
3	Non-residential buildings - Hospitals, School, Fire Station, Canteen, Mess Buildings,
4	Activity Area, Park, Road, Footpath etc.
5	Utilities - ATM/ Sentry posts

The committee was informed that the constructions had been carried out by the Assam Police Housing Corporation.



9




g. Certain old and dilapidated Oil & Gas exploration infrastructure over 2.63 ha forest land were also seen within the said area. The DFO stated that the Ministry had issued Forest clearance vide Ministry letter No.8- 106/86/FC dated 6.5.1985 for Exploration of oil at nine sites by ONGC- IRG-17 and 18, well No. G-169 and G-160 in favour of Oil & Natural Gas Corporation Limited in the said area.

5. Interaction with State Government Officials and local people during site visit:

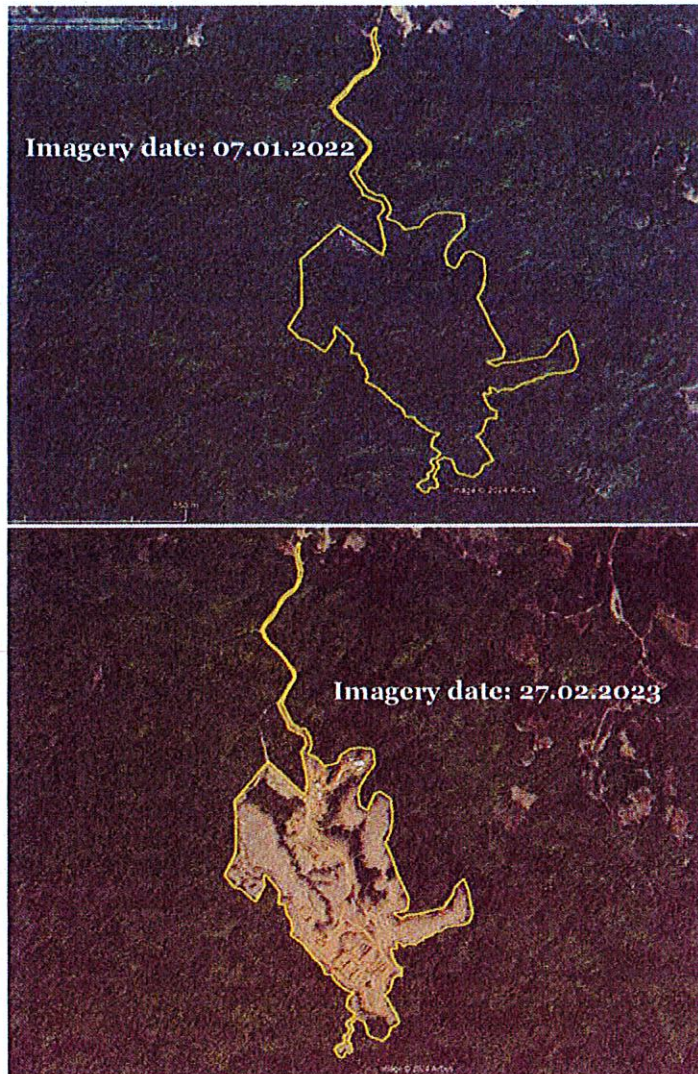
- a. The Geleky RF has a notified area of 5929.20 ha. The following Notified RFs of Assam constitute a contiguous forest land namely:- Geleky RF, Dissoi RF, Tiru Hills RF and Abhoypur RF.
- b. The said location of 28Ha, which is intended to be used for establishment of the 2nd Assam Police Commando Battalion, is part of the Geleky RF, is located in the remaining 1,929.2 ha (*as per records 4000 ha area is under encroachment out of a total of 5929.2 ha*).
- c. The area does not have any significant presence of wildlife. However, the DFO Sivasagar informed the committee that wildlife viz., leopard, wild pig, snakes etc. are reported in the surrounding areas and there are occasional reports on Human wildlife conflict around the site. Establishment of this Battalion will immensely help in conservation and protection of forest and wildlife.
- d. Furthermore, it was seen that an area of 2.4 ha forest land had been broken in the southern side of the site. On enquiry, it was informed that in 2018, unidentified persons had cleared the land. The State Government has

stopped further clearing of forest land.

- e. The construction area is strategically located, so as to dominate over the area and resist further attempt of encroachment by miscreants from across the inter-state border side, which would not be otherwise possible by stationing in an area outside the Reserved Forest area.
 - f. The officials informed that due to gradual encroachment from Nagaland side over the time, one of the most important resources that has been almost lost is the precious tree species, resulting in the forest in the region having lost its original character.
 - g. There has been hostile atmosphere in these areas including in other districts bordering Nagaland. Added with aggression involving firings at times, this has resulted even in loss of life sometimes.
 - h. On the reason for not seeking prior approval of Central Government under the provision of the Act, the officers of State Government informed that the State Government has relied on the clause "*any other like purposes*", under Explanation to Sec. 2 of the FCA 1980, which provides for scope for exemption to some non-forestry activities, which are ancillary to forest conservation and management.
6. It was noted that the provisions in the entry at 8(a) and 8(b) of the Schedule of EIA Notification 2006, as amended are applicable in the instant project, which is within the competence of SEIAA/SEAC Assam. The project proponent has obtained Standard Terms of Reference (ToR) from State Level Expert Appraisal Committee (SEAC) Assam (**Annexure-VII**). Consent to Establish (CTE) has been granted by Pollution Control Board, Assam (**Annexure-VIII**). Further

action regarding grant of EC is to be taken by SEIAA/SEAC Assam as per the provisions of EIA notification, 2006 as amended and relevant Judicial pronouncements in this regard.

7. **Time series information of the concerned 28ha area inside Geleky RF, from satellite imageries:** From the satellite imageries, it is seen that the said non-forestry activity was initiated during Jan 2022 to Jan 2023.



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8. **The Section 2 of FCA 1980:** On the reason for not seeking prior approval of Central Government under the provision of the FCA 1980, the State Government has mentioned about the exemption provided for some non-forestry activities, which are ancillary to forest conservation and management. The State Government here has relied on the clause "*any other like purposes*", under Explanation to Sec. 2 of the Act. This has some ambiguity and apparently it leaves some scope for interpretation.

It is to mention here that the Central Government has amended the FCA 1980 which came into force w.e.f. 01.12.2023..One of the amended provisions was, qualifying the clause "*any other like purposes*", under Explanation to Section 2, into "*(viii) any other like purposes, which the Central Government may, by order, specify.*" This amendment has now taken care of the abovementioned ambiguity.

9. **The Advisory Committee (AC)** (constituted under the provisions of the FCA 1980), while deliberating on the proposal of the State Government (as at Para-4 above) in its meeting on 27.08.2024, has accepted the contention of the State Government on the need for placing an armed police force inside the Reserve Forest to ensure its protection. It has also accepted the justification of the State Government that the concerned area is best suited for establishment of the said infrastructure. However, the AC also stated that, the prior approval of the Central Government is necessary for that.

G. Conclusion

1. The establishment of this Police Battalion camp is a government project, for protection purposes and it is not for profit.





2. The State Government has initiated the construction activity relying and interpreting within the grey area in the exemption clause in the pre-amended version of FCA 1980, as mentioned in a previous section, for which they have already applied for EC in SEAC/SEIAA Assam.
3. Although the construction has taken place in a degraded forest area, this should be mitigated adequately as per the extant norms.
4. Moreover, the State Government has already made a proposal under FCA 1980 for regularization of the construction, which is under consideration in the MoEF&CC for obtaining approval. MoEF&CC may consider the proposal following appropriate procedure and standard conditions, which would help in conservation and protection of forest and wildlife in the area.

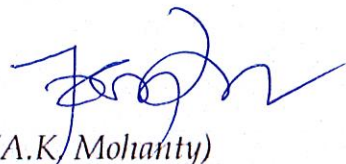
This report has been confirmed and accepted by the members of the Committee.



(Laetitia J. Syiemiong)
DIGF, Regional Office, Shillong



(Amandeep Garg)
Addl. Secy, MoEF&CC



(A.K. Mohanty)
ADG (FC), MoEF&CC
and Nodal Officer for the committee

PART - II

FUTURE MANAGEMENT DISCUSSED AND PRESCRIBED

CHAPTER - I

BASIC FOR PROPOSAL

62. Introduction : As discussed in a high level meeting held in the office of the Chief Conservator of Forests (G) on 24/5/89 , and as per minutes of meeting vide CCF(G) Assam's letter No. FG.88/ Working Plan. Dt. 8/6/89, it was suggested that the RFs of Sivasagar along with Nagaland border being full of hostile activities & dispute, it would not be possible to take up the works of stock mapping and enumeration in those RFs neither advisable to bring such RFs under the purview of the proposed Working Plan.

Also as per CCF(G)'s letter mentioned above it was suggested to cover four RFs, namely, Hollongpar, Sola, Desoi, Panidehing, but CF, EAC suggested in his preliminary working plan that the following seven RFs are to be covered under the proposed Working Plan.

- | | |
|------------------|-----------------|
| 1) Hollongpar RF | 5) Dilli RF |
| 2) Sola RF | 6) Abhoyapur RF |
| 3) Desoi RF | 7) Sapekhati RF |
| 4) Panidehing RF | |

The Hollongpar RF is excluded from this Working Plan since with the bifurcation of Sivasagar Division, the RF is under jurisdiction of the Jorhat Forest Division. On the other hand, Geleki R.F. which falls under the present Sivasagar Division is brought under the present Working Plan.

*** 63. National Forest Policy :** National Forest Policy of 1988 laid emphasis on maintenance of environmental stability through presentation and restoration of ecological balance that has been adversely disturbed by serious depletion of the Forests. It also sets basic objective in conserving the national heritage of the country by preserving the remaining natural forest with vast variety of flora and fauna, checking soil erosion, denudation in catch-ment areas of rivers, lakes, increasing substantially the forest / tree cover in the country through massive afforestation and soil conservation programmes in the denuded and degraded lands. These objective are to be achieved by involvement of the people including involvement of women.

The forest policy also further states that in the management of existing forests and forest land, the emphasis should be on protection, improving their productivity, conservation of total bio-diversity by strengthening the networks of National Parks and sanctuaries.

*
64. Govt. of India's Guidelines for Working Plan : Govt. of India has issued certain guidelines for preparation of Working Plans. It has been emphasized that Working Plan prescription should aim at the welfare of tribals. The tribals should be made a participating community in harvesting, collecting and processing of all forest products. Indigenous species should be planted and mono-culture to be replaced by planting of mixed species. Clear-felling of natural forest is to be avoided as far as possible. Protection from harvesting in the critical areas in catchment areas of river and hills prone to land slides. Launching of plantation programme for quick reforestation of degraded areas.

*
65. Factor Influencing General Objects of Management : The various factors influencing the general objects of management are given below:

- 1) In all previous Working Plans only a few economically important species were considered ignoring other species which might have significant role in the silviculture of the forest in totality.
- 2) The forest in the tract is well connected by roads with urban area and with the place like Dibrugarh , Tinsukia, Makum etc. where large numbers ply-wood factories and saw mills are situated. As a result forests have suffered on account of damage by illicit cutting for large sized timbers, small woods and for firewoods.
- 3) With the increase of population in villages as well as nearby township, requirements of timbers and firewood have gone up tremendously.
- 4) Forest in the tract form an important part of fragile "rain forest" ecosystem. Over harvesting in the past and the heavy illicit felling have brought damage to these forests.

- 5) On account of favourable climatic and edaphic condition the forests are capable of growing large sized timbers of Hollong Mekai, Nahor and other valuable timber species.
- 6) The neighbouring village from the forest and forest villages depend on forest for fuel-wood, timbers and other socioeconomic requirements of wild variety. The natural miscellaneous forests to be conserved to maintain sustainable supply.
- 7) In previous Working Plans none of the cultural operation like thinning, clearing etc. have been carried out. Over emphasis has been given for harvesting and felling.
- 8) At present situation, protection of forests largely depends on the attitude and attachment of the local people in the vicinity of the forest and also of the forest villagers towards these forests and vice versa. Steps are to be taken to involve the villages in the protection of forests. The local villagers to be engaged in forestry works and they would be sharing the yield to be obtained from forest and plantations. This would generate employment locally and which may help in checking illicit felling and the problem of encroachment in the forests.

“The major problem facing the forestry sector are not the technical forestry issues but rather are social, economic and political in nature”

General Object of Management : In view of the National Forest Policy of 1988 and considering factors mentioned above the following general objects of management are proposed :

- 1) To conserve the existing forests by sustainable utilization, restoration and enhancement of the natural environment.
- 2) To improve the growing stock, by adopting suitable method of working for regeneration and plantation.
- 3) To protect the already overexploited and rehabilitate the already degraded forests.

- 4) To meet the local demand for the small timber, fuel-wood, fodder bamboo etc.
- 5) To recover the encroached RFs areas systematically and to plant up the same. To evolve an effective methodology to prevent the fresh encroachment.
- 6) Consistent with the above to conserve soil, water, trees and wild life to maintain ecological balance.

67. Method of Treatment to be adopted : For attaining the above objectives, the method of treatment to be adopted is as follows:

- i) In Hollong /Mekai Forest areas felling of all bigger sized trees retaining Hollong and Mekai up to 120cms. girth at breast height and in case of other species up to 90cms. girth at breast height, as advance growth and then planting up the areas with Hollong/ Mekai polypot seedlings.
- ii) Selection marking for hygienic felling in areas out side Regeneration Blocks.
- iii) Plantation of suitable species in the marshy and productive blanks and
- iv) Raising of firewood species in the areas near human habitations.

68. Constitution of Working Circle : To achieve the objects of management and different methods of treatment required for different areas, following Working Circles are constituted on the basis of Area statement showing different types of forests, R.F. and Compartment wise .

- 1) Hollong- Mekai Plantation Working Circle.
- 2) Miscellaneous Plantation Working Circle.
- 3) Protection Working Circle.

The areas and the distribution of the Working Circle, compartment by compartment, are furnished below:

Table -I/II

Statement showing allotment of areas under different Working Circle

Sl. No.	Name of RF & Block	Comptt. No.	Area of the Comptt. (in ha.)	Net area allotted to the W.C. (in ha.)	Name of W.C.	Remarks
1	2	3	4	5	6	7
1	Dilli RF	1	187.60	187.60	Hg./Mk. Pln.	
		2	245.00	245.00	-do-	
		3	152.20	152.20	-do-	
		4	186.80	186.80	-do-	
		5	110.80	110.80	-do-	
		6	184.00	184.00	-do-	
		7	225.00	225.00	-do-	
		8	127.20	127.20	-do-	
		9	105.60	105.60	-do-	
		10	183.80	183.80	-do-	
		11	188.00	188.00	-do-	
		12	205.00	205.00	-do-	
		13	218.00	218.00	-do-	
		14	225.00	225.00	-do-	
		15	176.60	176.60	-do-	
					Total =	2974.80
2	Abhoypur RF	16	281.40	0	Hg./Mk. Pln.	FV area 281.40h
		17	168.00	138.00	-do-	FV area 30ha.
		18	160.00	108.00	-do-	FV area 52ha.
		19	182.40	134.40	-do-	FV area 48ha.
		20	233.40	233.40	-do-	
		21	175.00	175.00	-do-	
		22	102.00	74.00	-do-	FV area 28ha.
		23	175.00	175.00	-do-	
		24	224.80	224.80	-do-	
		25	219.20	219.20	-do-	
		26	212.80	212.80	-do-	
		27	162.40	162.40	-do-	
		28	174.80	174.80	-do-	
		29	206.40	206.40	-do-	
		30	200.00	200.00	-do-	
		31	252.00	252.00	-do-	
32	212.00	212.00	-do-			

Sl. No.	Name of RF & Block	Comptt. No.	Area of the Comptt. (in ha.)	Net area allotted to the W.C. (in ha.)	Name of W.C.	Remarks
1	2	3	4	5	6	7
	-do-	33	224.80	224.80	-do-	
		34	239.20	239.20	-do-	
		35	164.80	164.80	-do-	
		36	176.80	176.80	-do-	
		37	235.20	235.20	-do-	
		38	248.00	248.00	-do-	
		39(a&b)	414.40	414.40	-do-	
		40	205.60	205.60	-do-	
		41	179.20	87.50	-do-	FV area 91.7ha.
		42	200.00	30.00	-do-	FV area 170ha.
		43	176.00	176.00	-do-	
		44	282.40	170.40	-do-	FV area 112ha.
		45	226.70	226.70	-do-	
			Total =	5501.60		
3	Deroi RF	Whole	4831.00	3708.00	Protection	FV area 1123ha.
4	Sola RF	-do-	606.81	326.81	Misc. Pln.	FV area 32ha.
				248.00	Protection	
5	Sapekhati RF	-do-	698.72	196.72	Misc. Pln.	FV area 130ha.
				372.00	Protection	
6	Panidehing RF	-do-	2089.17	-	-	Declared as W.L.S
7	Geleki RF	Block I	4126.80	4126.80	Protection	Encroached by Naga people
		Block II	1010.40	1010.40		
	Grand Total			18465.13		

69. Reasons for Constituting the Working Circle :

- (i) *Hollong, Mekai plantation Working Circle* : Hollong and Mekai are the two most sought after plywood species in the region. So the area poor in Hollong, Mekai stocking and not capable of regenerating itself, due to absence of adequate natural regeneration, are brought under this Working Circle and intended to be enriched by artificial plantations with Hollong, Mekai plypot seedlings.
- (ii) *Misc. Plantation Working Circle* : Seasonal swamps, productive blanks and the area under Misc. forest denuded due to over exploitation are sought to be planted up with Misc. species suitable to the locality to produce at least some quantity of timber or other forest produce instead of keeping the areas blank.
- (iii) *Protection Working Circle* : The forest area that have been completely encroached upon, are intended to be brought under forest cover by raising two-tier firewood plantation with people's participation under JMF scheme, after clearing the area from encroachment and protecting the plantations so raised with the help of the beneficiaries.

70. Blocks and Compartments : A statement showing the Reserves, Blocks and Compartments, their areas and area covered under different formations as coputed from the stock maps and field data is furnished in the Area Statement under Table-II/II (a & b) (Page No. 63,64) and the compartment-wise areas allocation to different Working Circle are furnished under Table No.-I/II , (Page No. 60,61).

71. Period of Working Plan and necessity for Intermediate Revision : The period to be covered by this Working Plan is intended to be from 1st October.2001 to 30th September,2011. If considered necessary, intermediate revision may be made at any time and prescriptions modified accordingly.

TABLE NO. II / II(a)
Area Statement Showing Different Major Forest Formation of Sivasagar Division

Sl. No.	RF & Block No.	Comptt. No.	Gross Area (in Ha.)	Forest Village	Encroachment	Hollong, Nahor Forest			Misc. Type	Plantation	Regeneration	Swamp & Beel	Productive Blank
						Well Stock	Medium Stock	Poor Stock					
1	Dilli	1	187.60	0	0	0	0	187.60	0	0	0	0	0
		2	245.00	0	0	0	0	35.00	0	150.00	0	0	0
		3	152.20	0	0	0	2.20	20.00	0	150.00	0	0	0
		4	186.80	0	0	0	1.80	0	0	185.00	0	0	0
		5	110.80	0	0	0	15.80	0	0	95.00	0	0	0
		6	184.00	0	0	0	0	0	0	170.00	14.00	0	0
		7	225.00	0	0	0	0	0	0	225.00	0	0	0
		8	127.20	0	0	0	7.20	0	0	120.00	0	0	0
		9	105.60	0	0	0	2.60	0	0	75.00	28.00	0	0
		10	183.80	0	0	0	3.80	0	0	0	180.00	0	0
		11	188.00	0	0	0	8.00	0	0	0	180.00	0	0
		12	205.00	0	0	0	142.00	63.00	0	0	0	0	0
		13	218.00	0	0	0	0.00	218.00	0	0	0	0	0
		14	225.00	0	0	0	152.00	73.00	0	0	0	0	0
		15	176.60	0	0	0	0	176.60	0	0	0	0	0
		16	254.20	0	0	0	0	0.20	0	0	254.00	0	0
		Total=	2974.80	0.00	0.00	294.00	572.20	242.60	0.00	1170.00	656.00	0.00	0.00
2	Deroi	Whole	4831.00	1123.00	3692.60	0	0	0	15.74	0	0	0	0
3	Sola	Whole	606.81	32.00	248.00	0	0	0	215.69	106.00	0	5.12	0
4	Sapekhathi	Whole	698.72	130.00	372.00	0	0	0	0	163.92	0	32.80	0
5	Panidehing	Whole	2089.17	0	0	0	0	0	0	0	0	0	VWL Sanc.
6	Geleki	1 to 20	4126.80	0	4126.80	0	0	0	0	0	0	0	0
	Block I	1 to 4	1010.40	0	1010.40	0	0	0	0	0	0	0	0
	Block II	Total=	5137.20	0.00	5137.20	0	0	0	0	0	0	0	0

Table -III/II (b)
Area Statement Showing Different Major Forest Formation of Sivasaagar Division

Sl. No.	RF & Block	Comptt. No.	Gross Area (in Ha.)	Forest Village	Encroachment	Hollong, Nahor Forest			Misc. Type	Plantation	Regeneration	Swamp & Beel	Productive Blank
						Well Stock	Medium Stock	Poor Stock					
7	Abhoypur	16	281.40	281.40	0	0	0	0	0	0	0	0	0
		17	168.00	30.00	0	31	0	0	0	107.00	0	0	0
		18	160.00	52.00	0	0	0	0	7.00	101.00	0	0	0
		19	182.40	48.00	0	0	38.40	0	0	56.00	40.00	0	0
		20	233.40	0	0	0	0.40	0	0	0.00	233.00	0	0
		21	175.00	0	0	0	0	0	0	121.00	54.00	0	0
		22	102.00	28.00	0	0	0	0	4	0.00	70.00	0	0
		23	175.00	0	0	0	0	5	0	30.00	140.00	0	0
		24	224.80	0	0	0	2.8	0	0	140.00	82.00	0	0
		25	219.20	0	0	0	22	0	0	0	217.00	0	0
		26	212.80	0	0	0	0	0	4.80	50.00	158.00	0	0
		27	162.40	0	0	0	74.40	0	0	16.00	72.00	0	0
		28	174.80	0	0	0	174.80	0	0	0	0	0	0
		29	206.40	0	0	0	206.40	0	0	0	0	0	0
		30	200.00	0	0	0	0	0	5	0	195.00	0	0
		31	252.00	0	0	0	0	213.00	0	39.00	0	0	0
		32	212.00	0	0	0	212.00	0	0	0	0	0	0
		33	224.80	0	0	0	0	224.80	0	0	0	0	0
		34	239.20	0	0	0	239.20	0	0	0	0	0	0
		35	164.80	0	0	0	164.80	0	0	0	0	0	0
		36	176.80	0	0	0	176.80	0	0	0	0	0	0
		37	235.20	0	0	0	235.20	0	0	0	0	0	0
		38	248.00	0	0	0	248.00	0	0	0	0	0	0
		39(a,b)	414.40	0	0	0	414.40	0	0	0	0	0	0
		40	205.60	0	0	0	205.60	0	0	0	0	0	0
		41	179.20	91.70	0	0	0	87.50	0	0	0	0	0
		42	200.00	170.00	0	0	0	30.00	0	0	0	0	0
		43	176.00	0.00	0	0	0	176.00	0	0	0	0	0
		44	282.40	112.00	0	0	0	170.40	0	0	0	0	0
		45	226.70	0	0	0	0	0	0	0	0	0	226.70
		Total=	6314.70	813.10	0.00	31.00	2415.20	906.70	20.80	660.00	1261.00	0.00	226.70

CHAPTER -IV

WORKING PLAN FOR PROTECTION WORKING CIRCLE.

116. **General Constitution of the Working Circle :** The areas allotted under this Working Circle are mainly encroached areas, productive blanks, degraded open area subjected to heavy grazing and biotic interference from adjacent villagers. The entire area of Deroi and Geleki RF and part of Sola and Sapekhati RF are included in this Working Circle.
117. **General Character of Vegetation :** Most of the forests under this Working Circle are of misc. formation except Geleki RF which comprises evergreen forest.
118. **Special Objects of Management:**
- (i) First and foremost object of this Working Circle is to clear the areas from encroachment, and evolve an effective methodology to prevent any attempt of fresh encroachment.
 - (ii) Raising two tier plantations, upper tier with misc. plywood species and lower tier with firewood species, to meet the local demand of industrial timber and firewood respectively.
 - (iii) Restoration of ecological balance, by bringing the area under plantation as mentioned above,
 - (iv) To involve local people (by introducing J.F.M principles as outlined by Govt. of Assam vide Notification no FRW. 8/93/75 dated 10th November 1998, copy furnished under appendix no.3) in protection, maintenance and creation of plantations, by forming Forest Protection and Regeneration Committee of the willing villagers of the adjacent villages.
 - (v) To suggest protection measures to be adopted to help facilitate the crop for its improvement.

119. **Felling Series :** Three Felling Series have been formed as shown below:-

1. Barhat Felling Series,
2. Sonari Felling Series,
3. Sivasagar Felling Series,

120. **Allocation of Area:**

The Reserve Forests and area allotted to different Felling Series of this Working Circle is furnished below:

Name of the Range	Name of the RF	Area allotted (in ha.)	Remarks
1. Barhat	Sapekhati	372.00	
2. Sonari	Sola	248.00	
	Deroi	3708.00	
3. Sivasagar	Geleki	5137.20	

121. **Analysis and Valuation of The Crops :** Different types of formation or areas in this Working Circle are furnished in Table No. I/II (area statement showing different formations) and depicted in 4inches = 1mile (1:15840) stock map with different colours. Though 10% enumeration carried out during the year 1990-91 in Deroi RF projected some growing stock, the recent enumeration carried out by present Working Plan Officer shows that there is no growing stock in the RF at present. Enumeration by random sample plot system was carried out in Sapekhati & Sola RF as already discussed under Misc. Working Circle. No enumeration data is available in respect of Geleki RF since no fieldwork was carried out there.

122. **Silvicultural System :** Reforestation by artificial plantation and thinning in the Young Block.

123. **Rotation and Conversion:** The whole areas under Participatory Block of this Working Circle are to be converted into a two-tier plantation. Rotation for the upper tier species is fixed at 60 years as fixed in the Misc. Working Circle. As the two tier plantations will be raised by peoples participation, a short rotation of 10 years is fixed for firewood species. At the end of 10 years, the firewood will be harvested and the benefits as per terms and conditions of the rules will be distributed amongst the beneficiaries.

Since the entire area under this Working Circle is to be brought under forest cover at a quicker pace, conversion period is fixed at 10 years corresponding in the Working Plan period.

124. Allocation of Areas into Periodic Blocks: Two Periodic Blocks are formed, namely, Participatory Block and Protection Block. The area allotted to these Periodic Blocks is furnished below:

Felling Series	R.F.	Cont No.	Area of R.F. (in ha)	Area Allotted to the WC (in ha)	Participatory Block (in ha)	Protection Block (in ha)
1) Barhat	Sapekhathi	Whole	698.72	372.00	372.00	-
	Deroi	Whole	4831.00	3708.00	500.00	3208.00
2) Sonari	Sola	Whole	606.81	248.00	248.00	-
3) Sivasagar	Geleki	Bl.-I	4126.80	4126.80	500.00	3626.80
		Bl.-II	1010.40	1010.40	500.00	510.40

125. Calculation of Yield : There will be only area yield for this Working Circle. Annual area of plantation are given below:-

(A) Preparatory Block:

1.	Barhat F.S.	Deroi RF.	= $\frac{500.00}{10}$	=	50 ha.
		Sapekhathi RF	= $\frac{372.00}{10}$	= 37.20 Say	40ha.
2.	Sonari F.S.	Sola RF	= $\frac{248.00}{10}$	= 24.80 Say	25ha
3.	Sivasagar F.S.	Geleki Bl-I	= $\frac{500.00}{10}$	=	50ha
		Geleki Bl-II	= $\frac{500.00}{10}$	=	50ha.

Total Annual Area = 215 ha.

(B) Protection Block :

1.	Barhat F.S.	Deroi RF.	= $\frac{3208.00}{10}$	= 320.8 ha. Say	325ha.
2.	Sivasagar F.S.	Geleki Bl. I	= $\frac{3626.80}{10}$	= 362.68ha Say	350ha
		Geleki Bl.II	= $\frac{510.00}{10}$	= 51.00ha. Say	50ha.

Total Annual Area = 725ha.

126. **Method of Executing Felling :** In the Participatory Block no felling is prescribed since the areas taken up under this blocks are mostly vacant and encroached.

127. **Agency of Exploitation:** All the works of this Working Circle will be carried out departmentally with the help of the beneficiaries.

128. **Sequence of Work and Plantation Technique :**

- (i) D.F.O. will constitute Forest Protection and Regeneration Committee(s) within the frame work of the Assam Joint (people's participation) Forestry Management Rules, 1998 from amongst the willing villagers of the adjacent villages.
- (ii) Survey and demarcation of annual areas for plantation for each plantation centre under each Felling Series will be carried out and map of each plot will be prepared.
- (iii) All possible measures will be taken to evict the encroachers and clear the area from encroachment well ahead of planting season either through persuasion or with the help of the Forest Protection and Regeneration Committee.
- (iv) In cases, where plantation areas to be taken are large or where several Forest Protection and Regeneration Committees are required to be involved, more than one plantation centre may be opened in such Felling Series.
- (v) Nurseries should be raised near the selected plantation centre as shown below:-

0.25 ha. Nursery for a plot of 10 ha. to 20 ha. and

0.50 ha. Nursery for a plot of more than 20 ha.

The requirement of seedlings (both polypots or naked root transplants) will be 1600 nos. for the two tier plantation at a spacing of 2.5m. by 2.5m. (inclusive of the 400 nos. of poly pots of miscellaneous plywood species to be planted at a spacing of 5m by 5m). Another 25 % shall be kept as reserve for future use. So the total nos. of seedling will be 2000 per ha.

The species for miscellaneous plywood plantation tier will be Kadam, Borpat, Simul, Kadom, Poma, Gonsori, Sam, Hillikha etc. and for firewood will be Moj, Koroi, Acacia, Ajhar, Nuni, Ghoraneem and any other available species.

- (vi) **Raising of Plantation** : After clearance of plantation site, 60 cm wide strips will be laid at a distance of 2.5 m apart from one strip to the other and thorough soil work will be done.
- (vii) Two types of stacking are to be carried out as follows :-
- (a) 5m by 5m spacing for plywood species which will constitute upper layer of the canopy.
 - (b) 2.5 m by 2.5m spacing in the remaining places of the strips for the firewood species which will constitute the lower canopy.
- (viii) Polypot seedlings should be planted at the spacing of 5m by 5m and firewood species should be planted in the remaining stockings as mentioned above.
- (ix) In between two transplants of the firewood species planted at 2.5m apart in the line, alternate thalies of 30 cm by 15 cm size should be laid out and thoroughly hoed and seeds of firewood species should be sown / dibbled in these thalies to ensure maximum growing stock of firewood species.
- (x) Two rain weedings including climber cutting to be carried out in the first year and second year. Vacancy filling if required will also be carried out on second year.
- (xi) In third and fourth year, one round of weeding and climber cutting will be done.
- (xii) In fifth year mechanical thinning by way of removal of unhealthy stems should be carried out.
- (xiii) All the works of plantation and nursery will be carried out by the members of Forest Protection and Regeneration Committee, so that daily wages could be earned by the beneficiaries.

129. Subsidiary Silvicultural Operation :(A) *Preparatory Block :-*

- (i) Fire line cum inspection path of 3m wide will be provided around the plantation plots and signboards will be displayed at prominent places.
- (ii) Protection measures for protecting the new plantations from grazing and other biotic interference should be taken with the help of beneficiaries .
- (iii) Plantation forms and plantation journals for the newly created plantations will have to be maintained.

(B) *Protection Block :-* Method of executing protection measures :

- (i) The first and foremost task is to settle the boundary dispute of Geleki RF with Nagaland. DFO will take up the matter with the appropriate authority for this purpose to ensure free movement in the R.F. of officials and subordinate staff connected with forest conservation and law enforcement.
- (ii) DFO is to identify an annual area of 100 ha. in Geleki RF and take necessary steps to clear the area for encroachment. Sequence of annual area to be decided by DFO starting from the less vulnerable area. Similarly in case of other RFs also DFO will take up annual area for Preparatory and Protection Block as per sequence determined by him.
- (iii) Any forest cover that exists in the area cleared from encroachment, should be protected.
- (iv) The area so cleared should be protected from grazing and fire.
- (v) Existing forest Beats and Camps are to be renovated and sufficient number of forest staff and AFPF personals are to be posted there in, to protect the area from re-encroachment and other development activities.
- (vi) Monitoring of the works done in respect of eviction operation as well as creation of plantations is to be done by and Asstt. Conservator of Forests and a copy of his report should be submitted to the Working Plan Officer.
- (vii) Survey , demarcation and consolidation of forest village boundary should be taken up preferably once in a year to prevent encroachment by the forest villagers.

130. Norms of two tier Plywood and Firewood Plantation :

Item of Works	No. of Labour Unit	Amt. per ha in Rs. @ 50/- pre D.L.
(A) <u>Advance Work:-</u>		
i. Survey, demarcation and preparation of map	10	
ii. Site preparation, lining, stacking and soil working	30	
iii. Fencing where necessary	20	
iv. Fire line cum Inspection path cutting	10	5000.00
v. Raising of Nursery	30	
vi. Purchase of poly bags, gunny bags and providing signboard etc.	LS	1000.00
	100	
(B) <u>First Year Work:-</u>		
1. <i>Creation of</i>		
(a) Misc. Plywood Plantation for top canopy by planting poly pot seedlings at 5m by 5m spacing.	10	
(b) Transplanting of firewood species at a spacing of 2.5 by 2.5m.	20	
(c) Direct dibbling / sowing of seeds alternately in between transplant including preparation of rectangular thalies of 30cm by 15cm.	30	3000.00
2. Two rounds of weeding including climber cutting and vacancy filling if needed	30	1500.00
	90	
(C) <u>Second Year Work:-</u>		
Two rounds of rain weeding and climber cutting and vacancy Feeling	30	1500.00
	30	
(D) <u>Third Year Work:-</u>		
i. One round of rain weeding and climber cutting	15	
ii. Fire line cum inspection path clearance.	05	1000.00
	20	
(E) <u>Fourth Year work:-</u>		
i. One round of rain weeding and climber cutting	15	
ii. Fire line cum inspection path clearance	05	1000.00
	20	
(F) <u>Fifth Year Work:-</u>		
Mechanical thinning	20	1000.00
	20	
Total =	280	15000.00

CHAPTER - V

MISCELLANEOUS REGULATION131. Maintenance of Boundaries :

- (1) **Reserve Boundary :** (a) The reserve boundary particularly the artificial boundaries running in between the villages and the Reserve Forests should be properly maintained by cleaning the boundary line regularly and fixing RCC pillars, wherever necessary, so as to prevent the villagers from encroachment of the forests. A regular periodical programme should also be made for inspections of the boundary lines.
- (b) **Inner line boundary :** The inner line boundary between Geleki RF with Nagaland still remains disputed. The matter should be taken up with the appropriate authority for taking necessary steps to settle the boundary disputes at the earliest possible time.
- (2) **Compartment Boundary :** The compartment boundaries and the signboards displaying compartment numbers should be maintained properly so as to avoid confusion in selection of sites for plantation and regeneration operation according to the programme. The artificial boundary line should be cleared upto a width of about 2 metres. Coaltar rings are to be painted on the prominent trees standing along the boundary lines. Signboards showing the compartment numbers may also be affixed at prominent places. In the case of natural boundaries consisting of river, nallas, ridges, etc., coaltar rings are to be marked on the prominent trees at suitable intervals along the boundary.
- (2) **Forest Village Boundary:** Boundary of Forest Villages should be consolidated annually along with census of population for prevention of encroachment and other illegalities committed by the Forest villagers.

132. Communication : List of existing roads under different Ranges of this Division already furnished in Chapter -V of Part-I. These roads should be properly maintained.

133. **Cane Mahals :** The operation of Cane mahal was stopped since long in the Division due to over exploitation, as per the Forest Department Policy.

134. **The Sand & Stone Mahals/Quarries :** There are 31 (thirty-one) nos. of Sand mahal and 18(eighteen) nos. of stone mahal in the Division. All these mahals/ quarries are from river bed and situated within revenue land, outside of RF. These mahals are disposed off, by tender system/ negotiated settlement as per provision of the "Assam Sale of Forest Produce Coupes and Mahal Rules 1977". The period of the mahal is fixed for two years with stipulated quantity. The State/ Central Govt. Department/ Agency obtains permit for sand & stones for development works on scheduled rate of royalty in addition to the stipulated quantity fixed for the mahal. The Divisional Forest Officer may reduce the stipulated quantity of mahal/quarry and the mahal period with the prior approval of the Circle Conservator of Forests. From the records available, it is observed that a few number of mahals are lying without operation due to court cases for settlement, extension etc. It is suggested that the Department may engage Departmental lawyer and Govt. may be suggested to deal the case of revenue matters by the Govt. Advocate for early disposal of the court cases to avoid loss of Govt. revenue.

As per Govt. notification no. 98 dt 21/1/1995, the operation of the sand and stones comes under the Minor Minerals Concession Rules 1994. As per Rule 5, the Principal Chief Conservator of Forests, Assam has been empowered to grant mining lease in respect of the Minor minerals for uses other than industries as specified in schedule "Y". The Settlement and operation of the sand and stone mahals in the Division may be done under the said rules as the Rule 50(I) reads that "All rules or executive instructions of the subject in force within the State of Assam including the rules for quarrying or the collection of minor minerals from forest or non-forest areas contained in any Forest Rules of Assam immediately before the commencement of these rules are hereby repealed." The list of the sand & stones mahals in the Division is given in Annexure -7.

135. **Fishery Mahals :** There was one fishery mahals in Panidehing RF under Sivsagar Division, operation of which, has been stopped due to declaration of the RF as Wildlife Sanctuary.

136. **Thatch Mahal :** There are 2 (two) nos. of thatch Mahal in operation under Sivasagar Division. These mahals are situated outside the RF in the revenue land and are sold by tender system. The thatch mahals are shown in Table below:

Table – VII/II

Sl. No.	Name of the Mahal	Type of mahal Sand/Gravel/ Thatch/ Fishing etc.	Stipulated quantity, if any	Govt. valuation (in Rs.)	Remarks, If any.
1	Thatch Mahal-1(A)	Thatch Mahal	225000	15500	
2	Thatch Mahal-1(B)	-do-	225000	15500	

137. **Departmental Supply of Plywood logs :** Details of Plywood mills and Saw mills are furnished under Chapter –III of Part –I.

Previously, timbers were allotted to sawmills and plywood mills on quota system at concessional rate till 1985-86, after which the Govt. discontinued this system and resorted to disposal of timbers through competitive sale only. However the competitive sale needs improvement to prevent the deterioration of the timber in the process of disposal.

138. **Deviations :** If for any reason any large scale operation is required to be resorted to for any unusual or unforeseen event, resulting in exceeding the prescribed yield, the excess will constitute a deviation. The unusual or unforeseen event may be storm, large scale attack by insects and fungus, encroachment, flood, drought, earth quake etc. In some cases these may be due to diversion of forest areas for developmental activities like construction of roads, transmission lines, oil drilling etc. In case of such heavy felling, which may result in exceeding the prescribed yield limit, request for sanction to such deviation should be submitted to the sanctioning authority after making a thorough inquiry about the case by a Gazetted officer and the sanction should be obtained as far as possible before the deviation occurs.

139. **Research and Experiments :**

1) ***Experimental Plot:*** At present there is no experimental plot in Sivasagar Division. Since there is heavy demand of plywood timbers in this zone, experimental plots with exotic and indigenous species such as *Agathis robusta*, *Bon-am* and any other suitable plywood species should be taken up for finding out their nursery and plantation techniques.

- 2) *Sample Plot* : There is no sample plot in this Division.
- 3) *Grazing* : In the young plantation grazing should not be allowed atleast up to the age of 10 years. For protection against grazing and consequent trampling of the seedling by cattle barbed wire fencing may be provided, wherever necessary, depending upon the availability of the required fund. In case barbed wire can not be afforded, then cattle watchers may be engaged in the vulnerable areas. In the Regeneration areas also protection against grazing will be necessary for the first five years in the areas nearer to the villages.

140. **Wildlife Management** : This has already been discussed in chapter VIII of Part I. The complete checklist of flora and fauna of this Division has not yet been prepared. Efforts may be made to prepare the same with the help of willing NGOs of the locality.

Food and fodder species are to be retained and planted, where necessary, to meet the needs of wild animals. Vigil and vigorous patrolling is essential to curb poaching of Tuskers, Tigers, Bears, Deer, etc. available in the RFs. Trees with birdnests should be protected.

141. **Illegalities and Encroachment** : Since large scale illegalities as well as encroachment in almost all the RFs under this Divisions are going on rampantly, DFO should take necessary steps to check all such activities. Illicit removal of Forest Produce from RFs surround by the bordering villages is quite prevalent in the Division and removal of timbers along the interstate boundary with Nagaland, specially in Abhoypur R.F., Dilli R.F. and Geleki R.F. in extensive scale during the past few years, with the result that forests have been reduced to poor condition. The damage to this forests is caused by encroachment in the R.F. and letting out the flat land to hungry settlers which has reduced the carrying capacity of the forests. Almost whole Panidehing , Sapekhati , Deroi and Geleki R.F. are under encroachment. Even Tea plantation has been raised in some areas in the Deroi R.F. by the encroachers. The approximate area under encroachment is given in Table -VIII/II in next page.

Table - VIII/II
Statemen Showing Encroachment and Eviction

Name of the Range	Name of RF	Area (in Ha.)	Area under encroachment (in Ha.)	Type of encroachment	Period of encroachment	Nos. of household	Population	Cast	Nos. of eviction with date
Sivasagar	Geleki	5886.00	4000.00	Destroying evergreen forest by Jhum cultivation & establishment of sawmill.	1974 to 1980	68	680Nos.	Naga, Ex-Teagarden labour & Muslim	Nil.
	Panidehing	2089.17	1500.00	Paddy and Rabi Crops cultivation.	1970	855	5130Nos.	SC/ST/OBC/Ex-Teagarden labours	1775-76
Sonari	Deroi	4776.00	2420.00	Habitation, Cultivation & Tea Plantation	1985 onwards	540	1563Nos.	SC/ST/OBC/Ex-Teagarden labours	06-12-97
	Abhoypure	6654.80	4.00	Cultivation	1997	-	-	-	-
Barhat	Sapekhathi	736.00	693.00	Habitation and Cultivation.	1970	268	1360Nos.	SC/ST/Ex-Teagarden labours	23/5/74, 31/1/75 & 27/6/78

SITE INSPECTION REPORT**PROPOSAL FOR DIVERSION OF 28 HA FOREST LAND FOR THE PURPOSE OF THE ESTABLISHMENT OF COMMANDO BATTALION CAMP IN ASSAM-NAGALAND INTER STATE BORDER AREA OF GELEKY RESERVED FOREST UNDER SIVASAGAR FOREST DIVISION, ASSAM**

State Government of Assam vide online proposal No.FP/AS/OTHERS/478981/2024 on 06.06.2024 submitted the proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Sivasagar Territorial Forest Division, Assam for non-forestry use of 28.0 Ha. of forest land for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division, Sivasagar District in the State of Assam.

The purposed of this proposal is to establish a Commando Battalion infrastructure in Assam-Nagaland border to resist further encroachment and further destruction of forest resource by the ever-increasing pressure for occupation of land by deployment of forest protection force.

Background of proposal:

The matter on the proposal for diversion of 28 ha forest land for the purpose of the establishment of commando battalion camp in Assam-Nagaland inter state border area of Geleky Reserved Forest under Sivasagar Forest Division was reported by "Northeast Now" newspaper dated 22.01.2024 titled as "Assam PCCF in hot water again: 28 hectare of Geleky Forest diverted for commando camp" wherein reported on violation of Forest Conservation Act, 1980 and the order of Supreme Court in Godavarman Thirumulkad Vs Union of India. The matter was further reported by national daily "Hindustan Times" dated 25.04.2024 titled "A second Battalion in Assam established without FC nod".

Subsequently a court case O.A.105/2024/EZ, Shri Rohit Choudhury -Vs- State of Assam & Ors was filed and registered on 25-05-2024 by Shri Rohit Choudhury before the National Green Tribunal, Eastern Zone Bench Kolkata. Thereafter affidavit dated 30.07.2024 was e-filed on 01.08.2024 by the Ministry on the matter to Hon'ble NGT. The Hon'ble court observed that the matter relates to substantial environmental issue and violation of Forest (Conservation) Act, 1980 and requires consideration. In pursuance to Hon'ble NGT, Kolkata first order dated 29.05.2024, Ministry vide its letter dated 05.06.2024 constituted the committee comprising of (a) Shri AK Mohanty, ADGF, MoEF&CC(FC), MoEF&CC, (b) Shri Tanmay Kumar, Addl. Secretary, MoEF&CC & (c) Ms. Imtiena Ao, DDGF(C) MoEF&CC, Regional Office, Shillong and directed that the committee shall visit the site and submit its report on affidavit to the Hon'ble NGT and the ADG(FC) shall be the Nodal Officer for filing the report affidavit.

The Hon'ble NGT in its latest order dated 09.08.2024 observed that two months have already passed and no report has been placed before the Tribunal by the ADG(FC) MoEF&CC and further the court granted four weeks time for filing the said affidavit indicating what action has been taken against the PCCF Shri. M.K. Yadava who permitted diversion of Forest land in violation of the statute.

As per the provision of the F(C)Act,1980, the site inspection of this instant proposal was conducted by Sub Office Guwahati under Regional Office, Shillong, Shillong on 16.08.2024 and 17.08.2024 along with the following officials of the State Forest Department and representatives of User Agency:-

1. Ms Sayambrita Dutta, Divisional Forest Officer, Sivasagar

2. Shri Himangshu Gogoi, Range Officer, Sivasagar Range, Sibsagar Forest Division.
3. Sonam Kumar Gupta, Range Officer, Dhania Range, Burachoparia Wildlife Sanctuary, Nagaon Wildlife Division.
4. Shri Sambhu Jadav, Public Relation Officer, Badri Rai & Company.

1) The Legal Status of the forests land proposed for diversion

District	Forest Division	Area involved (ha)	Legal Status	Aerial distance of the proposed area from the nearest PA/WLS/NP
Sivasagar	Sivasagar	28	Geleky Reserved Forest	30 Km from Hollongapar Gibbon WLS.

Component wise break up of the proposed area (need to submit the revised):-

Sl. No.	Type of Building	As per the submitted documents (in ha)
1	Residential building	0.80
	Future Expansion	0.85
2	Non residential building	0.80
3	Activity Area	7.50
4	Utilities	0.10
5	Natural stream	1.80
6	Landscape and Park Area	3
7	Road/Footpath Area	3.50
8	Open Land Area	9.65
	Total	28.00

2) Whether proposal involved any construction of buildings (including residential) or not. If yes details thereof:

-Yes. The detail component wise proposed construction of building provided by the DFO Sivasagar are as under:

(i) Residential building details:-

RESIDENTIAL BUILDINGS								
SL. NO	NAME OF THE BUILDINGS	NO. OF UNITS			NO OF FLOOR	NO OF BLOCK	BUILT UP AREA PER BLOCK	TOTAL BUILT UP AREA
		PER BLOCK	TOTAL UNITS	PER UNIT/FLAT AREA (Sq. M)				
1	CO's Residence	1	1	250.00 (4BHK+Office+ Servant)	G+1	1	250	250
2	Deputy Commandant	4	4	165.00 (3BHK+Servant)	G+1	1	720	720
3	Assistant Commandant	4	8	138.00(3BHK+ Servant)	G+1	2	600	1200
4	Inspector/Sub-Inspector Residence	12	24	12 0.00(3BHK+ Servant)	G+2	2	1560	3120
		8	8	120.00(3BHK+ Servant)	G+2	1	1040	1040
5	Havildar's ASI, Constable Residence	12	96	84.00 (2BHK)	G+2	8	1101	8811.20
6	Followers QTR	8	8	65.00(2BHK)	G+1	1	640	640
7	Barrack Accommodations	60 Cap	240 Cap	216.00(30 Persons per floor)	G+2	4	1008	4032
8	Accommodation for SO's (Inspector/SI)	10 Rooms (Twin Sharing)	20 Cap	250.00(25 Sq m per Room)	G+1	1	600	600
Total:-								20413.20

(ii) Non residential building components:

NON RESIDENTIAL BUILDINGS								
SL. N O	NAME OF THE BUILDINGS	MAIN FACILITIES OF BUILDING			No of Floor	No of Block	Built up Area per Block	Total Built up Area (Sq. M)
		Type	Nos./CAP	Area (Sq. M)				
1	COS Office Building	Conference Room	20 Cap	60.00	G+2	1	1080.00	1080.00
		CO Room with Attached Toilet	01 Nos.	48.00				
2	M.T. Garage with Office (Assam Type)	LMV	06 Nos.	174.00(29 sqm per vehicle)	G	1	870.00	870.00
		MMV	06 Nos.	174.00(29 sqm per vehicle)				
		HMV	06 Nos.	298.00(50 sqm per vehicle)				
		Office Block	10 Nos.	224.00				
3	Ration Store & Clothing Store (G+1)	Hall	02 Nos.	174.00 (87 sqm per hall)	G+1	1	300.00	300.00
4	Magazine/Kote Building & Sentry Post & Boundary Wall/Fencing (B/G)	Magazine/ Kote Building	10 Cap	218.00	G	1	350.00	350.00
		Explosive Depo Block	01 Nos.	96.00	B			
		Common Toilet Block	08 Cap	28.00	G			
5	G.O's Mess (G+1)	Deluxe Rooms with Attached Toilet	04 Nos.	100.00 (25 sqm per room)	G+1	1	650.00	650.00
		Suites	02 Nos.	100.00 (50 sqm per room)				
6	SO's Mess(G+1)	Twin Sharing Rooms with Attached Toilet	14 Nos.	336.00 (24 sqm per room)	G+1	1	850.00	850.00
		Community Centre	75-100 Cap	253.00				
7	Community Centre with Canteen, Saloon & Laundry	Laundry/Saloon/ Daiyneeds	NA	120.00	G	1	600.00	600.00
		Canteen	48 Cap.	158.00				
8	Hospital-10 Beeded-(G)	10 Badded	10 Badded	330.00	G	1	330.00	330.00

9	Drill Shed (Assam Type)	Covered platform	150 Cap	400.00	G	1	400.00	400.00
10	Gate Complex with 10 Men Barrack (Assam Type)	10 Men Barrack	10 Cap.	100.00	G	1	175.00	175.00
11	Watch Towers (10 Nos.)-G	Watch tower	10 Cap.	50.00	G	1	50	50
12	Fire Station with Barrach(G+1)	Lecture room	10 Cap.	17.00	G+1	1	350.00	350.00
		Accomodation room	04 Badded	30.00				
		Fire tender parking space	02 Vehicles	140.00				
13	ATM(G)	NA			G	1	15.00	15.00
14	Control Room(G)	NA			G	1	50.00	50.00
15	Classroom Block with computer lab(G+1)	50 Seated classrooms	06 Nos.	390.00 (65.00 sqm per classroom)	G+1	1	700.00	700.00
16	Indoor Sports Complex with Gym(G)	Badminton hall	01 Court	208.00	G	1	800.00	800.00
		Table tennis hall	01 Table	152.00				
		Gym hall	40-50 Cap.	150.00				
17	Primary School (Assam Type)	30 Seated classrooms	05 Nos.	36.00	G	1	560.00	560.00
18	Family Welfare Centre (Assam Type)	Training hall	30 Cap.	98.00	G	1	500.00	500.00
19	Naamghar	Hall	50 Cap.	100.00	G	1	100.00	100.00
		Table tennis hall	1 Table	104.00				
20	Recreation Hall(G)	TV/Multipur pose hall	50 Cap.	76.00	G	1	400.00	400.00
21	Garrage-02 Nos. (For COS Office)-Assam Type	NA			G	1	80.00	80.00
22	Sentry Post-02 Nos. (For COS Office)-Assam Type	NA			G	1	8.00	8.00
23	Sentry Post-01 Nos. (For COS residence)- Assam Type	NA			G	1	16.00	16.00

24	Guard Sheed-01 Nos. (For COS Residence)- Assam Type	NA	G	1	74.00	74.00
25	Kill House (G)	NA	G	1	280.00	280.00
Total:-						9588.00

The building construction has been started on the proposed site. The component wise (%) work constructed and finished so far as provided by the DFO, Sivasagar is as under:

SI No	Name of Building	% completed
1	4 Nos of Barrack	92%
2	8 nos Havildar and 3 nos of Inspection building	79%
3	Hospital and 10 men barrack	95%
4	School and Fire station	75%-78%
5	Deputy Commandant Building	0%
6	Canteen and Recreation hall	0%
7	Namghar	75%
8	Indoor stadium	0%
9	CO Building	78%
10	CO Residence	0%
11	GO Mess Building	80%
12	SOS Mess Building	80%
13	Commandant Office Block	80%
14	SOS Accomodation Building	80%
15	Small components (ATM,Sentry post etc)	0%

3) Total cost of the Project at present rates.

The total cost of the project is Rs. 176.25 cr.

4) Whether forest area proposed for diversion is important from wildlife point of view or not.

No wildlife was cited on the day of inspection, however the DFO, Sivasagar informed that wildlife viz., Leopard, wild boar, Snakes etc. are reported in the surrounding area. However Divisional Forest Officer, Sivasagar informed the inspection team that Human wildlife conflict has been reported earlier around the proposed area.

5) Vegetation

Sl. No.	Forest Division	Reserve Forest & area (in ha)	Total Nos. of trees to be felled including poles
1	Sivasagar	Geleky RF & 28 ha	Few standing trees viz., <i>Duwabanga sp.</i> , <i>Sterculia villosa</i> , <i>Ficus spp</i> , <i>Sapium baccatum</i> (Saleng), <i>Anthocephalo cadamba</i> etc were observed during the site visit

Effect of removal of trees on the general ecosystem in the area

The proposed area is broken and construction is on going on the day of inspection. The vegetation in the proposed area has been almost entirely clear felled except few standing trees viz, *Duwabanga sp.*, *Sterculia villosa*, *Ficus spp*, *Sapium baccatum* (Saleng), *Anthocephalo cadamba* etc with pockets of baboo species like *Dendrocalamus hamiltonii* (kako bah), *Bambusa tulda* (Jati bah), *Bambusa balacoa* (Bholuka bah), *Schizostachyem dullooa* (Dolo Bah) etc.

The effect of tree removal in the area can be minimize by undertaking plantation measures under relevant guideline and rules.

6) Background note on the proposal

As given in the first paragraph.

7) Compensatory Afforestation:

The CA site has been proposed in 28 ha equivalent non forest land in the identified compensatory afforestation land bank of 830 ha evicted non forest land in Sonitpur district of Assam located adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division in Sonitpur district of Assam.

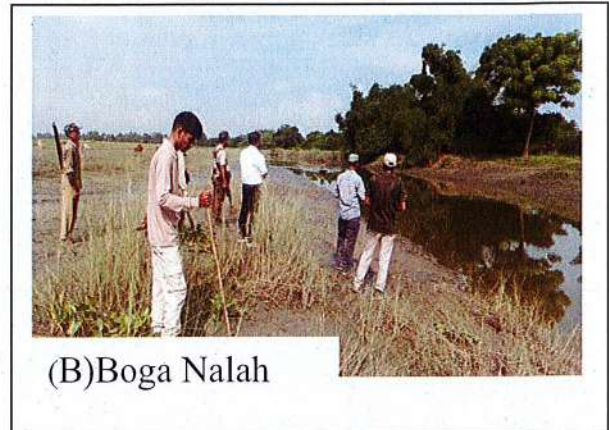
District	Forest Division	Range/ Location	Area (in ha)	Financial outlay(Rs)
Sonitpur	Nagaon Wildlife Division	Dhaniala Range	28	2.12 crore

Whether land for compensatory afforestation is suitable from plantation and management point of view or not.

The Sate Govt of Assam vide its letter No ECF, 439104/2024/16 dated 29.07.2024 notified the evicted non forest land of 830 ha handed over to State Forest Department in Sonitpur district of Assam adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division for providing lands towards compensatory afforestation for forest diversion cases in Assam. The final notification of identified CA site to RF/PRF has not been completed however the Range Officer, Dhaniala Range informed that it will be completed before grant of Stage II /Final Approval of the proposal.

The CA site is located around the submergence area of Brahmaputra river which is about 2 km from the identified CA site. The approach route to the CA site is through two nallahs i.e. Phultala Nallah and Boga Nallah by boat or temporarily constructed bamboo bridge. On the day of the site inspection, the Range Officer informed that temporary illegal settlement are still occupying the evicted CA land bank. The team observed that agricultural practices and rearing of livestock, cows etc are still continuing in this evicted land.

The identified CA site is an open forest with few standing trees species like *Streblus asper*, *Bombax ceiba* etc. The team observed continuous large scale cultivation of *Corchorus capsulansies sp.* (Jute) and other vegetables like Brinjal in the identified CA site. The Range Officer, Dhania Range informed that some illegal temporary settlement are still existing in the evicted CA land bank of 830 ha and forest department is in the process of eviction of such temporary settlement.



Photographs of approach route to CA site through two Nallahs
(A) & (B) above, channels of Brahmaputra river



Photographs showing *Corchorus sp.* (Jute) and Brinjal crop in the CA site

The identified CA site is suitable for plantation. However following measures suggested:-

- (i) The complete demarcated and proper fencing of the boundary of identified CA site to prevent from encroachment, etc.
- (ii) State Govt to take necessary action for removing the existing temporary encroachment/encumbrances around the identified CA land.

Whether land for compensatory afforestation is free from encroachments/other incumbencies.

Yes, however temporary settlement observed around the identified CA land bank.

Whether land for compensatory afforestation is important from religious and archaeological point of view.

No.

Land identified for compensatory afforestation is in how many patches, whether patches are compact or not

One patch

Maps with the details.

Submitted in SoI toposheet as well as soft copies of shape file along with proposal.

Total financial outlay:

Rs. 2.12 crore

- 8) Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes a report on violation including action taken against the concerned officials:**

Yes.

The State Govt has not taken any action on the responsible officers/officials of the State Forest Department / user agency.

- 9) **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Govt or not.**

No displaced person involved in this proposal.

- 10) **Reclamation Plan**

Not required.

- 11) **Cost Benefit ratio.**

The State Govt submitted that Cost benefit analysis could not be quantified as the proposed battalion is primarily for protection of forests and forest land.

- 12) **Recommendation of the Principal Chief Conservator of Forests/State Govt.**

The proposal has been recommended at all levels by the Govt of Assam.

- 13) **Recommendation of DDG(C), Regional Office, Shillong along with detailed reasons.**

The under construction camp of Commando Battalion spread over 28 ha is basically meant for forest protection, specifically the Geleky RF in the sensitive Assam-Nagaland border. The construction is large scale and of permanent nature with no resemblance to the activities specified in explanation (b) of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The proposal for diversion was received on 06.06.2024 under Section 2 of the Adhiniyam, 1980 and approval by GoI is pending, however the construction is going on in full swing as seen during the site inspection on 16.08.2024. Therefore noting that it is prima facie a case of violation, it was sent to Ministry for consideration under Rule 10 (2) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

The establishment of the battalion with well trained and armed personnel could be of immense help to the State Forest Department for the protection, conservation and management of forest and forest resources.

The proposal is therefore recommended for ex-post facto approval.

- 14) DDG(C), Regional Office, Shillong shall give detailed comments on whether there are any alternatives examined for locating the proposal in non-forest land.**

-No alternative examined as the proposed area is an on going project.

- 15) Utility of the proposal.**

This proposal is for the purpose of the establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division.

- 16) Whether land being diverted has any socio-cultural/religious value.**

Not involved.

- 17) Whether any scared grove or very old growth trees/forests exists in the area proposed for diversion.**

Not involved.

- 18) Situation w.r.t. any Protected Area**

The proposal area is 30 Km aerial distance from the nearest protected area i.e. Hollongapar Gibbon WLS. The proposed area does not fall under any Eco-Sensitive zone/protected area nor under any elephant /wildlife corridor. There was no encounter with any wildlife in the proposed area on the day of inspection, however the DFO, Sivasagar informed that wildlife viz., Leopard, Wildboar, snakes etc. are reported in the surrounding area and there are reports on Human wildlife conflict around the proposed area.

- 19) Whether the land under diversion forms part of unique eco-system.**

No

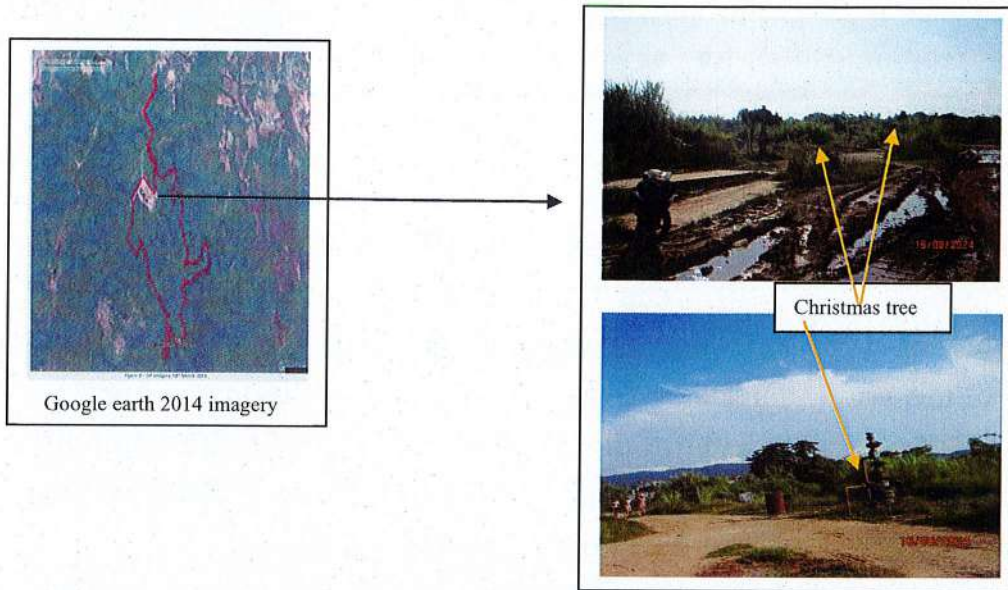
20) Any other information relating to the proposal.

The user agency for this proposed area is Divisional Forest Officer, Sivasagar Forest Division whereas the administrative approval and the Financial Sanction are in the name of Assam Police Headquarter and the Financial Sanction are marked to Assam Police Housing Corporation Limited as vendor which is a State Public Sector Undertaking under the administrative control of Assam Police.

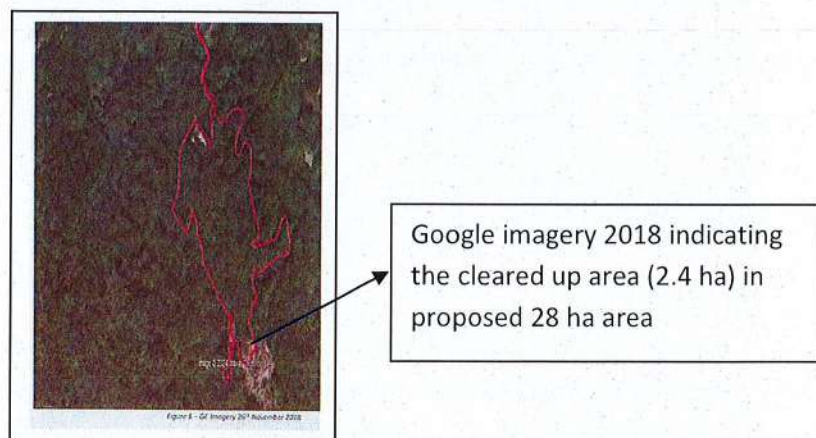
The Geleky Reserve Forest (5929.20 ha) where the proposed area has been proposed is under enormous anthropogenic pressure as 4000 ha i.e. 67 % of the RF has been reported encroached by the DFO, Sivasager. The Geleky RF is in contiguous with Dissoi valley RF, Dissoi RF, Tiru Hills RF and Abhayapur RF. The nearest village is Athkhel NC, Deopani Village in Assam which is about one and half km from the proposed area. The Nagaland State boundary is about 3.5 km away from the proposed area and nearest villages of Nagaland viz., Wamaken village, Anaki village and Kangtsung are 2- 3 km away from the proposed site.

The terrain of proposed area is undulating and observed to be broken and construction work was in full swing on the day of site visit with involvement of about 400 Nos. of workers. The proposed area is a prima facie case of violation of Section 2(1) (ii) Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as the work has been started without prior permission of Central Govt. One enquiry of the inspection team, work was initiated in the proposed area on 20.11.2022 and construction work started in 18 ha and remaining 10 ha is yet to be taken up for developmental. The DFO informed that 85% of work has been completed and 75% procurement of goods has been done. Moreover observed that 4.2 km of boundary wall has been constructed out of total 4.8 km.

The installed “03 Nos of Christmas tree” used for drilling exploration for oil and gas operations was observed within the proposed 28 ha area.



On enquiry, the DFO informed that 19.50 sq km of South Geleki area was earlier used by the ONGC, out of which 2.63 ha area is within this proposed 28 ha. This area was also verified from the google earth 2014 imagery. There is an existing approach road of 6 meter wide to this drilling sites which were used by the ONGC. The DFO further informed ‘Exploration of oil at nine site by ONGC- IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC was granted vide Ministry letter No.8-106/86/FC dated 6.5.1985 but not for the existing road. However no forest Clearance approval letter could be traced by the DFO, Sivasager.



Moreover the broken area on the southern part (2.4 ha) of the proposed area as seen in google earth 2018 imagery was the cleared up area by miscreants from Nagaland which was later on stopped by the Assam as per the DFO.

The establishment of battalion with well trained and armed personnel in the region will strengthen the State Forest Department to encounter protection, conservation and management of forest and forest resources and support in reducing the anthropogenic pressure in the region. Hence the proposal is recommended for ex post facto approval subject to the following:-

- (i) The Ministry may issue necessary direction for immediate stopping of the ongoing work and the detail Action Taken Report on violation of Section 2(1) (ii) Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be submitted by the State Govt as per para 1.16 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- (ii) The forest clearance letter of diversion of forest land "Exploration of oil at nine site by ONGC- IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC" and the current status of the project.
- (iii) The diverted forest area for exploratory drilling by ONGC located within the proposed area is to be excluded from the proposed 28 ha, and necessary changes in the proposal is to be done, if required.
- (iv) The proposed approach road to the proposed site comprises of an old existing road without the forest clearance and newly broken area of 0.32 ha by the current user agency. However instead of using 0.32 ha another old existing approach road of 0.16 ha (approx.) to the proposed site is being used by the user agency in addition to the proposed area of 28 ha.



Indicating additional 0.16 ha (in blue colour) approach road are to the proposed area being used by the user agency

- (v) State Govt shall ensure for no obstructing in the e-flow of the region by providing preventive and protective measures of the nalah existing within the diversion area which falls into permanent stream namely Deopani Nalah and Namti Nalah.
- (vi) The identified CA site boundary should be demarcated immediately to avoid confusion and possible encroachment.
- (vii) State Govt shall ensure to take necessary action immediately for removing of the existing temporary settlement/ encroachers/ encumbrances around the identified CA land.
- (viii) Re-enumeration of the standing trees as few standing trees viz., *Duwabanga sp.*, *Sterculia villosa*, *Ficus spp*, *Sapium baccatum* (*Saleng*), *Anthocephalo cadamba* etc were observed during the site visit.
- (ix) The Environment clearance of the proposed area shall be obtained, if applicable.
- (x) Comment of CWLW on the proposed site as conflict of human wild animal conflict has been reported around the proposed area.

Yours faithfully,

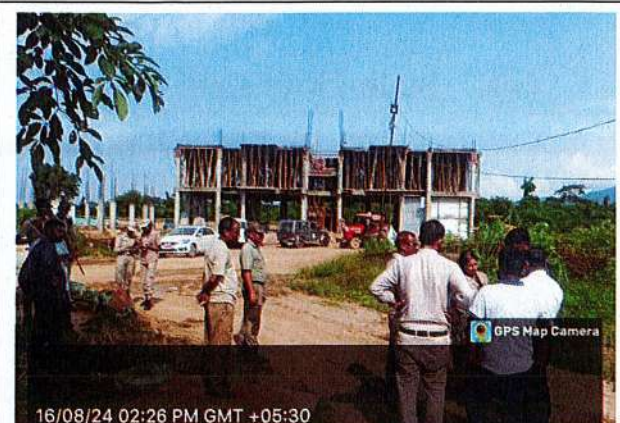


(Ms Lactitia Jean Syiemiong)
Deputy Inspector General of Forests

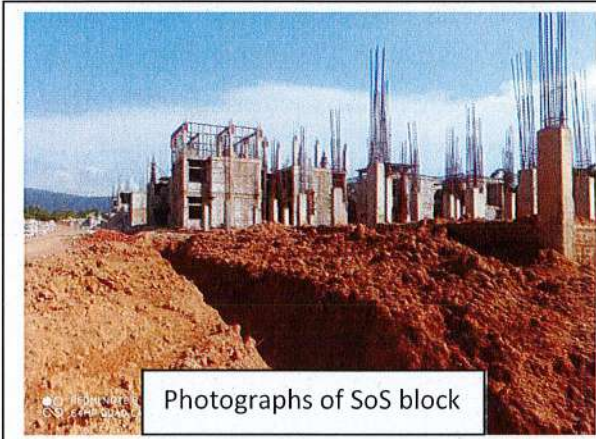
PHOTOGRAPHS OF THE PROPOSED AREA



Construction site of Commandant Office Block



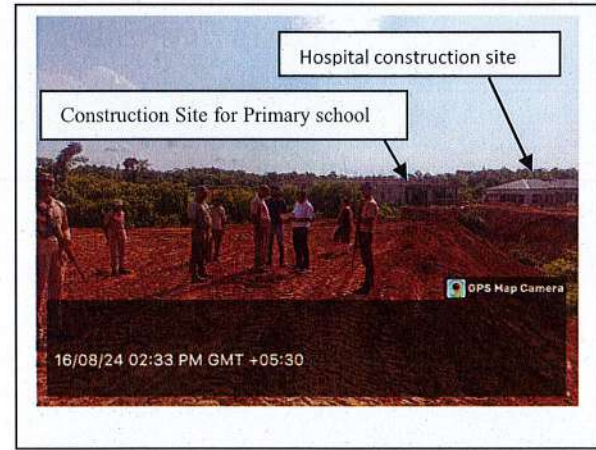
Construction site of Assistant Commandant Block



Photographs of SoS block



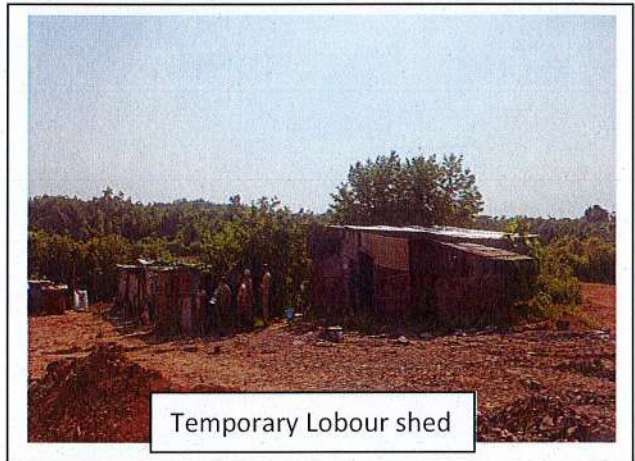
Work Station site



Construction Site for Primary school

Hospital construction site

16/08/24 02:33 PM GMT +05:30



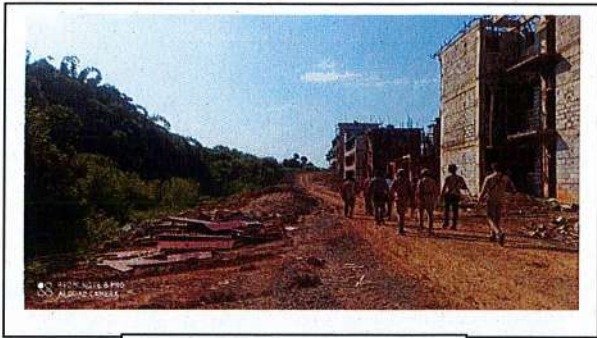
Temporary Labour shed



Undergoing construction sites in indoor sports complex



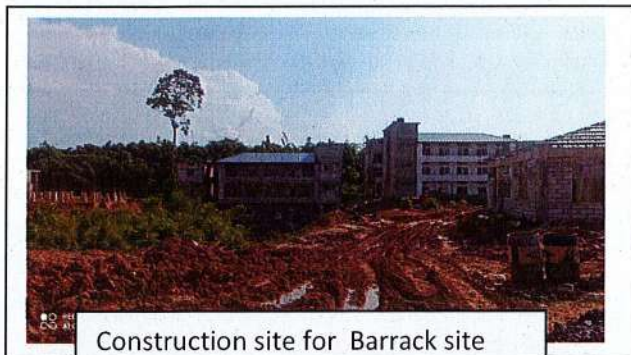
Constructed road inside the proposed area



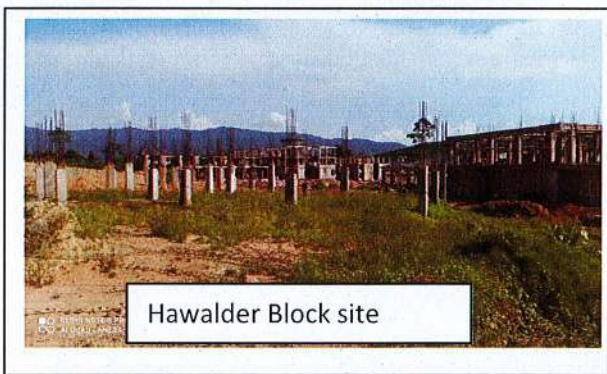
Hawalder Barrack site



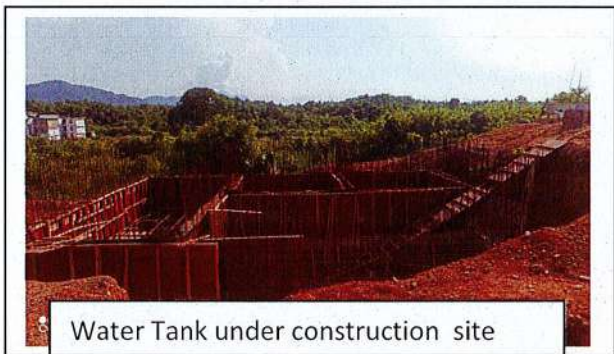
Construction site for Inspector Unit



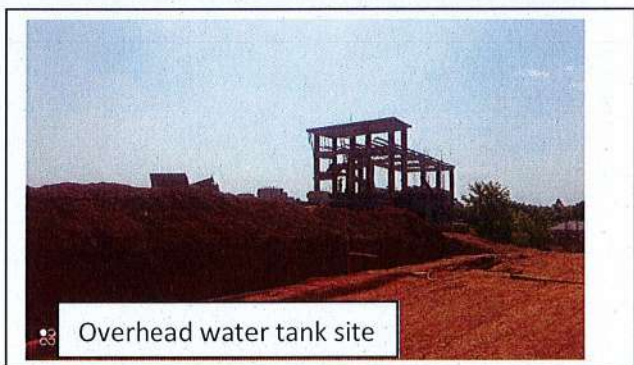
Construction site for Barrack site



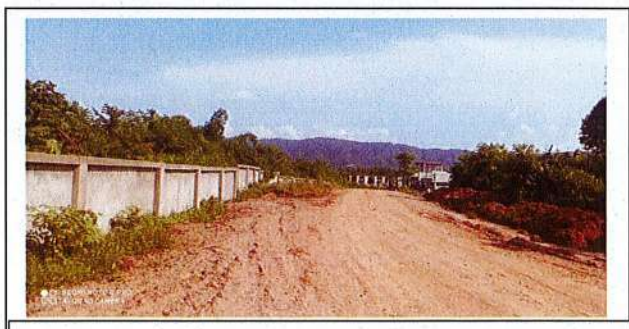
Hawalder Block site



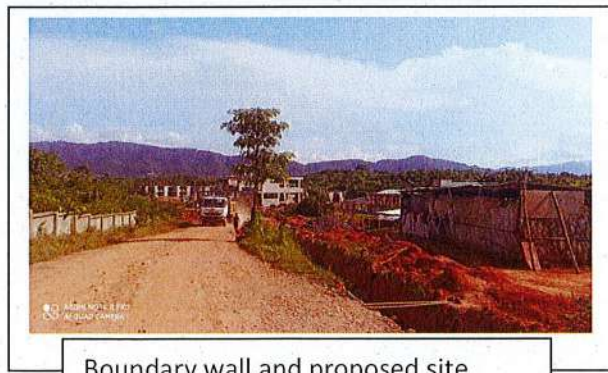
Water Tank under construction site



Overhead water tank site



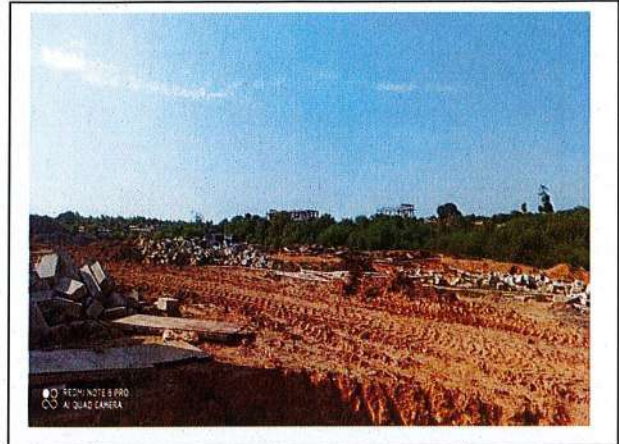
Constructed Boundary wall of the proposed site



Boundary wall and proposed site



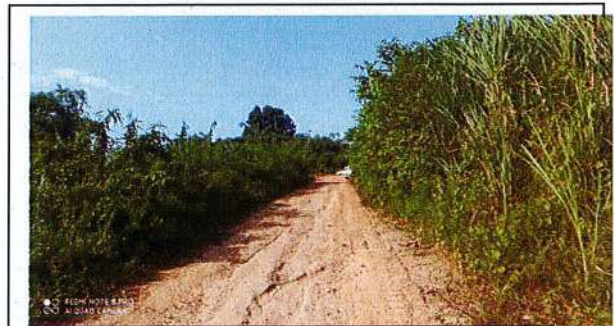
Brick block material inside the proposed site



Levelled Parade Ground site



Under construction of culvert for the approach road



Approach road to the proposed site



Undergoing construction of the approach road



Common Application Form

Project Details

1. Details of Project

1.1. Name of the Project	Diversion of 26.1 Ha. forest land for the purpose of the establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division
1.2. Project Proposal For	New
1.3. Project ID (Single Window Number)	SW/187865/2024
1.4. Description of Project	The incessant encroachment from Nagaland side has led to the loss of more than 60% of the Geleky RF under Sivasagar Division. Therefore, the forest department decided to host a Commando Battalion infrastructure to stop further deforestation in the forest of Assam bordering Nagaland.

2. Details of the Company/Organization/User Agency making application

2.1. Legal Status of the Company/Organization/User Agency	State PSU (eg. State Forest Corp., TANGEDCO, Mineral development Corp)
2.2. Name of the Company/ Organization/User agency	Assam Police Housing Corporation Limited

Registered address

2.3. Address	Assam Police Housing Corporation Limited (APHCL), Rehabari, Guwahati-781008
2.4. State	ASSAM
2.5. District	SIVASAGAR
2.6. Pin Code	781008
2.7. E-mail address	md-aphc@assampolice.gov.in
2.8. Mobile number	9435725995

3. Details of the person making application

3.1. Name	Sri Lachit Baruah IPS
3.2. Designation	Managing Director

Correspondence address

3.3. Address	Assam Police Housing Corporation Limited (APHCL), Rehabari, Guwahati-781008
3.4. State	ASSAM
3.5. District	SIVASAGAR
3.6. Pin Code	781008
3.7. E-mail address	md-aphc@assampolice.gov.in
3.8. Landline Number	9435725995
3.9. Mobile number	9435725995

Project Location

4. Location of the Project or Activity

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4.2. Whether the project/activity falling in the state/UT sharing international borders **372**

5. Shape of the Project Non - Linear

Location Details

Toposheet No	State/UT	District	Sub District	Village	Plot/Survey/Khasra No.
G46K9	ASSAM	Sivasagar	Nazira	GELEKI RESERVED FOREST,DEOPANI	

Remarks

N/A

6. Land Requirement (in Ha) of the project or activity

6.1. Nature of Land involved

6.2. Non-Forest Land [A]	0
6.3. Forest Land [B]	26.1
6.4. Total Land [A+B]	26.1

Project Activity Cost

6. Project/Activity Cost

6.1. Total Cost of the Project at current price level (in Lakhs)	17625 Amount in Words : Seventeen Thousand Six Hundred Twenty Five Lakh(s) Only
--	--

7. Employment likely to be generated

7.1. During construction phase

Permanent employment

7.1.1. No. of permanent employment (No.s) [A]	3
7.1.2. Period of employment (No. of days) [B]	730
7.1.3. No. of man-days [X]=[A]*[B]	2190

Temporary employment

7.1.4. Temporary / Contractual employment (No. of Man days) [Y]	36500
7.1.5. Total [X] +[Y]	38690

7.2. During operational phase

Permanent employment

7.2.1. No. of permanent employment (No.s) [A]	800
7.2.2. Period of employment (No. of days) [B]	365
7.2.3. No. of man-days [X]=[A]*[B]	292000

Temporary employment

7.2.4. Temporary / Contractual employment (No. of Man days) [Y]	3650
7.2.5. Total [X] +[Y]	295650

Others

8. Whether Rehabilitation and Resettlement (R&R) Involved? NO

9. Whether project area involves shifting of watercourse/road/rail/Transmission line/water pipeline, etc. required? NO

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11. Whether there is any Government Order or Policy/ Court order relevant or restricting to the site? **373** NO

12. Whether there is any litigation pending against the project and/or land in which the project is proposed to be set up? NO

13. Whether the proposal involves violation of Act/Rule/ Regulation/Notification of Central/State Government? NO

Form-A (Part-I): Diversion of Forest Land

Project Details

1. Forest Clearance

1.1. State ASSAM

1. Upload a copy of note containing justification for 2 locating the Project in forest land Project Justification.pdf

1.3. Project Category Others (please specify)

1.4. Exempted Category NA

1.5. Is Related to Encroachment? No

1.6. Whether any proposal seeking prior approval of Central Government under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of forest land required for this project has been submitted in the past? No

Proposed Land

2. Details of Forestland proposed to be diverted (Village / Division / District Wise Breakup)

2.1. Total area of forestland proposed for diversion (ha.) 26.1

2.2. Total area of non- forestland required for this project (ha.) 0

2.3. Legal Status of forest land proposed for diversion

Area (ha)	Legal Status of Forest Land
26.1	Protected Forest

2.3.1. Total Area (ha) 26.1

2.4. Total period for which the forestland is proposed to be diverted (No. of years) 99

KML Details

Division Sibsagar Division

No. of Patches 1

KML 73703983_FC_KML_1732970757313_gelekhi_modified_proposal_kml.kml

Location Details

Tonesheet - 58 - Forest land proposed for Non Forest Land

Patch Details

Patch/ Segment ID	Forest Area (ha)	Non-Forest Area (ha)	Remarks if any
1	26.1	0	

Remarks Details

Total Patch-wise Forest Land in the division (ha)

2.5. Total Forest Land Area (ha)	26.1000
2.6. Total Non Forest Land Area (ha)	0.0000

Total KML-wise Forest Land in the division (ha.)

2.7. Total Forest Land Area (ha)	26.1
2.8. Total Non Forest Land Area (ha)	0
2.9. Total Area (ha)	26.1

3. Component Wise Break Up

Component	Forest Land Proposed for Diversion (ha)	Non-forest Land (ha)
1	26.1	0
4. Total Forest Land (ha)	26.1	
5. Total Non Forest Land (ha)	0.0000	
6. Upload map of the forest land proposed to be diverted prepared by using DGPS or Total Station (pdf only)	diversion_toposheet.pdf	

Afforestation Details

7. Details of land identified for Compensatory Afforestation

7.1. Whether Compensatory Afforestation is applicable or not? Yes

7.1.1. Type of Compensatory Afforestation Non-forest Land

7.1.1.1. Whether Non-forest land is available? Yes

7.1.2. Patch wise details

Kml File Name

Geleki_CA_Land.kml

TopoSheet No.	State	District	Village	Plot No. /Kasra No.	Present Owner	Area
G46I10	ASSAM	Sonitpur	BAGHETAPA	0	Govt. of Assam	28

7.1.3. Number of patches. 1

7.1.4. No. of districts involved for raising Compensatory Afforestation

1 - 59 -

7.1.5. Total CA Land 28

7.1.6. Upload a scanned copy of the map of the land identified for creation of Compensatory Afforestation prepared by using GPS or Total Station (pdf only) 375 CA Land Tpopsheet Map.pdf

7.1.7. Whether the area of non-forest land or Revenue forest land required to be provided by User Agency for raising Compensatory Afforestation is less than area of forest land proposed to be diverted? No

7.1.8. Whether NFL is free from Non- Encumbrance Yes

7.1.9. Whether the present owner of NFL is different from the User Agency No

7.1.9.1. Upload MoU/agreement executed between the present owner and the user agency N/A

Others

8. Cost-Benefit analysis

8.1. Whether Cost-Benefit analysis for the Project has been made? No

8.1. Reasons thereof Not Applicable

9. Environmental clearance Details

9.1. Whether the Project requires Clearance under the Environment (Protection) Act 1986 (Environmental clearance)? No

10. Wildlife clearance Details

10.1. Whether the Project or a part thereof is located in any Protected Area or their Eco sensitive zone? No

Category Specific Details

N/A

11. Copy of Additional Information, if any

S. No.	Document Name	Remark	Document
1	CA site suitability certificate	document	CA site suitability.pdf
2	Authorization letter	documents	Authorization.pdf
3	Undertaking	Documents	28 Ha. Undertaking.pdf

Undertaking

I hereby give undertaking that the data and information given in the application and enclosures are true to be best of my knowledge and belief and I am aware that if any part of the data and information is found to be false or misleading at any stage, the project will be rejected and clearance given if any to the project will be revoked at our risk and cost. In addition to the above, I hearby give undertaking that no activity/construction/expansion has been taken up

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12. Name	Sri Lachit Baruan IPS
13. Designation	Managing Director 376
14. Company	Assam Police Housing Corporation Limited
15. Address	Assam Police Housing Corporation Limited (APHCL), Rehabari, Guwahati-781008
16. Date	04/06/2024

Basic Details

I. District-wise area to be diverted

District	Area (ha)
SIVASAGAR	28
1.1. Total Area (ha)	28

2. Legal Status of forest land proposed for diversion

Area (ha)	Legal Status of Forest Land
28	Reserved Forest
2.1. Total Area (ha)	28

3. Density of vegetation

Area (ha)	Canopy density	Eco-Class
28	0.3	Eco I
3.1. Total Area (ha)	28	

4. Species-wise local/scientific names and girth-wise enumeration of trees

4.1. Whether the proposal involves felling of trees?	No
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5. Working plan

5.1. Working plan prescription for the forest land proposed for diversion	N/A
5.2. Copy of working plan prescription for the forest land proposed for diversion	N/A

6. Brief note on vulnerability of forest area to erosion	Nil
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7. Approximate distance of proposed Site for diversion from boundary of forest (km)	0
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3. Details of violation(s)

8.1. Whether any work in violation of the Act or guidelines issued under the Act has been carried out	No
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Note: If you disagree with the violation details filled by User Agency, Kindly raise EDS to user agency.

Idlife Specific Details

9. Significance of the forest land proposed for diversion from wildlife point of view.	
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9.1. Details of wildlife present in and around the forest land proposed for diversion	Nil
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9.2. Whether forms part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc	No
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9.3. Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve buffer zone, elephant corridor, wildlife migration corridor etc., is located within 10 Km. from boundary of the forest land proposed to be utilized for prospecting or diversion	No
--	----

9.4. Whether any rare/ endangered/unique species of flora and fauna found in the area	No
--	----

9.5. Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area	No
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9.6. Whether the requirement of forest land as proposed by the user agency is unavoidable and bare minimum for the project	Yes
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forestation Details

10. Compensatory Afforestation

10.1. Whether CA is applicable or not?	Yes
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10.1. Nature of Land	Non-Forest Land
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11. Upload map of the forest land proposed for C.A. prepared by using DGPS or Total Station	Diversion Topsheet Map.pdf
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12. Upload Survey of India Toposheet indicating boundary of forest land proposed for CA	CA Land Tposheet Map.pdf
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13. Upload certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view	CA site suitability.pdf
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14. Total Financial outlay for C.A. scheme (in Crores)	2.12 Amount in Words : Two Point Twelve Crore(s) Only
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15. Upload CA scheme details	CA Scheme.pdf
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1. Whether the provision of additional CA land is proposed?	No
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17.1. District	SIVASAGAR
17.2. Geographical area of the district. (ha)	70800
17.3. Forest area of the district. (ha)	378 11462.589
17.4. Total forest area diverted since 1980. (ha)	17.174
17.5. No. of Approved Cases.	5
Total compensatory afforestation stipulated in the district/division since 1980 on	
18. Forest Land including penal C.A. (ha)	35.288
19. Progress of compensatory afforestation as on (date)*	05/06/2024
20. Forest land (ha)	35.288
21. Non-forest land. (ha)	0

. Additional Information

S. No.	Document Name	Remark	Document
1	NPV Calculation Sheet	Document	NPV Calculation Sheet.pdf
2	Aerial Distance Certificate	Document	Aerial Distance.pdf

her Details

ite Inspection & Recommendation)

14. Site Inspection

14.1. Site Inspection Report	Site Inspection Report (2).pdf
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15. Recommendation

15.1. Total forest land to be diverted (ha)	28
15.2. Recommended Area (ha)	28
15.3. Recommendation of DFO/DCF	Recommended

15.4. Justification

The unabated encroachment is continuing at an alarming rate, there is almost certainty of losing the remaining forest wealth of the RFs of Sivasagar Division to the occupation of Nagaland. Thus, in order to resist further encroachment of the forest area and to prevent further destruction of forest resource by the ever-increasing pressure for occupation of land, the deployment of forest protection force and construction of battalion camps at strategic locations inside the forest area at the ever-expanding trans-state forest encroachment frontier is unavoidable, inevitable and must. Thus setting up of the battalion camp inside Geleky RF is urgent and essential and in the sole interest of forest conservation.

Checklist Details

I. PART-I (Proposed-Diversion)

- | | |
|--|--|
| 1.1. Whether the Geo-referenced map is provided | Yes |
| 1.2. KML file of the proposed area | Yes |
| 1.3. Justification note of the project provided by User Agency | <input checked="" type="checkbox"/> I endorse the Justification to locate the proposal on the forest area by the User Agency |

2. PART-II (Compensatory Afforestation) if applicable

- | | |
|---|---|
| 2.1. Whether the Geo-referenced map is provided | Yes |
| 2.2. Legal Status of User Agency | State Government (Department/Autonomous body) |
| 2.3. Whether PCCF approval obtained | Yes |
| 2.4. Remarks from PCCF | Recommended |
| 2.5. Type of CA land [DFL/ NFL/ Combined (DFL & NFL)] | NFL |

3. CA on Non-Forest land

- | | |
|---|-----|
| 3.1. Whether the area of KML file of given CA area is equal to the forest area sought for diversion | Yes |
| 3.2. Whether all CA patches >5 ha | Yes |
| 3. Whether the non-forest land free from all encumbrances and suitable for plantation and certificate is attached | Yes |

4. Whether CA is selected in the same state

Yes

5. Whether violation is reported in proposed area

No

6. Whether land use plan is attached

No

7. Whether the project is site specific

Yes

8. Whether there is any court case/judgement pertaining to the project proposal or related to diversion of forest land

No

9. Whether the project area falls within protected area or within 1 km of distance from the boundary of PA in the Eco sensitive zone

No

I hereby undertake that the above information is accurate and duly verified.

Recommendation

9. Total Forest area applied (ha) 28

10. Whether proposal has been deliberated at PSC Yes

11. Recommendation Recommended

11.1. Recommendation Area (ha) 28

11.2. Forest area comes under LWE/LAC? No

12. Justification

The proposal for establishment of Commando Battalion Camp at Geleky RF has been placed for the need of protection of further encroachment and destruction of forest wealth along the Assam-Nagaland Border. With the incessant encroachment, Geleky RF has already lost about 60% of the Reserved Forest area to Nagaland. Golaghat Division has lost almost 98% of its Reserved forest and Jorhat division lost about 85% of its Reserved forest to Nagaland, hence to resist further encroachment and occupation of land, the deployment of armed forces and construction of commando battalion camp is essential for the sole interest of forest conservation. The area selected is devoid of valuable tree species, only dominated by naturally growing bamboo species and is 2 Km from the disputed interstate Assam-Nagaland border. The location is site specific as it is a strategic location to dominated over the area and resist further attempt of encroachment from miscreants from Nagaland side, which would not be otherwise possible by stationing in an area outside the Reserved Forest area. Hence, the establishment of the Commando battalion camp inside Geleky RF is the most feasible from the forest protection point of view. Therefore, the DFO, Sivasagar division has submitted the proposal for diversion of 28 Ha. forest land for the purpose of the establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest. Hence, the proposal has been recommended for protection of Reserved forest and also for stopping further encroachment and Aggression from neighboring states

14. Copy of Additional Information, if any

S. No.	Document Name	Remark	Document
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Project Details

1. Recommendation	Recommended
1.1. Recommended Area (ha)	28
2. State File No.	501565
3. Letter of Recommendation	eCF No.501565-2.pdf
4. Justification	Recommended and submitted

Clearance

3. Upload Signed Clearance Letter	N/A
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4. Copy of Additional Information, if any

S. No.	Document Name	Remark	Document
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State Government has cleared of encroachment. The Committee noted the same.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Shillong and Nodal Officer, Assam. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Shillong and the Nodal Officer Assam, the Committee deferred the proposal for ex-post facto approval for 11.5 Ha Forest land in favour of Assam Police Housing Corporation Limited, Assam for non-forestry use of 11.5 Ha. of forest land for establishment of 2nd Commando Battalion Camp at Damchera in Innerline Reserved Forest under Hailakandi Division, Hailakandi District in the State of Assam and sought the following details as under:
- i. AC decided to form a sub-committee for making a site visit and obtain SIR.
 - ii. Regional Office shall complete proceedings under Section 3A/3B against the officers responsible for violation.
 - iii. The State Government shall discontinue any kind of construction activities forthwith in the proposed forest area.

Agenda No.3

Online Proposal No. FP/AS/OTHERS/478981/2024

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhinyam, 1980 in favour of Sivasagar Territorial Forest Division, Assam for non-forestry use of 28.0 Ha. of forest land for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division, Sivasagar District in the State of Assam (Online No. FP/AS/OTHERS/478981/2024)- regarding

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Shillong, Nodal Officer Assam & representative of the Assam Police attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. State Government of Assam vide online proposal FP/AS/OTHERS/478981/2024 submitted the proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhinyam, 1980 in favour of Sivasagar Territorial Forest Division, Assam for non-forestry use of 28.0 Ha. of forest land for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest

under Sivasagar Forest Division, Sivasagar District in the State of Assam.

ii. Item wise break-up details of the forest land proposed for diversion:

Sl. No.	Type of Building	Area allotted (in ha)
1.	Residential building	3.54
2.	Non residential building	0.95
3.	Parade ground	4.59
4.	Shooting range	2.0
5.	Utilities	0.5
6.	Carriage way	2.4
7.	Natural stream	2.0
8.	Open area/ Park/ land scape/ road	12.02
	Total plot area	28.0

- iii. As per the proposal, there is incessant encroachment from Nagaland side which has led to the loss of more than 60% of the Geleky RF under Sivasagar Division. Therefore, the proposal states that the forest department decided to host a Commando Battalion infrastructure to stop further deforestation in the forest of Assam bordering Nagaland.
- iv. DFO, Sivasagar has recommended the proposal stating that the unabated encroachment is continuing at an alarming rate, there is almost certainty of losing the remaining forest wealth of the RFs of Sivasagar Division to the occupation of Nagaland. Thus, in order to resist further encroachment of the forest area and to prevent further destruction of forest resource by the ever-increasing pressure for occupation of land, the deployment of forest protection force and construction of battalion camps at strategic locations inside the forest area at the ever-expanding trans-state forest encroachment frontier is unavoidable, inevitable and must. Thus setting up of the battalion camp inside Geleky RF is urgent and essential and in the sole interest of forest conservation.
- v. As per the proposal, Administrative approval was granted to Assam Police Headquarters for Construction of newly raised 5 (five) nos. of Commando Battalions at Pabhoi in Biswanath District, Geleky (Kamalabari) in Sivasagar District, Kachurtal in Hailakandi District, Doldoli (Lahorijan) in Karbi- Anglong District, Ambikapur in Sadiya District on 12.04.2024.
- vi. The Financial Sanction was issued to the Assam Police Headquarters for Raising of New Assam Police Commando battalion at Geleki (Kamalabari) in Sivasagar Dist., Assam on Engineering, Procurement and Construction (EPC) Mode on 20.04.2024.
- vii. As per DSS report, the area was full of vegetation and no construction work was visible until January, 2022, however, vegetation was cleared and construction work was visible in February, 2023 satellite image of the proposed site.
- viii. Further, DFO, Sivasagar Forest Division has mentioned in his inspection report that:
- The Assam-Nagaland border extends along 3(three) nos. of Assam Forest Divisions Golaghat, Jorhat & Sivasagar Forest

Divisions which includes a total of 9 (nine) nos. of Reserved Forests (RFs) areas. These RFs situated along the Assam-Nagaland border were under the cover of virgin forests prior to 1900s and hosted an unlimited variety of flora and fauna. Having realized the intrinsic values of these areas, the British had constituted them into RFs. The encroachment pressure was existing since 1950s on all the RFs bordering the state of Nagaland were generally small.

- b. After the declaration of Nagaland as a state during 1962, encroachment pressure increased in the RFs mainly by the tea growers and others for cultivation of tea, rubber, beetle nut and settlement from the Nagaland side. Clearing of forest for such non-forestry purposes has resulted in loss of forest land every year. Simultaneously, the Govt. of Nagaland had also supported the Naga people by establishing Civil Sub-Division and started encroachment inside the RFs by installing battalion posts and by providing infrastructures like schools, primary health centers, roads, water supply, electricity, irrigation schemes, agricultural farms, fisheries etc. to the encroachers in spite of various agreements for maintaining status-quo along the Assam-Nagaland border areas.
- c. This incessant encroachment from Nagaland side has led to the loss of more than 95% of Doyang, Rengma, Nambor South and Diphu RF's of Golaghat Division; loss of more than 80% of Desso Valley and Tiru Hills RF's under Jorhat Division; and loss of more than 60% of the Geleky RF under Sivasagar Division. The Assam Forest Department evicted such encroachments from time to time; but the border problem has been aggravating.
- d. The details of encroachment inside the Assam forest land at Assam-Nagaland Border is as below:

Sl. No.	Name of the RF	Division	Total Area (in Ha)	Encroachment area (in Ha approx.)	% of Encroachment
1.	Desso Valley RF	Jorhat	16381.446	13322.14	81.3
2.	Tiru Hills	Jorhat	5858.552	4829.15	82.42
3.	Desso RF	Jorhat	2797.148	500	17.87
4.	Geleky RF	Sivasagar	5929.200	4000	67
5.	Abhypor RF	Sivasagar	6737.985	125	18.50
6.	Doyang RF	Golaghat	24635.77	23717.18	96.27
7.	Rengma RF	Golaghat	13921.49	13558.35	97.39
8.	Nambor South RF	Golaghat	27240.61	26742.81	98.17
9.	Diphu RF	Golaghat	18363.00	18050.00	98.29

- ix. As this unabated encroachment continues at this alarming rate, there is almost certainty of losing the remaining forest wealth of the RFs of Sivasagar & Jorhat Divisions to the occupation of Nagaland. Thus, in order to resist further encroachment of the forest area and to prevent

further destruction of forest resource by the ever-increasing pressure for occupation of land, the deployment of forest protection force and construction of battalion camps at strategic locations inside the forest area at the ever-expanding trans-state forest encroachment frontier is unavoidable, inevitable and must. Thus setting up of the battalion camp inside Geleky RF is urgent and essential and in the sole interest of forest conservation.

- x. Further, DFO, Sivsagar has also mentioned in Part- II that requirement of forest land is unavoidable and bare minimum for the project.
- xi. Nodal Officer Adhinyam, Assam has also recommended the stating that with the incessant encroachment, Geleky RF has already lost about 60% of the Reserved Forest area to Nagaland. Golaghat Division has lost almost 98% of its Reserved forest and Jorhat division lost about 85% of its Reserved forest to Nagaland, hence to resist further encroachment and occupation of land, the deployment of armed forces and construction of commando battalion camp is essential for the sole interest of forest conservation. The area selected is devoid of valuable tree species, only dominated by naturally growing bamboo species and is 2 Km from the disputed interstate Assam-Nagaland border. The location is site specific as it is a strategic location to dominated over the area and resist further attempt of encroachment from miscreants from Nagaland side, which would not be otherwise possible by stationing in an area outside the Reserved Forest area. Hence, the establishment of the Commando battalion camp inside Geleky RF is the most feasible from the forest protection point of view.
- xii. The area proposed for diversion is 28.00 ha of Reserved Forest and the density of vegetation is 0.3 having Eco-class 1. No trees are proposed to be felled in the proposal.
- xiii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- xiv. DFO, Sivasagar has mentioned in Part- II that there is no violation of provisions of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. However, an O.A was filed in Hon'ble NGT, Kolkata by Shri. Rohit Choudhury Vs State of Assam and Others which was registered on 25.05.2024 w.r.t. Shri MK Yadava who was also the Head of Forest Force approved the diversion of another 28.00 ha at the Assam-Nagaland border in Geleky Reserve Forest in 2022 for a Police Battalion Camp.
- xv. Compensatory Afforestation has been proposed over an area of 28.0 ha inside compensatory afforestation land bank of 830 ha. of evicted non forest land adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division, Nagaon. CA scheme for 10 years along with site suitability certificate, KML file and DGPS map have been submitted.

- xvi. As per DSS analysis, Construction work, felling of trees, road is visible in the proposed area and Cultivation land and settlement is visible in the proposed CA site. Further, it is seen that the complete area of 28.0 ha had been broken. The Conservator of Forests, Jorhat has mentioned that a boundary wall around the site has been constructed. Works on the Commando battalion camp is in process and almost 60% of the main building has been completed and others are under construction
- xvii. Brief background of the proposal:
- a. An O.A was filed in Hon'ble NGT, Kolkata by Shri. Rohit Choudhury Vs State of Assam and Others which was registered on 25.05.2024.
 - b. Ministry vide letter dated 25.04.2024 and 13.06.2024 requested the State Govt. of Assam to furnish a detail factual report in respect to news report in Hindustan Times "Shri MK Yadava who was also the Head of Forest Force approved the diversion of another 28 ha at the assam Nagaland border in Geleky Reserve Forest in 2022 for a Police Battalion Camp" and submit to Ministry with a copy marked to Regional Office, Shillong requesting to coordinate with the State Govt. and provide the requisite information with comments in the matter to the Ministry.
 - c. The Regional Office, Shillong vide letter dated 06.05.2024 and 18.06.2024 requested the State Govt. to provide the detail factual report to Ministry. Further, it was informed regarding constitution of committee as directed by Hon'ble NGT, in O.A. 105/2014/EZ order dated 29.05.2024.
 - d. Ministry vide letter dated 05.06.2024 constituted the following committee in pursuance of direction of Hon'ble NGT in their order dated 29.05.2024.
 - A. Sh AK Mohanty, ADGF (FC), MoEF&CC,F(C), MoEF&CC
 - B. Sh. Tanmay Kumar, Special Secretary, MoEF&CC
 - C. Ms. Imtienla AO, DDGF(C) MoEF&CC, Regional Office, Shillong
 - e. With reference to Ministry's letters dated 25.04.2024 and 13.06.2024, the Conservator of Forests, Jorhat in his letter addressed to PCCF &HoFF, Assam attached a copy of letter of DFO, Sivasagar wherein it is informed as below:
The area in concern is dominated by Kako bamboo (Bambusabalacoa) without any valuable tree species and very much vulnerable to encroachment. Due to gradual destruction of forest wealth in the past, the area of 28.0 ha has transformed into a degraded open forest with only naturally growing bamboo patches of Jati, Bholuka, Dolo and Mukal here and there. No fresh clearing was required. It has been observed that construction works of the Commando battalion camp is in process in the 28 Ha area after receiving the order for establishment of the Commando battalion camp at Geleky RF from the Principal Chief Conservator of Forest & Head of Forest Force, Assam vide letter no.FG.46/Border/Nagaland/Pt-II dated 15.11.2022. The area has been demarcated by constructing a boundary wall around it and

structures have been constructed as per the master plan. Almost 60% of the main building has been completed and others are under construction.

- xviii. Examination of the proposal revealed certain shortcomings and the same was communicated to the State Government on 16.07.2024. Reply to queries raised by the Ministry on 16.07.2024 was received from the State Government on 08.08.2024. Summary of the same are as under:

Sl. No.	Query raised by the MoEF&CC	Reply from the State Government
1.	The State Government has mentioned that there is no violation of the Adhinyam in the said proposal. Therefore, reason for seeking ex-post facto approval of the Central Government is required.	<p>Following has been submitted by the State Government:</p> <p>VII. Assam has got a total of 75 Reserved Forests (RF) having inter-state borders with Arunachal Pradesh, Nagaland, Mizoram and Meghalaya. Of this, the Department has prepared a report of status of encroachments pertaining to 73 out of 75 RF. Out of 84,160.87 ha of area, Nagaland has occupied 36294.07 ha. The forest under Jorhat and Sivasagar Forest Division namely Dissai Valley, Dissai, Tiru Hills and Geleki are extra poised with each other.</p> <p>VIII. The process of occupation from across the border by armed miscreants has a long history in these forest of Dissai Valley, Dissai, Tiru Hills, Geleki, Abhaypur. Some of which date back to 1953.</p> <p>IX. As per the various Working Plan of Jorhat and Sivasagar Division, these forests have been facing enemy pressure on the southern border on Nagaland. Nagaland has been staking claim.</p> <p>X. About the Forest land used for Battalion construction, this is pertinent to mention that as described, the area has lost all its original forest characteristics and there are no standing trees. It is dominated by JatiBaanh (<i>Dendrocalamushamiltonii</i>) etc. The growth of bamboo is bushy and stranded. This has been the condition of the forest for last 3-4 decades. Therefore, as already</p>

		<p>stated there was no tree felling involved in the Battalion construction.</p> <p>XI. Geleki RF which has an area of 5929.20 ha and was once evergreen forest having Holong and Mekai. This forest is now encroached. The encroached area ENF-13023/28/2024-ENV./FORES T-Environment & Forest Department I/676626/2024 by Nagaland is 400 ha. The State of Assam is trying to hold on to the balance of 1900 ha. of the area, which is now, as described earlier as only secondary growth of bamboos. It is difficult for Assam Forest and Assam Police to enter into these areas and recover the areas from encroachment and undertake plantation to revive the forest.</p> <p>XII. The Assam Forest Department along with Assam Police, is trying all its efforts so that remaining areas of these forest don't slip away into the hands of Nagaland. There are several areas when the Forest officials were forced to lodge FIR caused by miscreants from across the border.</p> <p>XIII. The above descriptions clearly indicate that it is not out of any greed of land by Assam Forest or Assam Police or any diversion for commercial purposes of Forest land that the Battalion has been allowed to set up. The battalion has been set up in conditions which cannot be mitigated by any other means by the State Govt. as already stated in the previous paras, land is a state subject and Govt. of Assam through its two Department namely Assam Forest and Assam Police have done best possible for protection of the Forest and maintaining the integrity of the State.</p> <p>XIV. The Forest Department and the Assam Police have a long history of</p>
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		<p>working together from 1986 when the Assam Forest Protection Force Act 1986 was introduced.</p> <p>XV. In view of the above, the State Government has requested MoEF&CC as under:</p> <ul style="list-style-type: none"> f) To condone the inadvertent mistake, if any, of the PCCF & HoFF who acted on behalf of the State Govt. in the interest of the forest protection only and not otherwise. g) To do away with the imposition of provisions of section 3A and 3B, as the diversion was resorted to by the Forest Department only for protection of forest, possibly to sacrifice 40 odd hectares of degraded land devoid of tree cover to save thousands of hectares of the remaining forests from undergoing further degradation, denudation, encroachment and settlements. h) To do away with imposition of NPV and Penal NPV on the proposed diversion. However, the State Government has already made provisions to allocate 11.5 Hectares of Revenue land in lieu of the diversion of proposed forest land and afforest the same at its own cost. i) To allow change of user agency from Forest Department to Police headquarters or their authorized agency in the application for diversion on Parivesh 2.0. j) To accord early approval of the diversion so that construction can be completed. It is to be stated here that the force is already recruited by the State Government, but effective deployment in the area concerned cannot be done in absence of suitable accommodation of the force including security of the arms and ammunition. <p>The reply of the State Government to condone the mistake of the then PCCF & HoFF has to be viewed in light of</p>
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		provisions in the Adhiniyam. As per records, No prior permission was sought from the Central Government before sanctioning the construction of a Police Battalion on Reserve Forest Land by the State Government.
2.	If another User Agency has received the administrative and/or financial sanction for the construction, the said user agency should apply for forest clearance along with relevant documents.	There is no administrative approval or the Financial Sanction in favour of Divisional Forest Officer, Sivsagar. The administrative approval and the Financial Sanction are in the name of Assam Police Headquarter and the Financial Sanction are marked to Assam Police Housing Corporation Limited as vendor which is a State Public Sector Undertaking under the administrative control of Assam Police. The reply of the State Government may be accepted.
3.	Since the User Agency in the extant proposal is the Divisional Forest Officer, Sivsagar Division, any administrative approval or financial sanction received by the User Agency for construction on forest land may be uploaded.	It was mentioned in the reply that if MoEF&CC allows change of User Agency, the same shall be complied with. Accordingly, User Agency has been changed from Divisional Forest Officer, Sivsagar Division to Assam Police Housing Corporation Ltd.
4.	The component-wise break up of forest land has not been submitted along with the proposal. The same needs to be uploaded along with KML file	The component-wise break up of forest land is submitted. However, KML file is not submitted along with the reply.
5.	KML file of the Geleky Reserve Forest needs to be submitted	Submitted
6.	Approved layout plan has not been uploaded. The same needs to be submitted.	Layout plan submitted along with the proposal. The layout plan is approved by the Assam Police Housing Corporation.
7.	Land Use pattern statement for 28 Ha is given as Residential Area: 3.54 Ha; Administrative buildings: 0.95 Ha & Open spaces – 12.02 Ha among others. The State Government is asked to justify situating the proposal in forest land. Furthermore, since the proposal involves the construction of residential	It may kindly noted that Assam has lost several hundred of Sq Km. of land to Nagaland pertaining to the bordering reserve forests. In case of Geleki and other adjoining areas, it is seen that currently more than 220 Sq Km. of forest is already under occupancy of Nagaland. The ground situation is such that effective protection cannot be guaranteed if the unit is located outside the RF. It is to be understood that these activities across the

	<p>area, State Government may explore the possibility of shifting the said activity in non-forestland in compliance of Guideline 1.10 of the Adhiniyam</p>	<p>border have twin purpose. Firstly, cutting the forest and encroaching upon the land and secondly, set up of armed police infrastructure followed by making up of roads, setting up of villages and administrative machinery and thereby taking the whole area under their control. Therefore, setting the battalion outside the RF would not serve any purpose at all. As also explained in reply to the EDS SI. No. 1 the entire issue also involves security of the State. As regards, construction of residential unit in the said battalion, it may be noted that the purpose of battalion is full functional unit with official, residential, operation, utility and fitness spaces. Assuming that part of the services is taken out and moved elsewhere in civil area, it will hamper the efficiency of the battalion. Giving the ground situation, the State Government is not in a position to compromise on quality of services and facilities in the Battalion Unit, else this may be self-defeating.</p> <p>The reply of the State Government of situating the residential area and open spaces along with the Police Battalion may be accepted.</p>
8.	<p>The details of alternatives explored by the State Government for situating the proposal inside Forest land may be submitted.</p>	<p>There are five possible sites for locating a Battalion camp to counter the encroachment from the Nagaland side namely Dissai valley RF, Dissai RF, Tiru Hills RF, Geleki RF and Abhayapur RF. Among these, the most degraded and most encroached is Geleki RF where there a few standing trees and the old forest of Hollong/ Mekai formation has long disappeared and the remaining area of the forest is covered with secondary succession of stunted and bushy bamboo growth. There the area where the battalion has proposed, there were no standing trees and does not require any felling of trees. Therefore the present area is best suited for Battalion Camp.</p> <p>The reply of State Government regarding alternative sites considered for construction of the Police Battalion is put up for discussion of the Advisory Committee.</p>

9.	The State Government has not submitted an integrated plan for water supply, electricity and other such utilities etc required for establishment of a Battalion Inside Forest land. The details of the same shall be provided by the State Government	The electricity line will be routed through approach road and the water needs will be met from the bore wells dug inside the diverted area. The reply of the State Government may be accepted.
10.	As per DSS report, Cultivation land and settlement is visible in the proposed CA site. Comments from State Government in this regard needs to be submitted.	The proposed CA comprising a block of 830 Ha. of revenue area adjacent to Burhachapori Wildlife Sanctuary in Sonitpur District has been allotted to Assam Forest Department by the Revenue & DM Department for use as CA Land Bank. Once all the land bank is allotted for CA, the same would be notified as RF and annexed to Burhachapori Wildlife Sanctuary as its Second Edition. The whole area was evicted in February 2023, and is in control of Forest Department. There are small bamboo and tin structures in the deserted agricultural areas which shall automatically disappear over the plantation activity is started. The reply of the State Government may be accepted.
11.	Cost-Benefit analysis for the project has not been uploaded on PARIVESH portal. The same needs to be submitted.	Submitted by DFO, Sivasagar stating that the proposed battalion is primarily for protection of forests and forest land, therefore cost benefit analysis could not be quantified.

- i. As stated above, the State Government requested the User Agency to be changed from the DFO Sivsagar to the Assam Police Housing Corporation. Subsequently, the State Government intimated that the Assam Police Headquarters appointed the Managing Director, Assam Police Housing Corporation Limited as the authorized officer on behalf of the Assam Police Headquarters to act as User Agency for the said proposal vide its letter No. C.92/PSC/MISC/2023/VOI-IV/43 dated 09.08.2024. Accordingly, the User Agency has been changed by the Ministry in the PARIVESH portal from the DFO Sivsagar to the Assam Police Housing Corporation.
- ii. The DDGF(C), Regional Office, Shillong had submitted a Site Inspection report that was conducted by the DIGF (C), Sub-Regional Office, Guwahati of MoEF&CC based on field inspection dated 16.08.2024 and 17.08.2024. The SIR was tabled in front of the Advisory Committee. The major findings and observations/recommendations is given as below:
The user agency for this proposed area is Divisional Forest Officer, Sivasagar Forest Division whereas the administrative approval and the Financial Sanction are in the name of Assam Police Headquater and the

Financial Sanction are marked to Assam Police Housing Corporation Limited as vendor which is a State Public Sector Undertaking under the administrative control of Assam Police.

The Geleky Reserve Forest (5929.20 ha) where the proposed area has been proposed is under enormous anthropogenic pressure as 4000 ha i.e. 67 % of the RF has been reported encroached by the DFO, Sivasager. The Geleky RF is in contiguous with Dissoi valley RF, Dissoi RF, Tiru Hills RF and Abhayapur RF. The nearest village is Athkhel NC. Deopani Village in Assam which is about one and half km from the proposed area. The Nagaland State boundary is about 3.5 km away from the proposed area and nearest villages of Nagaland viz., Wamaken village, Anaki village and Kangtsung are 2-3 km away from the proposed site.

The terrain of proposed area is undulating and observed to be broken and construction work was in full swing on the day of site visit with involvement of about 400 Nos. of workers. The proposed area is a prima facie case of violation of Section 2(1) (ii) Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as the work has been started without prior permission of Central Govt. One enquiry of the inspection team, work was initiated in the proposed area on 20.11.2022 and construction work started in 18 ha and remaining 10 ha is yet to be taken up for developmental. The DFO informed that 85% of work has been completed and 75% procurement of goods has been done. Moreover observed that 4.2 km of boundary wall has been constructed out of total 4.8 km.

The installed "03 Nos of Christmas tree" used for drilling exploration for oil and gas operations was observed within the proposed 28 ha area.

On enquiry, the DFO informed that 19.50 sq km of South Geleki area was earlier used by the ONGC, out of which 2.63 ha area is within this proposed 28 ha. This area was also verified from the google earth 2014 imagery. There is an existing approach road of 6 meter wide to this drilling sites which were used by the ONGC. The DFO further informed 'Exploration of oil at nine site by ONGC-IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC was granted vide Ministry letter No.8- 106/86/FC dated 6.5.1985 but not for the existing road. However no forest Clearance approval letter could be traced by the DFO, Sivasager.

Moreover the broken area on the southern part (2.4 ha) of the proposed area as seen in google earth 2018 imagery was the cleared up area by miscreants from Nagaland which was later on stopped by the Assam as per the DFO.

The establishment of battalion with well trained and armed personnel in the region will strengthen the State Forest Department to encounter protection, conservation and management of forest and forest resources and support in reducing the anthropogenic pressure in the region. Hence the proposal is recommended for ex post facto approval subject to the following:

- a. The Ministry may issue necessary direction for immediate stopping of the ongoing work and the detail Action Taken Report on violation of Section 2(1) (ii) Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be submitted by the State Govt as per para 1.16 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- b. *The forest clearance letter of diversion of forest land "Exploration of oil at nine site by ONGC-IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC" and the current status of the project.*
 - c. *The diverted forest area for exploratory drilling by ONGC located within the proposed area is to be excluded from the proposed 28 ha, and necessary changes in the proposal is to be done, if required.*
 - d. *The proposed approach road to the proposed site comprises of an old existing road without the forest clearance and newly broken area of 0.32 ha by the current user agency. However instead of using 0.32 ha another old existing approach road of 0.16 ha (approx.) to the proposed site is being used by the user agency in addition to the proposed area of 28 ha.*
 - e. *State Govt shall ensure for no obstructing in the e-flow of the region by providing preventive and protective measures of the nalah existing within the diversion area which falls into permanent stream namely DeopaniNalah and NamtiNalah.*
 - f. *The identified CA site boundary should be demarcated immediately to avoid confusion and possible encroachment.*
 - g. *State Govt shall ensure to take necessary action immediately for removing of the existing temporary settlement/ encroachers/ encumbrances around the identified CA land.*
 - h. *Re-enumeration of the standing trees as few standing trees viz..Duwabanga sp., Sterculiavillosa, Ficusspp, Sapiumbaccatum (Saleng), Anthocephalocadambaete were observed during the site visit.*
 - i. *The Environment clearance of the proposed area shall be obtained, if applicable.*
 - j. *Comment of CWLW on the proposed site as conflict of human wild animal conflict has been reported around the proposed area.*
- iii. During the AC Meeting held on 27.08.2024, the Committee was informed that the matter of use of Forest land for construction of the Assam Police Battalion in Gelecky Reserve Forest, Sivsagar is also presently pending in front of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide Original Application No. 105/2024/EZ. The Hon'ble Court has stated in its Order dated 09.08.2024 that.
- In view of the Guidelines, we are of the view that it is not for the PCCF Assam to take a decision as to whether the strong constructions for 800 personnel with arms, ammunitions and sophisticated weapons would impact forest conservation or not since the decision in such a case has to be taken by the Central Government in view of the mandatory statutory requirement of Section 2 of the Forest (Conservation) Act, 1980. There is nothing on record to show that there is any permission or sanction granted by the Central Government for diversion of forest land in question for the constructions referred to in the affidavit of the PCCF, Assam.*
- iv. The committee was also informed that the State Government in its proposal continues to state that there is no violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. DFO, Sivasagar has mentioned in Part- II that there is no violation. The order for establishment of the

Commando battalion camp at Geleky RF from the Principal Chief Conservator of Forest & Head of Forest Force, Assam vide letter no.FG.46/Border/Nagaland/Pt-II dated 15.11.2022 also states that the establishment of the Commando Battalion inside the Geleky RF *is for protection and conservation of reserved forest land, it qualifies as an activity relating to conservation of forests mentioned under Section (2) of the Forest (Conservation) Act 1980.*

- v. The Committee was further informed that since the State Government has sought approval of MoEF&CC for use of 28.00 Ha forest land for establishment of a Commando Battalion, to be constructed by the Assam Police Housing Corporation, and that will house Assam Police Commando Battalion, the proposal may be considered by the Committee as a case for ex-post facto approval of violation of the Adhinyam. The committee accepted the same.
- vi. The Committee was apprised that the Hon'ble NGT has not issued specific instructions against ex-post facto approval of the construction in the Inner Line Reserve Forest.
- vii. Furthermore, the Committee was of the view that since the extant proposal is a violation of the Adhinyam, the request of the State Government to *condone the inadvertent mistake, if any, of the PCCF & HoFF who acted on behalf of the State Govt& to do away with the imposition of provisions of section 3A and 3B* cannot be accepted.
- viii. The Nodal Officer Assam and Official from the Assam Police highlighted the need for an armed force in the Gelecky RF to protect the same from encroachment and stated that the intention of the State Government was only to protect the Forests on the inter-state borders. The Committee stated that it is in agreement with the need for placing an armed police force inside the Reserve Forest to ensure its protection. However, the prior consent of the Central Government was necessary in this case.
- ix. The Site Inspection Report mentions that the constructions were ongoing and recommended that the Ministry may issue necessary direction for immediate stopping of the ongoing work. The Committee acknowledged the same.
- x. The Committee desired that the present status of the constructions may be perused and reported to it. It asked the committee constituted in pursuance of Hon'ble NGT in their order dated 29.05.2024 to visit the Gelecky RF site and submit a report to the Ministry.
- xi. The details of alternatives explored for situating the proposal inside Forest land was sought by the State Government, wherein the State Government has mentioned that there are five possible sites for locating a Battalion camp to counter the encroachment from the Nagaland side namely Dissai valley RF, Dissai RF, Tiru Hills RF, Geleki RF and Abhayapur RF. Among these, the most degraded and most encroached is Geleki RF where there a few standing trees and the old forest of Hollong/ Mekai formation has long disappeared and the remaining area of the forest is covered with secondary succession of stunted and bushy bamboo growth. There the area where the battalion has proposed, there were no standing trees and does not require any felling of trees. Therefore the present area is best suited for Battalion Camp. The justification submitted by the State Government was accepted by the Committee.

- xii. As per DSS of the CA land proposed on NFL, certain huts and agriculture is seen. However, this patch is part of the NFL landscape of 830Ha that the State Government has cleared of encroachment. The Committee noted the same.
1. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Shillong and Nodal Officer, Assam. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Shillong and the Nodal Officer Assam, the Committee deferred the proposal for *ex-post facto* approval for 28.0 Ha. of forest land for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division, Sivasagar District in the State of Assam and sought the following details:-
- i. The Report of the Committee constituted in pursuance of Hon'ble NGT in their order dated 29.05.2024 in Original Application No.105/2024/EZ, will be perused for further consideration in the instant proposal, once same is submitted.
 - ii. The Regional Office shall initiate action in the instant matter and complete the proceedings as prescribed under section 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - iii. The State Government shall discontinue any kind of construction activities forthwith in the proposed forest area.
 - iv. The State Government shall provide details of the forest clearance letter of diversion of forest land "Exploration of oil at nine site by ONGC-IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC" and the current status of the project.
 - v. The State Government shall exclude the diverted forest area for exploratory drilling by ONGC located within the proposed area of 28 ha in Gelecky RF, and submit a revised proposal.
 - vi. The State Government to suitably modify the proposal to include the alternate approach road to the proposed area with area 0.16Ha, as indicated in the SIR of Regional Office.
 - vii. The State Government shall provide comments of CWLW Assam for the proposed site in the light of human wild animal conflict reported around the proposed area.

Agenda No. 4

Online Proposal No. FP/HP/MIN/QRY/421697/2023

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Cement Corporation of India Limited for renewal of 172.30 ha Mining Lease of Manal Limestone Mine within the jurisdiction of Paonta Forest Division, District- Sirmour in the State of Himachal Pradesh (Online No. FP/HP/MIN/QRY/421697/2023) - regarding

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.

FOREST (CONSERVATION) ACT, 1980 WITH AMENDMENTS MADE IN 1988

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows: -

1. Short title, extent and commencement-

- (1) This Act may be called the Forest (Conservation) Act, 1980.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall be deemed to have come into force on the 25th day of October 1980.

2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

- i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- ii) that any forest land or any portion thereof may be used for any non-forest purpose;
- iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;
- iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

- a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- b) any purpose other than reafforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

3. Constitution of Advisory Committee

The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to-

- i) the grant of approval under Section 2; and
- ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

3A. Penalty for contravention of the provisions of the Act

Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period, which may extend to fifteen days.

3B. Offences by the Authorities and Government Departments

- 1) Where any offence under this Act has been committed -
 - (a) by any department of Government, the head of the department; or
 - (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- 2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

4. Power to make rules

- 1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- 2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Repeal and saving

- (1) The Forest (Conservation) Ordinance, 1980 is hereby replaced.
- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

* * * * *

**VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980 WITH
AMENDMENTS MADE IN 1988 AND 2023**

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

“WHEREAS, the importance of forests is to be realised to enable achievement of national targets of Net Zero Emission by 2070 and maintain or enhance the forest carbon stocks through ecologically balanced sustainable development;

AND WHEREAS, Nationally Determined Contribution (NDC) targets of the country envisage creating carbon sink of additional 2.5 to 3.0 billion tons of CO₂ equivalent by 2030;

AND WHEREAS, the country envisages an increase in the forest and tree cover to one third of its land area, which has to be given impetus with an enhanced growth trajectory;

AND WHEREAS, India has a rich tradition of preserving forests and their bio-diversity, and therefore enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities is envisaged;

AND WHEREAS it is necessary to provide for provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs, carbon neutrality .”.

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:-

1. Short title, extent and commencement.— (1) This Act may be called the *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980*.

(2) It shall be deemed to have come into force on the 1st day of December, 2023.

1A. Act to cover certain land.— (1) The following land shall be covered under the provisions of this Act, namely:-

(a) that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force;

(b) that is not covered under clause (a), but has been recorded in Government record as forest, as on or after the 25th October, 1980:

Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union territory Administration in that behalf.

Explanation.- (i) For the purposes of this sub-section, the expression ‘Government record’ means record held by Revenue Department or Forest Department of the State Government or Union territory Administration or any authority, local body, community or council recognised by the State Government or Union territory Administration;

(2) The following categories of land shall not be covered under the provisions of this Act, namely:—

(a) such forest land situated alongside a rail line or a public road maintained by government, which provides access to a habitation, or to such rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;

(b) such tree, tree plantation or reforestation raised on lands that are not specified in clause (a) or clause (b) of sub-section (1); and

(c) such forest land, —

(i) as is situated within a distance of hundred kilometres along international borders or Line of Control or Line of Actual Control, as the case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or

(ii) up to ten hectares, proposed to be used for construction of security related infrastructure; or

(iii) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects, as may be specified by the Central Government, the extent of which does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government.

(3) The exemption provided under sub-section (2) shall be subject to such terms and conditions, including the conditions of planting trees to compensate felling of trees undertaken on the lands, as the Central Government may, by guidelines, specify.

2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose—

— (1) Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation subject to such terms and conditions, as the Central Government may, by order, specify;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation:

‘Explanation— For the purposes of this sub-section, “non-forest purpose” includes breaking up or clearing of any forest land or a portion thereof for—

(a) cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reforestation,

but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as—

- (i) *silvicultural operations including regeneration operations;*
- (ii) *establishment of check-posts and infrastructure for the front line forest staff;*
- (iii) *establishment and maintenance of fire lines;*
- (iv) *wireless communications;*
- (v) *construction of fencing, boundary marks or pillars, bridges and culverts, dams, waterholes, trenches and pipelines;*
- (vi) *establishment of zoo and safaris, referred to in the Wild Life (Protection) Act, 1972, owned by the Government or an Authority, in forest areas other than Protected Areas;*
- (vii) *eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and*
- (viii) *any other like purposes, which the Central Government may, by order, specify. ';*

(2) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose.

3. Constitution of Advisory Committee — The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to

- (i) the grant of approval under section 2; and
- (ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

3A. Penalty for contravention -

Whoever contravenes or abets the contravention of any of the provisions of section 2, shall be punishable with simple imprisonment for a period, which may extend to fifteen days.

3B. Offences by the Authorities and Government Departments— (1) Where any offence under this Act has been committed -

- (a) by any department of Government, the head of the department; or
- (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was

committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

3C. Power of Central Government to issue directions— The Central Government may, from time to time, issue such directions, to any authority under the Central Government, State Government or Union territory or any organization, entity or body recognized by the Central Government, State Government or Union territory Administration, as may be necessary for the implementation of this Act.

4. Power to make rules — (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Repeal and saving -

(1) The Forest (Conservation) Ordinance, 1980 is hereby replaced.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.



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402

File No.: SEAC/SEIAA. 3945/2024

Government of India

Ministry of Environment, Forest and Climate Change

(Issued by the State Level Expert Appraisal Committee(SEAC), ASSAM)



Dated 04/12/2024



To,

Lachit Baruah, Managing Director
Assam Police Housing Corporation Ltd
Rehabari, Guwahati, Assam, KAMRUP METRO, ASSAM, 781008
assampolicehousing@gmail.com

Subject:

Grant of Standard Terms of Reference (ToR) to the proposed Project under the EIA Notification 2006- and as amended thereof-regarding.

Sir/Madam,

This is in reference to your application submitted to SEAC vide proposal number SIA/AS/INFRA2/512312/2024 dated 03/12/2024 for grant of Terms of Reference (ToR) to the project under the provision of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) ToR Identification No.	TO24B3803AS5403459N
(ii) File No.	SEAC/SEIAA. 3945/2024
(iii) Clearance Type	Fresh ToR
(iv) Category	B1
(v) Project/Activity Included Schedule No.	8(a) Building / Construction
(vii) Name of Project	Raising of New Assam Police Commando Battalion at Geleky (Kamalabari) in Sivasagar District, Assam
(viii) Name of Company/Organization	Lachit Baruah
(ix) Location of Project (District, State)	SIVASAGAR, ASSAM
(x) Issuing Authority	SEAC
(xii) Applicability of General Conditions	NO

3. The SEAC has examined the proposal in accordance with the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and after detailed examination hereby decided to grant Standard Terms of Reference to the instant proposal of Assam Police Housing Corporation Ltd to construct New Assam Police Commando Battalion at Geleky (Kamalabari) with a built-up area of 45334.5 sq.m. under the provisions of the

aforementioned Notification (B1- Category and Schedule- 8(a).

4. The brief about the Projects as submitted by the Project proponent in Form-1 (Part A, B) and Standard Terms of Reference are annexed to this letter as Annexure (1).
5. The Ministry reserves the right to stipulate additional TORs, if found necessary.
6. The Standard Terms of Reference (ToR) to the aforementioned project is under provisions of EIA Notification, 2006 and as amended thereof. It does not tantamount to approvals/consent/permissions etc required to be obtained under any other Act/Rule/regulation. The Project Proponent is under obligation to obtain approvals /clearances under any other Acts/ Regulations or Statutes, as applicable, to the project.
7. The granted letter, all the documents submitted as a part of application viz. Form-1 Part A and Part B are available on PARIVESH portal which can be accessed by scanning the QR Code above.

Copy To

1. The Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, MOEF&CC, Indira Paryavaran Bhawan, Jorbagh Rd, New Delhi-110003.
2. The Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-6 Cum Member Secretary, SEIAA, Assam for favour of kind information.
3. The Member Secretary, PCB Assam for favour of kind information.
4. The Integrated Regional Office, Ministry of Environment, Forest & Climate Change, 4th Floor, Housefed Building, G.S. Road, Rukminigaon, Guwahati-22 for kind information.
5. Office Copy.

Annexure 1

Standard Terms of Reference for conducting Environment Impact Assessment Study for Building / Construction and information to be included in EIA/EMP report

1. Statutory compliance

Sr. No.	Terms of Reference
1.1	The project proponent shall obtain all necessary clearances/ permissions from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.
1.2	The approval of the Competent Authority shall be obtained for structural safety of buildings due to earthquakes, adequacy of firefighting equipment etc. as per National Building Code including protection measures from lightening etc.
1.3	The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1980, in case of the diversion of forest land for non-forest purpose involved in the project.
1.4	The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.

2. Water quality monitoring and preservation

Sr. No.	Terms of Reference
2.1	Use of water saving devices/fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc) for water conservation shall be incorporated in the building plan.
2.2	Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
2.3	Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.

3. Energy Conservation measures

Sr. No.	Terms of Reference
3.1	Outdoor and common area lighting shall be LED.
3.2	Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.

4. Waste Management

Sr. No.	Terms of Reference
4.1	A certificate from the competent authority handling municipal solid wastes, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project shall be obtained.

Additional Terms of Reference

Specific Conditions by SEAC:

1. Describe in Details, with documentary evidences, about the attempted encroachments of the Reserved Forest land by unscrupulous elements / insurgents.
2. Details of the Court cases/NGT cases, orders, if any, including judgement and their compliance etc.
3. Legal proof of any complaint lodged/registered with the law enforcing agencies, any authority shall form a special section in the EIA report.
4. The requirement for the project and its urgency shall need to be explained in the administrative context, Government decisions as the foundation of such projects with cogent reasons and traced through the maintenance of peace and public tranquility for the locality.
5. Keeping in view the sensitivity of the matter apparently the Central Government is also involved in the border issue, the EIA report shall incorporate the necessary and essential documents exchanged interstate correspondences, State – Center correspondences, inter departmental correspondences and other relevant and reliable coverage by media to comprehend the holistic understanding and appreciation of the matter in its entirety.
6. Attempt shall be made to quantify and asses the loss of property / human life / forest land / Forest property / other resources due to undesired and prohibited activities.
7. EIA report may resort to consultations, incorporation of interviews / discussions / self-interaction report

during the process of ground study etc.

8. Any other relevant matter that may hold good for the project to set aside any ambiguity shall also be covered.

9. The Processing Fee need to be submitted while submission of the EIA report.



Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্রদূষণ নিয়ন্ত্রণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



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LIFE
Lifestyle for
Environment

No. PCBA/SVR/T-1993/24-25/4

Dated Guwahati, the 4th December, 2024

CONSENT TO ESTABLISH

'CONSENT TO ESTABLISH' (CTE), under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 as amended and Rules framed thereunder, is granted to:

- i) Name of the Unit : M/s. Raising of New Assam Police Commando Battalion
- ii) Name of the Applicant and Designation : Sri Lachit Baruah, Managing Director, Assam Police Housing Corporation Ltd. Rehabari, Guwahati, Assam
- iii) Address of the Unit: : Geleky (Kamalabari) Dist: Sivasagar, Assam:781008
- iv) Type/Category of the Unit: : Building and Construction Project (Orange Category)
- v) Cost of the Unit: : Rs. 14509 Lakhs
- vi) Details of the Project: : Construction of New Assam Police Commando Battalion at Geleky, (Kamalabari) with built up area of 45334.5 Sq.m
- vii) DG Sets : 1 x 1000 KVA



TERMS AND CONDITIONS

1. The Consent to Establish (CTE) has been accorded based on the particulars furnished by the applicant vide Application **ID-3212098** and subject to addition of further or more conditions if so warranted by subsequent developments. The CTE will automatically become invalid if there any changes, modification, alteration, expansion or deviation is made in actual practice.
2. This CTE will be valid till the date of commissioning of the unit or **five (5) years** whichever is earlier.
3. The CTE may be modified, suspended in whole or in part or withdrawn by the Board during its term for cause including, but not limited to the following:-
 - a) Violation of any Terms and Conditions of this CTE;
 - b) Obtaining the CTE by misrepresentation or failure to disclose fully all relevant facts;
 - c) If any genuine complaint is received.
4. **The unit shall obtain Environmental Clearance from the SEIAA, Assam.**
5. Details of the Court cases/NGT cases, orders, if any, including judgement and their compliance etc, if any shall brought under the purview of the Board.
6. The unit shall obtain prior 'Consent to Establish' from the Board for any further expansion, alteration, modification, modernization of the project.
7. The unit shall install a Display Board as per the Board's notification no.PCBA/LGL-95/2021/Notification/01 dtd.11.11.2021 (Appendix-A)
8. Proper housekeeping shall be maintained. **No wastes shall be burnt inside the premises.**
9. The unit shall develop a greenbelt/plantation with native trees covering atleast 33% of the total plot area.
10. As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended, any Officer empowered by the Board on its behalf shall have without interruption, the right at any reasonable time to enter the unit for inspection, collection of sample for analysis and may call for any information as deemed necessary. Denial of this right will cause withdrawal of the CTE.
11. The unit shall obtain 'Consent to Operate' (CTO) of the Board for construction activities and operation of STP.

Contd....P/2

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Specific Conditions:

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A) Air Aspect:

1. The unit shall install Mist Canon for dust suppression during construction works as per the direction of the Hon'ble National Green Tribunal.
2. The unit shall use Ready Mix Concrete (RMC) for construction works to minimize dust emission.
3. The unit shall comply with the standards and guidelines for control of noise pollution from stationary Diesel Generator (DG) set, notified by the MoEF & CC, Govt. of India vide, GSR 7, dated Dec.22, 1998 (Appendix-B)
4. The unit shall comply with noise level standard, notified by the MoEF & CC, Govt. of India vide, GSR 7, dated Dec.22, 1998, and mentioned herein under-

Limit in dB (A) Leq	
Day Time (6:00am-9:00pm)	Night Time (9:00pm-6:00am)
65	60

B) Water Aspect:

1. Details of proposed source of water, water consumption, effluent generation etc.
 - a) Source of water : Government Supply
 - b) Water consumption : 276 KLD (Proposed)
 - c) Capacity of STP : 250 KLD (Proposed)
2. The unit shall install Sewage Treatment Plant (STP) as proposed, for treatment of sewage generated. For discharge of treated sewage from STP, the unit shall comply with the specific discharge standards, notified by the MoEF & CC, Govt. of India vide GSR.1265 (E) dated 13.10.2017(Appendix-C)
3. The unit shall have Operation and Maintenance Contract of minimum 10 years with the supplier to ensure smooth operation of the STP. The AMC shall include Specific Conditions of operation even after the project is handed over to the residential society, if any.
4. The unit shall install Online Continuous Effluent Monitoring System (OCEMS) at STP outlet to monitor the STP discharges parameters.
5. The unit shall install Flow meter at the treated water recycling line and shall maintain records of water recycled.
6. i) Storm water shall not be allowed to mix with effluent and/or floor washing.
ii) Storm water within the battery limits shall be channelized through separate drain/pipe passing through an Oil & Grease Trap cum Sedimentation tank.
7. The unit shall maintain 'Zero Liquid Discharge' (ZLD) condition.
8. Rain water harvesting facility shall be installed and maintained.

C) Solid Waste Aspect:

1. Adequate facility shall be created for collection, storage, transportation, treatment and disposal of non-hazardous solid waste generated from the unit.
2. Adequate system shall be adopted on reduction of waste generation and enhancement of re-utilization and recycling of waste materials.
3. Solid waste generated in the unit shall be disposed of as per the provisions of the Solid Waste Management Rules, 2016.
4. The unit shall install Organic Waste Converter for composting the organic waste generated by the unit.

D) Plastic Waste Aspect:

1. Plastic Waste generated in the unit shall be managed in accordance of the provisions under the Plastic Waste Management Rules, 2016.
2. The unit shall submit a report regarding generation and disposal of plastic wastes within 30th June every year.

E) Construction and Demolition Wastes Aspects:

The unit shall comply with the provisions of the Construction and Demolition Wastes Management Rules, 2016 for management of construction and demolition wastes.

F) Hazardous Waste Aspect:

1. Authorization under the Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 shall be obtained from the Board.
2. The unit shall comply with the provisions of the said Rules.
3. Adequate facilities shall be provided for collection and storage of used/spent oil, which shall be sent to registered recyclers for recycling.
4. The unit shall dispose of any other hazardous waste generated from the unit in accordance to the provisions of the said Rules.
5. The unit shall maintain proper records of hazardous waste generation in Form-III under the said Rules.
6. The unit shall submit the annual return under the said Rules in Form-IV within 30th June every year.

The unit shall submit compliance report of the mandated conditions by April, 15 every year to Member Secretary, PCBA as well as to Regional Office, Sivasagar, PCBA. The Board will have the liberty to withdraw the CTE, if adequate pollution control and safety measures are not implemented by the unit.

/

(Shantanu Kr. Dutta)
Member Secretary

Memo No. PCBA/SVR/T-1993/24-25/4-A

Dated Guwahati, the 4th December, 2024

Copy to:

- 3250
1. Managing Director, Assam Police Housing Corporation Ltd. Rehabari, Guwahati, Assam Kamrup (M), Assam -781008 for information and compliance of conditions.



mtg 4/2

(Shantanu Kr. Dutta)
Member Secretary



**Pollution Control Board, Assam
Bamunimaidam, Guwahati-21**



NOTIFICATION

No. PCBA/LGL-95/2021/Notification/01

Dated Guwahati, the 11th Nov, 2021

In exercise of the powers conferred under Section-5 of the Environment (Protection) Act, 1986 as amended till date and keeping in view the need of public interest towards dissemination of vital information regarding Consent/Authorization of this Board, all industries are hereby directed to install a Display Board of minimum size 5'x4', near the main entrance gate.

The format of the display board is given below:


Name and Address of the Unit : M/s.	
Description of Consent/Authorization	Details
Consent to Establish (CTE)	No.: Date of Issue:
Consent to Operate (CTO)	No.: Date of validity:
Authorization under Hazardous & Other waste (Management & Transboundary Movement) Rules, 2016 (if applicable)	No.: Date of Issue: Date of validity:

Member Secretary

Memo No. PCBA/LGL-95/2021/Notification/01-A
Copy to:

Dated Guwahati, the 11th Nov, 2021

1. The Commissioner & Secretary to the Govt. of Assam, Department of Environment & Forest, Dispur for kind information.
2. P.A. to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.
3. The All Regional Heads, PCBA for information & necessary action.
4. M/S APS Advertising Pvt. Ltd, Guwahati-1. They are requested to publish the "NOTICE" in "the Assam Tribune" and "Dainandin Barta" on 12.11.2021.
5. Notice Board, Head Office / Website (www.pcbassam.org), PCBA.


Member Secretary

1.66.0 STANDARDS AND GUIDELINES FOR CONTROL OF NOISE POLLUTION FROM STATIONARY DIESEL GENERATOR (DG) SETS.

(A) Notes standards for DG sets (15-500KVA)

The total sound power level LW of DG set should less than $94 + 10 \log 10\text{KVA}$, dB (A), at the manufacturing stage, whether; KVA is the nominal power rating of a DG set.

This level should fall by 5dB (A) every five years, till 2007, i.e. in 2002 and then in 2007.

(B) Mandatory Acoustic enclosure/Acoustic treatment of room for stationary DG sets (5KVA and above):

Noise from the DG set should be controlled by providing an acoustic enclosure on by treating the room acoustically.

The acoustic enclosure/acoustic treatment of the room should be designed for minimum 25 dB (A) insertion Loss or for meeting the ambient noise standards, which ever is on the higher side (if the actual ambient noise is on the higher side, it may not be possible to check the performance of the acoustic enclosure/acoustic treatment. Under circumstances the performance may be checked for noise reduction up to actual ambient noise level, preferably, in the night time). The measurement for insertion Loss may be done at different points at 0.5 from the acoustic enclosure/room, and then averaged. (See the Schematic Diagram).

The DG set should also be provided with proper exhaust muffler with Insertion Loss of minimum 25 dB (A).

Guidelines for the manufacturers Users of DG sets 5KVA and above:

- The manufacture should offer to the user a standard acoustic enclosure of 25dB (A). Insertion Loss and also a suitable exhaust muffler with Insertion Loss of 25dB (A).
- The user should make efforts to bring down the noise levels due to the DG set, outside his premises, within the ambient noise requirements by proper siting and control measures.
- The manufacturer should furnish noise power levels of the unsalaried DG sets as per standards prescribed under (A).
- The total sound power level of a DG set, at the user's and, shall be within 2dB(A) of the total sound power level of the DG set, at the manufacturing stage, as prescribed under (A).
- Installation of DG set must be strictly in compliance with the recommendation of the DG set manufacture.
- A proper routines and preventive maintenance procedure for the DG set manufacturer which would help prevent noise levels of the DG set from deteriorating with use.

2.44.0 NOISE (AMBIENT STANDARDS)

Area Code	Category of Area	Limit in dB (A) Leq.	
		Day time	Night time
A.	Industrial area	75	70
B.	Commercial area	65	55
C.	Residential area	55	45
D.	Silence Zone	50	40

Note - 1 : Day time is reckoned in between 6.00 A.M. and 9.00 P.M.

Note - 2 : Night time is reckoned in between 9.00P.M. and 6.00 A.M.

Note - 3 : Silence zone is defined as areas up to 100 meters around such premises as hospitals, educational institutions and courts. The silence zones are to be declared by the competent Authority.

Note - 4 : Mixed categories of areas should be declared as one of the four above mentioned categories by the competent Authority and the corresponding standard shall apply.



Source: EPA, 1986
[GSR 7, dated Dec.22, 1998]

Source: EPA, Notification
[GSR 1063 (E), dated Dec., 26, 1998]

3.22.0 DIESEL GENERATOR SETS : STACK HEIGHT

1. The minimum stack height to be provided with each generator set shall be worked out as per the following formula: - $H = h + 0.2 \sqrt{\text{KVA}}$, where H = Total height of stack in meter.

h = Height of the building in meters where generator set is installed.

KVA = Total generator capacity.

Adequate fire fighting measures have to be provided by the occupier of the premises. Based on the above formula the minimum stack height to be provided with different range of generator sets may be categories as follows:

Range of Generator sets	Minimum Stack Height
50 KVA	Ht. of the building + 1.5 metre.
50 - 100 KVA	Ht. of the building + 2.0 metre.
100 - 150 KVA	Ht. of the building + 2.5 metre.
150 - 200 KVA	Ht. of the building + 3.0 metre.
200 - 250 KVA	Ht. of the building + 3.5 metre.
250 - 300 KVA	Ht. of the building + 3.5 metre.

Similarly for higher KVA rating a stack height can be worked out using the above formula.

Source : Evolved by CPCB
[Emission Regulations Part-IV: COINDS/26 1986-87]

4. A .32.0 Part - C

Sl. No. 1 Stack Gas : PM - $150 \mu\text{g}/\text{Nm}^3$

B. Ambient Air Standards:

Residential Area	Industrial Area	Sensitive Area
SO ₂ : $80^* \mu\text{g}/\text{m}^3$	120* : $\mu\text{g}/\text{m}^3$	30* : $\mu\text{g}/\text{m}^3$
NO ₂ : $80^* \mu\text{g}/\text{m}^3$	120* : $\mu\text{g}/\text{m}^3$	30* : $\mu\text{g}/\text{m}^3$
CO : $2.0^{**} \mu\text{g}/\text{m}^3$	5.0** : $\mu\text{g}/\text{m}^3$	1.0** : $\mu\text{g}/\text{m}^3$

*24 hourly; ** 8 hourly

5. SCHEMATIC DIAGRAM OF D.G. SET IN AN ACOUSTIC ENCLOSURE No. Process/71/1998-99.

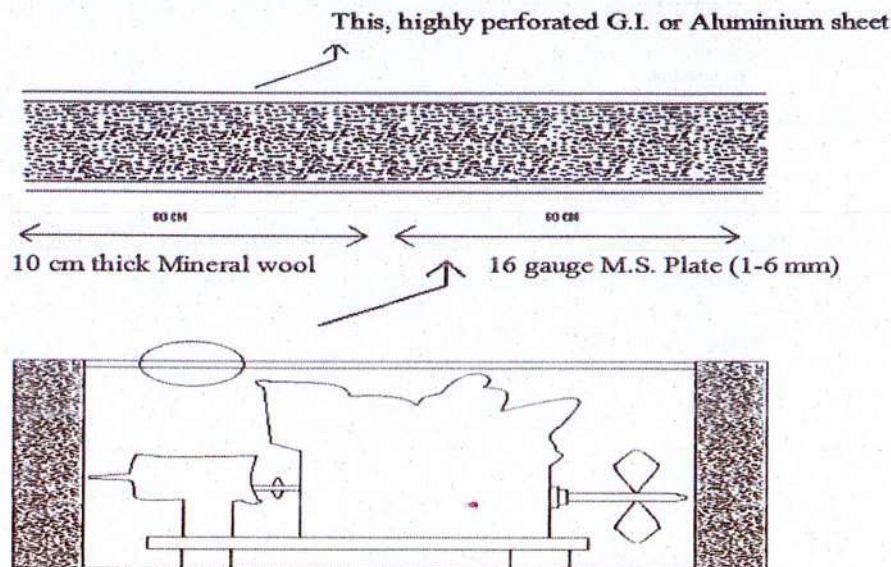


Fig. 4 Schematic Diagram of the DG set in an Acoustic Enclosure

Air required for the ventilation and breathing of the engine will have to be provided by means of intake louvers and exhaust louvers (called parallel baffle mufflers) projecting out of the enclosure.

(Shantanu Kr. Dutta)
Member Secretary

Appendix C

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, शक्रवार, अक्टूबर 13, 2017/आश्विन 21, 1939

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NEW DELHI, FRIDAY, OCTOBER 13, 2017/ASVINA 21, 1939

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 13 अक्टूबर, 2017

सा.का.नि. 1265(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) नियम, 1986 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

- संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) संशोधन नियम, 2017 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।
- पर्यावरण (संरक्षण) नियम, 1986 की अनुसूची-1 में, क्रम संख्यांक 104 और उससे सम्बन्धित प्रविष्टियों के पश्चात्, निम्नलिखित क्रम संख्यांक और प्रविष्टियां अन्तःस्थापित की जाएगी, अर्थात् :—

क्र. सं.	उद्योग	मानदंड	मानक
1	2	3	4
		वहिस्राव निस्सारण मानक (निपटान के सभी ढंगों को लागू)	
"105	मल उपचार संयंत्र (एसटीपी)		अवस्थान
			सांद्र का निम्नलिखित से अधिक न होना
			(क)
		पीएच	देश में कहीं भी
			(ख)
			6.5-9.0
		जैव-रासायनिक ऑक्सीजन मांग (बीओडी)	महानगर* अरुणाचल प्रदेश, असम, मणिपुर, मेघालय, मिजोरम, नागालैण्ड, त्रिपुरा, सिक्किम, हिमाचल प्रदेश, उत्तराखंड, जम्मू-कश्मीर राज्यों और

			अंदमान और निकोबार द्वीप, दादरा और नागर हवेली, दमण और दीव और लक्षद्वीप के सिवाय, सभी राज्यों की राजधानी।	
			ऊपर उल्लिखित से भिन्न क्षेत्र/प्रदेश	30
		कुल निलंबित ठोस पदार्थ (टीएसएस)	महानगर* अरुणाचल प्रदेश, असम, मणिपुर, मेघालय, मिजोरम, नागालैण्ड, त्रिपुरा, सिक्किम, हिमाचल प्रदेश, उत्तराखंड, जम्मू-कश्मीर राज्यों और अंदमान और निकोबार द्वीप, दादरा और नागर हवेली, दमण और दीव और लक्षद्वीप के सिवाय, सभी राज्यों की राजधानी।	<50
			ऊपर उल्लिखित से भिन्न क्षेत्र/प्रदेश	<100
		फैकल कौलीफॉर्म (एफसी) (अतिसंभाव्य संख्या प्रति 100 मिलीलिटर एमपीएन/100 मिलीलिटर)	देश में कहीं भी	<1000

*मुम्बई, दिल्ली, कोलकाता, चेन्नई, बेंगलूरु, हैदराबाद, अहमदाबाद और पुणे महानगर हैं।

टिप्पण :

- (i) पीएच और फैकल कौलीफॉर्म के सिवाय, मिलीग्राम/लिटर में सभी मूल्य।
- (ii) ये, मानक जलाशयों में निस्सारण और भूमि निपटान/अनुप्रयोगों के लिए लागू होंगे।
- (iii) फैकल कौलीफॉर्म के लिए मानक औद्योगिक प्रयोजनों के लिए उपचारित बहिर्वाह के उपयोग के सम्बन्ध में लागू नहीं होंगे।
- (iv) ये मानक 1 जून, 2019 को या उसके पश्चात् कमीशन किए जाने वाले सभी मल उपचार संयंत्रों (एसटीपी) को लागू होंगे और पुराने/विद्यमान मल उपचार संयंत्र (एसटीपी) राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से पांच वर्ष की अवधि के भीतर इन मानकों को प्राप्त करेंगे।
- (v) समुद्र में उपचारित बहिर्वाह के निस्सारण के मामले में, इसे उचित समुद्री मुहाने के माध्यम से किया जाएगा और विद्यमान तट निस्सारण को समुद्री मुहानों में संपरिवर्तित किया जाएगा और उन मामलों में, जहां समुद्री मुहाना निस्सारण के बिन्दु पर 150 गुणा न्यूनतम आरम्भिक तनुकरण और निस्सारण बिन्दु से दूर 100 मीटर के किसी बिन्दु पर 1500 गुणा न्यूनतम तनुकरण प्रदान करता है, तब विद्यमान सन्नियम साधारण निस्सारण मानकों में विनिर्दिष्ट किए गए अनुसार लागू होंगे।
- (vi) उपचारित बहिर्वाह का पुनःउपयोग/पुनःचक्रण तथा उन मामलों में, जहां उपचारित बहिर्वाह के भाग का पुनःउपयोग और पुनःचक्रण किया जाता है जिसमें मानवीय सम्पर्क की सम्भावना अन्तर्वलित है, ऊपर यथा विनिर्दिष्ट मानक लागू होंगे।
- (vii) केन्द्रीय प्रदूषण नियंत्रण बोर्ड/राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 5 के अधीन स्थानीय परिवेश को ध्यान में रखते हुए, अधिक कठोर सन्नियम जारी कर सकेगा/कर सकेगी।

[फा. सं. न्यू-15017/2/2008/-सीपीडब्ल्यू]

अरुण कुमार मेहता, अपर सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में का.आ. सं. 844(अ), तारीख 19 नवम्बर, 1986 द्वारा प्रकाशित किए गए थे और तत्पश्चात् उनमें निम्नलिखित अधिसूचनाओं द्वारा संशोधन किए गए थे, अर्थात् :—
 का.आ. 433(अ), तारीख 18 अप्रैल, 1987; सा.का.नि. 176(अ), तारीख 2 अप्रैल, 1996; सा.का.नि. 97(अ), तारीख 18 फरवरी, 2009; सा.का.नि. 149(अ), तारीख 4 मार्च, 2009; सा.का.नि. 543(अ), तारीख 22 जुलाई, 2009; सा.का.नि. 739(अ), तारीख 9 सितम्बर, 2010; सा.का.नि. 809(अ), तारीख 4 अक्तूबर, 2010; सा.का.नि. 215(अ), तारीख 15 मार्च, 2011; सा.का.नि. 221(अ), तारीख 18 मार्च, 2011; सा.का.नि. 354(अ), तारीख 2 मई, 2011; सा.का.नि. 424(अ), तारीख 1 जून, 2011; सा.का.नि. 446(अ), तारीख 13 जून, 2011; सा.का.नि. 152(अ), तारीख 16 मार्च, 2012; सा.का.नि. 266(अ), तारीख 30 मार्च, 2012; सा.का.नि. 277(अ), तारीख 31 मार्च, 2012; सा.का.नि. 820(अ), तारीख 9 नवम्बर, 2012; सा.का.नि. 176(अ), तारीख 18 मार्च, 2013; सा.का.नि. 535(अ), तारीख 7 अगस्त, 2013; सा.का.नि. 771(अ), तारीख 11 दिसम्बर, 2013; सा.का.नि. 2(अ), तारीख 2 जनवरी, 2014; सा.का.नि. 229(अ), तारीख 28 मार्च, 2014; सा.का.नि. 232(अ), तारीख 31 मार्च, 2014; सा.का.नि. 325(अ), तारीख 7 मई, 2014; सा.का.नि. 612(अ), तारीख 25 अगस्त, 2014; सा.का.नि. 789(अ), तारीख 11 नवम्बर, 2014; का.आ. 3305(अ), तारीख 7 दिसम्बर, 2015; का.आ. 4(अ), तारीख 1 जनवरी, 2016; सा.का.नि. 35(अ), तारीख 14 जनवरी, 2016; सा.का.नि. 281(अ), तारीख 7 मार्च, 2016; सा.का.नि. 496(अ), तारीख 9 मई, 2016; सा.का.नि. 497(अ), तारीख 10 मई, 2016; सा.का.नि. 978(अ), तारीख 10 अक्तूबर, 2016; और अंतिम बार अधिसूचना संख्यांक सा.का.नि. 1016(अ), तारीख 28 अक्तूबर, 2016 द्वारा संशोधित किए गए थे।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 13th October, 2017

G.S.R. 1265(E).—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Environment (Protection) Amendment Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in Schedule – I, after serial number 104 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

Sl. No.	Industry	Parameters	Standards	
1	2	3	4	
		Effluent discharge standards (applicable to all mode of disposal)		
"105	Sewage Treatment Plants (STPs)		Location	Concentration not to exceed
			(a)	(b)
		pH	Anywhere in the country	6.5-9.0
		Bio-Chemical Oxygen Demand (BOD)	Metro Cities*, all State Capitals except in the State of Arunachal Pradesh, Assam, Manipur, Meghalaya Mizoram, Nagaland, Tripura Sikkim, Himachal Pradesh, Uttarakhand, Jammu and Kashmir, and Union territory of	20

		Andaman and Nicobar Islands, Dadar and Nagar Haveli Daman and Diu and Lakshadweep	
		Areas/regions other than mentioned above	30
	Total Suspended Solids (TSS)	Metro Cities*, all State Capitals except in the State of Arunachal Pradesh, Assam, Manipur, Meghalaya Mizoram, Nagaland, Tripura Sikkim, Himachal Pradesh, Uttarakhand, Jammu and Kashmir and Union territory of Andaman and Nicobar Islands, Dadar and Nagar Haveli Daman and Diu and Lakshadweep	<50
		Areas/regions other than mentioned above	<100
	Fecal Coliform (FC) (Most Probable Number per 100 milliliter, MPN/100ml)	Anywhere in the country	<1000

*Metro Cities are Mumbai, Delhi, Kolkata, Chennai, Bengaluru, Hyderabad, Ahmedabad and Pune.

Note :

- (i) All values in mg/l except for pH and Fecal Coliform.
- (ii) These standards shall be applicable for discharge into water bodies as well as for land disposal/applications.
- (iii) The standards for Fecal Coliform shall not apply in respect of use of treated effluent for industrial purposes.
- (iv) These Standards shall apply to all STPs to be commissioned on or after the 1st June, 2019 and the old/existing STPs shall achieve these standards within a period of five years from date of publication of this notification in the Official Gazette.
- (v) In case of discharge of treated effluent into sea, it shall be through proper marine outfall and the existing shore discharge shall be converted to marine outfalls, and in cases where the marine outfall provides a minimum initial dilution of 150 times at the point of discharge and a minimum dilution of 1500 times at a point 100 meters away from discharge point, then, the existing norms shall apply as specified in the general discharge standards.
- (vi) Reuse/Recycling of treated effluent shall be encouraged and in cases where part of the treated effluent is reused and recycled involving possibility of human contact, standards as specified above shall apply.
- (vii) Central Pollution Control Board/State Pollution Control Boards/Pollution Control Committees may issue more stringent norms taking account to local condition under section 5 of the Environment (Protection) Act, 1986".

[F. No. Q-15017/2/2008-CPW]

ARUN KUMAR MEHTA, Addl. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number S.O. 844 (E), dated the 19th November, 1986 and subsequently amended *vide* the following notifications, namely:—

S.O. 433 (E), dated the 18th April 1987; G.S.R. 176(E) dated the 2nd April, 1996; G.S.R. 97 (E), dated the 18th February, 2009; G.S.R. 149 (E), dated the 4th March, 2009; G.S.R. 543(E), dated the 22nd July, 2009; G.S.R. 739 (E), dated the 9th September, 2010; G.S.R. 809(E), dated the 4th October, 2010, G.S.R.

215 (E), dated the 15th March, 2011; G.S.R. 221(E), dated the 18th March, 2011; G.S.R. 354 (E), dated the 2nd May, 2011; G.S.R. 424 (E), dated the 1st June, 2011; G.S.R. 446 (E), dated the 13th June, 2011; G.S.R. 152 (E), dated the 16th March, 2012; G.S.R. 266(E), dated the 30th March, 2012; and G.S.R. 277 (E), dated the 31st March, 2012; and G.S.R. 820(E), dated the 9th November, 2012; G.S.R. 176 (E), dated the 18th March, 2013; G.S.R. 535(E), dated the 7th August, 2013; G.S.R. 771(E), dated the 11th December, 2013; G.S.R. 2(E), dated the 2nd January, 2014; G.S.R. 229 (E), dated the 28th March, 2014; G.S.R. 232(E), dated the 31st March, 2014; G.S.R. 325(E), dated the 7th May, 2014; G.S.R. 612, (E), dated the 25th August 2014; G.S.R. 789(E), dated the 11th November 2014; S.O. 3305(E), dated the 7th December, 2015; S.O.4(E), dated the 1st January 2016; G.S.R. 35(E), dated the 14th January 2016; G.S.R. 281 (E), dated the 7th March, 2016; G.S.R. 496(E), dated the 9th May, 2016; G.S.R.497(E), dated the 10th May, 2016; G.S.R.978(E), dated the 10thOctober, 2016; and lastly amended vide notification G.S.R. 1016(E), dated the 28th October, 2016.





Amrita Pandey <amritalegal@gmail.com>

Re: OA no. 105-2024- Rohit Choudhury -vs- State of Assam & Ors - Affidavit by MOEF&CC

Amrita Pandey <amritalegal@gmail.com>

Mon, Jan 6, 2025 at 2:01 PM

To: mrdey <mrdey@rediffmail.com>, parul gupta <parul.lawyer@gmail.com>

Dear Sir/Madam,

Please find herewith attached scanned copy of Notarized affidavit dated 03-01-2025.
Kindly accept and acknowledgement.

Regards,

Amrita Pandey
Advocate for MoEF&CC

**Affidavit 03-01-2025 OA 105-2025_compressed.pdf**

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