

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI**

ORIGINAL APPLICATION (Suo-Moto) No. 61/ 2024

IN THE MATTER OF :

In Re: News item appearing in The Northeast News dated 25-12-2023, titled– “Assam PCCF M K Yadava accused of illegally clearing protected forest for Commando Battalion”.

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Filed by

Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH,
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ORIGINAL APPLICATION (Suo-Moto) No. 61/ 2024

IN THE MATTER OF :

In Re: News item appearing in The Northeast News dated 25-12-2023, titled- "Assam PCCF M K Yadava accused of illegally clearing protected forest for Commando Battalion".

IN THE MATTER OF :

An additional affidavit filed by Shri Rajpal Singh, IFS, Principal Chief Conservator of Forests & Head of Forest Force, Assam, in compliance of the order dated 15-02-2024, passed in the instant proceeding.



ADDITIONAL AFFIDAVIT

**FILED BY SHRI RAJPAL SINGH, IFS, PRESENTLY HOLDING
THE POST OF PRINCIPAL CHIEF CONSERVATOR OF FORESTS
& HEAD OF FOREST FORCE, ASSAM.**

I, Rajpal Singh, IFS, aged about 59 years, son of Late Shyam Lal, presently holding the post of Principal Chief Conservator of

Principal Chief Conservator of Forests & Head of Forest Force, Assam

A handwritten signature in blue ink, likely of Rajpal Singh, IFS, Principal Chief Conservator of Forests & Head of Forest Force, Assam.

Forests & Head of Forest Force, Assam, and posted at Guwahati, in the district of Kamrup (Metro), Assam, do hereby solemnly affirm and state as under.

1. That, I being the Principal Chief Conservator of Forests & Head of Forest Force, Assam, and being duly arrayed as one of the respondent in the present Original Application (Copy of the news publication), and, also, being well conversant with the facts and circumstances of the case, I am competent to swear this affidavit.

On the last date of hearing of the present case, i.e. on 15-02-2024, this Hon'ble Tribunal was pleased to grant liberty to the State of Assam to file an additional affidavit and, accordingly, in compliance of the said order, the instant additional affidavit is being prepared to file.

2. That, in the instant case an affidavit-in-opposition has already been filed on behalf of the State of Assam. In the said affidavit-in-opposition it has been elaborately explained the manner in which the chronic problem of encroachment by the people of Mizoram in the Inner Line Reserved Forest (ILRS), located on the Assam-Mizoram border, is going on, in a systemic way, since early seventies, by giving details of incidents, in tabular form. While explaining the said incidents, several news paper reportings have also been quoted in paragraph No. 7 of the said affidavit-in-opposition, which are as follows :

"In this regards various Newspaper reports/articles, showcasing the above problem, can also be referred to, some of which are as follows :



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2024

(i) *Newspaper Reports :-*

*As per the report of the **Assam Tribune**, dated **28th June, 2021**, tension erupted along the Assam-Mizoram border in Hailakandi district due to alleged encroachment by Mizoram residents, prompting a response from local authorities. The incident raised concerns, with demands for border protection and immediate road construction for security forces.*

I. *As per **NDTV** report dated **26th July, 2021**, Six Assam Police officers were killed in the fresh violence that broke out at the disputed Assam-Mizoram border. There were reports of firing from the border area -- which lie over Assam's Cachar district and Mizoram's Kolasib district -- and attacks on Government vehicles on Assam side.*

II. *As per **Assam Tribune** report dated **2nd July, 2021**, the Hailakandi district administration successfully reclaimed three forest villages in Dholaikhal, Assam, encroached by Mizoram. Assam police demolished a Mizoram-built COVID19 center and two camps in Jhumghar. Tension arose when Mizos encroached in Phaisen, prompting a response from local authorities.*

III. *As per the report of **The Wire** on **26th July 2021**, at least six Assam Police personnel were killed and 50 others, including a Superintendent of Police, got injured in clashes on Monday, July 26, in a sudden escalation of the border dispute between Assam and Mizoram.*



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Head of Forest Force, Assam
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IV. As per report dated **26-04-2021**, by a vernacular daily Newspaper- **Samayika Prasanga**, - which is the leading news paper in Barak Valley, there are instances of Myanmar Nationals settling in areas encroached by Mizoram in Inner Line Reserve Forest of Assam."

However, due to some inadvertency on the part of the deponent, copies of the paper cuttings of the above mentioned news publications could not be annexed along with the said affidavit-in-opposition. The deponent herein begs to annexe the paper cuttings of the above mentioned news publications, wherein incidents of conflicts in the Assam-Mizoram border in the ILRF, were reported, along with this additional affidavit.

Copies of the news paper reports by "**The Assam Tribune**", on **28th June, 2021**, by "**NDTV**" on **26th July, 2021**, by "**The Assam Tribune**" on **2nd July, 2021**, by "**The Wire**" on **26th July, 2021** and by a vernacular daily Newspaper- "**Samayika Prasanga**" on **26-04-2021**, are annexed herewith and marked as **Annexure-I, Series**.



3. That, it is pertinent to mention at the cost of reiteration that most of the Reserved Forests of Assam are located along the inter-state border of Assam-Mizoram, Assam-Meghalaya, Assam-Tripura, and international borders with Bangladesh and Bhutan. Of these borders, the forests along Assam-Mizoram, Assam-Nagaland and Assam-Arunachal are mostly impacted, where State sponsored aggression

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from the counterpart States, in blatant violation of Forest Conservation Act, 1980, are occurring in forms of clearing of forest cover, establishment of villages, construction of roads, bridges, culverts, communication line, power line & irrigation channel while also planting of betel nut, banana, oil palm and other commercial crops.

4. That, as explained in the earlier affidavit-in-opposition, this practice of encroachment by the people of Mizoram in the ILRS has been going on since early seventies and lately during the last several years, the intensity of encroachment from their part in that area had considerably increased. The recent aggression towards encroachment of forest land within Cachar district by the people of Mizoram, with active support of the Mizoram Government machineries and armed personnel had become threat to the ILRF as well as State of Assam.

A major tragic incident occurred on 26-07-2021, wherein the Mizoram Police and IRBN armed personnel, despatched by the Mizoram Government, opened fire, without provocation, targeting Assam Government officials, Forest, and Police staff with sophisticated weaponry and that indiscriminate act of violence led to the unfortunate loss of 6 (six) Assam Police Personnel and injuring 50 persons, highlighting the severity and gravity of the confrontation between the two states. The incident underscores the urgent need to prevent further loss of life and promote the removal and prevention of encroachment along the border.

5. That, in the earlier affidavit the instances of encroachment carried out by the miscreants from Mizoram within the Inner Line Reserve Forest, situated under the jurisdiction of Cachar and Hailakandi

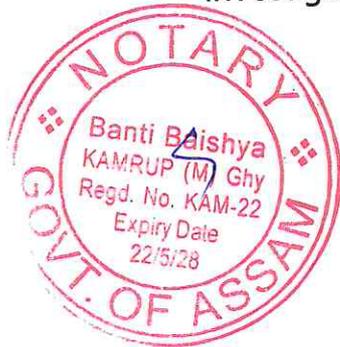

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Forest Division, Assam, has been presented in a comprehensive manner in a tabular form, which serves as a detailed record, providing insights into the specific occurrences where individuals from Mizoram have encroached upon the areas of the Inner Line Reserve Forest, enabling a clearer understanding of the scope and nature of these incursions.

While a detailed background has been provided in the earlier affidavit filed in the instant proceeding, the deponent herein also begs to annexe copies of **FIRs** (04-06-2021, 03-07-2021, 10-07-2021, 14-07-2021, 27-08-2021, 23-04-2022), lodged on behalf of the Forest Department, Government, which are self explanatory, as documentary proofs of the fact that there prevails a constant threat of deforestation and carrying out of non forestry activities from across the Assam-Mizoram border.

The present status of the above mentioned FIRs is that in one case (04-06-2021) Police has filed FR, in two cases (03-07-2021, 10-07-2021) Charge sheet has been filed and trial is presently going on, in the remaining three cases (14-07-2021, 27-08-2021, 23-04-2022) investigation is going on.



Copies of the FIRs dated 04-06-2021, 03-07-2021, 10-07-2021, 14-07-2021, 27-08-2021, 23-04-2022 are annexed herewith and marked as **Annexure-II, Series.**

6. That, Assam Forest Department has desperately been trying to combat the encroachment in the ILRF and felling and destruction of

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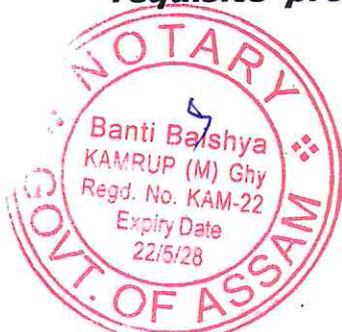
forest areas along the border areas with its limited available manpower and force, without much success.

The huge area of the Inner Line Reserved Forest, a highly inaccessible area, which is more than 800 square kilometre, is being manned by only 35 number of forest staff, of which only 10 are armed personnel, along the 144 km long border. It is also to be mentioned that around 600 cubic metre of timber, amounting into 700 to 800 trees, have been felled in the last 5 years alone in the ILRF.

Assam Government has 3 (three) numbers of Forest Battalions and the newly raised 3rd AFPP battalion with, Head quarter at North Lakhimpur, in the Lakhimpur District, is about 600 KM away from ILRF and not sufficient for deployment in Barak valley.

Accordingly, seeing such a dire situation the Divisional Forest Officer (DFO), Hailakandi, felt necessary for housing a armed battalion to ensure protection of the vast area of the ILRF, to stop this menace of encroachment, in complete violation of the provisions of the Forest Conservation Act, 1980, in the ILRF, and the Divisional Forrest Officer (DHO), Hailakandi Division, Hailakandi, Assam, vide his **letter No.HKD/DFO(T)/Border/Encroachment/1873, dated 18-07-2021 (Annexure-III)**, wrote a letter to the Superintendent of Police, Hailakandi District, raising concern as to the huge encroachment in the Inner Line Reserved Forest (ILRF), under Gharmurah Range, in the bordering area of Assam-Mizoram, requesting **"..... to provide special armed forces to conduct requisite protection measure toward prevention of further**

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extension of encroachment and ejection of encroachers in face manners."

The Superintendent of Police, Hailakandi District, in response to the above mentioned letter dated 18-02-2021 written by the DFO, Hailakandi, wrote a letter vide **No.HKD/B/91/2021/324, dated 24-07-2021(Annexure-IV)**, to the Director General of Police, Assam, ***requesting for consideration of deployment of a full Battalion of Commandos in the area (Gharmurah Range in the ILRF).***

Copies of the letters dated 18-02-2021 and 24-07-2021 are annexed herewith and marked as **Annexure-III** and **Annexure-IV**, respectively.

7. That, the **Assam Cabinet** in it's meeting dated 28-07-2021 (**Annexure-V**), decided to create five new Commando Battalions of Assam Police.

Pursuant to the Cabinet decision dated 28-07-2021, the Governor of Assam vide letter No.HMA.113/2021/Pt/29, dated 22-10-2021 (**Annexure-VI**), **granted approval for raising 1 (one) new Assam Commando Battalion**, i.e. the 2nd Assam Commando Battalion (Operation), **at Birsima, Hailakandi.**

The ILRF is remotely located which is around 75 km from the district headquarters, Hailakandi, and, therefore, to have an easy mobility and availability of force, it was decided to house the facility and infrastructure for the battalion within ILRF itself.

Handwritten signature
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Copies of the extracts of the decision of the Assam Cabinet meeting dated 28-07-2021 and letter dated 22-10-2021 are annexed herewith and marked as **Annexure-V** and **Annexure-VI**, respectively.

It is pertinent to mention that subsequently, a request was made on behalf of the Superintendent of Police, Hailakandi, vide his letter No.HKD/B-9/Vol-III/2022/525, dated 09-11-2022 (**Annexure-VII**), to the Director General of Police, Assam, to **relocate** the proposed site from **Birshima to Damchera**, considering the fact that the site at Birshima was not found suitable for construction due to undulating terrain. Be it mentioned that Damchera is located about 12 KM away from Birshima , under the same Gharmurah Range, in the Inner Line Reserved Forest (ILRF) under Ramnathpur Police Station.

Several communications and deliberations were made on the issue and the Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF), Assam, wrote a letter vide No.FG.32/Land Allotment/2023, dated 03-08-2023 (**Annexure-VIII**), to the Additional Principal Chief Conservator of Forests (T), Lower Assam Zone, requesting to look into the proposal submitted by the Superintendent of Police, Hailakandi District, for allotment of land for establishment of 2nd Commando Battalion inside the ILRF at Damchera area under Gharmurah Range, Hailakandi Division and re-consider the same considering the merit of the requirement.

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The Additional Principal Chief Conservator of Forests (T), Lower Assam Zone, vide his letter No.FGT.26/Border/Assam-Mizoram/Pt.II, dated 07-08-2023 (**Annexure-IX**), replied that the proposal for allotment of land for establishment of 2nd Commando Battalion inside the ILRF at Damchera area under Gharmurah Range, Hailakandi Division may be considered.

Ultimately, approval was granted by the authority vide it's letter dated 28-09-2023 (**Annexure-X**) for relocation of the 2nd Commando Battalion from Birshima to Damchera.

Copies of the letter dated 09-11-2022, 03-08-2023, 07-08-2023 and letter dated 28-09-2023 are annexed herewith and marked as **Annexure-VII, Annexure-VIII, Annexure-IX** and **Annexure-X**, respectively.

As mentioned above, as per the Government Notification dated 22-10-2021, the 2nd Battalion (Operation) was to be set up at Birsima, but the area being heavily forested and tree felling was required, the location was subsequently shifted to the current spot at Damchera, which was earlier occupied by the encroachers.

The PCCF and HoFF, Assam, have agreed to the request of DFO Hailakandi to house the battalion for the exclusive protection of ecosystem and the forest of the ILRF, considering the same as an ancillary activity to the forest conservation, without which the protection of such a large forest area is not possible allowing a total of 43.9 hectare of forest land for locating the 2nd Commando

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Battalion at Damchera, out of which 11.4 hectare shall be used for housing infrastructure purpose.

However, the ownership of the land shall continue to be with the Forest Department and the area shall continue to be a Reserved Forest, with full access to the Assam Forest Department.

Further, it is reiterated that the 11.4 hectare area to be used for housing infrastructure is the area that has been recovered by evicting the encroachers is free and open from trees and an open area cleared from illegal encroachers and not a single tree shall be fell in the construction. No tree is being felled in establishing the whole battalion camp.

8. That, it is pertinent to mention that the area Damchera under Gharmurah Range was under encroachment and, steps were on for eviction of the area. After the decision to locate the 2nd Commando Battalion at Damchera, the process of eviction of encroachers was again started by the Forest Department with the assistance of the District administration. In this regard two letters, one vide No.HKD/B/91/Vol-III/2022/530, dated 17-11-2022 (**Annexure-XI**) and another vide No. HKD/DFO(T)/Eviction/3307-12, dated 23-11-2022 (**Annexure-XII**), by the Divisional Forest Officer (DFO), Hailakandi, may be referred to.

Copies of the letter dated 17-11-2022 and letter dated 23-11-2022 are annexed herewith and marked as **Annexure-XI** and **Annexure-XII**, respectively.



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9. That, apprehending eviction at Damchera, one writ petition, being **WP(C) No. 8366/2022 (Kutub Uddin Mazumdar & 50 Ors. -vs- The State of Assam & 12 Ors.)**, was preferred before the Hon'ble Gauhati High Court, which was dismissed by the Hon'ble Court vide its Order dated 16-08-2023, in the line of the Judgement & Order dated 09-05-2023 (**Annexure-XIII**) passed in WP(C) No. 4775/2022 (Abdur Rouf & 56 Ors. -vs- The State of Assam & Ors.), wherein the primary issue involved was the right of the petitioners to have their names entered in the Jamabandi maintained for the purpose and which was filed praying for a direction that their occupation in the land, which is forest land, should be made permanent in nature so that they can enjoy it in perpetuity, under the Assam Forest Regulation, 1891. The above mentioned Judgement & Order dated 09-05-2023 passed in WP(C) No. 4775/2022 (Abdur Rouf & 56 Ors. -vs- The State of Assam & Ors.), was subsequently appealed, being WA No. 213/2013, before the Hon'ble Division Bench, but same was also dismissed vide order dated 05-08-2023 (**Annexure-XIV**), without any relief to the petitioners.

Be it mentioned that in the earlier affidavit-in-opposition though the order dated 18-08-2023 passed in WP(C) No. 8366/2022 (Kutub Uddin Mazumdar & 50 Ors. -vs- The State of Assam & 12 Ors.), was annexed as Annexure-III, the relevant Judgment & Order dated 09-05-2023 passed in WP(C) No. 4775/2022 (Abdur Rouf & 56 Ors. -vs- The State of Assam & Ors.), and the order dated 05-08-2023 passed in WA No. 213/2023, passed by the Hon'ble Division Bench, could not be annexed.



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Copies of the Judgment & Order dated 09-05-2023 passed in WP(C) No. 4775/2022 (Abdur Rouf & 56 Ors. -vs- The State of Assam & Ors.), and the order dated 05-08-2023 passed in WA No. 213/2023, passed by the Hon'ble Division Bench are annexed herewith and marked as **Annexure-XIII** and **Annexure-XIV** respectively.

10. That, subsequent to the order dated 16-08-2023 passed by the Hon'ble Court in WP(C) 8366/2022, eviction was carried out in the area in question, and the same was allotted to the Battalion for protection of ILRF.

As mentioned above, a total of 43.9 hectare of forest land was approved for locating the 2nd Commando Battalion at Damchera, out of which 11.4 hectare is proposed to be used for housing infrastructure purpose.

However, the ownership of the land shall continue to be with the Forest Department and the area shall continue to be a Reserved Forest, with full access to the Assam Forest Department.

Further, it is to be mentioned that the 11.4 hectare area to be used for housing infrastructure is the area that has been recovered from evicting the encroachers, is free and open from trees as is evident from Google Earth Map (**Annexure-XV**) and an open area cleared from illegal encroachers and not a single tree shall be felled

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in the construction. No tree is being felled in establishing the whole battalion camp.

Copy of the Google Earth Map showing the area as free and open from trees is annexed herewith and marked as **Annexure-XV**.

11. That, an enumeration was conducted at the proposed site to be used for housing the 2nd Commando Battalion, and, after such enumeration it was found that the area at Damchera is mostly degraded due to encroachment in the area and cultivation of beetlenut. Upon such enumeration (**Annexure-XVI**), it was also found that altogether 189 trees are standing in the area. Out of these 189 numbers of trees, 21 numbers of trees are within the 11.4 hectare area found standing on stiff terrain out of which 4 (four) numbers in uprooted condition and no permission has been granted till date for felling the remaining 17 (seventeen) numbers of trees. Further, of late the layout of the project has been so modified that there is no requirement at all of felling the said seventeen numbers of trees.

Copy of the tree enumeration report is annexed herewith and marked as **Annexure-XVI**.

12. That, it is pertinent to state that as per the deployment chart issued, the Assam Police Head Quarter, on 02-02-2024, (**Annexure-XVII**) 1 (one) Group of the 2nd Commando Battalion has been handed over to the Forest Department for deployment at Hailakandi.

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Pursuant to above referred order dated 02-02-2024, the Commandant, 2nd Assam COD Battalion vide his Movement Order dated 07-02-2024 (**Annexure-XVIII**), deputed 38 numbers of personnel to the Divisional Forest Officer (DFO), Hailakandi. These 38 numbers of personnel from the 2nd Assam COD Battalion reported to the Divisional Forest Officer (DFO), Hailakandi on 08-02-2024 as reported by the DFO to the Superintendent of Police, Hailakandi, vide his letter dated 08-02-2024 (**Annexure-XIX**), who are now stationed at Loharband Forest Beat Office and doing exclusive duties for forest protection under the Forest Officials. Be it stated that the Battalion personnel are being deployed solely for the protection of the Inner Line Reserve Forest and not for any other purpose including maintenance of law and order.

Copies of the Deployment chart dated 02-02-2024, letter dated 07-02-2024 and 08-02-2024 are annexed herewith and marked as **Annexure-XVII**, **Annexure-XVIII** and **Annexure-XIX** respectively.

It is to be noted that the action group of the 2nd Commando Battalion allotted to the Forest Department is not a law and order institution and has no authority to act as a police station or has any public utility and public dealings. The Battalion is only meant to conduct operation in ILRF and assist the DFO, Hailakandi, DFO, Cachar, SP, Hailakandi, SP, Cachar and other District Administration for the protection of ILRF and see that no further encroachments


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takes place and no further armed aggression from across the border and no extremist, smugglers or poachers take shelter in ILRF.

13. That, as regards prior approval from the Central Government the deponent herein most humbly and respectfully begs to submit that restriction on de-reservation of forests or use of forests land for non-forests purposes is permissible, in terms of Section 2 of the Forests Conservation Act, 1980, for establishment of check posts or for "other like purposes". In that view of the matter establishment of Police Battalion camp for the purpose of protection of ILRF from encroachments and illegal deforestation at the hands of the encroachers, is an act ancillary to conservation, and, accordingly, permissible under the Act.

Examination of Section 2 of the Forest Conservation Act, 1980, with amendments made in the year 1988, it transpires that the section imposes "*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)*".

- a. Section 2(i) is applicable for de-notification of any RF area. Since Inner Line Reserve Forest (ILRF) is not being de-notified, therefore, this section does not apply in the instant case.
- b. Section 2(iii) deals with assignment of any forest land by way of lease to any agency or authority not owned, managed or controlled by Government. Since no part of ILRF is being

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assigned by way of lease to any private authority and Police is a Government department of the State, hence, this section also does not apply in the instant case.

- c. Section 2(iv) deals with clearing of trees which have grown naturally on any forest land or portion thereof. Since, there are no naturally grown trees in the area in question in ILRF and it is artificially planted teak plantation area and the area is encroached, and further that, no felling of trees, planted or natural, have been carried out. Hence, this section also does not apply in the instant case.
- d. As regards to applicability of Section 2(ii) which deals with use of forest land or any portion thereof for any non forest purpose thereof for which this Handbook lays down various provisions under Part B. Therefore, we shall examine Part B of this Handbook in the paragraphs below as to which provisions may apply to the instant case.

Chapter 4 of Part B is the first Chapter that deals with General Approval of Section 2(ii) of the Forest Conservation Act, 1980, with amendments made in the year 1988, which is the General Approval under Section 2(ii) of Forest Conservation Act– Critical Public & Strategic Defense Infrastructure. The rest of the chapters up to chapter 12, of the Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003, (Guidelines & Clarifications) 2019, follow suit. Applicability of each of the chapters to the instant case is provided in the table below:

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Chapter no./ clause no.	Non-forest purpose	Page no.	Applicability
4.1	The Forest (Conservation) Act, 1980 and the Forest (Conservation) Rules, 2003, provide the regulatory procedures for prior approval of the Central Government for diversion of forest land for non-forest use required by various User Agencies including the Central/State Government Departments and PSUs. However, the Central Government has granted General Approvals for diversion of forest land for the specified area in each case and for specified public utility services and critical/strategic defence infrastructure subject to various conditions.	57	The instant case is not of public utility nor it is a defence infrastructure.
4.2	Laying of Under Ground Optical Fiber Cables (OFC),	57-58	This does not apply to the


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	telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG and Slurry pipelines		instant case.
4.3	Critical development initiatives for public	58-59	The instant case is not of public utility.
4.4	Public infrastructure in LWE districts	59-60	There is no Left Wing Extremist areas in Assam.
4.5.1	Roads in border areas along LAC (with China) and Army	60-61	This does not apply to the instant case.
4.5.2	Creation of border security related	61-62	This is not a defence infrastructure.
4.6	Underground optical fiber cables by the Ministry of Defence along the roads	62	This does not apply to the instant case.
4.7	General Approval for diversion of forest land for approach road to road side establishments for private entrepreneurs.	62-63	This does not apply to the instant case.
5	Transfer/Re-diversion	64-68	Not applicable.

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6	Survey and investigation	69-71	Not applicable.
7	Mining Projects	72-78	This does not apply to the instant case.
8	Wind Energy	79	This does not apply to the instant case.
9	Irrigation and Hydro-Electric Projects, including Catchment Area Treatment (CAT) Plan	80-81	This does not apply to the instant case.
10	Transmission lines (Bare conductor and underground/Insulated cable)	82-83	This does not apply to the instant case.
11	Infrastructural Projects incl. roads, railway lines, border roads, critical utility infrastructure development, residential/building construction	84-87	This is not an infrastructural project or critical utility infrastructure development project.
12	Projects in/near Protected Areas, including Zoos	88-96	This does not apply to the instant case as ILRF is not a

[Signature]
Principal Chief Conservator of Forests
Head of Forest Force, Assam
Panjabari, Guwahati-37



			Protected Area.
--	--	--	-----------------

Examining the Part C of the Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications) 2019, reveals that, as stated in Para 4 above, none of the provisions are applicable in the instant case.

The instant case is that of creation of infrastructure for housing of Police Commando Battalion (operations) established well within the ILRF meant to provide protection to the ILRF, which is not a public infrastructure or any industrial, commercial, mining or defence or any other public utility service Infrastructure, and hence this kind of infrastructure is not a public utility establishment, and thus is not covered by any provisions of the Non Forest Purpose described in the Handbook in Chapter 4, 6, 7, 8, 9, 10, 11 and 12; also does not fall in any category of activities provided in No. A to L in Part C as already explained above.

Therefore, as described above, the Commando Battalion infrastructure is an intrinsic activity for protection of ILRF, permissible under the provisions of section 2(b), and hence this is not the case of "Non-forest use". Rather the absence of this infrastructure would further encourage the miscreants to encroach more forest land in ILRF. The construction of the Battlion Camp is in itself an indication of warning to the encroachers to keep away from further encroachment of ILRF.

As it has already been stated by the deponent in the foregoing paragraphs that this activity is not a public utility activity, defence related activity, energy producing, mining etc. Hence, permission of

Principal Chief Conservator of Forests &
Head of Forest Force, Assam
Panjabari, Guwahati-37



the Central Government under Section 2(ii) of Forest (Conservation) Act 1980 is not required. Similarly, as already stated section 2(i), 2(iii) and 2(iv) of Forest (Conservation) Act 1980 do not apply to the instant case.

14. That, it is also pertinent to state that a Public Interest Litigation, being **PIL No. 77/2018 (Assam Basaok -vs- Ministry of Environment & Forest and Climate Change & Ors.)**, was initiated before the Hon'ble Gauhati High Court, by a Non-Government Organisation (NGO) of Assam, inter-alia, praying for implementation of the directions passed by the Hon'ble Supreme Court of India in its' Order dated 12-12-1996, passed in WP(C) No. 202/1995 (*T. N. Godavarman Thirumulpad -vs- The Union of India & Ors.*) as well as for taking action against those responsible for illegal encroachment of forest land and setting up of illegal forest villages. In the said proceedings, an affidavit-in-opposition was filed by the Environment & Forest Department, Government of Assam, stating that 3,77,532.633 hectare of forest area in Assam was under illegal encroachment. Thereafter, an additional affidavit was also filed by the Principal Chief Conservator of Forest & Head of Forest Force (PCCF & HOFF), Assam, bringing on records a Report showing encroachments in the reserved forests along the border areas of the State. It was seen that in the Inner Line Reserved Forest (ILRF) in the districts of Cachar and Hailakandi, bordering the State of Mizoram, an area of 3274.70 hectare has been encroached by the bordering State. Accordingly, vide Order dated 26-07-2023 passed in the said PIL proceedings, the Hon'ble Gauhati High Court, directed, inter-alia, the State of Mizoram to file their response. It was also

Principal Chief Conservator of Forests &
Head of Forest Force, Assam
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directed that efforts should be made by all the States, i.e. Assam, Mizoram, Nagaland and Arunachal Pradesh, in coordination with the Secretaries concerned, to resolve the issue of encroachment, irrespective of boundary disputes. However, till date no such affidavit/response has been filed by any of the States, including Mizoram. On 05-03-2024 the Hon'ble Gauhati High Court granted further time to these State to file their respective affidavits.

Deponent herein craves the leave of this Hon'ble Tribunal to produce copies of the PIL petition, and the two affidavits filed by the State of Assam, at the time of hearing of the case.

15. That, in view of the statements and submissions made in the earlier affidavit-in-opposition and in the present additional affidavit, the deponent begs to submit that the order dated 28-09-2023, allowing establishment of the 2nd Commando Battalion for protection of ILRF is an activity that falls within the ambit of Section 2(b) of Forest (Conservation) Act, 1980. Furthermore, this activity does not involve felling of neither trees nor any fresh clearing of forest area. It is set up after eviction of encroachment which was earlier dismissed by Hon'ble Gauhati High Court, in WP(C) No. 8366/2022; and, hence, there is no violation of the Section 2 of Forest (Conservation) Act 1980.

It is submitted that the instant application is devoid of any merit and based upon some misinterpreted facts without having any basis. There is nothing in the application/news publication, wherefrom a case against the respondents can be made out. That the application/news publication has failed to establish any illegality on the part of the State Government. As such, interference by this

Chief Conservator of Forests &
Head of Forest Force, Assam
Panjabari, Guwahati-37



Hon'ble Tribunal is uncalled for, and, in that view of the matter the application/news publication is untenable and is liable to be dismissed.

16. That it is most humbly submitted that the news item in question has been published at the behest of some vested interested persons with an oblique motive to stall the effort of the Forest Department of Assam to take effective measures including the establishment of the Commando Battalion under its command and control in the ILRF to prevent any illegal act on the part of the miscreants and State sponsored elements to encroach and undertake various activities to the detriment of the reserved forest. There is genuine reason to believe that the publication of the news item is a consorted evil design of those vested interested circles with a clear cut objective to get the proposed establishment of the Commando Battalion abandoned, which will ultimately lead to recurring of illegal encroachment and other activities in the reserved forest which are not permissible in law. It is also pertinent to mention herein that the Reporter of the said news item is completely silent about the illegal activities by the encroachers and persons protected by the state of Mizoram in indulging in various illegal and impermissible acts in the ILRF for the last several years.

Thus, in that view of the matter this Hon'ble Tribunal may be pleased to take due cognizance of the illegal activities of the people of Mizoram in the ILRF and take up action against the perpetrators of such acts under the existing law.

[Signature]
Principal Chief Conservator of Forests &
Head of Forest Force, Assam
Panjabari, Guwahati-37



17. That, it is pertinent to mention that the present affidavit has been prepared only on the basis of the allegations and accusations made in the Original Application (i.e. the news publication). Accordingly, the deponent herein craves the leave of this Hon'ble Tribunal to file additional affidavit, if so felt necessary, in future.
18. That, the statements made in paragraphs 1 to 6, 7(p), 8 to 17 ... are true to my knowledge and those made in paragraphs 7(p) ... are being matters of records which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

"On Oath"

I swear, that my declaration is true, that it conceals nothing and that no part of it is false, so help me God.

And I sign this affidavit on this 12th day of March, 2024, at Guwahati.

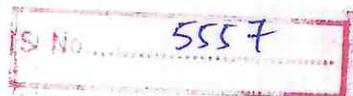
Identified by me,

Himanshu Saurabh Baruah

Advocate

Rajpal Singh
DEPONENT

Principal Chief Conservator of Forests &
Head of Forest Force, Assam
Panjabari, Guwahati- 37



12/13/24
Banti Baishya
NOTARY, GOVT. OF ASSAM
KAMRUP (Metro) Guwahati
Regd. No.: KAM-22

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.

The Assam Tribune

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ASSAM

- 26

Assam Mizoram border tense again

By Correspondent - 28 June 2021 9:59 PM



The Assam Tribune is now on Telegram. Click here to join our channel (@assamtribuneoff) and stay updated with the latest headlines.

Hailakandi, June 28: Tension again cropped up in Assam-Mizoram border in Hailakandi district following the starting of construction of structures and planting of betel nut, banana saplings allegedly ten kilometers inside the Assam area.



The MLA of Katlicherra informed that the residents of Mizoram have encroached around ten kilometres of Assam land in Chüninullah, Aisonanglon villages under Dholchera-Phaisan bordering area and the matter has been informed to the deputy commissioner and police super of Hailakandi, he said. A team from Hailakandi comprising divisional forest officer Montaj Ali, Border DSP Nirmal Ghosh, officer in charge of Lala police station, Abdul Aziz rushed to the border but they were stopped by the Mizo miscreants. It is learnt that they had to return from the midway.

Also Read - [APSC declares CCE exam 2022 final results; Rasika Islam of Gauripur tops ACS list](#)



Later, a large number of members of Krishak Mukti Sangram Samiti (KMSS) on Monday visited the area and expressed serious concern over the alleged encroachment of bordering areas of Assam. Peasant leader Jahir Uddin Laskar criticized the role of administration and said that they have failed

to protect the state border. He urged to stop the **181** encroachment of bordering areas of Hailakandi district by the Mizo miscreants. He demanded immediate construction of roads in the area for the easy movements of security forces.

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Also Read - ACKO conducts free health check-up camps for tea plantation workers in Assam



This Article is From Jul 26, 2021

6 Assam Cops Killed As Border Violence With Mizoram Escalates

Assam-Mizoram Border Dispute: Mizoram Chief Minister Zoramthanga sought Home Minister Amit Shah's intervention, saying it "needs to be stopped right now".

India News | Reported by Ratnadip Choudhury, Edited by Anindita Sanyal | Updated: July 26, 2021 8:42 pm IST

Six police officers from Assam were killed in the fresh violence that broke out today at the disputed Assam-Mizoram border, Assam Chief Minister Himanta Biswa Sarma has said. There were reports of firing from the border area -- which lie over Assam's Cachar district and Mizoram's Kolasib district -- and attacks on government vehicles.

The violence took place two days after [Union Home Minister Amit Shah met](#) all Chief Ministers of the northeast at Shillong. Mr Shah has dialled Chief Ministers of both states and asked them to resolve the border issue, reported news agency ANI quoting sources.

The Chief Ministers of the two states had clashed on Twitter, and tagged Mr Shah in their posts.

Tweeting a video of the violence where people armed with sticks can be seen, Chief Minister Zoramthanga sought Mr Shah's intervention, saying it "needs to be stopped right now."

 **Zoramthanga** 
@ZoramthangaCM · Follow

Shri @AmitShah ji....kindly look into the matter.

This needs to be stopped right now.

#MizoramAssamBorderTension

@PMOIndia @HMOIndia @himantabiswa @dccachar
@cacharpolice



1:50 PM · Jul 26, 2021 from Aizawl, India

3.7K Reply Share

X

-30-

"Innocent couple on their way back to Mizoram via Cachar manhandled and ransacked by thugs and goons. How are you going to justify these violent acts?" read another tweet.

 **Zoramthanga** 
@ZoramthangaCM · Follow

Innocent couple on their way back to Mizoram via Cachar manhandled and ransacked by thugs and goons.

How are you going to justify these violent acts?

@dccachar @cacharpolice @DGPAssamPolice



2:53 PM · Jul 26, 2021 from Aizawl, India

4.6K Reply Share

Read 310 replies

X

Assam Chief Minister Himanta Biswa Sarma tweeted: "Honble @ZoramthangaCM ji , Kolasib (Mizoram) SP is asking us to withdraw from our post until then their civilians won't listen nor stop violence. How can we run government in such circumstances? Hope you will intervene at earliest".



Mr Sarma later tweeted that he has spoken to his Mizoram counterpart. "I have just spoken to Chief Minister Zoramthanga I have reiterated that Assam will maintain status quo and peace between the borders of our state. I have expressed my willingness to visit Aizawl and discuss these issues if need be (sic)," his tweet read.

Mr Zoramthanga, however, shot back, "As discussed I kindly urge that Assam Police be instructed to withdraw from Vairengte for the safety of civilians".

ALSO READ



Assam, Mizoram Chief Ministers To Hold Talks Over Border Dispute: Report



Assam, Mizoram Chief Ministers To Meet In Delhi To Resolve Border Dispute



Assam Police Accused Of Theft By Neighbouring Mizoram

Three Mizoram districts - Aizawl, Kolasib and Mamit - share a 164.6 km long inter-state border with Assam's Cachar, Hailakandi and Karimganj districts. There have been skirmishes at the "disputed" areas of the border for years, with the residents on both sides accusing each other of intrusion.

The last incident was reported in June, when security forces of both states exchanged allegations of "intrusion".

The Mizoram government has constituted a boundary commission to deal with demarcation of the border. The boundary commission will be chaired by Deputy Chief Minister Tawnluia and will have Home Minister Lalchamliana as vice chairman.

Assam has border disputes with Meghalaya and Arunachal Pradesh as well.

The Assam Tribune

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ASSAM

Border dispute: Assam clears 3 villages encroached by Mizoram

By Correspondent - 2 July 2021 9:22 AM



AT Photo

The Assam Tribune is now on Telegram. Click **186** to join our channel (@assamtribuneoff) and stay updated with the latest headlines.

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Hailakandi, July 2: In a major breakthrough, the district administration of Hailakandi on Thursday cleared three forest villages in Dholaikhal area inside Assam land encroached by Mizoram.

Confirming this, the SP of Hailakandi, Ramandeep Kaur informed that the operation went on in the border till late Thursday night.

The district administration sources said that a COVID19 testing centre constructed by Mizos in Jhumghar in Assam's land also demolished by Assam police. Besides two camps constructed by Mizos have also been demolished.

Also Read - APSC declares CCE exam 2022 final results; Rasika Islam of Gauripur tops ACS list

Mizoram's bid to capture Assam land in the border has also been foiled by state police, sources claimed.

It can be mentioned here that the tension escalated in Phaisen area of Assam-Mizoram border few days back when the people living in the border informed the district administration that the Mizos have started construction and planted thousands of saplings of betel nut inside Assam land in Hailakandi district. Hailakandi shares border with Kolasib district of Mizoram.

A team of officials from civil and police administration were present on Thursday during the demolition drive and clearance of forests.

Correspondent

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SECURITY

Six Assam Cops Killed As Border Violence With Mizoram Escalates

Union home minister Amit Shah spoke to both chief ministers and urged them to ensure peace along the disputed border and find an amicable settlement



Police personnel during a clash at Assam-Mizoram border at Lailapur in Cachar district, Monday, July 26, 2021. 6 police personnel died and many were injured. Photo: PTI.



The Wire Staff

জিততে পারে ইউক্রেন, কৌশল
শেখাচ্ছেন পেট্রোগ প্রধান
দেশে-বিদেশে ৫



কায়স্থগ্রাম-দুর্গনিগর রাস্তায়
চলাচলে দুর্ভোগে জনগণ
অন্যান্য ৯



আরনিবিধে আজ হারাতে
মরিয়া রাজস্থান রয়্যালস
খেলাধুলো ১২



হাইলাকান্দির মিজোদের দখল করা জমিতে মায়াম্মারিদের পুনর্বাসন!

নিজস্ব প্রতিনিধি, কটলিছড়া, ২৫
এপ্রিল : হাইলাকান্দির মিজোরাম
সীমান্তে ফের তৎপর হয়েছে
মিজোরা। অসমের জমি দখল করে
আবাদের পর এবারে বৈদ্যুতিক খুঁটি
পুঁতছে মিজোরা। গত কয়েকদিন ধরে
এভাবে চললেও হাইলাকান্দি জেলা
প্রশাসনের হেলসোল নেই। জেলা
প্রশাসন কী এ ব্যাপারে অবগত নাকি
অজ্ঞাত। মিজোরা খুঁটি পৌঁতার
কাজের পাশাপাশি ব্যাপকভাবে
উন্নয়নমূলক কাজ অব্যাহত রেখেছে।
সেইসঙ্গে ইদানিংকালে বসতবাড়ি
বানানোর কাজ শুরু করে দিয়েছে।
সীমান্তের ঘন জঙ্গল কেটে রাস্তাঘাট,
বাড়িঘর বা উন্নয়নমূলক কাজে
মিজোরা কেন জোর দিয়েছে। অসম

সরকার কোনও প্রতিরোধ গড়ে
তুলেনি।

খবর অনুযায়ী, মায়াম্মারে
সামরিক অভিযানের ফলে কুড়ি
হাজারের বেশি মানুষ পরশ্যাবী হয়ে
মিজোরামে আশ্রয় নিয়েছেন।
মিজোরামে আশ্রিতরা এখন রাজ্যে
বোকা হয়ে উঠেছেন। এদের
পুনর্বাসন দিতে অসমের জমি
মিজোরাম দখল করে আশ্রিতদের
পুনর্বাসন দিতে এক পরিকল্পনার পথে
হাঁটছে বলে হাইলাকান্দি মিজোরাম
সীমান্তে বেশ চর্চা চলছে।

প্রাপ্ত খবরে আরও জানা গেছে,
জেলার দক্ষিণে অবস্থিত দুর্গম
অঞ্চলের গয়াছড়া, হাড়গিলায় বনজ
সম্পদ ধ্বংস করে আগুন জ্বালিয়ে

ছারখার করে নিয়েছে। এই এলাকা
মিজোরা দখলে নিয়েছে বলে খবর
রয়েছে। এ দুটি গ্রামে বৈদ্যুতিক খুঁটি
পৌঁতার কাজ শেষ পর্যায়ো চলছে।
গত মার্চ মাস পর্যন্ত বনাঞ্চল কাসে
অব্যাহত ছিল।

সূত্রটির মতে, মায়াম্মারের
আশ্রিতদের কাছে আট বিঘা করে জমি
বণ্টন করতে চাইছে। যদি সত্যিই জমি
বণ্টন হয় তাহলে দক্ষিণ হাইলাকান্দির
সাত্বেবমারা থেকে কালাপাহাড় পর্যন্ত
মিজোরাম জবর দখলে সফল হলে
অসমের বিরাট অঞ্চল মিজোরামের
মানচিত্রে যোগ হতে চলেছে।
মুখ্যমন্ত্রী হিমন্তবিশ্ব শর্মা মিজোরামের
সঙ্গে জমি বিবাদ মেটাতে কোহের
এরপর ছরের পাতায়

হাইলাকান্দির মিজোদের দখল

করাষ্ট্রমন্ত্রীর সঙ্গে যোগাযোগ রেখে
চলেছেন। যারফলে ইতিমধ্যে
অরুণাচলের পর, মেঘালয় রাজ্যের
সঙ্গে জমি বিবাদ মিটাতে চলছে।
তারপর মিজোরাম রাজ্যের জমি
বিবাদে কেন্দ্র সরকার হাত দিতে পারে
বলে অনুমান। এর আগে
হাইলাকান্দির বৃহত্তর এলাকায় স্থায়ী
দখলের রণকৌশলে হাত দিয়েছে
মিজোরাম।

TYPED COPY

- 36-

Ref No.....

Dt.

To,

The Officer In charge
 Ramnathpur Police Station
 Ramnathpur

ANNEXURE - II Series.

Sub:- F.I.R

Ref:- Field visit dated 03-06-2021

Sir,

With reference to the subject cited above, I have the honour to inform you that on 03-06-2021, I along with (1)illegible, D.D.C. Hailakandi, Addl. S.P. and DFO, Hailakandi, alsoillegible, C.I, Police and C.R.P.F. Personnel visited the Mizoram border area Near Birchima ofillegible..... for on Patrolling duties.

On reaching the spot at the Birchima Nearillegible..... some Mizo people have already constructed a house with heavy structure inside the Assam Jurisdiction (I.L.R.F) under Gharmura Range.

The above activity leads to illegal transfer in to R.F. & Environment, etc. We failed to dismantle the said house as the house was guarded by Mizo Armed battalion and could not identify the Mizo people.

Thus you are requested to register a case to this effect against the Mizo people supported by Govt. of Mizoram,illegible..... standpoint.

Yours faithfully,

Sd/-

(4/6/21)

(Pranab Kalita)

Dy. Ranger

Range Forest Officer,

Gharmura Range

Gharmura

100/2021

4/6/2021

Mr. Brig. Dunder / 31/21/45-47
The officer in charge
Ramnallpur police station
Ramnallpur.

31/58
4/6/21
Hailakandi F.O.

- 37 -

SUBJ: F.I.R.
Rel: field visit dtd-03/6/2021.

With reference to the subject cited above, I have the honour to inform you that on 03/6/2021 I along with @ As. Lomay D.D.O. Hailakandi, Mr. S.P. ad. DFO Hailakandi also along with @ Police and G.P.F. personal visited the MSURam border area near Bat chura. (outpost) for on patrolling duties.

On reaching the spot at the bat chura near Thaker Nila some misgo people have already constructed a house with heavy structure inside the Assam jurisdiction. @ (I.L.R.F) under Charamura Range.

The above activity leads to illegal transfer in to R.F. & Encroachment etc. We failed to dismantle the house as the house was guarded by misgo armed battalion & could not identify the misgo people.

Thus you are requested to register a case in this effect against the misgo people supported by host of misgo Ram chura local standpoint.

Yours faithfully
The Officer
(Pranab Kishor)
By: Ranger
Range Forest Officer
Charamura Range
Charamura

Copy to the Divisional Forest Officer for favour of his kind kind information and onward necessary action. This refers to our field visit on 02/6/2021. He is requested to take up the matter with the native authority urgently.

Copy to the Circle Officer Kallacherra for kind information and attention.

Copy to Subd. Hussain Masumdar for. Beat officer Ramnallpur for his information. He is directed to pursue the matter and do the needful for objection of the same without delay.

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Fox - 10

GOVT. OF ASSAM
OFFICE OF THE BEAT FOREST OFFICER
LAILAPUR BEAT, LAILAPUR
CACHAR

Letter No. LP/14/Police Case/67-68

Dated:- 03/07/2021

To.

The Officer In-charge,
Dholai Police Station, Dholai.

Sub:- F.I.R against obstruction of Govt. duty by Mizoram IRBN.

Sir,

With reference to the subject cited above, I have the honour to inform you that on 02/07/2021 myself along with A.F.P.F. personnel's, yourself along with police personnel's and C.R.P.F. personnel's went to Dholaikhal area for visit of the Assam Mizoram border area regarding ascertaining whether fresh encroachment or not. After returning from Dholaikhal towards Rengti Tilla, suddenly saw some public and Mizo IRBN at Dholaikhal area and asked us for cause of visit. Then we replied that we have visit here for normal patrolling duty, again they told us without any prior permission from the authority do not further visit here, and warned us very strictly. During the time of returning from Dholaikhal we have received an information from local public that at the location of Rengti Tilla, (I.L.R.F) some unknown Mizo people recently planted betel nut trees at the place where few months ago we removed and cleared the illegal hanged nameplates from the tree trunk. As per information we visited the area and ascertained that the information was true and at location few meter away from the old Auto stand, NH-54. Observe Mizoram IRBN, busy building tent for the purpose of camping inside the forest with temporary shed then we told them to remove & dismantle the Camp hut and to vacate the area but they neither listen nor responded anything. After few minutes later some more Mizo Police reached the spot and started to argue, warned us and told that why we have come here without any authority permission otherwise situation may be created or any untoward incidence can happen at any moment and scolded not to undertake patrolling there, the place which comes under the jurisdiction of the Range. Because their intension is to safeguard the illegal fresh plantation of betel nut trees by Mizo people & thereafter gradually encroach & advance further towards our territory. They have violated section 24, 25 of A.F.R. 1891 and amendment act 1995. The day was very tense situation and faced lots of obstruction from performing Govt. duty by the Mizoram IRBN and Mizoram Police along with their public but could not identified their name and address because they are unknown, hence all the incidents or happening were created in your presence.

In this connection I would like to fervently request you that take legal action against the aforesaid for the safe of illegal encroachment in I.L.R.F. area through investigation as per departmental law.

Yours faithfully

M.K. Singha 03/07/21
(M.K. Singha) Fr-I
Beat Forest Officer,
Lailapur Beat, Lailapur

Copy to the Range Forest Officer, Hawaihang Range, Dholai for favour of your kind information and necessary action. The incidents were informed over telephone on the same day.

M.K. Singha 03/07/21
(M.K. Singha) Fr-I
Beat Forest Officer,
Lailapur Beat, Lailapur

GOVT. OF ASSAM
OFFICE OF THE BEAT FOREST OFFICER
HAWAITHANG BEAT, HAWAITHANG
CACHAR

- 39 -
Dated: 10/07/2021

Letter No. HT/15/Borden/11

To,
The Officer In-charge,
Dholai Police Station, Dist: Cachar, Assam.

Sub:- F.I.R. against obstruction of Govt. duty by Mizo miscreants & Mizoram Police.

Sir,

With reference to the subject cited above, I have the honour to report herewith a first information report against the Mizo miscreants and Mizoram Police deployed by Mizoram Govt.

1. Name of Beat: Hawaithang Beat
2. Name of Range: Hawaithang Range
3. Name of Division: Cachar Division, Silchar
4. Place where the offence took place or discovered: At Kulichara, near Upper Phainum LP School, ILRF area (N24°28'57.12" & E092°47'37.85") (GPS coordinates: 24.482876, 92.794013). The gps coordinate of the approach road is (N24°28'58.33" & E092°47'38.46")
5. Nature of the offence: Criminal trespass, illegal encroachment, illegal construction of road inside the ILRF reserve forest area by the Mizoram Police deployed by the Mizoram Govt. and by unruly mob from Mizoram within the jurisdiction of Cachar Forest Division, Govt. of Assam, thus violated section 24, 25 of the AFR, 1891 and amended in 1995 as well as unlawful explosion caused by Mizo miscreants on hillside of Kulicherra.
6. Incident in brief: Today on 10-07-2021 at around 11 AM, Mizoram Police personnel under the leadership of David JB, MPS, Addl. S.P. and Bruce Kibby, MPS, Addl. S.P. along with unruly Mizo civilians illegally crossed the border of Assam (Cachar)-Mizoram near Kullicherra Part-II in Lailapur Area under Dholai PS with the intention to encroach the land belonging to Assam state and proceeded approximately 6.5 Kms inside Cachar border. Today further ahead of Dholakhal Kulicherra Nala, they proceeded around 200 mtrs ahead and

barricaded/ restricted the entry of officials of Forest and PWD, Govt. of Assam into the area. The Officer-In-Charge, Dholai Police Station as well as senior Police officers of Cachar District and Forest Officials immediately rushed to the spot and asked them to leave that area as it was within the boundary of Assam state in presence of local Magistrate. This incident has caused fear and resentment amongst the locals of Assam.

Meanwhile today at around 3 PM when Assam Police forces and senior officials were present at the spot, a loud explosion was heard of suspected IED blast which was detonated near the hilly area by Mizo miscreants where Assam Police personnel were performing duty.

It is pertinent to mention here that Kullicherra area falls under the territorial jurisdiction of Assam as has been repeatedly clarified even by joint visits between Assam and Mizoram. Kullicherra area has been clearly demarcated and has never been disputed between Assam & Mizoram.

In view of the above, it is evident that Mizoram people in conspiracy with Mizoram Police are in the process of illegally grabbing/ occupying the territorial land of Assam for which immediate legal action may be initiated, so that Assam's territorial land may be saved from encroachment by the neighbouring state of Mizoram.

Therefore, I would like to request you to take appropriate legal action against the abovementioned accused persons for the criminal offences as stated above.

Encl: Photographs
Station: Hawaithang
Date: 10.07.2021

Yours faithfully,

(Nilkanta Thousen), Dy.R
Beat Forest Officer,
Hawaithang Beat,
Hawaithang.

Copy to: The Range Forest Officer, Hawaithang Range, Dholai for favour of his kind information and necessary action.

Yours faithfully,

(Nilkanta Thousen), Dy.R
Beat Forest Officer,
Hawaithang

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TYPED COPY

- 41 -

Ref No.

Dt. 14-07-2021

To,

The Officer In Charge
Ramnathpur Police Station
Ramnathpur.

Sub:- F.I.R

Sir,

With reference to the subject cited above, I have the honour to report you that I along with respected Circle Officer, Hailakandi, O/C Ramnathpur and Beat Officer illegible..... , Ramnathpur and Police Battalion Personnel, visited Assam and Mizoram border at Bet China area on reaching spot "Kaza Nala Near up tila, found a bamboo hut guarded by them in our Jurisdiction of Assam I.L.R.F. and they were desolated the herbs, shrubs, lianas, and valuable trees beside host of arifauna and fauna etc. heavy lost of forest cover and using as construction materials.

The above activity also leads to illegal trespass in R.F. and encroachment etc. I.L.R.F. area under Gharmura Range we failed to dismantle the saidillegible.... hut as the same was guarded by fully equipped Armed Force Govt. of Mizoram on the spot.

Thereafter I request you register a case to this effect against the accused person which is supported by the Govt. of Mizoram from law standpoint.

Sd/-

14/07/2021

Range Forest Officer

Gharmura Range

Gharmura

To
The officer Incharge
Ramnathpur - Police - station
Ramnathpur.

~~195 89-91 dt. 14.7.201~~



- 42 -

Subj: - F.I.R.

Re:

With reference to the subject cited above, I have the honour to report you that I along with respected Circle officer Hailakandi, OIC Ramnathpur and Beat officer Pohorai Ramnathpur and Police Battalion Personel, visited Asem and Mizoram Border at Bet chura area on reaching spot "Kaga Nala Near up File", found a bamboo hut guarded by them in our jurisdiction of Assam ILRF and they were desolated the herbs, shrubs, Lianas, and valuable trees beside host of arifaura and gaura etc. heavy lost of forest cover and using as construction materials.

Along with -

The above activity also leads to illegal trespass in R.F. and encroachment etc. ILRF area under Gharmusa Range we failed to dismantle the said the hut as the zone was guarded by fully equipped Armed force Govt of Mizoram on the spot

Therefore I request you register a case to this effect against the accused person which is supported by the Govt of Mizoram from law report point.

[Signature]
Range Officer
Gharmusa Range
Assam

Copy to the Divisional Forest Officer Hailakandi for for his kind information this refers to our field visit on 14.7.201. He is requested to take up to the matter with the online authority urgent.

Copy to Circle officer Koli chura for for of his kind information

Copy to the Beat Officer Masumata for Beat officer for information, He is directed to take step the matter to do needful action.

[Signature]
Beat Officer
Gharmusa Range
Assam



- 43 -

GOVT. OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER: CACHAR DIVISION:
SILCHAR

Letter No. B/14/Border/ 4537

Dtd. Silchar, the 27-08-2021

To,

The Superintendent of Police,
Cachar, Silchar

Sub - First Information Report- reg

Mam,

I would like to inform you that, on 26th August, 2021 during regular patrolling for forest protection by forest staff of Hawaithang Range, Cachar Forest Division, a temporary make shift camp was made by the forest staff as the patrolling was supposed to be continued the next day. A total number of 10 staff of the Range were entrusted with patrolling activity. On day break, a temporary make shift camp was made inside the Inner Line Reserve Forest and staff were resting in the camp in civil dress.

However, in an unprecedented act by Mizoram police, the forest staff of Cachar Division who were resting in the camp after strenuous duty, were forcefully ejected at around 4pm by Mizoram police out of the camp stating that the area is disputed. They were threatened that if they don't vacate the camp they will be killed.

The forest staff were unarmed and the Mizoram police were armed with automatic weapons, hence seeing no option of defence against Mizoram police who were threatening to kill, our forest staff had to vacate the place and upon getting the mobile network, they immediately reported it to me at around 6pm.

Further, the camping gears etc was forcefully taken over by Mizoram police and after vacating my forest staff, they have occupied the same camp.

Such act by a Government entity on another Government entity is unprecedented and disrespectful and demoralising for the staff.

You are therefore requested to register an FIR against Superintendent of Police, Kolasib for Forceful ejection of forest staff from duty camp in the Reserve Forest, Threatening to kill the forest staff and illegal occupation of Forest camp after forcefully ejecting the forest staff on duty and forcefully taking over the said camp along with all its camp gears etc.

This is for your kind information and necessary action.

Yours faithfully,

TEJAS

MARISWAMY

Divisional Forest Officer
Cachar Division : Silchar

Digitally signed by
TEJAS MARISWAMY
Date: 2021.08.27
14:18:50 +05'30'

Memo no :-BR/Border/p.case/6/2022/2-3 dt:-23-04-2022

To

The office incharge
Ramnathpur P.S

-44-

Sub:- FIR

Ref:-HKD/DFO(T)/Border-2/1076-77 Dtd:-06-04-2022 and RO'S instruction dtd.22-04-2022

Sir,

With the subject and reference above, I have the honour to inform you that the earlier visit at sahebmarra area and found one new khacha house and then I searched the people (miscreant) in the khacha house but found nothing and then I forwarded with my staff to dismantle khacha house but then and there some unknown mizo people appeared and garrowed us by accrossing border river from bhairabi site of Mizoram state and obstructed to dismantle a house.

After that I back with poor staffs and reported the matter in time to time and accordingly the higher authority advice to lodge a case in this regards vide his letter dtd.06-04-2022 with the RO'S instruction dtd.22-04-2022. I request you to kindly investigate the matter and booked the culprit for necessary action.

Yours faithfully

(A.H MAZUMDER, Fr i)

✓ Copy to the Range Forest Officer Gharmura Range for information and necessary action.


Beat Forest Officer
Bhairabi Beat
(A.H MAZUMDER, FF.I)

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TYPED COPY

- 45 -

Ref No.

Dt. 14-07-2021

To,

The Officer In Charge
Ramnathpur Police Station
Ramnathpur.

Sub:- F.I.R

Sir,

With reference to the subject cited above, I have the honour to report you that I along with respected Circle Officer, Hailakandi, O/C Ramnathpur and Beat Officer illegible..... , Ramnathpur and Police Battalion Personnel, visited Assam and Mizoram border at Bet China area on reaching spot "Kaza Nala Near up tila, found a bamboo hut guarded by them in our Jurisdiction of Assam I.L.R.F. and they were desolated the herbs, shrubs, lianas, and valuable trees beside host of arifauna and fauna etc. heavy lost of forest cover and using as construction materials.

The above activity also leads to illegal trespass in R.F. and encroachment etc. I.L.R.F. area under Gharmura Range we failed to dismantle the saidillegible.... hut as the same was guarded by fully equipped Armed Force Govt. of Mizoram on the spot.

Thereafter I request you register a case to this effect against the accused person which is supported by the Govt. of Mizoram from law standpoint.

Sd/-

14/10/2021

Range Forest Officer

Gharmura Range

Gharmura

Most Urgent
By Special Messenger

GOVT OF ASSAM

OFFICE OF THE DIVISIONAL FOREST OFFICER::HAILAKANDI FOREST DIVISION::HAILAKANDI

Letter No. HKD/DFO(T)/Border / Encroachment/ 1873

Date: 18/07/2021.

To,
The Superintendent of Police
Hailakandi.

Sub:- Requisition for special armed forces for Gharmurah Range under Hailakandi Forest Division

Madam,

With the subject cited above, I am to inform you that the about 80% Gharmurah Range boundary is along with Inter State Border Boundary of Assam Mizoram and the said border area is disputed area with Mizoram. Moreover the reserved forests area viz. Inner Line Reserved Forests under the Range has huge encroachment in bordering area by both Mizoram and Assam side.

Under the circumstances I would request you to provide special armed forces to conduct requisite protection measure toward prevention of further extension of encroachment and ejection of encroachers in face manners.

This is for favour of your kind information and necessary action.

Yours faithfully



(M. Ali, AFS)
Divisional Forest Officer
Hailakandi Division, Hailakandi

Copy to:-

1. The Addl. Principal Chief Conservator of Forests (T), Lower Assam Zone, Kacharighat, Guwahati-1, for kind information.
2. The Chief Conservator of Forests Southern Assam Circle, Silchar for kind information.
3. The Deputy Commissioner, Hailakandi for kind information.



Divisional Forest Officer
Hailakandi Division, Hailakandi

SI(B)/CA
M.M. Jha

200

- 47 -

OFFICE OF THE SUPERINTENDENT OF POLICE ::: HAILAKANDI ::: ASSAM.

Memo No. HKD/B/91/2021/324

Dated Hailakandi, the 24th July, 2021.

To

The Director General of Police,
Assam, Ulubari, Guwahati-7.

ANNEXURE - IV

Sub:-

Regarding establishing a base for special armed forces like
Commandos at Gharmurah Range of Inner-Line Reserve Forest area
under Hailakandi Forest Division.

Ref:-

Letter No. HKD/DFO(T)/Border/Encroachment/1873, dated 18.07.2021 of
D.F.O, Hailakandi.

Sir,

Apropos to above mentioned subject and reference, it is being brought to your kind notice that Gharmurah Range of Inner-Line Reserve Forest shares a substantial boundary with Mizoram and is under severe constant encroachment. The area is remote and due to absence of any communication in terms of roads and other facilities, it is very difficult to respond in case of any fresh encroachment attempt from Mizoram side. For the protection of the Reserve forest in this inter-state border area, D.F.O, Hailakandi has requisitioned (vide above mentioned reference), Special armed forces. As the area is vast and of vital importance to the state, in view of the above, a full Battalion of Commandos etc. may be considered to be deployed in the area. Submitted in anticipation of your kind consideration.

Yours faithfully,

Enclo :- Above mentioned reference.

Superintendent of Police,
Hailakandi.

Dated Hailakandi, the 24th July, 2021.

Memo No. HKD/B/91/2021/324-A

Copy for favour of kind information to :-

1. The Spl. Director General of Police (B), Assam, Srimantapur, Guwahati-32.
2. The Spl. Director General of Police (T&AP), Assam, Ulubari, Guwahati-7.
3. The Principal Secretary to the Govt. of Assam, Home & Political Department, Assam, Dispur, Guwahati-6.
4. The Principal Secretary to the Govt. of Assam, Environment & Forest Department, Assam, Dispur, Guwahati-6.
5. The Addl. Principal Chief Conservator of Forests (T), Lower Assam Zone, Kacharighat, Guwahati-1.
6. The Commissioner & Secretary to the Govt. of Assam, Border Protection & Development, Dispur, Guwahati -6.
7. The Deputy Commissioner, Hailakandi.
8. The Divisional Forest Officer, Hailakandi.

Superintendent of Police,
Hailakandi.

SECRET

EXTRACT OF THE MINUTES OF THE CABINET MEETING HELD
ON 28-07-2021 AT 2-00 PM IN THE CABINET ROOM OF CHIEF MINISTER'S
OFFICE AT JANATA BHAWAN, DISPUR, GUWAHATI

Informal Item No.4
Home & Political Department

No. file

As part of the State Government's decision to appoint one lakh youths in Government jobs, the Cabinet decided to start the process to fill up vacant posts in Assam Police and the process will start from 1st September, 2021. The Cabinet also decided to create five new Commando battalions of Assam Police which will open up recruitment prospects for 6270 youths.

7/10/21
आजादीका
अमृत महोत्सव

GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
3rd Floor, CM's Block, Janata Bhawan, Dispur, Guwahati-6
E-mail : assam.home@assam.gov.in

No. HMA.113/2021/Pt/29

Dated Dispur, the 22nd October, 2021

- From : Shri Diganta Barah, IPS
Secretary to the Govt. of Assam,
Home & Political Department, Dispur
- To : The Principal Accountant General, Assam, Maidamgaon,
Belitola, Guwahati-29.
- Sub : Sanction for raising of 1 (one) new Assam Commando Battalion i.e. 2nd
Assam Commando Battalion (Operation), Birsima, Hailakandi
alongwith creation of posts.

Sir,

I am directed convey the sanction of the Governor of Assam to the raising of 1 (one) new Assam Commando Battalion i.e. 2nd Assam Commando Battalion (Operation), Birsima, Hailakandi alongwith creation of 800 (eight hundred) nos. of post for this newly created Assam Commando Battalion (Operation) w.e.f. the date of sanction as per the following staffing pattern :

SL No.	Rank	Gazetted / Non-gazetted posts	No. of Posts for each Battalion	Scale of Pay
Force Personnel				
1.	Commandant (SP rank)	Gazetted post	1	As per RoP 2016
2.	Deputy Commandant (Addl. SP rank)	Gazetted post	3	
3.	Asstt. Commandant (Dy. SP rank)	Gazetted post	7	
4.	Inspector	Non-gazetted post	16	
5.	Sub-Inspector	Non-gazetted post	64	
6.	Havildar	Non-gazetted post	112	
7.	Constable	Non-gazetted post	480	
8.	Followers Cook = 20 Multitasking and Maintenance Staff = 18 Water carrier = 18 Dhubi = 8 Barber = 8	Non-gazetted post	72	As per RoP 2016

- 50 -

-2-

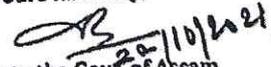
Medical Staff				As per RoP 2016
9.	Sr. Medical & Health Officer	Gazetted post	1	
10.	Medical & Health Officer	Gazetted post	1	
11.	Physio Therapist	Non-gazetted post	1	
12.	ASI (Pharmacist)	Non-gazetted post	1	
13.	Hav (X-ray Asst)	Non-gazetted post	1	
14.	Laboratory Technician	Non-gazetted post	1	
15.	Staff Nurse	Non-gazetted post	2	
16.	Hav Nursing	Non-gazetted post	2	
17.	Const. Nursing	Non-gazetted post	10	
18.	Dhai	Non-gazetted post	1	
APRO Staff				As per RoP 2016
19.	Inspector	Non-gazetted post	1	
20.	S.I. (Radio Operator)	Non-gazetted post	3	
21.	S.I. (Technician)	Non-gazetted post	1	
22.	A.S.I. (Radio Operator)	Non-gazetted post	4	
23.	A.S.I. (Cypher)	Non-gazetted post	1	
24.	HC (WO/WT/Cy)/ Cn (WO/WT/Cy)	Non-gazetted post	14	
Grand Total:			800	

Govt. has no objection to the filling up of the newly created 800 posts during the current financial year as per approval conveyed by Finance (SIU) Department vide their U/O No.FSI No.467/2021 dated 21/10/2021.

Head of account will be communicated after creation of particular head against the organization by Finance Department.

This is issued with the concurrence of Finance (EC-II) Department vide their U/O. No.733/2021 dated 21/10/2021.

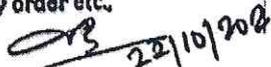
Yours faithfully,


Secretary to the Govt. of Assam,
Home & Political Department
Dated Dispur, the 22nd October, 2021

Memo No.HMA.113/2021/Pt/29-A
Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati-7 for information and necessary action.
2. The Finance (EC-II)/ (Budget) Department, Dispur, Guwahati-6.

By order etc.


Secretary to the Govt. of Assam,
Home & Political Department
Dated Dispur, the 22nd October, 2021

Memo No.HMA.113/2021/Pt/29-B

OFFICE OF THE SUPERINTENDENT OF POLICE ::: HAILAKANDI ::::::::::: ASSAM :::

Memo No. HKD/B/91/Vol-III/2022/525

Dated Hailakandi, the 9th November, 2022.

To

The Director General of Police,
Assam, Ulubari, Guwahati-7.

- 51 -

Sub.:- Relocation of proposed site for construction of 2nd Commando Battalion.

Ref :- Memo No. FB/VII-48/95/Vol-I/107, dated 26/07/2021 of the Deputy Inspector General of Police (Admn.), Assam, Ulubari, Guwahati.

Sir,

With reference to the subject cited above, I have the honour to inform you that Birshima in Gharmurah Forest Range under Ramnathpur Police Station has been the proposed location for constructing Commando Battalion vide Memo No. S-VI/09/2021/7, dated 03-09-2021.

However, on physical survey of the area by Police, Civil and Forest authorities it was found that the location is not suitable for creating a Commando Battalion due to undulating terrain. Therefore another location in the same Forest Reserve has been identified in Kachurthal under Ramnathpur P.S. near Assam-Mizoram Border.

Accordingly, the site preparation work of 2nd Commando Battalion had started at Kachurthal area by the designated Contractor. In this regard, a temporary hut was also constructed by the said contractor for labourers in the area. But Deputy Commissioner, Kolasib put an objection about the construction activity stating that the location is a disputed area located in Assam-Mizoram Border. Hence, the construction activity was stopped immediately as per order of the senior formations and alternative location was searched for.

On 29/10/2022 a joint physical survey has been conducted by Police and Forest authorities and a location at Damcherra was found suitable for construction of 2nd Commando Battalion in the same Forest Reserve i.e. Gharmura Range under Ramnathpur Police Station. A letter in this regard also obtained from the Divisional Forest Officer, Hailakandi Division vide Letter No. HKD/DFO(T)/BOP/3229-32, dated 07/11/2022 which is enclosed herewith.

Again, on 08/11/2022 spot verification of the proposed site was carried out by the undersigned with MD, APHC, DFO, Contractor and other govt. Officials. Accordingly, proposal for eviction of encroachers at the proposed site has been initiated and necessary information has been given to the Deputy Commissioner, Hailakandi for the purpose.

Contd.....P/2

Recd
Binit
11-11-22

in Shamba, M
11/11/22

It is pertinent to mention here that the earlier proposed site i.e., Birshima was not found suitable for construction of Commando Battalion. The new proposed location is situated at Damcherra under Ramnathpur Police Station, the details of which is as follows :-

Name of the present location :- Damcherra
Forest Range :- Gharmura
Police Station :- Ramnathpur
Post Office :- Jamira
Pin :- 788162

- 52 -

Submitted for favour of your kind perusal.

Enclo – As stated above.

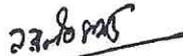
Yours faithfully,

Superintendent of Police,
Hailakandi.

Memo No. HKD/B/91/Vol-III/2022/525-A Dated Hailakandi, the 9th Nov., 2022.

Copy for favour of kind information to :-

1. The Spl. Director General of Police (B), Assam, Srimantapur, Guwahati-32.
2. The Spl. Director General of Police (L&O), Assam, Ulubari, Guwahati-7.
3. The Addl. Director General of Police (Admn.), Assam, Ulubari, Guwahati-7.
4. The Addl. Director General of Police (SB), Assam, Kahilipara, Guwahati-19.
5. The Inspector General of Police (TAP), Assam, Ulubari, Guwahati-7.
6. The Commissioner & Secretary to the Govt. of Assam, Border Protection & Development, Dispur, Guwahati -6.
7. The Deputy Inspector General of Police (SR), Assam, Silchar.
8. The Managing Director, Assam, Police Housing Corporation, Assam, Rehabari, Guwahati-8.
9. The Deputy Commissioner, Hailakandi.
10. The Divisional Forest Officer, Hailakandi Division, Hailakandi.


Superintendent of Police,
Hailakandi.

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS &
HEAD OF FOREST FORCE, ASSAM,
ARANYA BHAWAN, PANJABARI, GUWAHATI-781037

E mail: hoff-assam@gov.in

No. FG.32/Land Allotment/2023

Date: 03/08/2023

To

The Addl. Principal Chief Conservator of Forests (T)
Lower Assam Zone
Basistha, Guwahati-29.

Sub: Regarding Assam-Mizoram Inter-State Border- Proposal for establishment of 2nd Commando Battallion Unit inside Inner Line Reserve Forest at Damcherra area under Gharmurah Range, Hailakandi Division.

Ref: Your office letter No.FGT.26/Border/Assam-Mizoram/Pt-II dtd.28/07/2023.

In returning herewith the letter under reference, I am to request you to look into the proposal submitted by Superintendent of Police, Hailakandi District for allotment of land for establishment of 2nd Commando Battallion Unit inside Inner Line Reserve Forest at Damcherra area under Gharmurah Range, Hailakandi Division and reconsider the same considering the merit of the requirement.

This is for your information and necessary action.


Principal Chief Conservator of Forests &
Head of Forest Force, Assam

9/C 4/8/2023
ISSUED ON

1918

Quote 207 28/09

16
Gmt 21/8
- 55 -



GOVERNMENT OF ASSAM
OFFICE OF THE ADDL. PRINCIPAL CHIEF CONSERVATOR OF FORESTS (T)
LOWER ASSAM ZONE: BASISTHA: GUWAHATI-781029
Email: ccft.laz@gmail.com

Letter No. FGT.26/Border/Assam-Mizoram/Pt.II

Date: 07/08/2023

To,

The Principal Chief Conservator of Forests &
Head of Forest Force, Assam,
Panjabari, Guwahati-37.

ANNEXURE - IX

Sub: Assam-Mizoram - Inter State Border- Proposal for establishment of 2nd Commando Battalion Unit inside Inner Line Reserve Forest at Damcherra area under Gharmurah Range, Hailakandi Division- Reg.

Ref: 1) This office letter No. FGT. 26/Border/Assam-Mizoram/Pt.II, dtd. 28th July/2023
2) PCCF & HoFF, Assam's letter No. FG.32/Land allotment/2023, dtd. 03/08/2023.

Sir,

In continuation of this office letter under reference No.1, I have the honour to submit that the proposal for allotment of Land for Establishment of 2nd Commando Battalion Unit inside Inner line Reserve Forest of Damcherra area under Gharmurah Range, Hailakandi Division may kindly be considered.

Yours faithfully,

(P.J. Vijayakar, IFS)

Addl. Principal Chief Conservator of Forests (T),
Lower Assam Zone, Guwahati-29.

Copy to the Chief Conservator of Forests, Southern Assam Circle, Silchar for information.



Addl. Principal Chief Conservator of Forests (T),
Lower Assam Zone, Guwahati-29.

By e-mail

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND
HEAD OF FOREST FORCE, ASSAM
ARANYA BHAWAN, PANJABARI, GUWAHATI-37

E-mail: hoff-assam@gov.in

Date: 28.09.2023

FG.40/14/Mizoram Border/Pt-II

To,

The Additional Principal Chief Conservator of Forests (T)
Lower Assam Zone, Basistha, Guwahati-29

Sub: Assam-Mizoram Inter State Border -proposal for establishment of 2nd Commando Battalion Unit inside Inner Line Reserve Forest at Damcherra area under Gharmurah Range, Hailakandi Division-Reg.

Ref: Your office letter No. FGT.26/Border/Assam-Mizoram/Pt.II dated 07.08.2023.

With reference to the above, I am to inform you that As per Section 2 (b) of FC Act, 1980 the non-forest purpose means the following:

"any purpose other than re-afforestation; 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".

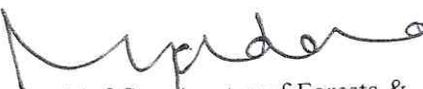
Since the purpose of proposal for 43.99 Ha. Forest land for establishment of 2nd Commando Battalion Unit in the Assam-Mizoram interstate border area of Inner Line Reserve Forest is for protection and conservation of Reserved Forest land, it qualifies as an activity relating to conservation of forests mentioned under Section 2 (b) of Forest Conservation Act, 1980. Therefore you are allowed to go ahead with the establishment of the proposed 2nd Commando Battalion Unit in the interest of conservation and protection of forest land.


Principal Chief Conservator of Forests &
Head of Forest Force, Assam

Copy for information and necessary action to:

1. The Chief Conservator of Forests, Southern Assam Circle, Silchar.
2. The Divisional Forest Officer, Hailakandi Division, Hailakandi.

28/9/2023
ISSUED ON


Principal Chief Conservator of Forests &
Head of Forest Force, Assam

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[Handwritten signature]

GOVT. OF ASSAM.

OFFICE OF THE SUPERINTENDENT OF POLICE ::: HAILAKANDI ::::: ASSAM :::

Memo No. HKD/B/91/Vol-III/2022/530

Dated Hailakandi, the 17th November, 2022.

To

The Divisional Forest Officer,
Hailakandi Division, Hailakandi.

ANNEXURE

- XI

Sub.:- Eviction of Encroachers at proposed Commando Battalion-regarding

Ref. 1) No. HKD/DFO(T)/3339-51/Border, Dated 14/11/2022,
2) No. HKD/DFO(T)/B.O.P./3229-32, Dated 07/11/2022,
3) No. HKD/DFO(T)//B.O.P./3233-36, Dated 07/11/2022.

Sir,

With the reference to subject cited above, I would like to request you to immediately initiate the process of eviction of encroachers from the proposed site for construction of 2nd Assam Commando Battalion at Damcherra so that other necessary formalities can be initiated from our end.

All the necessary assistance in this regard will be provided from our side.

Yours Sincerely,

[Handwritten signature]
Superintendent of Police,
Hailakandi.

Memo No. HKD/B/91/Vol-III/2022/530-A

Dated Hailakandi, the 17th November, 2022.

Copy for favour of kind information to :-

1. The Director General of Police, Assam, Ulubari, Guwahati-7.
2. The Spl. Director General of Police (L&O), Assam, Ulubari, Guwahati-7.
3. The Deputy Inspector General of Police (SR), Assam, Silchar.
4. The Managing Director, Assam Police Housing Corporation, Assam, Rehabari, Guwahati-8.
5. The Deputy Commissioner, Hailakandi.

Superintendent of Police,
Hailakandi.

A.M.
Received
18/11/2022

.....

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ANNEXURE

XII

58



GOVERNMENT OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER; HAILAKANDI DIVISION
HAILAKANDI.

E-mail: hailakandiforests1992@gmail.com

Date: 23-11-2022

No. HKD/DFO(T)/Eviction/3507-12

To

The Superintendent of Police,
Hailakandi.

Sub: Regarding Eviction Operation at Damcherra area within ILRF under Gharmurah Range.

Ref: Your Letter No. HKD/B/91/Vol-III/2022/530 Dated, 17-11-2022; and this office Letter No. HKD/DFO(T)/Border/3424-27 Dated, 19-11-2022 and our discussion dt. 23-12-2022.

Sir,

With reference to the subject cited above, I have the honour to inform you that the date of eviction operation has been fixed on 26-11-2022 & 27-11-2022 to evict (21+7) = 28 Nos. households encroachers from Damcherra area within ILRF under Gharmurah Range.

So, I would request you to depute 3(three) Section Police Personnel along with Lady Police from your end to maintain the Law and Order situation during the eviction operation.

This is for favour of your kind information and necessary action.

Yours faithfully

Divisional Forest Officer
Hailakandi Division, Hailakandi
Divisional Forest Officer
Hailakandi Division, Hailakandi

Copy to:

1. The Addl. Principal Chief Conservator of Forests (T), Lower Assam Zone, Indra Nagar, Basistha, Guwahati -29 for favour of his kind information.
2. The Chief Conservator of Forests, Southern Assam Circle, Silchar for favour of his kind information.
3. The Deputy Commissioner, Hailakandi for favour of his kind information and necessary action. He is requested to provide one Executive Magistrate to attend the eviction operation on the schedule dates for Law and Order. This has a reference to the S.P. Hailakandi's letter No. HKD/B/91/Vol-III/2022/530 Dated, 17-11-2022.
4. The Joint Director, Health Service, Hailakandi for kind information. He is requested to deploy one Medical Team on the schedule dates at Dhamcherra in case of requirement of medical support during the eviction operation.
5. The Range Forest Officer, Gharmurah Range for information. He is requested to keep close liaison with concerned authorities for smooth execution of the eviction operation.

Divisional Forest Officer
Hailakandi Division, Hailakandi

Divisional Forest Officer
Hailakandi Division, Hailakandi

etc

GAHC010145602022



ANNEXURE -

XIII

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4775/2022

ABDUR ROUF AND 56 ORS
S/O LT. FARID ALI, RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI,
P.O.-ISABHEEL,
P.S.-BAZARI CHERRA,
DISTRICT-KARIMGANJ, ASSAM,
PIN-788728.

2: JAFUR AHMED
S/O LT. ISAK ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

3: ABDUL RAHMAN
S/O LT. MUZAMMIL ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

4: ABDUL KAIYUM
S/O LT. FIRAJ ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

5: SALIKUR RAHMAN
S/O ABDUR RAHMAN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

6: ABDUL KALAM
S/O LT. ABDUR RAZZAK
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

7: ABDUL GAFUR
S/O LT. ISAK ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

- 60 -

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

8: MAYUR UDDIN
S/O LT. MASADDAR ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

9: ABDUL JALIL
S/O LT. ABDUL MANNAN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

10: BILAL AHMED
S/O LT. SUAI MIA
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ

- 61 -

ASSAM

PIN-788728.

11: ANOWARA BEGUM
W/O LT. ABDUL KADIR
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

12: HAFIJUR RAHMAN
S/O LT. JAFAR ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

13: RAHIM UDDIN
S/O LT. SAIBUR RAHMAN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

14: FAKAR UDDIN
S/O LT. FIROJ ALI

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RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

15: RAHIMA BIBI
W/O LT. SAYAB ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

16: NIJAM UDDIN
S/O LT. FAIJUL RAHMAN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

17: HANIFA BIBI
W/O LT. ABDUL AHAD
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

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- 64 -

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

18: BEDANA KHATUN
W/O LT. ABDUL SUKUR
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

19: SAMSUL HOQUE
S/O LT. AABDUL MUSSABIR
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

20: ABDUL SUKKUR
S/O LT. ABDUL RASHID
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

21: LUTFUR RAHMAN
S/O LT. NOOR UDDIN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

22: ABDUL SAHID
S/O LT. FURKAN UDDIN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

23: ABDUL RAKIB
S/O LT. ABDUL SHAHID
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

24: ABDUL WAHID
S/O LT. ABDUL RAKIB
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

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P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

25: ASIYA BEGUM
W/O LT. ABDUL ODUD
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

26: ABDUL KALAM
S/O LT. SIFAT ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

27: BEDANA BEGUM CHOUDHURY
D/O L. ABDUL MALIK
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ
ASSAM

← 66 ←

PIN-788728.

28: ABDUL MATLIB
S/O LT. AKRAM ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

29: ABDUL HASIB
S/O LT. ABDUL KARIM
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

30: SAMIMA AKHTAR
W/O NAZMUL ISLAM
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

31: NAPURJAN BBIBI
W/O SAIF UDDIN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

- 67 -

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

32: SIDDEK ALI
S/O LT. ABDUL GONI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

33: ABDUL MANNAN
S/O LT. MUDARIS ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

34: FAIJUL RAHMAN
S/O LT. SAKAWAT ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ

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ASSAM

PIN-788728.

35: ABDUL MUMIN
S/O LT. SIDDEK ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

36: SURATAN BIBI @ CHURHA BIBI
W/O LT. ABDUL MAJID
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

37: ABDUL SATTAR
S/O LT. WAKIR ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

38: ABDUL RASHID
S/O LT. ABDUL WAKIL @ KHALIL UDDIN

69-

RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

39: JAINUL HOQUE
S/O LT. ABDUL HOQUE
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

40: KAMAR UDDIN
S/O LT. TAHIR ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

41: AFTAB UDDIN @ ATAUR RAHMAN
S/O LT. ABDUL BARI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

70

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

42: PIARA BEGUM
W/O LT. BASIR ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

43: MUKHLISUR RAHMAN
S/O LT. MATASIN ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

44: NIJAM UDDIN
S/O LT. FARID ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

71

45: ASMA BEGUM @ ASMA KHATUN
W/O ABDUL MALIK
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

46: NAKOI BIBI
W/O LT. ABDUL KARIM @ KARIM ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

47: KABIR UDDIN
S/O LT. TAHIR ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

48: ABDUL SALAM
S/O LT. SIFAT ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

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P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

49: AFTERA BEGUM
W/O LT. MIRJAN ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

50: ABDUL JABBAR
S/O LT. ABDUL GAFUR
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

51: ABDUR NOOR
S/O LT. TURAB ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

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PIN-788728.

52: BEGOM BIBI
W/O ABDUL HASIB
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

53: ABDUL HAMID
S/O LT. RAKIB ALI
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

54: ASHA BIBI
W/O LT. ABDUR ROUF
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

55: SAB UDDIN
S/O LT. FAYJUR RAHMAN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

-74-

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

56: HARI BIBI
D/O LT. ABDUL SAHID
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728.

57: ANOWARA BEGUM
D/O LT. ATAUR RAHMAN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI

P.O.-ISABHEEL

P.S.-BAZARI CHERRA

DISTRICT-KARIMGANJ
ASSAM

PIN-788728

VERSUS

THE STATE OF ASSAMA AND 5 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPTT. DISPUR GUWAHATI-6

2: THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM
PANJABARI

-75-

GUWAHATI-37

3:THE DEPUTY COMMISSIONER
KARIMGANJ
DISTRICT-KARIMGANJ
ASSAM.

4:THE DIVISIONAL FOREST OFFICER
KARIMGANJ
DISTRICT-KARIMGANJ
ASSAM.

5:THE RANGE OFFICER
LOWAIRPUWA RANGE OFFICE
PATHARKANDI
DISTRICT-KARIMGANJ
ASSAM.

6:THE CIRCLE OFFICER
PATHERKANDI REVENUECIRCLE
PATHERKANDI
DISTRICT-KARIMGANJ
ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

Date : 09-05-2023

JUDGMENT & ORDER (ORAL)

Heard Mr. H.R.A. Choudhury, learned senior counsel for the petitioners and Mr. P.N. Goswami, learned Addl. Advocate General for all the respondents.

2. The fifty seven writ petitioners have instituted this writ petition with the

following prayer:

“Under the circumstances, it is prayed that Your Lordships may be pleased to admit this petition, call for records, issue a Rule calling upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other writ of like nature shall not be issued commanding the Respondents to take necessary steps for entering the names of the petitioners in the Jamabandi Register of Old Solamona Boro Forest Village in terms of Letter No.FGH.18/G/74/3069 dated 6.11.1974 and Order No. 262 dated 31.12.1975 so as to enable them to pay the revenues and/or as to why a direction shall not be issued restraining the Respondents from evicting the petitioners from their respective land without due process of law and/or as to why a further direction shall not be issued to the Respondents to allow the petitioners to enjoy their continuous possession of their land at Old Solamona Boro Sobri Forest Village without any interference by the Respondents authority and cause or causes being shown and after hearing the parties be pleased to make the Rule absolute, giving full and complete relief to the petitioners and/or pass such other or further order or orders as Your Lordships may deem fit and proper.

-AND-

***Pending disposal** of the Rule, Your Lordship may be pleased to issue necessary direction to the Respondents restraining them from evicting the petitioners from their respective land without due process of law.*

And for this, the petitioners as in duty bound shall ever pray.”

3. A reading of the prayer makes it discernible that the writ petitioners seek for a direction to the respondents in the Forest Department of the Government of Assam as well as the Deputy Commissioner, Karimganj and Circle Officer, Patharkandi Revenue Circle to take necessary steps to enter the names of the petitioners in the Jamabandi Register in respect of Old Solamona Boro Sobri Forest Village in terms of letter No. FGH.18/G/74/3069 dated 06.11.1974 of the then Conservator of Forests, Hills, Assam, Shillong namely M.A. Islam as well as the office order No. 262 dated 31.12.1975 of the Divisional Forest Officer, Cachar Division, Silchar. The letter of the Conservator of Forests, Hills dated 06.11.1974 is extracted as below:

“Since there are one hundred to two hundred bighas of land are available without

tree Forests and which were encroached by Rang Reang people and have been evicted from time to time and that these vacant land may not be encroached by outsiders, the so sixty six land less people as certified by the S.D.O., Karimganj vide his no. KES.3(Pt)/73/30, dt. 4.5.74 may be allotted there land after proper survey each getting five bighas of Rupit land and two bighas of Bari land on regular Forest village terms. The map after survey and the exact land available should be sent to this office for record.

The land in Dhubri are may not be thrown open for the present."

4. The order of the Divisional Forest Officer, Cachar Division, Silchar dated 31.12.1975 is also extracted as below:

"Subject to abiding by the existing Forest Village rules inforce Sri Moinul Hoque and 55 (fifty five) others (as per list enclosed) are hereby ordered to be entertained as Forest Villagers with 5 (five) bighas of rupit land and 2 (two) bighas of Bari land each with the sanctioned boundary of Old Solamona Forest Village under Longai Reserve Forests of Karimganj Range with immediate effect as per approval of the Conservator of Forests Hills, Assam vide Nos. FGH.18/C/74 5069 dt. 6.11.74 and FGH.18/C/74-75/3124 dt. 4.8.75 with immediate effect.

The possession of land should be given on demarcation in field and on obtaining written undertaking that they will obey the rules and Regulations in force.

The entry into the Jamabandi Register should also be made accordingly."

5. The petitioners in the prayer also seek for a direction to restrain the respondents from evicting the petitioners from their respective land without following the due process of law or further to issue a direction to the respondents to allow the petitioners to enjoy their continuous possession of their land at Old Solamona Boro Sobri Forest Village without any interference. A reading of the subsequent prayers makes it discernible that the purpose of the writ petition is for a direction in favour of the petitioners that their occupation of the land at Old Solamona Boro Sobri Forest Village be declared to be permanent in nature so that their enjoyment of the land continues and to allow them to enjoy the land in perpetuity.

6. A reading of the letter dated 06.11.1974 of the Conservator of Forest, Hills, Assam, Shillong makes it discernible that about hundred to two hundred bighas of land are available without tree forests and such forest land were earlier encroached by Rang-Reang community and the forest department had undertaken the process under the law to evict the Rang-Reang people from the forest land and so in order to protect the forest land and to ensure that the Rang-Reang people do not come back and encroach the forest land again, the Conservator of Forest deemed it appropriate that sixty six landless people from outside as certified by the Sub-Divisional Officer Karimganj by his order No.KRS.3(pt)/73/30 dated 04.05.74 may be allotted land after proper survey by giving five bighas of rupit land and two bighas of bari land on regular Forest Village terms to such sixty six outsider landless people. If certain indigenous tribal people had entered and occupied some forest land and the authorities deemed it appropriate that such indigenous people should be evicted from the forest land so as to protect the land, and an eviction process was carried out and the encroachers were removed, it cannot be that to ensure that the same people do not come back and encroach the land again and the land should be allotted to some outsider people comprising of sixty six landless people and such act would be unacceptable under the law.

7. The list of sixty six landless people is available at page 47 to the writ petition and are extracted as below:

Name & address	Area of land held by the person	Remarks
1.Abdul Khalique	Nil	Category 'A'

80

S/O HajiFarid Ali

Vill- Bataya

2.Sarif Uddin

Nil

Do

'A'

S/O AbdurRahman

Vill. Bataya

3. AbdurRahim

Nil

Do

'A'

S/O Late Usman Ali

Vill. Bataya

4. Abdul Hamid

Nil

Do

'A'

S/O Farid Ali

Vill. Do

5. Abdul Hannan

Nil

Do

'A'

S/O Do

Vill. Do

6. Abdul Mannan

Nil

Do

'A'

S/O Do.

Vill. Do

7. MatiurRahman

Nil

Do

'A'

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S/O Late Abdul Bari

Vill. Singaria

8. Abdul Karim

Nil

Do 'A'

S/O Late Said Ali

Vill. Do

9. Abdul Mannan

Nil

Do 'A'

S/O Late Madris Ali

Vill. Do

10. Riaz Uddin

3 bigas

Do 'B'

S/O Late Mirjan Ali

Vil. Do

11. Mohib Ali

1 1/2 "

Do Do

S/O Late Masaddar Ali

Vill. Do

12. Sakawat Ali

2 "

Do Do

S/O Late Nisar Ali

Vill. Do

13. AbdusSahid

Nil

Do 'A'

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S/O Makram Ali

Vill. Do

14. AtaurRahman

1 block

Do 'B'

S/O Late Abdul Bari

Vill. DO

15. Manajjir Ali

3 block

Do 'B'

S/O Late Chand Mia

Vill. do

16. Abdul Gafur

1 block

Do 'B'

S/O Late Said Ali

Vill. Do

17. Abdul Rakib

Nil

Do 'A'

S/O Late Mosir Ali

Vill. do

18. MahmudurRahman

Nil

Do 'A'

S/O Late Abdul Bari

Vill. do

19. Habib Ahmed

Nil

Do 'A'

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S/O Late Abdul Bari

Vill. Do

20. Abdul Malik Choudhury

3 bigas

Do 'A'

S/O Late Mahmad Ali
Choudhury

Vill. do

21. Muhibur Rahman

Nil

Do 'A'

S/O Late Manazzir Ali

Vill. Singaria

22. Ilas Ali

Nil

Do 'A'

S/O Late Said Ali

Vil. Keotkona

23. Isak Ali

Nil

Do 'A'

S/O Late Ilas Ali

Vill. do

24. Ibrahim Ali

Nil

Do 'A'

S/O Do

Vill. do



25. Idris Ali	Nil	Do 'A'
S/O do		
Vill. do		
26. Basir Ali	Nil	Do 'A'
S/O do		
Vill. do		
27. Suhag Mia	Nil	Do 'A'
S/O Late Kurban Ali		
Vill. do		
28. AbdusSabur	Nil	Do 'A'
S/O Saib Ali		
Vill. do		
29. Manazzir Ali	Nil	Do 'A'
S/O Ibrahim Ali		
Vill. do		
30. AbdurRahman	Nil	Do 'A'
S/O Late Hasan Ali		

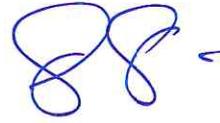
Vill. Do		
31. RahimaBibi W/o Yousuf Ali Vill. Kanakpur	Nil	Do 'A'
32. Rafique Uddin S/O Wajid Ali Vill. do	1½ biga	Do 'A'
33. AtaurRahman S/O AbdusSubhan Vill. do	3 biga	Do 'A'
34. Matasin Ali S/O Wazid Ali Vill. do	Nil	Do 'A'
35. Abdul Fatha S/O GulamIrpan Vill. Niamotkhani	Nil	Do 'A'
36. Matasin Ali S/O Said Ali	Nil	Do 'A'



Vill. Singaria		
37. Abdul Musabbir S/O Sajid Ali Vill. Taltola	Nil	Do 'A'
38. SajjadurRahman S/O Anjob Ali Vill. Niamotkhani	Nil	Do 'A'
39. Firoj Ali S/O Jafar Ali Vill. Khagail	Nil	Do 'A'
40. Muzammil Ali S/O Kurban Ali Vill. do	Nil	Do 'A'
41. MoinulHaque S/O Wajid Ali Vill. Gandharavakhani	2 bigas	Do 'B'
42. Suruj Ali S/O Makbul Ali	Nil	

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Vill. do		
43. Junab Ali S/O Idris Ali Vill. do	Nil	Do 'A'
44. Mosaddar Ali S/O Suruj Ali Vill. do	2 bigas	Do
45. Suai Mia S/O Late Masab Ali Vill. do	Nil	Do
46. AbdurRahim S/O Ambar Ali Vill. do	2 bigas	Do 'B'
47. AbdurRazzak S/O Intaj Ali Vill. do	Nil	Do 'A'
48. Abdul Haque S/O Said Ali	2 bigas	Do 'B'



Vill. do		
49. Moin uddin S/O Sunahar Ali Vill. Uttar Bandar Kona	3 bigas	Do
50. SaiburRahman S/O Yakub Ali Vill. Gandharabakhani	1 block	Do
51. KutinaBibi W/o Late Isak Ali Vill. do	Nil	Do
52. Abdul Jabbar S/O Anjir Ali Vill. do	2 b- 10 k	Do
53. Siddek Ali S/O Matasin Ali Vill. do	Nil	Do
54. Abdul Rakib S/O Sonahar Ali	3b.	Do

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Vill. Uttarbandarkuna

55. Akaddas Ali

Nil

Do

S/O Wajid Ali

Vill. do

56. Asaduddin

2 bigas

Do

S/O Sonahar Ali

Vill do

57. AbdurRouf

Nil

Do

S/O Farid Ali

Vill. Haitarkha

58. Abdul Noor

3 bigas

Do

S/O Manir Ali

Vill. Hoithorkha

59. Firoj Ali

2 bigas

Do

S/O Saman Ali

Vil. do

60. Abdul Wakil

Nil

Do

S/O Late Musobbir Ali

Vill. Do		
61. Intaj Ali S/O Monohar Ali Vill. Bilbari	2 bigas	Do
62. Mantaj Ali S/O Umar Ali Vill. ChoudhuryTilla	1½ bigas	Do
63. Roab Ali S/O Jawaid Ali Vill. Faridkona	1 b 5 k	Do
64. Abdul Kadir S/O Fatir Ali Vill. Balia	Nil	Do
65. Abdul Majid S/O Do Vill. Do	Nil	Do
66. Abdul Noor S/O Turab Ali	3 bigas	Do

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Vill. Saidkhani

8. No material is available to form any view as to who these outsider people are and from where they have come from and as to why they have been allotted the land inside the forest.
9. The Order No.262 dated 31.12.1975 of the Divisional Forest Officer Cachar Division Silchar provides that subject to abiding of the existing forest village Rules, Mainul Hoque and 55 others, were handed over possession of the land after demarcation by taking a written undertaking that they will abide by the Rules and Regulation in force and further that the names of the said persons should be entered in the *Jamabandi* register maintained for the purpose.
10. A further reading of the letter of the Conservator of Forest dated 06.11.1974 makes it discernible that some further forest land in the Dhubri district are sought to be allotted in such manner, but it could not be so done. Such provision is also indicative that there was an intension to destroy the forest land in the same manner in other districts also.
11. We have heard the learned senior counsel for the petitioner, Mr. HRA Choudhury, on the rights that the present petitioners may have to have their names entered in the *Jamabandi* maintained for the purpose and also for a direction that their occupation in the land should be made permanent in nature so that they can enjoy it in perpetuity.

12. Mr. HRA Choudhury learned senior counsel refers to the Rules for Establishment and Control of Forest Village (for short, the Establishment Rules), purportedly made under Sections 72(e), 74 and 75 of the Assam Forest Regulation 1891 (for short, the Regulation of 1891). Sections 72(e), 74 and 75 of the Regulations of 1891 are extracted as below:

“72. The State Government may make rules consistent with this Regulation:

(e) generally, to carry out the provisions of this Regulation.”

“74. Every person who exercises any right in a reserved forest or village forest, or who is permitted to remove any forest produce from, or to pasture cattle, or practise jhum cultivation in, such forest, and every person who is employed by such person in such forest and every person in any village contiguous to such forest who is employed by the [Government] or who receives emoluments from the [Government] for services to be performed to the community, shall be bound to furnish, without unnecessary delay, to the nearest Forest Officer or Police Officer any information which he may possess respecting the occurrence of a fire in or near such forest, or the commission of or intention to commit, any forest offence, and shall assist any Forest Officer, or Police Officer demanding his aid –

(a) in extinguishing any fire occurring in such forest;

(b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest ;

(c) in preventing the commission in such forest of any forest offence ; and

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.”

“75. All money, other than fines' payable to the [Government] under this Regulation, or under any rule made thereunder, or on account of the price of any forest

produce, or of expenses incurred in the execution of this Regulation in respect of any forest produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land revenue."

13. By referring to the Establishment Rules, Mr. HRA Choudhury, learned senior counsel submits that the petitioners have been put into possession inside the reserved forest land under the said Rules and that under the Rules they have a legal right of their names being entered in the Jamabandi, and as some kind of heritable right is also provided in the Rules itself, therefore, most of the petitioners being the second generation of the persons who are put into possession inside the forest land as per the order dated 06.11.1974 have a permanent heritable and a legal right in perpetuity for occupying the forest land and also to regularize the process by having their names entered in the Jamabandi.

14. On the submission of the learned senior counsel for the petitioner, we have noticed two aspects are to be looked into. The first aspect would be as to what would be the implication of the Establishment Rules made under Sections 72(e), 74 and 75 of the Regulations of 1891 and further the relevance of entering the names of the petitioners in the Jamabandi and under what law is the concept of a Jamabandi being governed. As the Establishment Rules have been framed under Sections 72(e), 74 and 75 of the Regulations of 1891, we required Mr. PN Goswami, learned Additional Advocate General, Assam appearing for the respondents to refer to any relevant provision under the Regulations of 1891 which may contain the provisions of establishing a forest village. As per the petitioners, the concept of forest village is given to be

understood to mean that it will be a village which will be inhabited by people and would be located inside the notified reserved forest. Mr.PN Goswami, learned Additional Advocate General for the purpose refers to Section 29 of the Regulations of 1891 which provides for constitution of 'village forest' and that of Section 30 which is a rule making power for framing of Rules for the village forest.

15. Apart from the aforesaid provisions, Mr. PN Goswami, Additional Advocate General is candid enough to say that there is no provision in the Regulations of 1891 providing for establishing any forest village. Accordingly, we examine as to whether village forest as provided in Section 29 of the Regulations of 1891 and a forest village as provided in the Establishment Rules are one and the same in its meaning and purport. Rule 1 of the Establishment Rules provides that forest village may be established within the limits of any reserved forest on sites and locations of which will be approved by the Conservator of Forest in writing, which makes it explicit that the location of the forest village would be within the location of the reserved forest. On the other hand, Section 29 of the Regulations of 1891 provides that the State Government may by notification in an official gazette constitute any land at the disposal of the Government a village forest for the benefit of any village community or group of village communities, and may, in like manner, vary or cancel any such notification.

16. Section 29 of the Regulations of 1891 makes it explicit that the location of the village forest to be constituted would be over any land at the disposal of the Government. Section 3(8) of the Regulation of 1891 defines 'land at the disposal of the Government' to mean land in respect of which no person has

acquired a permanent, heritable and transferable right of use and occupancy under law for the time being in force; or any right created by grant or lease made or continued by or on behalf of the Government not being land vested for the purposes of the Central Government.

17. Section 3(8) and Section 29 of the Regulations of 1891 are extracted as below:

Section 3(8) defines land at the disposal of the Government in negative terms i.e., all such land, other than the land over which any person may have acquired a permanent, heritable and transferable right of use and occupancy under law for the time being in force; or any right created by grant or lease made or continued by or on behalf of the Government not being land vested for the purposes of the Central Government.

Section 29. Constitution of village forests. - (1) The State Government may by notification in the official Gazette, constitute any land at the disposal of the Government a village-forest for the benefit of any village-community or group of village-communities and may, in like manner, vary or cancel any such notification.

(2) Every such notification shall specify the limits of such village forests.

18. A reading of Section 3(8) makes it discernible that the residual land at the disposal of the Government would be the land over which no permanent, heritable and transferable right of use and occupancy under any law for the time being in force had been granted to any person, nor any right had been created by grant or lease made or continued by or on behalf of the Government and not being land vested for the purposes of the Central Government.

19. In other words, we are required to interpret the provisions of Section 3(8) of the Regulations of 1891 as to whether the residual land would mean all such lands in the State of Assam over which no permanent, heritable and transferable right of use and occupancy have been granted to any person, nor



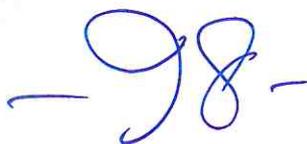
any right had been created by grant or lease made or continued by or on behalf of the Government and land not being vested for the purposes of the Central Government would also include the land under the reserved forests or the residual land would mean the land other than the land included in the reserved forest.

20. The meaning of residual land, whether it would also include land under the reserved forest can be discerned from the provisions of Section 29 of the Regulations of 1891. A reserved forest is constituted in exercise of the powers under Section 4 of the Regulations of 1891 which provides that the State Government may constitute any land at the disposal of the Government, a reserved forest in the manner provided therein. The manner to constitute a reserved forest is provided under Section 5 of the Regulations of 1891 which inter alia provides that whenever it is proposed to constitute any land a reserved forest, the State Government by publishing a notification in the Official Gazette specify, as nearly possible, the limits of such land and in doing so to also appoint an officer called the Forest Settlement Officer to enquire into and determine the existence, nature and extent of any rights claimed or alleged to exist in favour of any person over any land within such limits. Section 6 (d) of the Regulations of 1891 provides for fixing a period of not less than three months from the date of publication of Section 5 proclamation requiring every person claiming any right to submit a written notice to the Forest Settlement Officer and Section 8 provides for an enquiry to be made by the Forest Settlement Officer. Section 11 (1) provides that in respect of a claim to any right within the limits of the land proclaimed for the purpose of constituting the reserved forest, the Forest Settlement Officer shall pass an order specifying the

particulars of such claim by admitting or rejecting the claim wholly or in part. Section 11 (2) provides that if any such claim is admitted wholly or in part, the Forest Settlement Officer may come to an agreement with the claimant for surrender of the right or to exclude the land from the limits of proposed forest or proceed to acquire the land.

21. From the provisions of Section 11(2) it is apparent that upon a reserved forest being notified under Section 17 of the aforesaid regulations, no claim or right of any person remains over the land under the reserved forest. Section 18 of the Regulations of 1891 makes it further explicit that even if any right could have been claimed by any person, but not claimed under Section 6, such rights would also stand extinguished unless before publication of Section 17 Notification, such person makes a claim under Section 6.

22. As the procedure referred in Section 4 of the Regulation of 1891 to constitute any land at the disposal of the Government a reserved forest, in terms of the provisions of Section 5 to Section 18, which is a code by itself, we have to understand that the further notification referred in Section 29 to constitute any land at the disposal of the Government a 'village forest' would have to be a notification over any land which would not be covered by the notification under Section 17 of the Regulations of 1891. Meaning thereby, that such land which had already been declared to be notified as reserved forest under Section 17 would not be a residual land to be covered by any further notification to constitute a 'village forest' under Section 29.



23. Accordingly, any notification under Section 29 of the Regulations of 1891 to constitute a 'village forest' would not and can not include any land under a reserved forest which had already been notified under Section 17. Consequently, the concept of 'village forest' as provided in Section 29 of the Regulations of 1891 and the concept of 'forest village' provided in Rule 1 of the Establishment Rules would have to be understood to be not the same concept or interchangeable with each other.

24. In the context of such conclusion, when we look into the Establishment Rules, it is noticed that the Rules are framed under Sections 72(e), 74 and 75 of the Regulations of 1891. Section 72(e) of the Regulations of 1891 provides for the additional powers to make Rules by the State Government which again would have to be consistent with the provisions of the Regulations itself and further to generally carry out the provisions of the Regulations. Section 74 provides that every person who exercises any right in a reserved forest, or village forest or who is permitted to remove any forest produce or to pasture cattle or practice jhum cultivation in such forest and every person who is employed by such person in such forest and every person in any village contiguous to such forest who is employed by the Government shall be bound to furnish to the nearest forest officer or any police officer any information which he may possess as regards occurrence of a fire in or near a forest. Section 75 provides that all money other than fines payable to the Government under the Regulations of 1891, if not paid, when due, can be recovered under the law as an arrear of land revenue.

25. A reading of Section 72(e) of the Regulations of 1891 makes it discernible

that it is an additional power to make Rules consistent with the provisions of the Regulations and generally to carry out the provisions of the Regulations. When the Regulations itself does not provide for the concept of 'forest village', any Rules that may be framed in exercise of the power under Section 72(e) cannot be understood to be providing for creation of a 'forest village'.

26. But Section 74 refers to a person who exercises any right in a reserved forest or in a 'village forest', or who is permitted to remove any forest produce or to pasture cattle or practice jhum cultivation in such forest or who is employed in such forest and provides that if such persons possess any information in respecting the occurrence of any fire in or near such forest, or the commission or intention to commit any forest offence, such person shall without any delay furnish the information to the nearest forest officer or a police officer.

27. The dominant purpose of Section 74 is that the information regarding occurrence of any fire in or near a forest, or commission or intention to commit any forest offence, is available with any such persons, referred therein, they are bound to furnish the information to the nearest forest officer or police officer. While describing the persons referred therein mention is made of such persons who may exercise any right in a reserved forest or a 'village forest', or who may be permitted to remove any forest produce, pasture cattle or practice jhum cultivation, or who is employed in such forest. While describing the persons mentioned therein, no reference is made of any 'forest village', although, the rights mentioned therein may be over a reserved forest or a 'village forest'. The term 'village forest' in Section 74 would have to be understood to be a 'village

forest' under Section 29 of the Regulations of 1891 and not to be any 'forest village' within the reserved forest.

From the provisions of Section 74 also, no conclusion can be arrived that for carrying out the provisions of the Regulations of 1891, the State Government had been authorized to frame any Rule providing for creation of a 'forest village'.

28. Section 75 of the Regulations of 1891 is for providing the manner in which any money due to the Government in respect of any forest produce or for any other purpose under the Regulations can be recovered. Section 75 also does not provide for any such provision in the Regulations for creating a 'forest village' within a reserved forest.

29. From a conjoint reading of Sections 72(e), 74 and 75 of the Regulations of 1891, it is discernible that the additional rule making power of the State Government does not empower for creating any 'forest village'. From such point of view, although Rules 1 and 2 of the Establishment Rules, refer to 'forest village', or establishing a 'forest village' within the limits of any reserved forest, it cannot be read to be a village established or created within a reserved forest, where the persons who may be in occupation of such village would have the rights and entitlements as may be available to the persons in occupation of otherwise a village simplicitor.

30. By the letter dated 06.11.1974 of the then Conservator of Forests, Hills, Assam, Shillong, it had been provided that as hundred to two hundred bighas of land are available without tree forests within the reserved forest which were

earlier occupied by Rang Reang people and who have been evicted, therefore, sixty six landless people be allotted five bighas of rupit land and two bighas of bari land on regular 'forest village' terms. In terms of the letter of the Conservator of Forests, the Divisional Forest Officer, Cachar Division, by his order dated 31.12.1975 had ordered that the persons who were allotted the land be entertained as forest villagers over the respective allotted land. As the concept of a 'forest village' itself is unavailable under the Regulations of 1981, although, the term 'forest village' has been used in the letter dated 06.11.1974 of the Conservator of Forests, Hills, Assam and the order dated 31.12.1975 of the Divisional Forest Officer, Cachar Division, the term 'forest village' referred in the said letter dated 06.11.1974 and the order dated 31.12.1975 cannot be equated with that of the legal rights that may flow in favour of the occupants of otherwise a village simplicitor. Although the term 'forest village' has been used in the letter dated 06.11.1974 and the order dated 31.12.1975, the right of the occupants that may flow would be governed only by the law related to forests.

31. The reserved forests in Assam are governed by the provisions of the Regulations of 1891 as well as that of the Forest Conservation Act 1980. The Regulations of 1891 recognises certain rights over the land included in the reserved forest like that of Right of Pasture, Right to Forest Produce, Right of Way, Right to Water Course etc. From such point of view, the rights that may accrue to the persons who are beneficiaries of the letter dated 06.11.1974 and the order dated 31.12.1975 cannot exceed the rights that have been provided in the Regulations of 1891. Although the letter dated 06.11.1974 and the order dated 31.12.1975 purportedly issued under the Establishment Rules may have provided some further rights, but such rights, if in conflict or beyond the rights

as provided in the Regulations of 1891, cannot have any legal sanction or recognition.

32. Further, Section 2 of the Forest Conservation Act, 1980 (for short, the Act of 1980) provides that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or any other authority shall make, except with the prior approval of the Central Government, any order directing, amongst others, that any forest land or any portion thereof may be used for any non-forest purpose and that any forest land or any portion thereof be assigned by way of lease or otherwise to any private person. The explanation to Section 2 of the Act of 1980, provides that non-forest purpose means breaking up or clearing any forest land or portion thereof for cultivation of tea, coffee etc., or for any purpose other than reforestation purpose, 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, concert zone of fencing bridges, pipelines etc., or other light purposes. Even if we go by the explanation to Section 2 of the Act of 1980, it is noticed that it would be impermissible to convert or use any forest land within a reserved forest for the purpose of allotment of land, where other non-forest activities like cultivation, homestead etc., can be carried out, even though the purpose thereof may be cited for management of forest. Although the spirit may be applicable, but we are not relying on the provisions of the Act of 1980, *inasmuch as*, the rights claimed in this writ petition are pursuant to a letter dated 06.11.1974 and an order dated 31.12.1975, which apparently are prior to the Act of 1980.

33. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006 (for short, the Act of 2006) has been enacted to recognize and vest the forest right and occupation in forest land in forest dwelling scheduled tribes and other traditional forest dwellers who have been residing in such forest for generations, but whose rights could not be recorded. The statement of objects and reasons of the Act of 2006 provides that forest dwelling tribal people and forests are inseparable and one cannot survive without the other. Although Section 2(f) of the Act of 2006 defines a 'forest village', but such definition would be for the purpose of the Act of 2006, *inasmuch* as, Section 2 begins with the expression 'in this Act' and secondly, except for in Section 2(p)(iii) no reference is made to the expression 'forest village' in the Act of 2006.

34. In any view of the matter, the Act of 2006 is for the purpose to recognize and vest forest rights and occupation in forest land in the forest dwelling scheduled tribes and other traditional forest dwellers, where both expressions are defined in the Act of 2006 itself. From such point of view also, it cannot be understood that a forest land inside the reserved forest can be allotted to a group of persons merely by providing that as certain tribal people have been evicted from the forest land, therefore, in order to ensure that they do not encroach the land, the land inside the forest land be now allotted to some other persons. In order to claim the legal rights over forest lands under the Act of 2006, the claimants would have to be either a forest dwelling scheduled tribe or a traditional forest dweller, where both the concepts are defined. The petitioners who were allowed to occupy the forest land inside the reserved forest as per the letter of the Conservator of Forest dated 06.07.1974 are apparently neither

forest dwelling scheduled tribal nor they are other traditional forest dweller as per the definitions in Section 2(c) and 2(o) of the Act of 2006. From such point of view also no legal right has accrued to the petitioners under the Act of 2006. Although the term 'forest village' finds place in Sections 2(f) and 2(o) of the Act of 2006, but the provisions thereof cannot give a meaning or legitimacy that the land in occupation of the petitioners inside a reserved forest would be a forest village. Further the reference and meaning given to the term 'forest village' in Section 2(f) and 2(o) is only for the purpose of the Act of 2006 and subjected to 'unless the context otherwise requires'. As the letter dated 06.11.1974 and order dated 31.12.1975, allowing the petitioners to remain in the reserved forest is under the Regulation of 1891, the concept of forest village would also have to be examined within the provisions of the Regulations of 1891 and no attempt can be made to under the concept by referring to Section 2(f) and 2(o) of the Act of 2006.

35. In the background of the aforesaid propositions, the claim of the petitioners for entering their names in the Jamabandi Register of Old Solamona Boro Forest Village in terms of the letter dated 06.07.1974 and order dated 31.12.1975 so as to enable them to pay the revenue and also to restrain the respondents from evicting the petitioners from their respective lands would have to be examined.

36. The Jamabandi or in other words the Records of Rights in respect of land is governed by the provisions of Section 40 of the Assam Land and Revenue Regulations 1886 (for short, the Regulations of 1886). The note following Section 40 of the Regulations of 1886 provides that the records of rights is the

jamabandi based on the chitha and field map. Section 41 of the Regulations of 1886 provides for the entries in the jamabandi and their effect to the extent that it shall be founded on the basis of actual possession and all disputes regarding such entries, whether taken up by the Settlement Officer on its own motion or on an application of a party shall be investigated and decided on the basis of possession and all such persons not in possession, but claiming a right to be included in the jamabandi shall be referred to the proper Court.

37. A reading of the provisions of the Section 40 and 41 of the Regulations of 1886 make it discernible that the concept of jamabandi is applicable only in respect of those land where a person may acquire the right of a proprietor, land holder, or settlement holder or any other allotment as may be acceptable under Chapter II of the Regulations of 1886, which provides for rights over land. The land of the petitioners involved in this writ petition is admittedly a land located inside a reserved forest where Chapter II of the Regulations of 1886 is inapplicable. From such point of view the prayer made in the writ petition to include the names of the writ petitioners in respect of their land located inside a reserved forest in the jamabandi would be unacceptable inasmuch as, the concept of jamabandi under the Regulations of 1886 is itself inapplicable in respect of a land inside a reserved forest.

38. The other prayer of the writ petitioners to enter their names in the jamabandi so as to enable them to pay the land revenues would also have to be unacceptable *inasmuch as*, the concept of payment of land revenue is only in respect of such lands covered by Chapter II of the Regulations of 1886 providing for rights over land.

39. With regard to the other prayer of the petitioners for restraining the respondents from evicting them from their respective lands, again it is noticed that the respective lands of the petitioners are located within a reserved forest. The procedure for evicting a person from any land over which no person has acquired a right of a proprietor, settlement holder or a land holder is provided under Rule 18 of the Rules under the Regulations of 1886 and the procedure under Rule 18 is available only in respect of such lands covered by the Regulations of 1886. Admittedly, when the land of the petitioners is inside a reserved forest, any eviction that may be made by the authorities would have to be under the law of eviction applicable to a forest land and there can be no direction to restrain any eviction by relating the claim to any entry to be made in a jamabandi.

40. In such view of the matter, none of the prayers of the petitioners to enter their names in the jamabandi, to pay the land revenue and also to restrain the authorities from evicting them from the land inside the reserved forest would be acceptable.

41. But, however, as the petitioners claim that as they are landless people as depicted in the letter dated 06.07.1974, they may submit applications for allotment of lands under the appropriate land policy of the Government of Assam. In the event, it is done, such applications may be taken up as per law by following the relevant procedure and it may be brought to its logical end within three months of making any such application.

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42. Writ petition stands dismissed in the above terms.

JUDGE

Comparing Assistant

GAHC010125442023



ANNEXURE

- XIV -

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/213/2023

ABDUR ROUF AND 56 ORS.
S/O LATE FARID ALI, RESIDENTS OF VILLAGE- OLD SOLAMONA BORO
SOBRI, P.O.-ISABHEEL, P.S.-BAZARI CHERRA, DISTRICT- KARIMGANJ,
ASSAM, PIN-788728.

2: JAFUR AHMED
S/O LT. ISAK ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

3: ABDUL RAHMAN
S/O LT. MUZAMMIL ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

4: ABDUL KAIYUM
S/O LT. FIRAJ ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

5: SALIKUR RAHMAN
S/O ABDUR RAHMAN
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM,PIN-788728.

6: ABDUL KALAM
S/O LT. ABDUR RAZZAK
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM,PIN-788728.

- 7: ABDUL GAFUR
S/O LT. ISAK ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 8: MAYUR UDDIN
S/O LT. MASADDAR ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 9: ABDUL JALIL
S/O LT. ABDUL MANNAN
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 10: BILAL AHMED
S/O LT. SUAI MIA
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 11: ANOWARA BEGUM
W/O LT. ABDUL KADIR
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 12: HAFIJUR RAHMAN
S/O LT. JAFAR ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 13: RAHIM UDDIN
S/O LT. SAIBUR RAHMAN
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 14: FAKAR UDDIN
S/O LT. FIROJ ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

- 15: RAHIMA BIBI
W/O LT. SAYAB ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM,PIN-788728.
- 16: NIJAM UDDIN
S/O LT. FAIJUL RAHMAN
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 17: HANIFA BIBI
W/O LT. ABDUL AHAD
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM,PIN-788728.
- 18: BEDANA KHATUN
W/O LT. ABDUL SUKUR
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA,DISTRICT-KARIMGANJ
ASSAM,PIN-788728.
- 19: SAMSUL HOQUE
S/O LT. AABDUL MUSSABIR
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM,PIN-788728.
- 20: ABDUL SUKKUR
S/O LT. ABDUL RASHID
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM,PIN-788728.
- 21: LUTFUR RAHMAN
S/O LT. NOOR UDDIN
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL,P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ. ASSAM, PIN-788728.
- 22: ABDUL SAHID
S/O LT. FURKAN UDDIN
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA, DISTRICT-KARIMGANJ
ASSAM, PIN-788728.

- 23: ABDUL RAKIB
S/O LT. ABDUL SHAHID
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 24: ABDUL WAHID
S/O LT. ABDUL RAKIB
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 25: ASIYA BEGUM
W/O LT. ABDUL ODUD
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 26: ABDUL KALAM
S/O LT. SIFAT ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 27: BEDANA BEGUM CHOUDHURY
D/O L. ABDUL MALIK
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 28: ABDUL MATLIB
S/O LT. AKRAM ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 29: ABDUL HASIB
S/O LT. ABDUL KARIM
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 30: SAMIMA AKHTAR
W/O NAZMUL ISLAM
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

- 31: NAPURJAN BIBI
W/O SAIF UDDIN
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 32: SIDDEK ALI
S/O LT. ABDUL GONI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 33: ABDUL MANNAN
S/O LT. MUDARIS ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 34: FAIJUL RAHMAN
S/O LT. SAKAWAT ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 35: ABDUL MUMIN
S/O LT. SIDDEK ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 36: SURATAN BIBI @ CHURHA BIBI
W/O LT. ABDUL MAJID
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 37: ABDUL SATTAR
S/O LT. WAKIR ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.
- 38: ABDUL RASHID
S/O LT. ABDUL WAKIL @ KHALIL UDDIN
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

39: JAINUL HOQUE
S/O LT. ABDUL HOQUE
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

40: KAMAR UDDIN
S/O LT. TAHIR ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

41: AFTAB UDDIN @ ATAUR RAHMAN
S/O LT. ABDUL BARI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

42: PIARA BEGUM
W/O LT. BASIR ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

43: MUKHLISUR RAHMAN
S/O LT. MATASIN ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA,
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

44: NIJAM UDDIN
S/O LT. FARID ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

45: ASMA BEGUM @ ASMA KHATUN
W/O ABDUL MALIK
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

46: NAKOI BIBI
W/O LT. ABDUL KARIM @ KARIM ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

47: KABIR UDDIN
S/O LT. TAHIR ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

48: ABDUL SALAM
S/O LT. SIFAT ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

49: AFTERA BEGUM
W/O LT. MIRJAN ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

50: ABDUL JABBAR
S/O LT. ABDUL GAFUR
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

51: ABDUR NOOR
S/O LT. TURAB ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

52: BEGOM BIBI
W/O ABDUL HASIB
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

53: ABDUL HAMID
S/O LT. RAKIB ALI
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

54: ASHA BIBI
W/O LT. ABDUR ROUF
RESIDENTS OF VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

55: SAB UDDIN
S/O LT. FAYJUR RAHMAN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

56: HARI BIBI
D/O LT. ABDUL SAHID
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728.

57: ANOWARA BEGUM
D/O LT. ATAUR RAHMAN
RESIDENTS OF
VILLAGE-OLD SOLAMONA BORO SOBRI
P.O.-ISABHEEL, P.S.-BAZARI CHERRA
DISTRICT-KARIMGANJ, ASSAM, PIN-788728

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
ENVIRONMENT AND FOREST DEPTT.,
DISPUR GUWAHATI- 6.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE, ASSAM
PANJABARI, GUWAHATI-37

3:THE DEPUTY COMMISSIONER, KARIMGANJ
DISTRICT-KARIMGANJ, ASSAM.

4:THE DIVISIONAL FOREST OFFICER, KARIMGANJ
DISTRICT-KARIMGANJ, ASSAM.

5:THE RANGE OFFICER
LOWAIRPUWA RANGE OFFICE, PATHARKANDI
DISTRICT-KARIMGANJ, ASSAM.

6:THE CIRCLE OFFICER
PATHERKANDI REVENUECIRCLE, PATHERKANDI
DISTRICT-KARIMGANJ, ASSAM

For the Appellant(s) : Mr. R.P. Sarmah, Senior Advocate assisted by
Mr. D. Doley and Ms. A. Deka, Advocates.

For the Respondent(s) : Mr. P.N. Goswami, Additional Advocate General,
Assam assisted by Mr. I. Kalita, Standing
Counsel, Forest Department.
Ms. M. Bhattacharjee, Additional Senior
Government Advocate, Assam.

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

05.08.2023

The instant intra-Court writ appeal is directed against the judgment and final order dated 09.05.2023 rejecting the writ petition filed by the appellants herein being WP(C) No.4775/2023 with the prayer to direct the respondents in the Forest Department of the Government of Assam as well as the Deputy Commissioner, Karimganj and the Circle Officer, Patharkandi Revenue Circle to take necessary the steps for entering the names of the appellants/writ petitioners in the Jamabandi Register maintained for Old Solamona Boro Sobri Forest Village in terms of the Letter No.FGH.18/G/74/3069, dated 06.11.1974 issued by the Conservator of Forest, Hills, Assam, Shillong as well as the order No.262 dated 31.12.1975 issued by the Divisional Forest Officer, Cachar Division, Silchar.

2. The learned Single Judge, rejected the writ petition of the petitioners/appellants herein after giving due consideration to the provisions of the Assam Forest Regulations, 1891 (in short, the Regulations of 1981) as well as the provisions of the Forest (Conservation) Act, 1980 and found that the rights that may accrue to persons who are the beneficiaries of the letter dated 06.11.1974 and the order dated

31.12.1975 cannot exceed the rights that have been provided in the Regulations of 1891 and any indication in these two documents which were beyond the scope of the Rules would not carry any legal sanction or recognition.

The learned Single Judge further concluded that as per Section 2 of the Forest (Conservation) Act, 1980 (in short, the Act of 1980) which begins with a non-obstante clause, stipulating that no State Government or any other authority is empowered to make, except with the prior approval of the Central Government, any order directing, amongst others, that any forest land or any portion thereof may be used for any non-forest purposes and that any forest land or any portion thereof be assigned by way of lease or otherwise to any private person.

3. Mr. R.P. Sarmah, learned Senior counsel assisted by Mr. D. Doley and Ms. A. Deka, learned counsel representing the appellants urged that the appellants are not seeking leasehold rights on the land in question but are only praying for permission to exercise forest village rights in terms of the letter dated 06.11.1974 and the order dated 31.12.1975 by entering their names in the Jamabandi Register so as to enable them to pay the revenue and to restrain the respondents from evicting the appellants/writ petitioners from their respective lands. He urged that the petitioners were settled by the Government on the lands in question in order to protect the forest area which was earlier encroached upon the Rang-Reang people and have been enjoying the fruits of the land for the last nearly three decades without any adverse effects on the forest area. He thus urged that the appellants who are landless people deserve the relief sought for by them in the writ petition.
4. Mr. P.N. Goswamim, learned Additional Advocate General, Assam; Mr. I. Kalita, learned Standing Counsel, Forest Department and Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, however, vehemently and fervently opposed the submission advanced by learned Senior counsel for the appellants.
5. They urged that in view of the over-riding effect of Section 2 of the Forest

(Conservation) Act, 1980, no authority of the State Government, can direct allotment of forest land to any private person. They thus urged that the appellants cannot claim to settle in the reserved forest area under the guise of it being a forest village. They further pointed out that the learned Single Judge has already given indulgence to the appellants that they may submit applications for allotment of lands under the appropriate land policy of the Government of Assam and in turn, the Government has been required to take up such applications as per law.

6. As per Mr. Goswami, this liberty as granted by the learned Single Judge is beyond the relief sought for by the appellants/writ petitioners in the writ petition and hence, no further indulgence can be extended to the appellants/writ petitioners in this matter.

He submitted that the appellants/writ petitioners would be better advised to take recourse of the remedy/indulgence granted to them by the learned Single at para No.41 of the impugned order, which reads as below:

"41. But, however, as the petitioners claim that as they are landless people as depicted in the letter dated 06.07.1974, they may submit applications for allotment of lands under the appropriate land policy of the Government of Assam. In the event, it is done, such applications may be taken up as per law by following the relevant procedure and it may be brought to its logical end within three months of making any such application."

7. Faced with this scenario, Mr. Sarmah, learned Senior counsel representing the appellants candidly concedes that the above process is the only remedy available to the appellants.

8. We have given our thoughtful consideration to the submissions advanced at Bar and have gone through the impugned order and the material placed on record.

9. There cannot be any dispute that by virtue of the over-riding effect of Section 2 of the Forest (Conservation) Act, 1980 and in view of the orders passed by the Hon'ble Supreme Court in the continued Mandamus petition of *T.N. Godavarman Thirumulpad Vs. Union of India and Others*, the Court cannot direct/permit mutation of reserve

forest land to be made in favour of the appellants as there is complete prohibition on change of land use of this category of land.

10. In this background, leaving the appellants at liberty to take recourse of the remedy as provided by the learned Single Judge at para No.41 of the impugned judgment dated 09.05.2023 reproduced (supra), the instant writ appeal is disposed of.

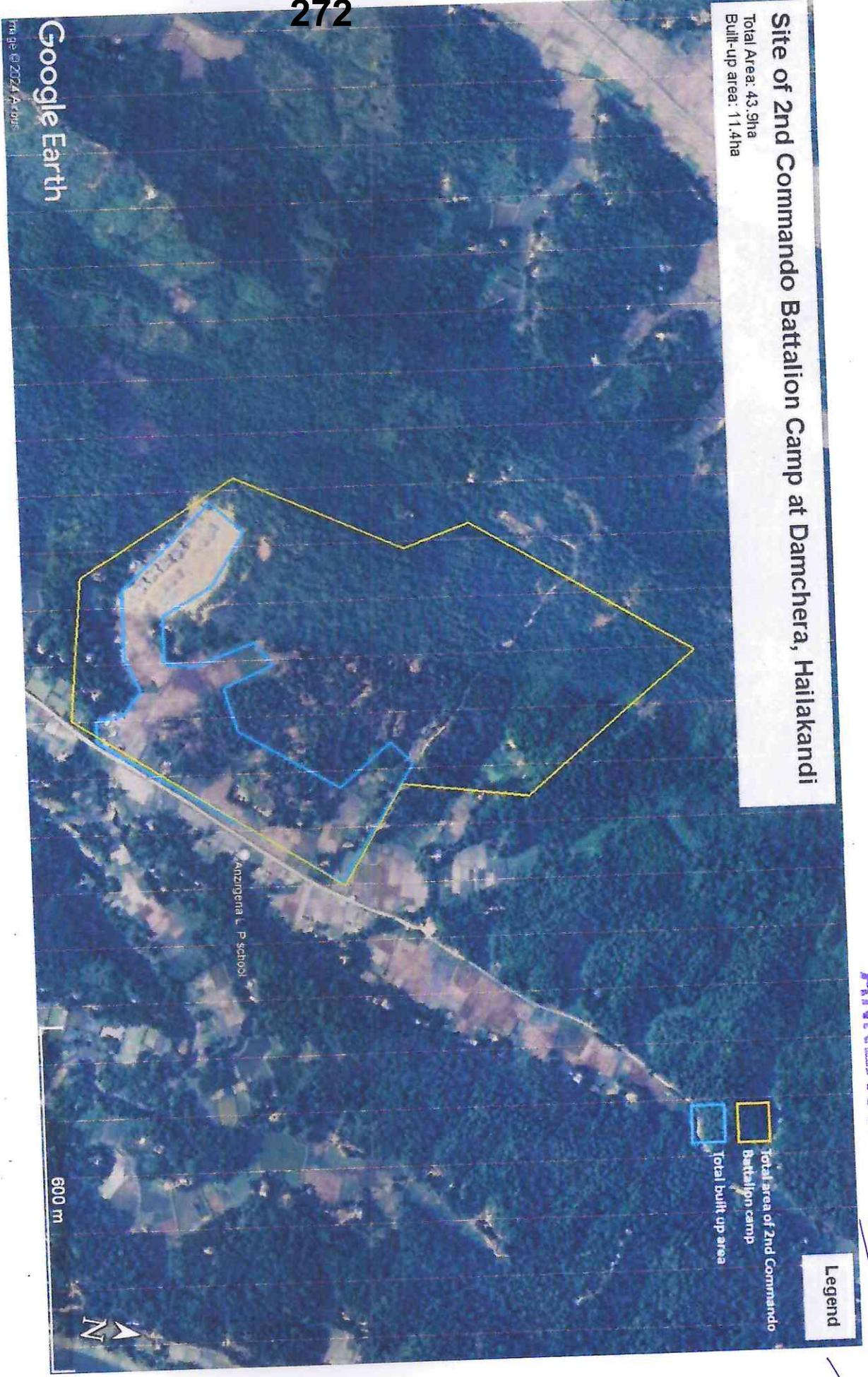
No order as to costs.

JUDGE

CHIEF JUSTICE

Comparing Assistant

Site of 2nd Commando Battalion Camp at Damchera, Hailakandi
 Total Area: 43.9ha
 Built-up area: 11.4ha



Legend

- Total area of 2nd Commando Battalion camp
- Total built-up area

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ANNEXURE

XVI

Memo no. GM/23/TIMBER GEN./2023/90

Dated 09/07/2023

To

The Divisional Forest officer
Hailakandi division
Hailakandi.

- 121

Sub: Submission of enumeration list of trees at the site for 2nd Commando Battalion at Damchera,
Hailakandi

Sir,

With reference to the subject cited above I have the honour to inform you that enumeration of the trees in the site of 2nd Assam Police Battallion Camp at Damcherra , Hailakandi have been conducted and enclosed with this letter. Additionally, I would also like to state that the area identified for the construction of Assam Police Battallion Camp at Damcherra is mostly degraded due to encroachment in the neighbouring areas and cultivation of beetlenut in these areas.

This is for favour of your kind information and necessary action.

Yours faithfully



Range forest Officer
Gharmura Range Office
Gharmura

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Sl. No.	Species	Girth at BH(m)	Height(m)
1	Koroi	0.7	5
2	Rata	0.5	4.5
3	Ramdala	1.2	7.5
4	Azar	0.8	5
5	Jam	0.4	3
6	Satni	0.5	6
7	Rata	0.95	6.5
8	Jam	0.75	3
9	Ou Tenga	0.5	2
10	Jam	1.1	6
11	Agar	0.8	4.5
12	Cham	1.8	7
13	Cham	0.8	5.5
14	Bohera	0.6	6
15	Teak	1	6
16	Teak	0.6	4
17	Teak	0.8	4
18	Teak	0.9	7.5
19	Rata	0.5	3.5
20	Cham	2.1	7
21	Teak	1.2	10
22	Cham	0.85	5
23	Teak	0.75	6
24	Koroi	0.4	3
25	Teak	1	6
26	Cham	0.75	6
27	Jam	0.7	6
28	Teak	0.7	5
29	Koroi	0.75	3
30	Cham	0.7	6
31	Teak	0.9	6.5
32	Teak	1	10
33	Teak	1	11
34	Teak	0.95	6.5
35	Teak	0.8	6.5
36	Teak	1.2	13
37	Teak	0.85	3
38	Teak	0.8	5
39	Teak	1.3	8
40	Rata	1.2	4.5
41	Rata	0.9	4
42	Siris	0.75	5
43	Cham	1	6
44	Poma	0.75	6.5
45	Engla	0.7	3
46	Cham	1.15	5

Sl. No.	Species	Girth at BH(m)	Height(m)
47	Oori Awaal	1.8	15
48	Rata	0.5	5
49	Jolpai	0.4	4
49	Cham	1.5	11
50	Teak	0.8	6
51	Cham	0.6	6.5
52	Cham	1	8.5
53	Kadam	1	5.5
54	Dumoor	0.89	7
55	Rata	0.6	4
56	Teak	0.4	3
57	Jam	0.45	3.5
58	Siris	0.8	5.5
59	Madhubura	0.75	8
60	Sawan Pata	0.8	5.5
61	Teak	0.96	9
62	Rata	0.4	4
63	Sawan Pata	0.9	3
64	Teak	0.5	4.5
65	Cham	1.4	10
66	Jam	0.4	3
67	Sawan Pata	0.8	3.5
68	Siris	0.4	4
69	Teak	0.45	3
70	Teak	0.5	4
71	Sawan Pata	0.8	3
72	Siris	0.75	4.5
73	Siris	1.1	6.4
74	Kadam	0.5	3.5
75	Teak	0.95	6.5
76	Kadam	0.6	3
77	Teak	0.75	4
78	Sawan Pata	0.8	3.5
79	Teak	0.6	5.5
80	Teak	0.5	6
81	Siris	0.5	4
82	Teak	0.6	6
83	Teak	0.8	5.5
84	Teak	0.4	5.5
85	Sawan Pata	0.35	3
86	Teak	0.76	7
87	Azar	0.4	3.5
88	Azar	0.5	5
89	Teak	0.43	3.5
90	Azar	0.35	3
91	Teak	0.5	4

Submitted

Range Forest Officer
Gharmura Range
Gharmura

Sl. No.	Species	Girth at BH(m)	Height(m)
92	Oori Awaal	1.8	15
93	Rata	0.5	5
94	Jolpai	0.4	4
95	Cham	1.5	11
96	Teak	0.8	6
97	Cham	0.6	6.5
98	Cham	1	8.5
99	Kadam	1	5.5
100	Dumoor	0.89	7
101	Rata	0.6	4
102	Teak	0.4	3
103	Jam	0.45	3.5
104	Siris	0.8	5.5
105	Madhubura	0.75	8
106	Sawan Pata	0.8	5.5
107	Teak	0.96	9
108	Rata	0.4	4
109	Sawan Pata	0.9	3
110	Teak	0.5	4.5
111	Cham	1.4	10
112	Jam	0.4	3
113	Sawan Pata	0.8	3.5
114	Siris	0.4	4
115	Teak	0.45	3
116	Teak	0.5	4
117	Sawan Pata	0.8	3
118	Siris	0.75	4.5
119	Siris	1.1	6.4
120	Kadam	0.5	3.5
121	Teak	0.95	6.5
122	Kadam	0.6	3
123	Teak	0.75	4
124	Sawan Pata	0.8	3.5
125	Teak	0.6	5.5
126	Teak	0.5	6
127	Siris	0.5	4
128	Teak	0.6	6
129	Teak	0.8	5.5
130	Teak	0.4	5.5
131	Sawan Pata	0.35	3
132	Teak	0.76	7
133	Azar	0.4	3.5
134	Azar	0.5	5
135	Teak	0.43	3.5
136	Azar	0.35	3
137	Teak	0.5	4
138	Teak	0.6	4.5
139	Teak	0.35	3.5
140	Engla	0.4	4

Sl. No.	Species	Girth at BH(m)	Height(m)
141	Jam	0.4	5
142	Teak	0.8	6.5
143	Teak	0.75	4
144	Sawan Pata	1	6.5
145	Azar	0.75	6
146	Jam	0.76	3
147	Teak	0.4	3
148	Engla	0.4	3
149	Engla	0.43	3
150	Sawan Pata	0.4	3
151	Teak	0.43	4
152	Teak	0.75	3.5
153	Teak	0.4	4
154	Teak	0.6	3
155	Teak	0.6	4.5
156	Teak	0.85	7
157	Ramdala	1	3
158	Teak	1.1	8
159	Teak	0.7	6
160	Cham	0.35	3
161	Teak	0.7	6
162	Cham	0.35	3
163	Teak	0.75	6
164	Siris	0.65	6
165	Siris	0.95	9
166	Sawan Pata	0.75	4
167	Teak	1.2	6
168	Teak	0.85	5
169	Cham	0.9	8
170	Teak	0.5	4
171	Teak	0.95	6.5
172	Rata	0.8	5.5
173	Kadam	0.89	4.5
174	Cham	0.95	7.5
175	Teak	1.1	7.5
176	Teak	1	13
177	Teak	0.96	8
178	Teak	1	9.5
179	Cham	0.7	6
180	Bon Jolpai	1.9	4
181	Tula	0.5	4.5
182	Rata	1	3
183	Jam	1.1	3.5
184	Azar	0.7	4
185	Jam	0.5	5.5
186	Rata	0.5	4
187	Cham	1.4	10
188	Boga Rata	0.5	5
189	Bohera	0.5	4.5

Submitted

Range Forest Officer
Gharmura Range
Gharmura

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ANNEXURE

XVII

30392/2024



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GOVERNMENT OF ASSAM
ASSAM POLICE HEADQUARTERS
GUWAHATI, ASSAM

Memo No. eC.325832/Deployment of CDO/ 270

Dated Guwahati the 2nd February,

2024.

To,

The Commandant, (2nd CDO Bn., 3rd CDO Bn., 4th CDO Bn.,
..... 5th CDO Bn., & 6th CDO Bn.)

Sub:

Deployment of Action Group.

Sir,

With reference to the above, As directed the following Action Group of your respective Unit are hereby allotted to Police Commissionerate, Forest department and different districts for duty as shown against each of your Unit.

2nd CDO Bn	-	Dima Hasao	- 4 Groups
		Guwahati City	- 8 Groups
		Forest Department	- 1 Group (for Hailakandi)
3rd CDO Bn	-	Golaghat	- 3 Groups
		Karbi Anglong	- 3 Group
		Kokrajhar	- 2 Groups
		Jorhat	- 2 Groups
		Sivasagar	- 1 Group
		Forest Department	- 2 Groups (For Golaghat & Nagaon)
4th CDO Bn	-	Dibrugarh	- 4 Groups
		Charaideo	- 4 Groups
		Sivasagar	- 3 Groups
		Forest Department	- 2 Groups (For Sivasagar & Jorhat)
5th CDO Bn	-	Chirang	- 1 Group
		Baksa	- 1 Group
		Udalguri	- 1 Group
		Guwahati City	- 6 Groups (Male-2 & Female -4 Groups)
		Forest Department	- 4 Groups (For Biswanath, Kokrajhar, Barpeta, Darrang, Sonitpur & Lakhimpur)
6th CDO Bn	-	Sadiya	- 2 Group
		Tinsukia	- 5 Groups
		Dibrugarh	- 4 Groups
		Guwahati	- 4 Groups (Female)
		Forest Department	- 1 Group (For Digboi)

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Please note that 2 (two) AGs in each the CDO Bn are left out from deployment. These AGs should be put through the Training and after training these 2 (two) Groups should rotate another 2(two) groups for training from field deployment.

You are requested to ensure timely rotation of groups for training purpose.

Yours faithfully,

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E-Sign

Asstt. Inspector General of Police, (L&O)

Assam :: Guwahati

Memo No. eC.325832/Deployment of CDO/270-A
2024.

Dated Guwahati the 3rd February,

As directed copy forward to :-

1. The Principal Chief Conservator of Forests & Head of Forest Force for favour of kind information and necessary action. With reference to his kind memo No. FE. 22/Commando/ AFPP Dated 01-02-2024. He is requested to collect the Action groups as allotted above from Dergaon by providing necessary transportation from his end.
2. The district authority of Forest Department in which the Action groups are deployed may kindly be directed to provide suitable accommodation and other Logistics support to the Commandos. The district Superintendents of Police are being directed to inspect the Location and accommodation earmarked for Commandos by 4th / 5th February, 2024. The tentative departure from Dergaon is on 07-02-2024, however it is requested that Commandant concerned may kindly be liaised before placing of vehicles at Dergaon.
3. The Inspector General of Police (TAP) Assam, Guwahati for favour of kind information. He is requested to arrange rotation training of Commandos.
4. The Commissioner of Police, Guwahati City for favour of kind information.
5. The Spl. Deputy Inspector General of Police (Trg) Dergaon for favour of kind information.
6. The Deputy Commissioner of Police (Admn) Guwahati, City/ Superintendents of Police Dima Hasaon, Golaghat, K-Anglong, Kokrajhar, Jorhat, Sivasagar, Dibrugarh, Charaideo, Chirang, Baksa, Udalguri, Sadiya, Tinsukia for information and necessary action. They are requested to collect allotted AGs from Dergaon on 07-02-2024 in liaison with concerned Commandants by providing transportation from their end. The AGs should be provided required Logistics like Utensils etc. from their end. Please note that the each AG should be accommodated at one place only and should not be splitted. For Operation purpose minimum strength of a group should not be less than 12 (twelve) personnel at any time.

Signed by

Longnit Terang

Date: 03-02-2024 17:15:05
Asstt. Inspector General of Police, (L&O)

Assam :: Guwahati

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ANNEXURE

XVIII

GOVT OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER::HAILAKANDI DIVISION
HAILAKANDI

No. HKD/DFO(T)/AFPF/

682-95

E-mail: hailakandiforests1992@gmail.com

Date: 09/02/2024

To

The Superintendent of Police
Hailakandi

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Sub. Regarding report of deployed Commando Battalion.

Madam,

With the subject cited above, I have the honour to inform you that on 08-02-2024 at about 11:50PM, 1no. (One) of Action Group (38 personnel) reported to the undersigned alongwith their Arms & Ammunition as per scale with full Govt. kits etc. on Govt. duties.

The base camp of the Action Group No. 2nd (OPS) is fixed at Loharbond Forest Beat Office for the time being.

The detailed list of the personnel is annexed herewith for your ready reference.

This is for favour of your kind information and onward necessary action.

Encl: As specified.

Yours faithfully

(A. Dutta, AFS)

Divisional Forest Officer
Hailakandi Division, Hailakandi

Copy to:

1. The Principal Chief Conservator of Forests & Head of Forest Force, Assam Panjabari, Guwahati-37 for favour of his kind information.
2. The Addl. Principal Chief Conservator of Forest (T), Lower Assam Zone, Indira Nagar, Basistha, Guwahati -29 for favour of his kind information.
3. The Chief Conservator of Forests, Southern Assam Circle, Silchar for favour of his kind information.
4. The District Commissioner, Hailakandi for favour of his kind information.
5. The Commando, 2nd Assam CDO Battalion, Damcherra, Hailakandi for favour of his kind information.
6. All R.F.Os / B.Os under Hailakandi Division(T) for information and necessary action.

Divisional Forest Officer
Hailakandi Division, Hailakandi

o/c

Rest House



75 Azadi Ka Amrit Mahotsav
B/166
Dtd 08/2/24

GOVT. OF ASSAM
OFFICE OF THE COMMANDANT, 2ND ASSAM COMMANDO BATTALION,
DAMCHERRA :: HAILAKANDI :: ASSAM
MOVEMENT ORDER

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08/02/24 11:50 AM

Ref. Memo No. eC. 325832/Deployment of CDO/270 Dtd. Guwahati the 2nd February, 2024. The following officers and men of this unit are hereby deputed to Hailakandi (Forest Department). 01 (One) No. of Action Group (38 personnel) for their newly platoon posting. They will carry Arms & Ammns. as per scale with full Govt. kits etc.

They will move on 07/02/2024 under command and control of ABI-
Makbul Hussain..... of this unit.
On arrival they will report before the District Forest Officer Hailakandi, for their duty.

D/D- 07/02/2024 AM.

Encl:- As Stated above.

[Signature]
Commandant,
2nd Assam CDO Battalion,
Damcherra, Hailakandi,
Camp at 21st AP Bn. Katlicherra.
Dtd. 07/02/2024

Memo No. CDO/2/R/2024/130-40

Copy for favour of your kind information.

1. The Inspector General of Police (T&AP) Assam, Ulubari, Guwahati.
2. The Inspector General of Police (Admn) Assam, Ulubari, Guwahati.
3. The Deputy Inspector General of Police (SR) Cachar, Silchar.
4. The Asstt. Inspector General of Police (L&O) Assam, Ulubari, Guwahati.
5. The Superintendent of Police, Hailakandi, DEF.

Copy for information & necessary action.

6. The District Forest Officer Hailakandi.
7. Personal concern.
8. SM/ QMI/ MTI /IC Acctt. of this unit.
9. RI for B.O.

Pl. receive the part 2 to the meeting

[Signature]

[Signature]
Commandant,
2nd Assam CDO Battalion,
Damcherra, Hailakandi,
Camp at 21st AP Bn. Katlicherra.

ACTION GROUP NO. 2ND (OPS)

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SL NO	RANK	NAME	Mobile NO	REMARKS
1	ABI	MAKBUL HUSSAIN	9401609830	
2	COOK	SOLEMAN HOQUE	8638501868	
A-TEAM				
1	ABSI	BIRAJ KARKI	7086396814	
2	HAV	SUDHIR RONGHANG	9854348736	
3	C/N-123	SURAJ CHETRY	9101515114	
4	C/N-449	THULONTA GOGOI	7086978947	
5	C/N-145	AKASH PEGU	6002648284	
6	C/N-404	ANKUR HAZARIKA	9365223579	
7	C/N-141	BHABESH CHARO	8638187548	
8	C/N-89	BIJOY BORUAH	7896419952	
9	C/N-173	BIKRAM SINGHA	7099034247	
10	C/N-175	BIMAN MECH	7005542614	
11	C/N-423	DEEPAK KUMAR SAHU	7896965464	
12	C/N-238	GAUTOM HANSE	9101627632	
B-TEAM				
1	ABSI	HIRAK JYOTI DEKA	8099035365	
2	HAV	APURBA KUMAI	6001233564	
3	C/N-88	GWHWM NARZARY	6900784525	
4	C/N-208	HEMANTA KALITA	7099827339	
5	C/N-299	JOYPRAKASH MILI	9678351882	
6	C/N-292	JITUL HAZARIKA	6000853061	
7	C/N-456	FIROJ CHUNKRANG	7086415160	
8	C/N-297	KOMALA PEGU	6901048179	
9	C/N-100	PULAKESH ROY	9957483982	
10	C/N-386	MANAB BAISHYA	9101710979	
11	C/N-203	NITU DUTTA	8099853295	
12	C/N-196	PARTHA PROTIM DAS	6001916664	
C-TEAM				
1	ABSI	PREMSON SANGMA	6901463843	
2	HAV	TANKESWAR NATHI	7896886024	
3	C/N-339	RAKIBUL ISLAM	9101025059	
4	C/N-439	RITUPARNA NEOG	8399866977	
5	C/N-458	SAMRAJ JATAPDHARA	8404030859	
6	C/N-144	SANTU KAMAN	9101646326	
7	C/N-31	SHAJAHAN ALI	8131944850	
8	C/N-311	SOMESWAR PATOR	9365689461	
9	C/N-257	ANSULA DAIMARY	9954820777	
10	C/N-351	ALOK NAYAK	8811918969	
11	C/N-407	AMARJYOTI TAID	8822892982	
12	C/N-189	ANANTA CHUTIA	9395271695	

SUMMARY

ABI	1
ABSI	3
HAV	3
CONS	30
COOK	1
TOTAL	38


Commandant,
 2nd Assam CDO Battalion,
 Damcherra, Hailakandi,
 Camp at 21st AP (IR) Bn. Ktc.