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,

Azim. H. Laskar

(AZIM H. LASKAR)

Advocate

Enrollment No.D/1619/1995

Counsel for the Resp. No.1

3/14A, Jangpura-B,

New Delhi-110014

Mobile No. 9811367311

BEFORE THE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH,

NEW DELHI

Sd/- Sachindra Das
Environment & Forest Department
Government of Assam

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 for and on behalf of the State of Assam.

Sanjay Barshya
KAM-7 (M) Ghy
Regd. No. KAM-22
Expiry Date
22/5/28
GOVT. OF ASSAM

ADITIONAL AFFIDAVIT

FILED BY SHRI SACHINDRA DAS **....., PRESENTLY HOLDING THE POST OF JOINT SECRETARY TO THE GOVERNMENT OF ASSAM, ENVIRONMENT & FOREST DEPARTMENT.**

I, Sachindra Das, aged about 57 years, S/o Lt. Bachiram Das, presently holding the post of Joint Secretary to the Government of Assam, Environment & Forest Department, and posted at Guwahati, in the district of Kamrup (Metro), Assam, do hereby solemnly affirm and state as under.

1. That, I being the Joint Secretary to the Government of Assam, Environment & Forest Department and being duly authorised to represent the State of Assam 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.

2. That, in the instant case 3 (three) affidavits has already been filed on behalf of the State of Assam, wherein 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 the said affidavit-in-opposition. It was also explained that 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 granted approval for raising 1 (one) new Assam Commando Battalion, i.e. the 2nd Assam Commando Battalion (Operation), at Birsima, Hailakandi. It was stated that 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.

3. That, the Hon'ble Tribunal by passing the order dated 02-08-2024 in the instant case was pleased to observe - "*Subsequently, the affidavit dated 23.04.2024 has been filed by one Shri Raj Pal Singh, IFS*

Sri Bachendra Kar
Joint Secretary to the Government of Assam
Environment & Forest Department
Government of Assam
Dispur, Guwahati-781006

NOTARY
Banti Baishya
KAMRUP (M) Ghy
Regd. No. KAM-22
Expiry Date
22/8/28
GOVT. OF ASSAM

holding the post of Principal Chief Conservator of Forest and Head of Forest Force, Assam. In that affidavit, he has stated that the stand of Assam Government is that the said activity is very much covered under 2(b) under like purposes" as the purpose of the activity is forest protection only and nothing else. The perusal of the affidavit shows that it has been unhappily worded and improper phases have been used. That apart, we are also prima facie of the view that the stand taken by the PCCF in the said affidavit appears to be not in consonance with the stand of the State of Assam. Learned Counsel appearing for the State of Assam submits that he does have a copy of the affidavit filed by the Principal Chief Conservator of Forest and he has sought time to obtain a copy thereof and also ascertain as to how such an affidavit has been filed."

In this regard, the answering deponent begs to submit that the State Government has, so far, filed 3 (three) affidavits, clarifying its stand, through the PCCF & HoFF, Assam, and the learned Advocate General, Assam, appearing in the present case, representing all the State respondents under the Government of Assam. The answering respondent, therefore, most humbly submits that there is no difference in opinion between the State Government and the PCCF & HoFF, Assam.

4. That, as stated earlier, so far, the State of Assam has filed 3 (three) affidavit and the last affidavit was filed on 23-02-2024. The deponent herein, therefore, would like to bring in record the following developments, subsequent to the filing of the said last affidavit, as follows :

Secretary to the Government of Assam
Environment & Forest Department
Government of Assam
Dispur, Guwahati-781006

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a) The MoEF&CC in the meeting of Advisory Committee held on 27-08-2024 dwelt on the proposal of diversion, submitted by the State of Assam, of 11.5 ha of forest land for establishment of 2nd Commando Battalion at Damcherra in the Inner Line Reserve Forest (ILRF) in the Hailakandi District. The committee has deferred the proposal and has sought for additional details.

A copy of MoM of the meeting of Advisory Committee is annexed herewith and marked as **Annexure – I.**

b) i) The MoEF&CC had raised Essential Documents to be Submitted (EDS) query on the post facto approval of the proposal of diversion of 11.5 ha of forest land for establishment of 2nd Commando Battalion at Damcherra in the Inner Line Reserve Forest (ILRF) in the Hailakandi District.

Copy of the EDS raised by the MoEF & CC is annexed herewith and marked as **Annexure – II.**

ii) The replies to the same were submitted for EDS Sl.No.1 by the State Government on 06-08-2024.

Copy of the EDS reply dated 06-08-2024 by the State of Assam is annexed herewith and marked as **Annexure-III.**

iii) The reply to EDS Sl. No. 2 to 12 was also submitted by the State Government on 06-08-2024.

NOTARY GOVT. OF ASSAM Banti Bishya KAMRUP (M) Ghy Regd. No. KAM-21 Expiry Date 22/5/26

Spl. Secretary to the Government of Assam Environment & Forest Department Dispur, Guwahati-781006

Copy of the reply dated 06-08-2024 by the State of Assam is annexed herewith and marked as **Annexure- IV.**

c) The Regional Office, MoEF&CC, Shillong, had served a notice under Section 3-A and 3-B of the Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, framed under the Van (Sanrakshan Evam Samvardhan) Rules, 1980, to Shri M.K. Yadava, IFS (Retd.), Special Chief Secretary, Environment & Forest Department, vide letter No. RONE/E/O.A No. 61/24/PB/AS/412, dated 14-05-2024

Copy of the Notice dated 14-05-2024 is annexed herewith and marked as **Annexure- V**.

Shri Yadava, had sought extension of time of 3 (three) months, for submission of his reply, which was granted by the Regional Office, vide their letter No. RONE/E/O.A No.61/24/PB/AS/962, dated 15-07-2024.

Copy of the letter dated 15-07-2024 is annexed herewith and marked as **Annexure- VI**.

Shri Yadava, has now submitted his reply to the above notice vide his letter No. SCS/MKY/PF/NGT/2024/1, dated 17-10-2024

Copy of the reply dated 17-10-2024 is annexed herewith and marked as **Annexure- VII**.

NOTARY Banti Baishya KAMRUP (M) Ghy Regd. No. KAM-22 Expiry Date 22/5/28 GOVT. OF ASSAM

4. That, the answering respondent further begs to submit that the matter is still under examination by the MoEF&CC concerning post facto approval of the proposal of diversion of 11.5 ha of forest land for establishment of 2nd Commando Battalion at Damcherra in the Inner Line Reserve Forest (ILRF) in the Hailakandi District.

5. That, the deponent herein craves the leave of this Hon'ble Tribunal to file additional affidavit, if so felt necessary, in future.

6. That, the statements made in paragraphs .....1, 2, 3(p), 4 and 5..... are true to my knowledge and those made in paragraphs .....3(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 5th day of November, 2024, at Guwahati.

Identified by me,

Kamal Talukdar

5/11/24

Sri Sachindra Das.

Advocate's Clerk **DEPONENT**

Addl. Secretary to the Government of Assam
Environment & Forest Department
Government of Assam
Dispur, Guwahati-781006

NOTARY
Banti Baishya
KAMRUP (M) Ghy
Regd. No. KAM-22
Expiry Date 22/5/28
GOVT. OF ASSAM

No. 18761

5/11/24

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.

ANNEXURE - I

- 7 -

Agenda No.

Proposal No. FP/AS/OTHERS/469924/2024

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Assam Police Housing Corporation Limited, Assam for non-forestry use of 11.5 Ha. of forest land for establishment of 2nd Commando Battalion Camp at Damchera in Innerline Reserved Forest under Hailakandi Division, Hailakandi District in the State of Assam (Online No. FP/AS/OTHERS/469924/2024)- regarding.

1. State Government of Assam vide online proposal FP/AS/OTHERS/469924/2024 submitted the proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 in favour of Divisional Forest Officer, Hailakandi Division, Assam for non-forestry use of 11.5 Ha. of forest land for establishment of 2nd Commando Battalion Camp at Damchera in Innerline Reserved Forest under Hailakandi Division, Hailakandi District in the State of Assam.

2. As per the proposal, there is rampant construction of pitched roads, bridges, police battalion camps, illegal settlements and encroachments from Mizoram side inside Inner Line Reserved Forest (ILRF) measuring over 3,000 Ha of forest land and entering as far as 6-10km into ILRF by taking advantage of the disputed interstate boundary. As per the proposal, there are also reports that Rohingyas are being settled by inimical forces within ILRF. The Assam forest department has seized about 600 cum of felled trees and several FIRs has been lodged from time to time for violation of provisions under Assam Forest Regulation Act, 1891 against miscreants from Mizoram. As per the proposal, the matter is not only about forest protection but now has become a national security concern given the daunting task of protecting the ILRF in a sensitive border with possible Rohingya settlements. The Assam Forest Department, thus, in principle decided to invite Assam police to set up a Commando Battalion force to tackle the situation on a permanent basis.

3. DFO, Hailakandi Division has recommended the proposal stating that the ILRF has been facing aggression from Mizoram side in the form of tree felling, jhoom cultivation, areca nut plantation, illegal settlements, encroachment, road construction, installation of BOPs, I.E.D explosions, unprovoked firing etc within ILRF for a long time which has led to loss of precious forest cover as well as human lives. Thus, it is stated in the proposal that the establishment of the 2nd Commando Battalion camp will help counter the aggressive actions from Mizoram side by acting as a deterrent which in-turn help the Forest Department to augment the forest cover in ILRF.

4. Administrative approval was granted to Assam Police Headquarters for Construction of newly raised 5 (five) nos. of Commando Battalions at Pabhoi in BiswanathDistrict,Geleky (Kamalabari) in Sivasagar District, Kachurtal in Hailakandi

District, Doldoli (Lahorijan) in Karbi- Anglong District, Ambikapur in Sadiya Districton 12.04.2024.

5. The Financial Sanction was issued to the Assam Police Headquarters for Raising of New Assam Police Commando battalion at Kachurtal in Hailakandi Dist., Assam (shifted presently to Damcherra in Gharmura Range under Ramnathpur Police station) on Engineering, Procurement and Construction (EPC) Mode on 20.04.2023.

6. Subsequently, the State Government intimated that the Assam Police Headquarters appointed the Managing Director, Assam Police Housing Corporation Limited as the authorized officer on behalf of the Assam Police Headquarters to act as User Agency for the said proposal vide its letter No. C.92/PSC/MISC/2023/VOI-IV/43 dated 09.08.2024. Upon receiving the request from the State Government, the User Agency was changed from the DFO Hailakandi to the Assam Police Housing Corporation.

7. As per DSS report, no construction work was visible until December, 2022, however, construction work was visible in January, 2024 image. Further, Regional Office, Shillong has also mentioned in their inspection report that construction was on-going in full swing with around 500 workers and construction vehicles.

8. Further, DFO, Hailakandi Forest Division has mentioned in his inspection report that

   i. The ILRF has long been facing aggression from the neighbouring state in the form of encroachment, tree felling, jhoom cultivation, areca nut plantation, illegal settlements of doubtful citizen, road construction, installation of BOPs, I.E.D explosions, unprovoked firing etc. within ILRF which has led to loss of precious forest cover of ILRF as well as human lives.

   ii. Thus, in order to deter further aggression from the neighbouring state the Divisional Forest Officer, Hailakandi Division, had placed a requisition for special armed forces to the Superintendent of Police, Hailakandi vide letter number HKD/DFO(T)/Border/Encroachment/1873 dated 18-07-2021.

   iii. Thus, in view of the encroachments, tree fellings, agricultural activities and other form of destruction of forest as well as aggression faced from the neighbouring state in ILRF, all amounting to non forest activities in violation of the Section 2 of the Forest (Conservation) Act, 1980 and the establishment of 2nd Commando Battalion at Damchera is the need of the hour that will act as a deterrent force against these illegal activities in ILRF which in turn helping the Forest Department to augment the forest cover of ILRF. Thus, setting up of the battalion at ILRF is most urgent and essential and in the sole interest of forest conservation.

9. Further, DFO, Hailakandi has also mentioned in Part- II that requirement of forest land is unavoidable and bare minimum for the project.

10. Nodal Office, Assam has also recommended the stating that as per DFO Site Inspection report, the inner line reserved forest has long been facing illegal settlements and encroachment from neighbouring state. However, on 26.07.2021 when Govt. Of Assam attempted to remove encroachment from ILRF, the forest and police officials met with unprovoked firing which resulted in causalities on the side of

Assam police force. Forest department has requested the Police department to provide Special Armed forces to conduct protection measures towards prevention of further encroachment and eviction of encroachers in phase manner. Thereafter, police department had requested forest department to hand over forest land for establishment of commando camp. As per the recent report submitted by Deputy Director General of Forest (C), Govt. of India, Regional office, MoEF&CC, Shillong to MoEF&CC, New Delhi the establishment of such a Police Battalion meant for forest protection could be of immense help for conservation and proper management of Reserved forest and it was recommended that the area already broken and levelled of 11.45 ha on which permanent concrete structures were constructed or in process of being established, may be regularized under the process of Forest (conservation) Act.

11. The facts related to the proposal as contained in the State Government letter are given below in the form of factsheet:

1.	**Name of the Proposal**	Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Divisional Forest Officer, Hailakandi Division, Assam for non-forestry use of 11.5 Ha. of forest land for establishment of 2nd Commando Battalion Camp at Damchera in Innerline Reserved Forest under Hailakandi Division, Hailakandi District in the State of Assam.
2.	**Location:**	
(i)	State	Assam
(ii)	District	Hailakandi
(iii)	Category	Others
(iv)	Total period for which the forest land is proposed to be diverted (in year).	99 years As per Form A Part-I
3.	**Detail of user agency**	
(i)	Name of the user agency	Assam Police Housing Corporation
(ii)	Nature of user agency	State Government PSU
4.	**Particular of Forests**	
(i)	Name of Forest Division	Hailakandi Division
(ii)	Area of Forest land proposed for Diversion	11.50 ha. (Reserve Forest)
(iii)	Density of Vegetation	Area = 11.50 Ha. Density = 0.3

		Ecc class = 1
5.	Maps	
	i. Differential GPS map of the area proposed for diversion	Uploaded
	ii. Differential GPS map of the area identified for raising CA	Uploaded
	iii. Survey of India toposheet on 1:50,000 scale showing the area proposed for diversion	Not Uploaded
	iv. Survey of India toposheet on 1:50,000 scale showing the area identified for CA	Not Uploaded
	v. Land use plan	Uploaded
	vi. Forest Cover map	Not uploaded
6.	Vegetation	
	i. Species-wise and diameter class wise enumeration of trees.	No tree felling is proposed
	ii. Density	0.3
	iii. Number of trees to be felled	0
	iv. Working plan prescription for the forest land proposed for diversion.	Not applicable
7.	Vulnerability of area to soil erosion	No
8.	Details of wildlife present in and around the forest land proposed for diversion;	Nil
	Whether forms part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc	No
	Details and comments on the impact of Project on such areas	Nil

9.	Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve buffer zone, elephant corridor, wildlife migration corridor etc., is located within 10 Km. from boundary of the forest land proposed to be utilized for prospecting or diversion	No
10	Details and comments on the impact of Project on such areas	Nil
11.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	No as per Part-II
12.	Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	No
13.	Whether the requirement of forest land as proposed by the User Agency in col.2 of Part-I is unavoidable and bare minimum for the project. If no, recommended area item-wise with details of alternatives examined.	Yes, As per the details mentioned on part II of the proposal.
14.	Details of Compensatory Afforestation Scheme:	
	Details of non-forest area/ degraded forest area identified for compensatory Afforestation, its distance from adjoining forest, number of patches, size of each patch.	Compensatory Afforestation (CA) has been proposed over an area of 11.50 ha inside compensatory afforestation land bank of 830 ha. of evicted non forest land adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division, Nagaon.
	i. Map showing non-forest/ degraded forest area identified for compensatory Afforestation and adjoining forest boundaries.	
	ii. Detailed compensatory Afforestation scheme including species to be	Provided with the proposal

		planted, implementing Agency, time schedule, cost structure etc.	
	iii.	Total financial outlay for compensatory Afforestation scheme.	₹1.18 (Crore) **Amount in Words:** One Point One Eight Crore (s) Only.
	iv.	Certificate from competent authority regarding suitability of area identified for compensatory Afforestation and from management point of view. To be signed by the concerned Deputy Conservatory of Forests.	Provided with the proposal
15.	v.	Documentary evidence in support of settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted enclosed.	Not required as per the Forest (Conservation) Rules, 2022.
16.	Site Inspection Report of the Divisional Forest Officer		The Site Inspection Report has been carried out by DFO,Hailakandi Division.
17.	Whether the project requires environment clearance.		No
18.	Status of Wildlife clearance.		Not applicable.
19.	Whether Rehabilitation and Resettlement (R&R) involved?		
	No. of Villages		0
	No. of Project Displaced Families		0
	No. of Project Affected Families		0
	Status of Rehabilitation & Resettlement		NA
20.	Whether project area involves shifting of		No as per part-I

	watercourse/road/rail/Transmission line/water pipeline, etc. required?	
21.	Whether any alternative site(s) examined or part thereof for the non-site-specific component?	Not appiicable
22.	Whether there is any Government Order or Policy/ Court order relevant or restricting to the site?	No as per part-I
23	Whether there is any litigation pending against the project and/or land in which the project is proposed to be set up?	A suomotu matter in News item appearing in Northeast Now News dated 25.12.2023 entitle "Assam: PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion" is pending before Hon'ble NGT (PB).
24	Whether the proposal involves violation of Act/Rule/Regulation/Notification of Central/State Government?	DFO, Hailakandi has mentioned in Part-II that there is no violation of provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. and.
21.	Cost Benefit Analysis	
	Whether Cost-Benefit analysis for the Project has been made?	NA. As the proposal is less than 20 ha. Wrt the Handbook of guidelines issued by this Ministry.
	Total Loss (Against the proposed forest land Diversion in crore)	NA
	Estimated Benefits of Forest Diversion (in crore)	NA
	Cost Benefit Ratio	NA
	Upload a copy of Cost-Benefit analysis	NA
22.	Total Cost of the Project at current price level (in Lakhs)	₹18000/-(Lakhs) **Amount in Words:** Eighteen Thousand Lakh(s) Only.
23.	Employment likely to be generated	
23.1	During construction phase	Not provided
23.2	During operational phase	Not provided
24	Undertakings to bear the cost of CA and NPV	The User Agency has uploaded under taking to bear the cost of NPV / CA.
24.	**Recommendation with Specific conditions, (if any)**	
	DFO	Recommended (PART-II) with following justification. -

		The ILRF has been facing aggression from Mizoram side in the form of tree felling, jhoom cultivation, areca nut plantation, illegal settlements, encroachment, road construction, installation of BOPs, I.E.D explosions, unprovoked firing etc within ILRF for a long time which has led to loss of precious forest cover as well as human lives. Thus establishment of the 2nd Commando Battalion camp will help counter the aggressive actions from Mizoram side by acting as a deterrent which in turn help the Forest Department to augment the forest cover in ILRF.
	APCCF/ Nodal Officer (FCA)	Recommended. As per DFO Site Inspection report, the inner line reserved forest has long been facing illegal settlements and encroachment from neighbouring state. However, on 26.07.2021 when Govt. Of Assam attempted to remove encroachment from ILRF, the forest and police officials met with unprovoked firing which resulted in causalities on the side of Assam police force. Forest department has requested the Police department to provide Special Armed forces to conduct protection measures towards prevention of further encroachment and eviction of encroachers in phase manner. Thereafter, police department had requested forest department to hand over forest land for establishment of commando camp. As per the recent report submitted by Deputy Director General of Forest (C), Govt. of India, Regional office, MoEF&CC, Shillong to MoEF&CC, New Delhi the establishment of such a Police Battalion meant for forest protection could be of immense help for conservation and proper management of Reserved forest and it was recommended that the area already broken and levelled of 11.45 ha on which permanent concrete structures were

		constructed or in process of being established, may be regularized under the process of Forest (conservation) Act.
	State Govt.	Recommended
25.	**District Profile:**	
	District	
	Geographical area of the district. (ha)	132686.32
	Forest area of the district. (ha)	53913
	Total forest area diverted since 1980. (ha)	0
	No. of Approved Cases.	0
	Total compensatory afforestation stipulated in the district/division since 1980 on	
	Forest Land including penal C.A. (ha)	0
	Progress of compensatory afforestation as on(date)*	19.04.2024
	Forest land (ha)	0
	Non-forest land. (ha)	0

From the examination of the above, the following may be concluding:

1. Proposal envisages diversion of 11.50 ha of Reserved Forest for establishment of 2nd Commando Battalion Camp at Damchera in Innerline Reserved Forest under Hailakandi Division, Hailakandi District in the State of Assam.
2. Legal status of forest land proposed for diversion is Reserved Forest.
3. Vegetation density of 0.3 has been reported with Eco class 1. No tree felling is proposed.
4. Component wise breakup of the area has not been submitted along with the proposal.
5. Employment details has not been submitted along with the proposal.
6. Compensatory Afforestation (CA) has been proposed over an area of 11.50 ha inside compensatory afforestation land bank of 830 ha. of evicted non forest land adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division, Nagaon.
7. DFO, Hailakandi has mentioned in Part- II that there is no violation of provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. However, Hon'ble National Green Tribunal(NGT), Principal Bench (PB) vide Order dated 23.01.2024 registered Suo-Moto Original Application No. 61/2024/PB on the basis of the news item published in Northeast Now News dated 25.12.2023 title Assam: PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion.

8. Proposal does not form the part of any Protected Area, or Eco-sensitive Zones, and Wildlife Corridors, etc.

9. DFO, Hailakandi has mentioned in Part-II that there is no presence of rare/endangered/unique species of flora and fauna found in the area.

10. KML file is analysed by the DSS Cell of MoEF&CC and DSS report has been attached. DSS analysis of the area proposed for diversion and land proposed for CA revealed the following:

A. Area proposed for diversion:

i. Calculated area of shape file/ KML file of Forest land proposed for diversion is found to be 11.479 ha No Protected Area/ Tiger Reserve/ Tiger Corridor is located within 10 Km radius from the proposed forest area.

ii. Proposed forest area falls under Not-in High Conservation Value (HCV) Zone as per Decision Rule 1 & Rule 2.

iii. Non-forestry work, road and settlement is visible in the proposed area.

B. Degraded forest land identified for raising CA:

i. Compensatory afforestation has been proposed over non-forest land. Total area of proposed CA land is found to be 11.51 ha (software calculated).

ii. Cultivation land and settlement is visible in the proposed CA site.

11. **Brief background of the proposal:**

a) Initially the proposal was examined by Sub-office, Guwahati and after examination of the proposal, certain shortcomings were observed and the same was communicated to the State Government on 30.05.2024.

b) Nodal Officer, Assam vide his letter dated 03.06.2024 addressed to Special Chief Secretary, Govt. of Assam with a copy marked to Sub-office, Guwahati informed that the proposal does not require clearance under FCA,1980 and does not consider the proposed activity as violation of provision under FC A, 1980 and question of taking action against any officer does not arise.

c) In the meantime, Ministry vide letter FC-7/1/2024-Fc dated 16.01.2024 addressed to State Govt of Assam in the suomotu matter in News item appearing in Northeast Now News dated 25.12.2023 entitle "Assam: PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion" pending before Hon'ble NGT(PB) requested State Govt. to furnish a detail factual report on the matter and submit to Ministry with a copy marked to Regional Office, Shillong requesting to coordinate with the State Govt. for immediate necessary action in the matter.

d) Regional Office, Shillong vide letter dated 08.02.2024 requested State Government for official meeting on the matter, however no response was received from the State Govt. and same was informed to the Ministry on 14.02.2024.

e) Ministry vide letter dated 16.02.2024 informed Regional Office, Shillong that Hon'ble National Green Tribunal(NGT), Principal Bench (PB) vide Order dated 23.01.2024 registered Suo-Moto Original Application No. 61/2024/PB on the basis of the news item published in Northeast Now News dated 25.12.2023 title Assam: PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion and attached a copy of reply affidavit filed by PCCF &HoFF in the Tribunal provided vide State Govt. letter No FG.58/OA (Suo-Moto) No.61/2024 dated 7th February 2024 and requested RO, Shillong to examine the matter in detail and submit a factual report to Ministry with specific recommendation with subsequent reminders dated 29.02.2024 and 08.03.2024.

f) The site inspection was conducted by Regional Office, Shillong on 08.03.2024 and the inspection report was submitted to the Ministry on 12.03.2024 stating that prima facia the use of forest land for non forestry activities has been allowed without prior approval of the Central Govt. which is in contravention of the statutory provisions and rules under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

g) Ministry letter dated 18.03.2024 requested the State Govt. of Assam to stop all construction activities in the aforementioned area/land in question with immediate effect till further orders or decision in the matter.

h) Further, Ministry vide letter dated 18.03.2024 requested Regional Office, Shillong to initiate action in the instant matter as prescribed under section 3A & 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

i) As per the Ministry letter dated 18.03.2024, the show cause notice was issued to Shri M.K. Yadava, Special Addl. Chief Secretary (Forest), Former Principle Chief Conservator of Forests, Forest and Environment Department, Govt. of Assam vide Regional Office, Shillong letter dated 14.05.2024.

j) Further, an affidavit has also been filed to this effect by the Ministry before National Green Tribunal, Principal Bench on 28.03.2024.

12. The proposal submitted by the State Government was examined in the Ministry and after examination certain shortcomings were observed and the same was communicated to the State Government on 16.07.2024.

13. Now the State Government has submitted reply to queries raised by the Ministry on 16.07.2024. Summary of the same are as under:

Sl. No.	Query raised by the MoEF&CC	Reply from the State Government
1.	The State Government has mentioned that there is no violation of the Adhiniyam in the said proposal. Therefore, reason for seeking ex-post facto approval of the Central Government is required.	Following has been submitted by the State Government: I. The land allotted by the Forest Department for construction of the Commando battalion at Hailakandi was an encroached land. The encroachment is prior to 1985 as

		can be seen from the satellite image which clearly shows that the area under question was encroached, and used for agricultural purpose for almost four decades. Therefore, in building the Commando Battalion no destruction of forest has taken place and not a single tree had to be felled. The low lying area was actually devoid of any forest cover. It was used only for agricultural purposes for almost four decades. This area alone has been used for the purpose of construction of the Battalion where not a single tree felling is involved. Therefore, there is no damage of any forest cover. II. The forest land in the Inner Line Reserve Forest is subject to heavy encroachment with armed aggression from across the border. If one examines the tree cover loss of the ILRF from 2001- 2023 based on the Global Forest Watch Data, it is seen that gradually hundreds of hectares of forest have been lost. During this period, alone 6304 ha of area of forest is lost. This is an alarming rate of loss of forest cover which needs to be halted at any cost. The characteristic of the encroachment and deforestation is that not only trees are being felled and the areas encroached, the entire area is also slipping out of hand of the Govt. of Assam. Most areas are occupied by Mizoram within the ILRF which is a Reserve Forest within the borders of the State of Assam. Assam Forest is not able to enter into the area and carry out its duty of protection and management of the forest. Such is the truth about the ground realities in ILRF. III.The Inner Line RF(ILRF) has long

		been facing aggression from the other side of the interstate border of Assam and Mizoram in the form of encroachment, deforestation, jhoom and areca nut cultivation, unprovoked firing, IED explosion etc. The Forest Department officials along with Assam Police and the District Administration have been taking actions on and off which is evident from official records available in the office of District Commissioners of Hailakandi and Cachar. IV. The above descriptions clearly indicate that it is not out of any greed of land by Assam Forest or Assam Police or any diversion for commercial purposes of Forest land that the Battalion has been allowed to set up. The battalion has been set up in conditions which cannot be mitigated by any other means by the State Govt. as already stated in the previous paras, land is a sate subject and Govt. of Assam through its two Department namely Assam Forest and Assam Police have done best possible for protection of the Forest and maintaining the integrity of the State. V. The Forest Department and the Assam Police have a long history of working together from 1986 when the Assam Forest Protection Force Act 1986 was introduced. VI. In view of the above, the State Government has requested MoEF&CC as under: a) To condone the inadvertent mistake, if any, of the PCCF &HoFF who acted on behalf of the State Govt. in the interest of the forest protection only and not

		otherwise. b) To do away with the imposition of provisions of section 3A and 3B, as the diversion was resorted to by the Forest Department only for protection of forest, possibly to sacrifice 40 odd hectares of degraded land devoid of tree cover to save thousands of hectares of the remaining forests from undergoing further degradation, denudation, encroachment and settlements. c) To do away with imposition of NPV and Penal NPV on the proposed diversion. However, the State Government has already made provisions to allocate 11.5 Hectares of Revenue land in lieu of the diversion of proposed forest land and afforest the same at its own cost. d) To allow change of user agency from Forest Department to Police headquarters or their authorized agency in the application for diversion on Parivesh 2.0. e) To accord early approval of the diversion so that construction can be completed. it is to be stated here that the force is already recruited by the State Government, but effective deployment in the area concerned cannot be done in absence of suitable accommodation of the force including security of the arms and ammunition. **The reply of the State Government to condone the mistake of the then PCCF & HoFF has to be viewed in light of provisions in the Adhiniyam. The Ministry has already requested Regional Office,**

		Shillong to initiate action in the instant matter as prescribed under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 vide letter dated 18.03.2024. The same has been issued vide Regional Office, Shillong letter dated 14.05.2024.
2.	Since the User Agency in the extant proposal is the Divisional Forest Officer, Hailakandi Division, any administrative approval or financial sanction received by the User Agency for construction on forest land may be uploaded.	There is no administrative approval or the Financial Sanction in favour of Divisional Forest Officer, Hailakandi. The administrative approval and the Financial Sanction are in the name of Assam Police Headquater and the Financial Sanction are marked to Assam Police Housing Corporation Limited as vendor which is a State Public Sector Undertaking under the administrative control of Assam Police. **The reply of the State Government may be accepted.**
3.	If another User Agency has received the administrative and/or financial sanction for the construction, the said user agency should apply for forest clearance along with relevant documents.	It was mentioned in the reply that if MoEF&CC allows change of User Agency, the same shall be complied with. **Accordingly, User Agency has been changed by the Ministry in the PARIVESH portal from Divisional Forest Officer, Hailakandi Division to Assam Police Housing Corporation Ltd.**
4.	On the examination of the KML file for the proposed area, it is observed that a road of about 3 km length from the project site to outside the RF is visible. The State Government is asked to provide the status of the forest clearance received for the road along with its compliance report, if any.	it is mentioned that this is an old forest road for patrolling purposes, which was improved in the wake of border conflict with Mizoram in July 2021 in order to enable cluster movement of Forest and Police Forces. It is requested that MoEF&CC may please allow this road to continue as it is and this shall be used also by the battalion since the battalion is made for protection of inner Line Reserved Forest (ILRF). **The reply of State Government that forest road of upto 3km length is an**

		old forest road used for patrolling is put up for discussion of the Advisory Committee.
5.	The component-wise break up of forest land has not been submitted alongwith the proposal. The same needs to be uploaded along with KML file.	The component-wise break up of forest land is submitted. However, KML file is not submitted along with the reply. **Further, area proposed for diversion is 11.50 ha, whereas, area mentioned in component-wise breakup is 11.468 ha.**
6.	Violation to an extent of 1.03 Ha is also seen outside the area proposed for diversion and the State has not sought diversion for the same. The State Government is requested to offer its comments in this regard.	It is mentioned that the area in question will not be part of diversion. Necessary restoration of 1.03 Ha. will be done. **The reply of the State Government may be accepted.**
7.	KML file of the Inner line Reserve Forest needs to be submitted.	Submitted
8.	The details of alternatives explored by the State Government for situating the proposal inside Forest land may be submitted.	It is mentioned that in case of the battalion at Hailakandi, the original proposal was to set up the battalion closer to the border at Birsima. However, the Mizoram authorities objected, even though the area is very much inside the Assam, did not allow setting up of battalion camp at Birsima. This indicates how difficult it is to protect the border when the parts of Reserved Forest itself are not accessible to the Govt. of Assam. Therefore, the battalion unit is required to be set up very much within the RF in order to stop movement of encroachers from across the border towards the north. **The reply of State Government regarding alternative sites considered for construction of the Police Battalion is put up for discussion of the Advisory Committee.**

9.	Approved layout plan has not been uploaded. The same needs to be submitted.	Layout plan submitted along with the proposal. The layout plan is approved by the Assam Police Housing Corporation. **However, area mentioned in layout plan is coming upto 14.6696 ha, whereas, area mentioned in component wise breakup is 11.468 ha.**
10.	Land Use pattern statement for 11.5 Ha is given as Residential Area: 3.61 Ha; Administrative buildings. 0.93 Ha & Open spaces-6.96 Ha. The State Government is asked to justify situating the proposal in forest land.Furthermore, since the proposal involves the construction of residential area, State Government may explore the possibility of shifting the said activity in non-forest land in compliance of Guideline 1.10 of the Adhiniyam.	It is mentioned that as justification provided against EDS No.1 mentioned in great detail, regarding the requirement of battalion for the forest protection, with full justification as to why battalion camp is being set up inside the RF inside the first base. The ground situation is such that effective protection cannot be guaranteed if the unit is located outside the RF. It is to be understood that these activities across the border have twin purpose. Firstly, cutting the forest and encroaching upon the land. And secondly, set up of armed police infrastructure followed by making up of roads, setting up of villages and administrative machinery and thereby taking the whole area under their control. Therefore, setting the battalion outside the RF would not serve any purpose at all. As also explained in reply to the EDS Sl. No. 1 the entire issue also involves security of the State. As regards, construction of residential unit in the said battalion, it may be noted that the purpose of battalion is fully functional unit with official, residential, operation, utility and fitness spaces. Assuming that part of the services is taken out and moved elsewhere in civil area, it will hamper the efficiency of the battalion. Giving the ground situation, the State Government is not in a position to compromise on quality of services and facilities in the Battalion Unit, else this

		may be self-defeating. **The reply of the State Government of situating the residential area and open spaces along with the Police Battalion may be accepted.**
11.	The State Government has not submitted an integrated plan for water supply, electricity and other such utilities etc required for establishment of a Battalion Inside Forest land. The details of the same shall be provided by the State Government.	It is mentioned that the electricity line will be routed through approach road and the water needs will be met from the bore wells dug inside the diverted area. **The reply of the State Government may be accepted.**
12.	As per DSS report, Cultivation land and settlement is visible in the proposed CA site. Comments from State Government in this regard needs to be submitted.	It is mentioned that the proposed CA comprising a block of 830 Ha. of revenue area adjacent to Burhachapori Wildlife Sanctuary in Sonitpur District has been allotted to Assam Forest Department by the Revenue & DM Department for use as CA Land Bank. Once all the land bank is allotted for CA, the same would be notified as RF and annexed to Burhachapori Wildlife Sanctuary as its Second Edition. The whole area was evicted in February 2023, and is in control of Forest Department. There are small bamboo and tin structures in the deserted agricultural areas which shall automatically disappear over the plantation activity is started. **The reply of the State Government may be accepted.**

14. The DDGF (C), Regional Office, Shillong of MoEF&CC vide letter dated 05.08.2024 has submitted **Site Inspection report** based on the field inspection conducted in February 2024. The major findings and observations/recommendations is given as below:

Background of The Proposal: A news article dated 25.12.2023 was published in the Northeast Now News titled "Assam: PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion". The news item alleged that Assam Government's top Forest Official of illegally diverting 44 hectares of protected forest land for a Commando Battalion headquarters in Barak Valley. The said news item further alleges that mandatory provisions under the Forest (Conservation) Act, 1980 were bypassed for the construction of the 2nd Assam Commando Battalion Unit Headquarters inside the Inner Line Reserved Forest in Hailakandi district.

The Hon'ble National Green Tribunal(NGT), Principal Bench (PB)vide Order dated 23.01.2024 had registered Suo-Moto Original Application No. 61/2024/PB on the basis of the said news item published in Northeast Now News dated 25.12.2023. Vide the said Order, the Hon'ble NGT observed that the News item raises a substantial issue regarding compliance of environmental norms and accordingly has impleaded and issued notices to the concerned authorities of the Central and State Government as Respondents in the instant proceedings. The construction work for the establishment of the 2nd Commando Battalion Camp within the Inner Line Reserved Forest is being carried by Assam Police Housing Corporation.

Ministry, New Delhi vide letter dated 16.02.2024 has requested Regional Office, Shillong to examine the matter in detail and submit a factual report with specific recommendations.

1. **Legal status of the forest land proposed for diversion:**

District	Forest Division	Area Involve Ha	Legal Status
Hailakandi	Hailakandi Forest Division	11.5	Inner line Reserved Forest

2. **Item wise break-up details of the forest land proposed for diversion.**

Sl No	Breakup of Forest Land	Area (Ha.)
1.	Built up area	11.5
Total		11.5

3. **Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof.**

Yes

Sl. No.	Name of the unit	Plinth area inSq.m	**Status of construction as on February 2024**
Residential Buildings			
1.	C.O's Residential	250.00	On-going construction
2.	Garage	40.00	On-going construction
3.	Sentry Post	16.00	On-going construction
4.	Guard Shed	74.00	On-going construction
5.	Deputy Commandant	720.00	On-going construction
6.	Assistant Commandant	1,200.00	On-going construction
7.	Inspector, SI	4, 160.00	On-going construction
8.	Havaldar, ASI, Constable	8,928.00	On-going construction
9.	Followers	640.00	On-going construction
10.	Accommodation for SO's (Insp., SI)	600.00	On-going construction
11.	Barrack (Havaldar, Const.	3,840.00	On-going construction

	Folowers)		
Non- Residential Buildings			
12.	C.O's Office Building	1083.00	On-going construction
13.	Garage	40.00	On-going construction
14.	Sentry Post	8.00	On-going construction
15.	M.T. Garage with office (20 vechicles)	870.00	On-going construction
16.	Ration Store and Clothing Store	300.00	On-going construction
17.	Magazine/Kote Building with explosive de ot	350.00	On-going construction
18.	GO'S Mess/Guest House	650.00	On-going construction
19.	SO'S Mess	870.00	On-going construction
20.	Community centre with canteen, saloon, laundry block	600.00	On-going construction
21.	Hospital (10beds)	330.00	On-going construction
22.	Drill shed with stage	400.00	On-going construction
23.	Gate complex with 10 men barrack	175.00	On-going construction
24.	Watch Towers	50.00	On-going construction
25.	Fire Station with Barrack	350.00	On-going construction
26.	ATM	15.00	On-going construction
27.	Control Room	50.00	On-going construction
28.	Classroom Block with Computer lab	700.00	On-going construction
29.	Indoor sports complex with gym.	800.00	On-going construction
30.	Primary School	560.00	On-going construction
31.	Family Welfare	500.00	On-going construction
32.	Naamghar	300.00	On-going construction
33.	Recreation Hall	400.00	On-going construction
	Total	**29,669.00 sqm**	

4. **Total cost of the project at present rates.**
   The total cost of project Rs. 135.28 Crs.

5. **Wildlife**

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

   No, except wild boar.

6. **Vegetation**

As per the state forest officers, no tree was felled for the construction of the Battalion as the area is encroachment-eviction area.

Important species
Does not arise

7. **Background note on the proposal**

   As given in the first paragraph.

8. **Compensatory afforestation**

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

      Yes.

   ii. **Whether land for compensatory afforestation is free fromencroachments/other incumbencies.**

      Yes

   iii. **Whether land for compensatoryafforestation isimportant from Religious/Archaeological point of view.**

      No.

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

      One patch of 11.5 evicted non-forest land adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division, Nagaon.

   v. **Map with details:**

      Maps of Compensatory Afforestation submitted. The DSS analysis of CA area is;

S.No	VDF	MDF	OF	SCRUB	NF	WATER	TOTAL HA
1.	-	-	-	-	11.511	-	

      Entire area falls under non-forest land.

   vi. **Total financial outlay of CA**: Rs. 11834679/-.

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

   Yes, Site Inspection Report dated 08.03.2024 enclosed as Annexure-I, Show Cause Notice dated 14.05.2024 enclosed as Annexure-II and relevant correspondence enclosed as Annexure-III.

10. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not.**

No

Details be furnished specifically if rehabilitation plan would affect any other forest area by translocating oustees in around the said forest.

No

11. **Reclamation plan:**

NA

12. **Details on catchment and command area under the project. Catchment area treatment plan to prevent siltation of reservoir.**

Nil

13. **Cost benefit ratio:**

NA

14. **Recommendations of the Principal Chief Conservation of Forests/State Government.**

Recommended

15. **Deputy Director General of Forests (Central), Regional Office Shillong shall give detailed comments on whether there are any alternatives examined for locating the proposal in non-forest land.**

No alternatives examined as the proposal is already an on-goingconstruction.

16. **Utility of the project.**

Protection of the Inner Line Reserved Forest from encroachment of the sensitive Assam-Mizoram border.

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

No

18. **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion.**

No

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

No

20. Situation w.r.t. any P.A

NA

21. **Any other information relating to the project.**

No

22. **Recommendation of Deputy Director General of Forests (Central):**

The under construction camp of 2nd Commando Battalion spread over 11.5 ha is basically meant for forest protection, specifically the Inner Line Reserved Forest and the sensitive Assam-Mizoram border. However, the construction being large scale and of permanent nature with no resemblance to the activities specified in explanation (b) of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, it was earlier recommended that the State Government would make proposal for diversion under the Adhiniyam, 1980.

The proposal for diversion was received in this office under Section 2 of the Adhiniyam, 1980. However, noting that it is prima facie a case of violation, it was sent to Ministry for consideration under Rule 10 (2) of the Van (Sanrakshan Evam Samvardhan)Rules, 2023.

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

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

15. **Comments of FC Division:**

i. The matter of illegal clearing of Forest land for construction of the Assam Police Battalion in Hailakandi is also presently pending in front of the Honb'ble National Green Tribunal, Principal Bench, New Delhi vide Original Application No. 61/2024 (IA No.124/2024). The Ministry has filed its affidavit in the Hon'ble Court that the extant construction is a violation of the Adhiniyam while the State Government has stated that *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 the Forest (Conservation) Act 1980.*

ii. The State Government in its proposal also continues to state that there is no violation of Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980. DFO, Hailakandi has mentioned in Part- II that there is no violation. The order for establiishment of the Commando battalion camp at Inner Line RF from the Principal Chief Conservator of Forest & Head of Forest Force, Assam vide letter no.FG.40/14/Mizoram Border/Part-II dated 28.9.2023 also states that the establishment of the Commando Battalion over 43.99Ha inside the Inner Line RF *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 the Forest (Conservation) Act 1980.*

However, since the State Government has sought approval of MOEF&CC for use of 11.5 Ha forest land for establishment of a Commando Battalion, to be constructed by the Assam Police Housing Corporation, and that will house Assam Police Commando Battalion, the proposal may be considered as a case for ex-post facto approval of violation of the Adhiniyam.

The matter of the State Government claiming that the said construction is not a violation while seeking ex-post facto approval and regularization of encroachment of forest land needs discussion and deliberation.

iii. The Site Inspection Report mentions that as on February 2024, the constructions were ongoing. The Ministry letter dated 18.03.2024 requested the State Govt. of Assam to stop all construction activities in the aforementioned area/land in question with immediate effect till further orders or decision in the matter.

The present status of the construction works is not part of the proposal.

iv. The Ministry vide letter dated 18.03.2024 requested Regional Office, Shillong to initiate action in the instant matter as prescribed under section 3A & 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. As per the Ministry letter dated 18.03.2024, the show cause notice was issued to Shri M.K. Yadava, Special Addl. Chief Secretary (Forest), Former Principle Chief Conservator of Forests, Forest and Environment Department, Govt. of Assam vide Regional Office, Shillong letter dated 14.05.2024.

The present status of the action taken under Section 3A and 3B against officials is not part of the proposal.

v. The User Agency in the extant proposal was earlier the DFO, Hailakandi Division. However, the documents submitted in the proposal states that the construction works were carried out by the Assam Police Housing Development Corporation. Subsequently, State Government requested to change the name of User Agency in PARIVESH portal. The User Agency was then changed to Assam Police Housing Corporation.

vi. It is also mentioned that Chief Engineer, Assam Police Housing Corporation vide notice No. APHC/T/22/2021-22/025 daled 27.12.2021 floated the tender inviting eligible contractors for raising of new Assam Police Battalions at different location of Assam. Further, it is also mentioned that Assam Police Housing Corporation issued notice to proceed with work for raising new Assam Police Police Commando Battalion at Damcherra in Gharmura Range in f/o M/s Badri Rai & Company vide dated 13.02.2023 before obtaining approval from Principal Chief Conservator of Forest & Head of Forest Force, Assam.

vii. Site Inspection Report available in file for the proposal has been conducted in February 2024. The report states that 11.5 Ha area has been broken up. As per DFO, a boundary wall in certain sections of the violated site has also been constructed.

viii. As per the DFO report, the area in concern used to be a heavily encroached area which was earlier used for cultivation of paddy by the encroachers. Thus, over a period of time the 11.5 ha area has transformed into a degraded open forest devoid of any natural vegetation or any standing tree. Due to high degree of encroachment in and around the area, there is no sign of wildlife in the areas in concern as well. The area was freed from encroachment by eviction after a writ petition filed by the encroachers at the Hon'ble Guwahati High Court against eviction was dismissed as per Hon'ble court's order dated 16- 08-2023 in WP(C) no. 8366/2022.

ix. Land Use pattern statement for 11.5 Ha is given below:-

a. Residential Area: 3.61 Ha

b. Administrative buildings: 0.93 Ha

c. Open spaces - 6.96 Ha

x. Violation to the extent of 1.03 Ha is also seen outside the proposed area. The State has not sought diversion for the same.The State has however stated that necessary restoration of 1.03 Ha. will be done.

xi. The component-wise break up of forest land is submitted. However, KML file is not submitted along with the reply. Further, area proposed for diversion is 11.50 ha, whereas, area mentioned in component-wise breakup is 11.468 ha.

xii. The area mentioned in layout plan is coming upto 14.6696 ha, whereas, area mentioned in component wise breakup is 11.468 ha.

xiii. As per DSS of the CA land proposed on NFL, certain huts and agriculture is seen. However, this patch is part of the NFL landscape of 830Ha that the State Government has cleared of encroachment.

xiv. **The matter is sub-judice and action under Section 3A/3B is yet to be taken by Regional Office, Shillong. Therefore, the decision in this regard has to be taken in light of aforementioned facts as well.**

In view of the above, it is proposed that the above proposal is submitted for the consideration of the AC meeting for further deliberation.

Annexures:

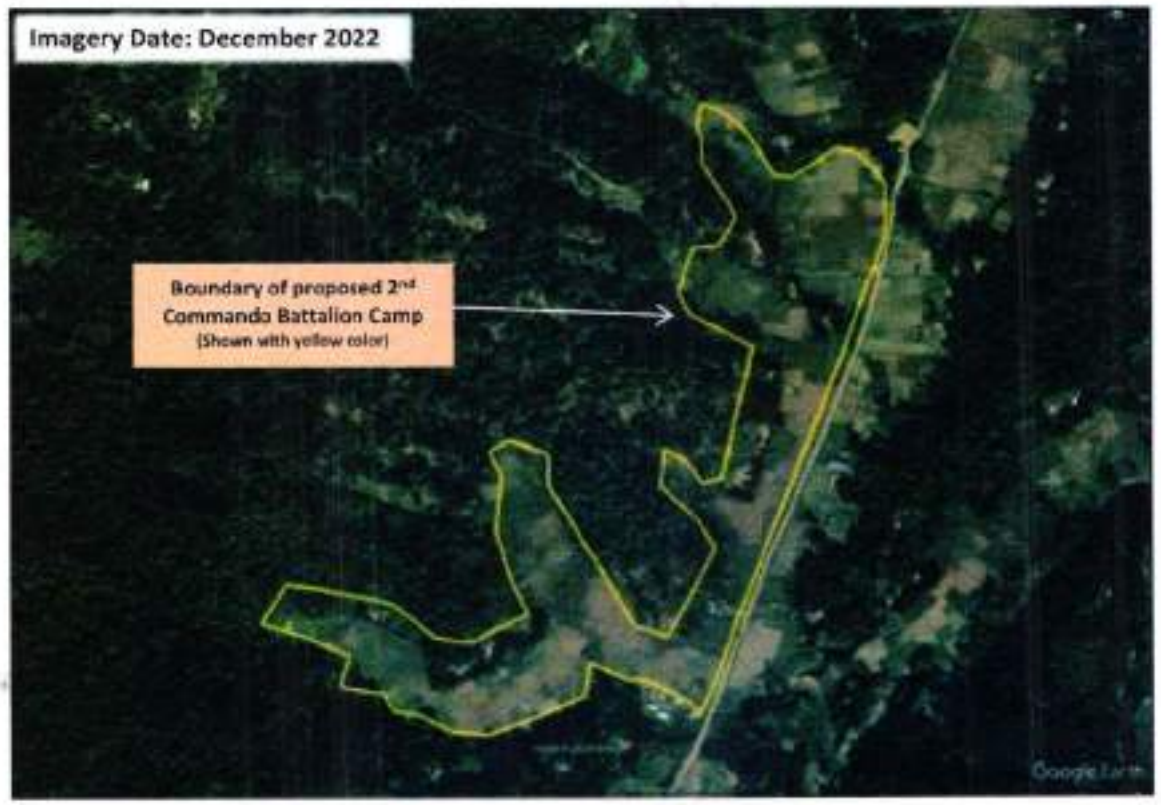
(i) DSS report.
(ii) Site inspection report.

*****

Proposal No.: FP/AS/OTHERS/469924/2024

Proposal: Diversion of proposal for 11.5 Ha. forest land for the purpose of the establishment of 2nd Commando Battalion Camp at Damchera in Innerline Reserved Forest under Hailakandi Division.

Analysis of Land proposed for diversion



1. Proposed forest land for diversion falls under Hailakandi district of Assam State and its software calculated area is given below:

Components	Given Area (in ha)	Calculated Area (in ha)
Forest Area proposed for diversion	11.50	11.479

2. Proposed forest area falls under **Not-in High Conservation Value (HCV) Zone** as per Decision Rule 1. and Decision Rule 2.
3. **Forest Cover:** Out of total area proposed for diversion, 8 ha is classified as moderately dense forest, 1 ha as open forest and 2 ha as non-forest (land without tree cover) in terms of forest classes (as per the ISFR 2021) basedon the interpretation of satellite data period 2019-2020. However, as per the Google Earth images the proposed area is devoid of vegetation.
4. Observation based on Google Earth: non-forestry work, road, settlement is visible in the proposed area and it can be verified with the help of available Google Earth images.
5. No Protected Area/ Tiger Reserve/ Tiger Corridor is located within 10 km radius from the proposed forest area.

Decision Rule 1:

Whether forms part of:

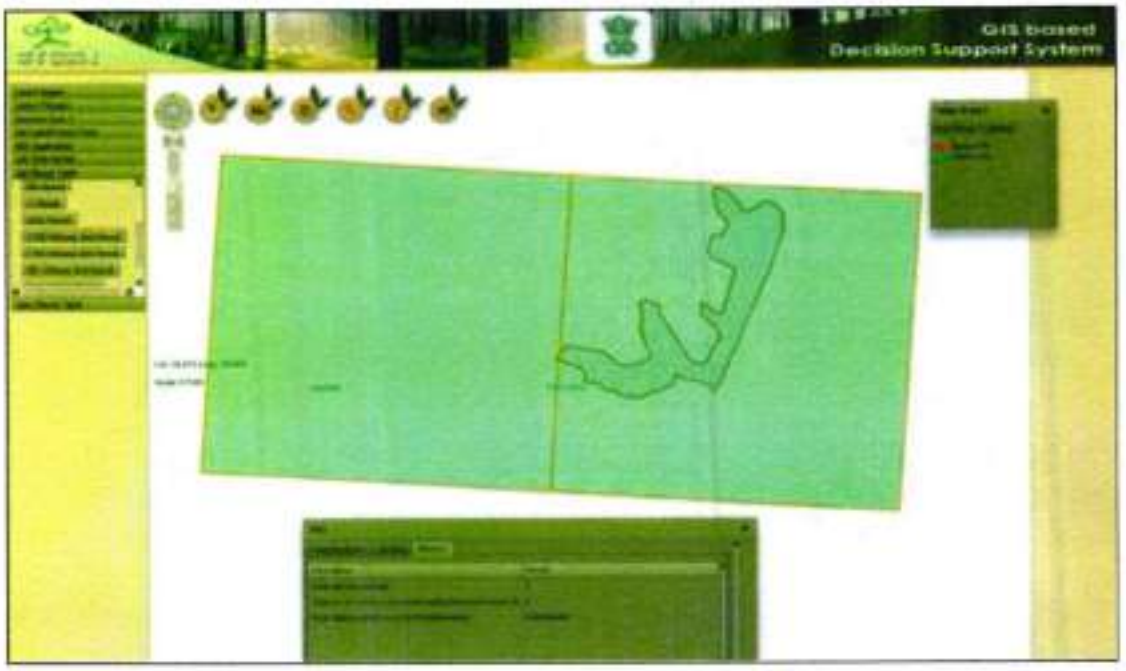
I. Hydrological Layer:
   a. Major River: N/A
   b. Wetland (Area more than 10 ha.): N/A
   c. Water bodies (irrigation/Hydropower/water storage): N/A

II. Very Dense Forest patch (>1 sq km): N/A

III. Remnant Forest Type: N/A

IV. Protected area/Tiger Reserves/Tiger corridors: N/A

Decision Rule 2 (Grid selection based on using without 50% rule):



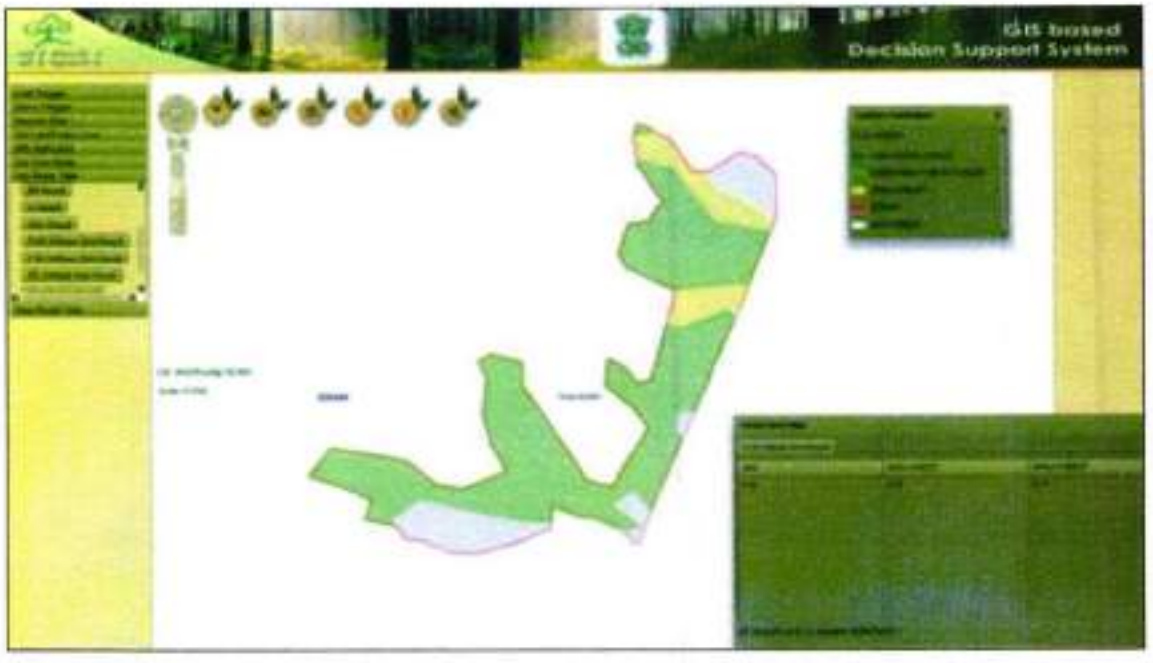
DESCRIPTION	RESULT
Total Number of Grids	2
Total no. of (1 Km X 1 Km) Grids having total score above 70	0
Final Status (based on 4 parameters)	Not in High Conservation Value Zone

GRIDID	SCORE FCM	SCORE FTM	SCORE BR	SCORE LANDSCAPE	AGGREGATE SCORE
1446530	57.1	55.33	82.8	78.54	68.44
1446531	55.44	64.15	82.33	70.77	68.17

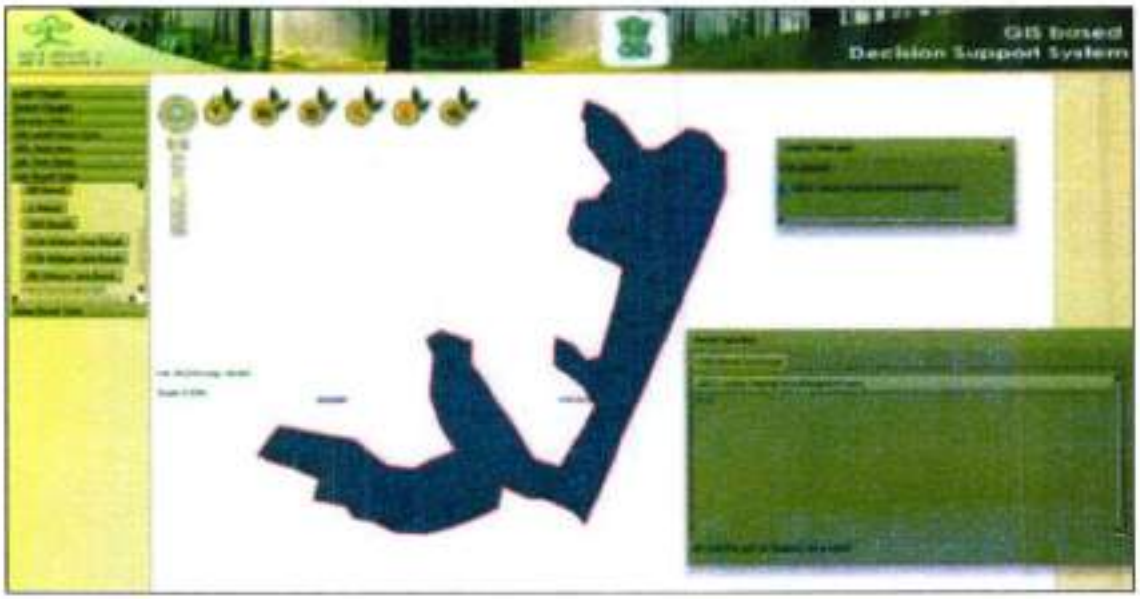
Forest Cover Map:

In terms of standards followed in ISFR 2021 (interpretation of satellite data period 2019-2020) regarding density classes:

I. Very Dense Forest (Canopy density 70% & above): 0 ha.
II. Moderately dense Forest (canopy density 40-70%): 8 ha.
III. Open Forest (canopy density 10-40%): 1 ha.
IV. Scrub: 0 ha.
V. Non-Forest: 2 ha.



Forest Type Map: 2B/C2 Cachar Tropical Semi- Evergreen forest: 11 ha



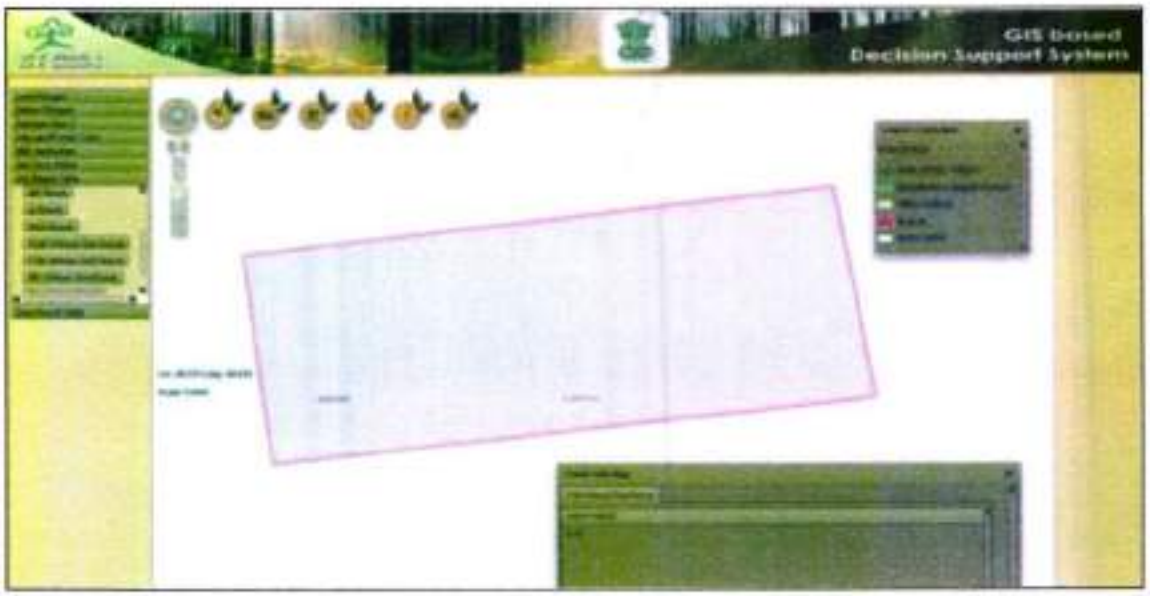
Biological richness: High: 6 ha and Medium: 5 ha.

Proposed Compensatory Afforestation (CA) land

1. Compensatory afforestation land has been proposed in a single patch and its software-calculated area is found to be 11.51 ha.

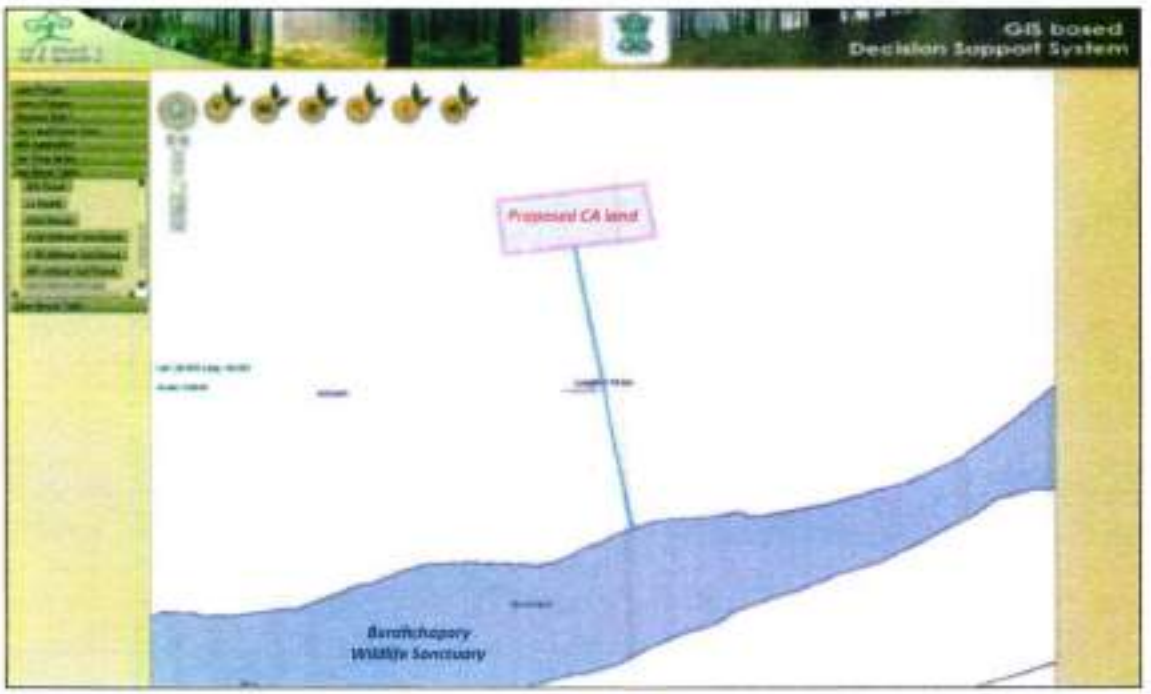
2. Forest Cover: entire area is classified as Non-Forest (land without tree cover) in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019-2020. Vegetation density details of the proposed CA is given below:

S. No.	CA site	Given area (ha)	Software calculated area (ha)	VDF	MDF	OF	Scrub	Non-Forest
1	Patch-1	11.5	11.51	0	0	0	0	11.5



3. The legal status of the proposed CA site can't be verified due to unavailability of Recorded Forest Area (RF/PF) boundary for the State of Assam on DSS.

4. Observation based on Google Earth Images: cultivation land and settlement is visible in the proposed CA site.
5. Proposed CA land is located at a distance of 1.14 Km (approx.) from Burahchapory Wildlife Sanctuary.

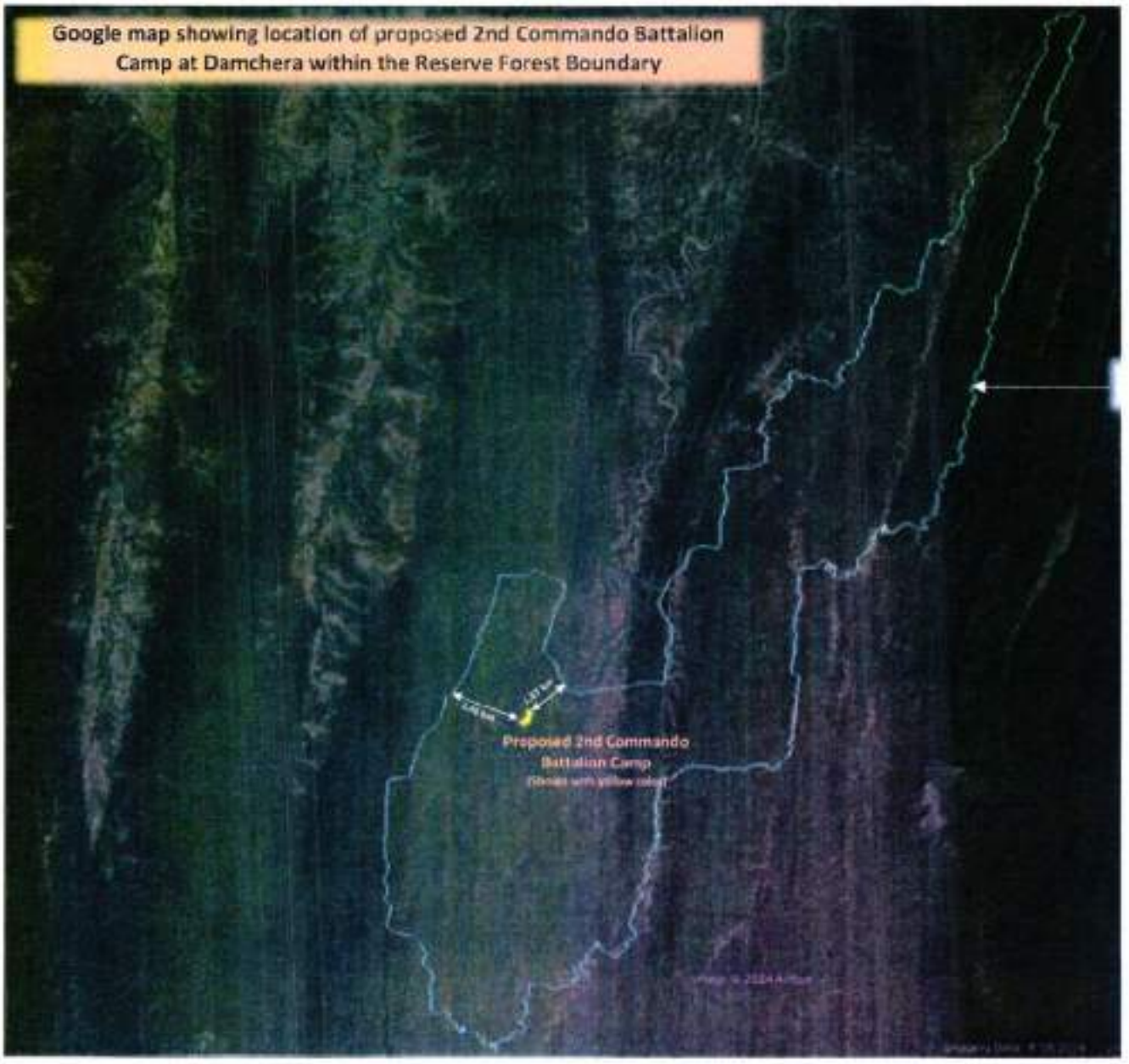


Submitted for your kind consideration.

Shivani Sood,
Sr.T.A.
10.07.2024

Proposal No.: FP/AS/OTHERS/469924/2024

Proposal: Diversion of proposal for 11.5 Ha. forest land for the purpose of the establishment of 2nd Commando Ba Reserved Forest under Hailakandi Division.



GOVERNMENT OF INDIA
REGIONAL OFFICE
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
LUMBATNGEN,
SHILLONG 793021
Tel. 0364-253-7609/7395/4650; Fax 0364-2526031
E-mail: ro.ez.shil@gmail.com /roefcshillong@gov.in

-39-

File No. RONE/E/O.A No. 61/24/PB/AS/ 1567-69

Dated 05.08.2024

To,

Additional Director General of Forests,
Forest Conservation Division,
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110003.

Sub: Proposal for diversion of 11.5 ha for establishment of Commando Battalion Camp at Damchera within Innerline Reserve Forest under Dharmura Range, Hailakandi Forest Division-reg.

Sir,

In inviting reference to the subject cited above, I am directed to enclose herewith the Site Inspection Report with respect to the proposal for diversion of 11.5 ha for establishment of Commando Battalion Camp at Damchera within Innerline Reserve Forest under Dharmura Range, Hailakandi Forest Division along with the recommendations of DEGF (C) on the same for favour of your kind perusal and needful.

Yours faithfully,

Encls: As stated

(Mrs. L. J. Syiemiong)
Deputy Inspector General of Forests (C)

Copy for kind information to:

1. Dr. Hemen Hazarika, Scientist 'E' & Link Officer, Sub-office, Guwahati, 4th floor, Housefed building, GS Road, Rukminigaon, Guwahati-781022.

Deputy Inspector General of Forests (C)

Name of the Proposal:

Proposal for diversion of 11.5 Hectare for establishment of Commando Battalion Camp at Damchera within Innerline Reserve Forest under Gharmura Range, Hailakandi Forest Division.

Ministry, New Delhi vide letter dated 16.02.2024 has requested Regional Office, Shillong to examine the matter in detail and submit a factual report with specific recommendations.

The site inspection was conducted by Deputy Inspector General of Forests (C) on 8th March, 2024 accompanied by the following officials of the State Forest Department and representatives of User Agency:-

(i) Shri W. I. Yatbon, Deputy Inspector General of Forests (Central), RO, Shillong
(ii) Shri Gary R. Majaw, Legal Assistant/Consultant, RO, Shillong
(iii) Shri M. Tunghung, Chief Conservator of Forests, Southern Assam Circle, Silchar.
(iv) Shri Akhil Dutta, Divisional Forest Officer, Hailakandi Forest Division,
(v) Shri Paul Lalhlimsang, Officer-In-Charge, Ramnathpur Police Station, Hailakandi.
(vi) Shri Dhruba Jyoti Das, Range Officer, Range Forest Office, Gharmura Range.
(vii) Shri Chiranjit Dutta, Executive Engineer, Assam Police Housing Corporation
(viii) Shri Mobrur Ahmed, Assistant Engineer, Assam Police Housing Corporation
(ix) Shri Achish Kumar Jaiswal, Project Manager, M/s Badri Rai& Company.

Background note on the proposal

A news article dated 25.12.2023 was published in the Northeast Now News titled *"Assam PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion"* The news item alleged that Assam Government's top Forest Official of illegally diverting 44 hectares of protected forest land for a Commando Battalion headquarters in Barak Valley. The said news item further alleges that mandatory provisions under the Forest (Conservation) Act, 1980 were bypassed for the construction of the 2nd Assam Commando Battalion Unit Headquarters inside the Inner Line Reserved Forest in Hailakandi district.

The Hon'ble National Green Tribunal(NGT), Principal Bench (PB)vide Order dated 23.01.2024 had registered *Suo-Moto* Original Application No. 61/2024/PB on the basis of the said news item published in Northeast Now News dated 25.12.2023. Vide the said Order, the Hon'ble NGT observed that the News item raises a substantial issue regarding compliance of environmental norms and accordingly has impleaded and issued notices to the concerned authorities of the Central and State Government as Respondents in the instant proceedings. The construction work for the establishment of the 2nd Commando Battalion Camp within the Inner Line Reserved Forest is being carried by Assam Police Housing Corporation.

Ministry, New Delhi vide letter dated 16.02.2024 has requested Regional Office, Shillong to examine the matter in detail and submit a factual report with specific recommendations.

1. **Legal status of the forest land proposed for diversion**

District	Forest Division	Area Involve (Ha)	Legal Status
Hailakandi	Hailakandi Forest Division	11.5	Inner line Reserved Forest

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

Sl No	Breakup of Forest Land	Area (Hectare)
1	Built up area	11.5
Total		11.5

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof.

Yes

Sl No	Name of the unit	Plinth area in sqm.	Status of construction
Residential Buildings			
1.	C.O's Residential	250.00	On-going construction
2.	Garage	40.00	On-going construction
3.	Sentry Post	16.00	On-going construction
4.	Guard Shed	74.00	On-going construction
5.	Deputy Commandant	720.00	On-going construction
6.	Assistant Commandant	1,200.00	On-going construction
7.	Inspector, SI	4,180.00	On-going construction
8.	Havaldar, ASI, Constable	8,928.00	On-going construction
9.	Followers	640.00	On-going construction
10.	Accommodation for SO's (Insp., SI)	600.00	On-going construction
11.	Barrack (Havaldar, Const., Followers)	3,840.00	On-going construction
Non- Residential Buildings			
12.	C.O's Office Building	1083.00	On-going construction
13.	Garage	40.00	On-going construction
14.	Sentry Post	8.00	On-going construction
15.	M.T. Garage with office (20 vechicles)	870.00	On-going construction
16.	Ration Store and Clothing Store	300.00	On-going construction
17.	Magazine/Kote Building with explosive depot	350.00	On-going construction
18.	GO'S Mess/Guest House	650.60	On-going construction
19.	SO'S Mess	870.00	On-going construction
20.	Community Center with Canteen, Saloon, Laundry block	600.00	On-going construction
21.	Hospital (10 beds)	330.00	On-going construction
22.	Drill shed with stage	460.60	On-going construction
23.	Gate complex with 10 men barrack	175.00	On-going construction
24.	Watch Towers	50.00	On-going construction
25.	Fire Station with Barrack	350.00	On-going construction
26.	ATM	15.00	On-going construction
27.	Control Room	50.60	On-going construction
28.	Classroom Block with Computer lab	700.00	On-going construction
29.	Indoor sports complex with gym	800.00	On-going construction
30.	Primary School	560.00	On-going construction
31.	Family Welfare	500.00	On-going construction
32.	Naamghar	500.00	On-going construction
33.	Recreation Hall	400.00	On-going construction
	Total	29,669.00sqm	

4. **Total cost of the project at present rates.**

The total cost of project Rs.135.28 Crs.

5. **Wildlife**
Whether forest area proposed for diversion is important from wildlife point of view or not.

No, except wild boar.

6. **Vegetation**

As per the state forest officers, no tree was felled for the construction of the Battalion as the area is encroachment-eviction area.

Important species
Does not arise

7. **Background note on the proposal**

As given in the first paragraph.

8. **Compensatory afforestation**

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

Yes

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

Yes

iii. **Whether land for compensatory afforestation is important from Religious/Archaeological point of view.**

No

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

One patch of 11.5 evicted non-forest land adjacent to Burachapory Wildlife Sanctuary under Nagaon Wildlife Division, Nagaon.

v. **Map with details:**

Maps of Compensatory Afforestation submitted. The DSS analysis of CA area is

S.No	VDF	MDF	OF	SCRUB	NF	WATER	TOTAL (HA)
1.	—	—	—	—	11.511	—	

Entire area falls under non-forest land.

vi. Total financial outlay of CA:
Rs. 11834679/-

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

Yes, Site Inspection Report dated 08.03.2024 enclosed as Annexure-I, Show Cause Notice dated 14.05.2024 enclosed as Annexure-II and relevant correspondence enclosed as Annexure-III

10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not.

No

Details be furnished specifically if rehabilitation plan would affect any other forest area by translocating oustees in around the said forest.

No

11. Reclamation plan :

NA

12. Details on catchment and command area under the project. Catchment area treatment plan to prevent siltation of reservoir.

Nil

13. Cost benefit ratio:

NA

14. Recommendations of the Principal Chief Conservation of Forests/State Government.

Recommended

15. Deputy Director General of Forests (Central), Regional Office Shillong shall give detailed comments on whether there are any alternatives examined for locating the proposal in non-forest land.

No alternatives examined as the proposal is already an on-going construction.

16. Utility of the project.

Protection of the Inner Line Reserved Forest from encroachment of the sensitive Assam-Mizoram border.

17. Whether land being diverted has any socio-cultural/religious value

No

18. Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion.

No

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

No

20. Situation w.r.t. any P.A

N.A

21. Any other information relating to the project.

No

22. Recommendation of Deputy Director General of Forests (Central):

The under construction camp of 2nd Commando Battalion spread over 11.5 ha is basically meant for forest protection, specifically the Inner Line Reserved Forest and the sensitive Assam-Mizoram border. However, the construction being large scale and of permanent nature with no resemblance to the activities specified in explanation (b) of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, it was earlier recommended that the State Government would make proposal for diversion under the Adhiniyam, 1980.

The proposal for diversion was received in this office under Section 2 of the Adhiniyam, 1980. However, noting that it is prima facie a case of violation, it was sent to Ministry for consideration under Rule 10 (2) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

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

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

(Ms. L. J. Syiemiong)
Deputy Inspector General of Forests (Central)

ANNEXURE - II

S.No.	Query	Description
1	EDS	The State Government has maintained that there is no violation of the Adhiniyam in the said proposal. Therefore, reason for seeking ex-post facto approval of the Central Government is required.
2	EDS	Since the User Agency in the extant proposal is the Divisional Forest Officer, Hailakandi Division, any administrative approval or financial sanction received by the User Agency for construction on forest land may be uploaded.
3	EDS	If another User Agency has received the administrative and/or financial sanction for the construction, the said user agency should apply for forest clearance along with relevant documents.
4	EDS	On the examination of the KML file for the proposed area, it is observed that a road of about 3 km length from the project site to outside the RF is visible. The State Government is asked to provide the status of the forest clearance received for the road along with its compliance report, if any.
5	EDS	The component-wise break up of forest land has not been submitted along with the proposal. The same needs to be uploaded along with KML file.
6	EDS	Violation to an extent of 1.03 Ha is also seen outside the area proposed for diversion and the State has not sought diversion for the same. The State Government is requested to offer its comments in this regard.
7	EDS	KML file of the Innerline Reserve Forest needs to be submitted.
8	EDS	The details of alternatives explored by the State Government for situating the proposal inside Forest land may be submitted.
9	EDS	Approved layout plan has not been uploaded. The same needs to be submitted.
10	EDS	Land Use pattern statement for 11.5 Ha is given as Residential Area: 3.61 Ha; Administrative buildings: 0.93 Ha & Open spaces - 6.96 Ha. The State Government is asked to justify situating the proposal in forest land. Furthermore, since the proposal involves the construction of residential area, State Government may explore the possibility of shifting the said activity in non-forest land in compliance of Guideline 1.10 of the Adhiniyam.
11	EDS	The State Government has not submitted an integrated plan for water supply, electricity and other such utilities etc required for establishment of a Battalion inside Forest land. The details of the same shall be provided by the State Government.
12	EDS	As per DSS report, Cultivation land and settlement is visible in the proposed CA site. Comments from State Government in this regard needs to be submitted.

ANNEXURE - III

REPLY TO SL. NO.1 OF EDS RAISED BY MoEF&CC

-46-

EDS No.1: The State Govt. has maintained that there is no violation of the Adhiniyam in the said proposal. Therefore, reason for seeking ex- post facto approval of the Central Government is required.

Pointwise reply of the State Govt. to the above EDS is furnished below :-

A. **About the forest land used for battalion construction**:

The land allotted by the Forest Department for construction of the Commando battalion at Hailakandi was an encroached land. The encroachment is prior to 1985 as can be seen from the satellite image snapshots for the year 1985, 2011, 2013, 2014, 2015, 2017, 2020, 2022 & 2024 which are placed as **Annexure-I** which clearly shows that the area under question was encroached, and used for agricultural purpose for almost four decades. Therefore, in building the Commando Battalion no destruction of forest has taken place and not a single tree had to be felled. The low lying area was actually devoid of any forest cover. It was used only for agricultural purposes for almost four decades. This area alone has been used for the purpose of construction of the Battalion where not a single tree felling is involved. Therefore, there is no damage of any forest cover.

B. **The deforestation in ILRF**:

The forest land in the Inner Line Reserve Forest is subject to heavy encroachment with armed aggression from across the border. If one examines the tree cover loss of the ILRF from 2001- 2023 based on the Global Forest Watch Data, which is annexed in **Annexure II**, it is seen that gradually hundreds of hectares of forest have been lost. During this period, alone 6304 ha of area of forest is lost and the average area being lost per year is 274.08 ha. However, the area lost from 2018-2023 are 241, 372, 530, 672, 707 and 836 ha. This is an alarming rate of loss of forest cover which needs to be halted at any cost. The characteristic of the encroachment and deforestation is that not only trees are being felled and the areas encroached, the entire area is also slipping out of hand of the Govt. of Assam. Most areas are occupied by Mizoram within the ILRF which is a Reserve Forest within the borders of the State of Assam. Assam Forest is not able to enter into the area and carry out its duty of protection and management of the forest. Such is the truth about the ground realities in ILRF.

C. **The Ground situation of encroachment and armed aggression**:

The Inner Line RF(ILRF) has long been facing aggression from the other side of the interstate border of Assam and Mizoram in the form of encroachment, deforestation, *jhoom* and areca nut cultivation, unprovoked firing, IED explosion etc. The Forest Department officials along with Assam Police and the District Administration have been taking actions on and off which is evident from official records available in the office of District Commissioners of Hailakandi and Cachar. A copy of the same is attached **(Annexure-III)**. The annexure clearly demonstrates that, while the District Administration on

Assam side has been exercising restraint and attempted to resolve issues through cordial talks, but the miscreants from Mizoram side are supported by arms and ammunitions, and have resorted to firing on many occasions. However, the climax was reached on 26/07/2021, when the Mizoram Police and Mizo IR Battalion opened fire in which 6 Police personnel of Assam died on the spot. In addition to that Mizoram authorities also filed **FIR** against all the authorities of Govt. of Assam including the DFO.

The DFO, Hailakandi has reported and recorded that several offences were registered against the miscreants from Mizoram in the past. The list of such incidents of Mizo aggression in Hailakandi and Cachar District are given in **(Annexure-IV)** in chronological order. Further, it is to be noted that the Forest Department in Cachar and Hailakandi has been lodging FIRs, making seizures and drawing offences against miscreants from Mizoram from time to time which are listed in the following paragraphs:

a. An **FIR** was lodged by the Deputy Ranger of Gharmura Range vide letter no. GM/Border/31/21/45-47 dated 04-06-2021. On 03/06/2021, when near Betcherra some Mizo people constructed a house with heavy structure inside the Assam jurisdiction of ILRF. The field staff reported in the **FIR** that they could not dismantle the house as it was guarded by Mizo armed battalion. A copy of the FIR is enclosed in **Annexure V(A)**.

b. Another **FIR** was lodged by the Beat officer of Lailapur Beat in Cachar District vide letter no LP/14/Police Case/67-68 dated:03-07-2021, where it was reported that during a joint patrolling by staff of Lailapur Beat office, AFPF personnel and CRPF personnel at Dholaikhal on 02-07-2024, some Mizo public along with Mizo IR battalion prohibited the patrolling staff from further going ahead as according to Mizo Police, they had entered Mizoram territory without prior permission, whereas in reality the Assam Forest Officials and CRPF personnel were patrolling well within the territory of Assam. The party also has received information that at Rengti Tilla in the ILRF some Mizo miscreants illegally planted beetle nut tree where earlier the forest officials had removed an illegally hung nameplate from a tree trunk. As the staff visited the alleged spot, they observed that some Mizo IRBN were busy raising some tents within ILRF. The Mizo IRBN turned deaf ears to orders from the Assam Forest officials to dismantle and remove the illegally built tents within Assam. Later, few Mizo Police arrived and demanded the Assam Forest officials to immediately leave the place as they had entered Mizo territory without prior permission, which, similar to the earlier instance, was a territory of Assam within ILRF. A copy of the FIR is enclosed in **Annexure V(B)**.

c. On 10/07/2021, the Beat Officer of Hawaithang Beat in Cachar District also filed an FIR in Dholai Police Station vide letter HT/15/Border/11 dated:10-07-2021 no for criminal trespass, illegal

encroachments, illegal construction of road inside the ILRF by the Mizoram Police deployed by the Mizoram Govt. and it was well within the jurisdiction of the Cachar Forest Division. It was reported that one Additional SP named David JB of Mizoram Police Service and another Additional SP named Bruce Kibby of Mizoram Police Service along with a mob crossed the border into Assam near Kulicherra and proceeded as much as 6.5 Km inside the Cachar border. Later, the Mizo authorities further proceeded 200 meters ahead and barricaded the area and did not allow entry of the Govt. of Assam officials. On the same day at about 3:00PM a loud explosion of suspected IED was heard in the forest of ILRF where Assam Police personnel were performing their duty. A copy of the FIR is enclosed in **Annexure V(C).**

d. On 14/07/2021, the Range Officer, Gharmura Range filed an FIR in the Ramnathpur Police Station vide letter no GM/Border/31/FIR/2021/89-91 dated:14-07-2021that in a joint visit to Assam Mizoram border at Betcherra near Kaza nala by Range Officer, Gharmura Range, CO, Katlicherra, O.C Ramnathpur Police Station and Beat Officer Ramnathpur Beat, it was observed a bamboo hut guarded heavily by Mizo forces. The surroundings presented a desolate look as the area was cleared of trees, shrubs, herbs etc. by the Mizo miscreants. A copy of the FIR is enclosed in **Annexure V(D)**.

e. Another **FIR** was lodged on 27/08/2021, by the DFO, Cachar to the SP, Cachar, vide letter no B/14/Border/4537 dated:27-08-2021, states that Mizo Police forcefully ejected Assam Forest staff of Hawaithang Range who were resting in ILRF after conducting patrolling duties, stating that the forest staff had entered disputed areas of Assam and Mizoram border and whereas they were patrolling well within the territory of Assam in ILRF. The Mizo Police forcefully took over the camping gears of thee Assam Forest staff threatened them to kill if they did not vacate the area immediately. The unarmed Assam Forest staff feeling threatened for life by Mizo Police armed with automatic weapons decided to leave the place immediately and reported the incident to the DFO, Cachar. A copy of the FIR is enclosed in **Annexure V(E)**.

f. There is also a FIR lodged on 23/04/2022 at Ramnathpur P.S by Beat Officer, Ramnathpur Beat Office vide letter no. BR/Border/p.case/6/2022/2-3 dated:23-04-2022 regarding an encroachment incident in Sahebmara area in ILRF where it is stated that the Beat Officer, Ramnathpur Beat Office, detected one *kaccha* house at Sahebmara in ILRF. As they were about to dismantle the illegally built house, they were confronted by unruly Mizo mob who crossed the river along the Assam Mizoram border from the Mizoram side. A copy of the FIR is enclosed in **Annexure V(F)**.

g. In an offence report submitted by Range Officer Gharmura Range to the DFO, Hailakandi it was stated that during the course of regular patrolling on at Betcherra area in ILRF they were informed by locals that a Mizo individual named Pu John Halliday had built a house in Betcherra. As the staff reached the area where the house was illegally built, they found Pu John Halliday inside the house. Upon interrogation he admitted to build the house with the active support of administration of Mamit District. The staff of Gharmura Range also observed armed component of Mizo police in the area. Due to this illegal encroachment by Mizo miscreant in ILRF, Assam with the active support of Mizo police and district administration of Mamit, 22.5 bighas of forest land were lost. In this regard a seizure report had been submitted to the Divisional Forest Officer, Hailakandi Division and later an Offence Report was drawn against the offender u/s 24(a), (b) and 25 of the Assam Forest Rule 1891 (Amended in 1995), u/s 2(a) and 3(B) of the Forest (Conservation) Act, 1980 and violation of Hon'ble Supreme Court Order dated 12-12-1996 of WP(C) 202/1995. vide OR number GM/01 of 2021 dated 17-06-2021. A copy of the Offence Report is enclosed in **Annexure V(G).**

h. In another offence submitted by the Range Officer, Matijuri Range, it was stated that during the course of regular patrolling on 27-06-2021 at Kachurthol- Balicherra in ILRF, it was found that two Mizo individuals named Somiel and Roa cleared of 120 Ha of forest land for the cultivation of broom stick plant and raised a temporary shed. The area concerned was located 800mtr from the interstate border of Assam and Mizoram. In this regard a seizure report had been submitted to the Divisional Forest Officer, Hailakandi Division and later an Offence Report was drawn against the offender u/s 24(a), (b) and 25 of the Assam Forest Rule 1891 (Amended in 1995), u/s 2(a) and 3(B) of the Forest (Conservation) Act, 1980 violation of Hon'ble Supreme Court Order dated 12-12-1996 of WP(C) 202/1995 vide OR number MJR/01 of 2021-22 dated 30-06-2021. A copy of the Offence Report is enclosed in **Annexure V(H)**.

i. In another offence report submitted by the Range Officer, Matijuri Range Office, along with his staff, it was reported that during the regular course of patrolling on 01-07-2021 at Kachurthol-Balicherra in ILRF Mizo armed Police personnel constructed 3(three) nos. of tents at Kachurthol-Balicherra area. As soon as the illegally built tent was detected, it was dismantled and seized by the forest staff of Matijuri Range. However, in this regard, arrest could not be done as the Mizo Police were armed. The Forest staff, being larger in numbers, managed to bring the seized material to the safe custody of the Range. Later, when the staff of Matijuri Range revisited the area it was observed that about 80 Ha of area was encroached by the Mizo miscreants. In this regard a seizure

report had been submitted to the Divisional Forest Officer, Hailakandi Division and later an Offence Report was drawn against the offender u/s 24(a), (b) and 25 of Assam Forest Rule 1891 (Amended in 1995), u/s 2(a) and 3(B) of the Forest (Conservation) Act, 1980 violation of Hon'ble Supreme Court Order dated 12-12-1996 of WP(C) 202/1995 vide OR number MJR/02 of 2021-22 dated 03-07-2021. A copy of the Offence Report is enclosed in **Annexure V(I).**

D. **Internal Security threat**:

The above descriptions clearly indicate that it is not out of any greed of land by Assam Forest or Assam Police or any diversion for commercial purposes of Forest land that the Battalion has been allowed to set up. The battalion has been set up in conditions which cannot be mitigated by any other means by the State Govt. as already stated in the previous paras, land is a sate subject and Govt. of Assam through its two Department namely Assam Forest and Assam Police have done best possible for protection of the Forest and maintaining the integrity of the State. It needs to be appreciated that situation in ILRF, like other border forest in the State, is not only precarious but extra ordinarily bad. In this regard the ground realities are further summed up as given below: -

i. Inner Line RF (ILRF) having an area of 814 sq. km and making 142 km of the border between Assam & Mizoram, notified in 1933 has been subject to merciless infiltration, encroachment, tree felling, deforestation, settlement of villages and semi urban infrastructure from across the border since 1990s. As of now about 10000 Ha area is under encroachment from Mizoram side, and roughly 3 to 7 km from the border, the forest land has become inaccessible to Assam Forest. On 26th July, 2021, the skirmishes across the border escalated so much that Mizoram Police and Mizo IR Battalion carried out heavy firing from the newly occupied areas in ILRF and opened fire with rocket launchers in which the SP Cachar was badly injured, and six constables. of Assam Police were killed. Two IFS DFOs and IAS DC had a narrow escape. The list of such incidents from across the border in the ILRF has already been submitted, and hence, the same is not repeated here for sake brevity.

ii. The ILRF has also suffered influx of Rohingiyas from across the border. The area is also sensitive in terms of arms trafficking, drugs smuggling and other nefarious and antinational activities. Such sensitive operations would not be possible to be carried out by Forest, as the matter concerns internal security of the State and its sovereign existence. Such nefarious activities naturally would hamper free movement of forest force, and in the event of an encounter, action of Police alone would be justifiable. The action of Police would also protect the forest and conserve flora and fauna of the RF.

E. **The working of Assam Forest and Assam Police**:

The Forest Department and the Assam Police have a long history of working together from 1986 when the Assam Forest Protection Force Act 1986 was

introduced. In brief, about how Assam Forest & Assam Police work together in the Border Area protection is given below:

i. It would be not out of place to reiterate here once again that it is a unique case of Assam Forest that they work in union with Assam Police at all levels starting from SHO/ Range Officer, SP/DFO, DIG/IG/CF/CCF, DGP/ADGP/HoFF/APCCF. They work together at all levels and also undertake joint patrolling and joint operations for forest protection and conservation of wildlife. In addition, the Assam Forest has raised three full scale battalions of their own which are fully armed with automatic weapons and are on pattern of Assam Police Armed Battalion with formations such as constable, naik/ lance naik, havildar, sub inspector, inspector, Dy. SP and Commandant. While Dy. SP and Commandants are deputed from Assam Police, rest of the force and their management include

ii. ng promotions/ pay/ discipline are done by PCCF & HoFF exactly on the lines of Assam Police. The Commandants are in the rank of SP, and directly report for all purposes, including administrative/ leave/ ACR etc. to the PCCF & HoFF. It is also pertinent to mention that in Assam, the recruitment of Forester and Forest Guards is done by the State Level Police Recruitment Board (SLPRB), and the front line staff is trained for free by the Assam Police on the lines of commandos and given full arms training. The Assam Forest front line is a fully armed establishment with weapons such as AK, Insas, Carbines and other automatic weapons. In addition, Assam Police has placed services of more than 500 well trained AP Commandos at the disposal of the PCCF & HoFF. Incidentally, the agency that is carrying out construction of the Police Battalion, i.e. the Assam Police Housing Corporation Ltd, is also involved in design and construction of the 3rd Assam Forest Protection Force. Therefore, the ecosystem of Assam Forest and Assam Police is quite different from other states in the country. Therefore, it is possible to construe for an outsider who is not familiar with this eco-system of the thick relationship between Assam Forest and Assam Police that the permission to allow the unit of Commando battalion is for exclusive use of Police, and hence a non forestry activity. The truth is far from this. The State has raised these battalions with the primary objective of protecting the border forests and also providing border security, which in times of war can become a strong hold for the State as well the country.

iii. The ground situation of Assam on its sensitive borders where as many as 72 reserved Forests are situated warrants of an EXTRAORDINARY situation which does not exist in any other State in the country with respect to rampant destruction of forests. The matter is not of illegal felling by timber smuggler or wildlife crime alone, which the Forest Department with its armed personnel and battalions are capable of handling, but the matter on the border extends to illegal settlements, large scale denudation, deforestation, setting of administrative units from across the border within the RF areas of the State, and large chunks of forest land going out of reach of the Forest Department, so much so that forest staff are not allowed to venture into the encroached areas. They can only venture to these territories only with large contingent of Police

Force and with proper intimation to authorities across the border. This destruction of forest tagged with security issues cannot be handled by Forest Department alone or cannot be effectively tackled by remote policing. A large battalion camp is required for sheer deterrence and to stop further advancement of migrants and encroachers from across the border. This raises a larger question of internal security and sovereignty of the State.

F. **Matters pertaining to the law points in the instant case**:

Having stated the ground situation and the circumstances in which the State Govt. set up the Commando battalion for Protection of the Forest.

i. As per the Para 11.8 of the Consolidated Guidelines and Clarifications, 2019, issued by MoEF & CC, the Guideline in case of large structures stipulates that "***But if structures are large and would impact on conservation, prior permission under the Forest (Conservation) Act, 1980 would be required***" In order to satisfy the condition two clauses namely "large structures" AND "impact on conservation" must be met. In the instant case, the structures in question are large, and hence the first condition is met. However, since no trees were felled as the areas was already broken, encroached, and used for agricultural purposes for four decades, and the Department after giving notices, evicted the encroachers based on the Hon'ble Gauhati High Court vide order dt. 9/5/2023 in WPC No. 8366/2022 had rejected the claim of the encroachers, and thereafter only the structure was allowed by the PCCF & HoFF. Further, **NO TREES WERE FELLED**, and hence, there would be no question of any adverse impact on conservation. If any tree felling would have been allowed, it could not have been done without prior permission of the Central Government. Hence the question of "impact on conservation" would not arise at all. Further, the set up was intended to aid in protection and conservation only. Therefore, the stipulated conditions of Para 11.8 prescribed by the MoEF & CC did not meet fully, and the PCCF & HoFF in his judgment assumed that prior permission was not needed. The guidelines of the Ministry in Para 11.8 with two conditions joined by "*AND*" clearly indicate that it is not sufficient for the structure to be large but also the structure should be negatively impacting on forest conservation, then only prior permission of Central Govt. is required. As already stated the site was already encroached and used for agricultural purposes since 1985 and no trees were felled. Therefore, the conditions of non forest activity stipulated by the Ministry in Para 11.8 are not met, and hence the activity in question should not be termed non forest.

ii. The inspection report of the Regional Office on the concluding pages 23 of the report in Sl. 21 admits towards the end. "*There is no dispute that presence of such combat force in the department will help the protection and conservation effort of the Division and State*" (Para xxi, page 23 of the report). Thus, it is

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clear that the Regional inspection report admits that the initiative will help the protection and conservation effort of the division and the State. However, in the paragraphs that follow the report talks of 30,000 sq. m. of built up in an area of 11.5 ha and concludes that an area of 11.5 ha does not appear to have much semblance to any of the activities mentioned in the explanation b of Section 2 of Forest (Conservation) Act 1980. The answering respondent begs to state that the observation of the inspection report which quantifies an area to be X ha and states that such X ha does not appear to have much semblance to any of the activities mentioned in the explanation b of Section 2 of the Act, but nowhere in any part of the Act or the Rules made therein or the Guidelines issued thereof has mention of X ha. of area or type of building or nature of construction for the activity to be non forestry. The Regional Office, as it appears voluntarily ignored the Para 11.8 of the guidelines, issued by the Ministry which also does not talk of any such quantification of area or built up space or type of building. Further in view of Guidelines Para 11.8, this observation in the inspection report becomes contradictory to the Guideline itself. Further, the inspection report is also oblivious of the fact that the Guidelines at Para 11.8 allow setting up of large structures for forest conservation and management, if they do not impact or conservation (there is no mention of size or area or type). Only one condition is needed for judging whether an activity having large structures is a non forest activity is to find out if it impacts adversely on conservation or not. As already stated many times, the area under question was encroached agricultural land for at least four decades and devoid of tree cover. No tree felling was resorted to while constructing the structures, the area in fact was recovered from encroachers by the direction of Hon'ble Gauhati High Court WP(C) 8366/2022 dtd:16/08/2023. Therefore, it is clear that the area was an agricultural land and there was a not a single tree at the site. Hence, there is no question of any adverse impact for conservation.

iii. It is brought to the notice that the approved Working Plan of the Hailakandi Division, approved vide RO, Shillong No. 12-2-41/98/RONE-AS/865-67 dt. 24/12/1998 prescribed setting up of a battalion with all possible sources of funding. [Page 62, Summary of Prescriptions, Administrative Prescriptions) **[Annexure VI]** after evaluating the criticality of protection of the forests against cross border encroachments, destructions and settlement of migrant populations from across the border. In this respect the description in the Working Plan at Para 2.5 (Page 9) INJURIES TO WHICH THE FOREST IS LIABLE, Para 4.6 (Page 14) AMEINITIES TO THE SATFF, Para 6.7 (Page 18) THE REANG REFUGEE ISSUE, Para 8.9 (Page 26) ASSAM FOREST PROTECTION FORCE, Para 19.2 (Page 58) ROADS AND BUILDINGS and (Page 62) SUMMARY OF PRESCRIPTIONS Point no 6 ADMINISTRATIVE PRESCRIPTIONS, may kindly be perused. Is it possible that the Forest Department misjudged the prescriptions of an approved Working Plan to be a gospel truth for forest protection? Now, is it the mistake of the Working Plan Officer that he could clearly foresee the future of ILRF in 1998 when he inspected the Forest of ILRF, and assessed the situation of

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Bhairabi Block and Mukam Block and prescribed for setting up of Armed Battalion and also went a step further and prescribed that such a project could be met from any source of fund [Can be clearly seen in the Working Plan of Hailakandi at page 62 SUMMARY OF PRESCRIPTIONS, Point no 6 Administrative Prescriptions: *"Raising of an additional AFPF Battalion for use in Barak Valley"* and *"Projects to be prepared and finances brought from various funding agencies"*. In absence of a new Working Plan, this Working Plan was valid until 10th April 2023 when the new plan got approved **[Annexure VII]**. Therefore, implementing the prescription of a Working Plan cannot be considered a non forestry activity. As per Rule 12(4) of the Rules 2023, it states that the "State Govt. or Union Territory Administration or its designated officer shall carry out the prescriptions of the Working Plan to which the approval has been accorded by the Regional office with respect to all or specific provision of the Working Plan and for the period for which the Working plan has been approved." While it can be argued that the approved period of the plan had expired, but can it be denied that the objective of protection in the plan remained unmet, and hence the prescribed activity would not become expired on expiry of the approved plan? If it would have been legal to construct a setup a battalion in ILRF as per the prescription of the approve Working Plan, until 10th April,2023, the same activity cannot suddenly become illegal on 11.04.2023. Therefore, acting in accordance with Working Plan cannot be construed as violation of Forest (Conservation) Act. It is clear that the Regional Office has not done the due diligence of going through the approved Working Plan and see if the activity was reflected either in letter or in spirit in the plans. The Regional Office was in a hurry to declare the activity a non forest without doing any due diligence and simply going through the statute, probably because an "Environment Activist" had complained and the news was flashed everywhere. From the above paragraph, it is also clear that given the pathetic state of the ILRF and the prescription of the Working plan way back in 1998 and which was very much valid prior to 10th April 2023, the activity cannot be termed non forest. Setting of a battalion is an extensive exercise which requires creation of a large number of posts, which is often 800 or more in case of Assam Police and Assam Forest Battalions, and areas which are as large or more than 20 ha in size, and infrastructure which costs almost 300 Cr. If the State Govt. could not fulfill a promise of a battalion in 1998, does it mean that it will not fulfill the promise of the Working Plan in 2023? The conditions of the ILRF like most other RF of the State on its border, have been deteriorating considerably in an extraordinary manner. As already reported by the Global Forest Watch as on date ILRF is losing 700 ha or more every year. The situation is very alarming. The Regional Office has completely overlooked the matter of loss of Forest Cover and encroachment in ILRF by miscreants from across the border and only concentrated on the fact that 11.5 ha does not appear to be anything similar to the activities stated in section 2 (b) of the Act. The State Govt has spent Rs.300 Cr. in infrastructure and Rupees 50 Cr. approximately per annum on running the battalions for forest protection. In which other State of India such on example exists?

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iv. It also needs to be mentioned that whereas the same Section 2 (b) mentions construction of "Dams" and interestingly the size of which is not mentioned. Does it not construe that if a dam were to be made as per Section 2 (b) of the Act for forest protection, and if the dam were to be made in a 500 ha area in ILRF in interest of forest conservation the same would definitely not be non forestry activity as per the Act. If this be the case, then why using 11.5 ha. or 43.99 ha for forest protection be treated as non forest activity? The makers of the law do not appear to have applied their full mind into what is forest protection and how to address the emerging challenges of forest protection which varies from state to state. The extraordinary conditions that surround the bordering forest of Assam which have no parallel in any forest area anywhere else in the country and as can be seen, the answering Ministry has failed to recognize the same and wrongly categorized forest protection activity of the State of Assam as non-forestry. Therefore, the entire subject is requested to be reviewed in view of the above submission.

v. The inspection report of the Regional Office has also grossly missed the point that Battalion infrastructure is meant to house 800 personnel with arms, ammunitions and sophisticated weapons which requires a very strong construction which cannot be easily overpowered by armed miscreants from across the border including members of the Mizoram Police and Mizo IR Battalion who already have been seen to be aiding these encroachments and protecting the encroachers and settling illegal migrants such as Rohingias inside the ILRF. It is to be stated that if 800 people were to be scattered in small structures or Forest check posts with sophisticated weapons, would they be able to withstand the armed aggression from the other side? This question needs to be answered first. In such a situation can only lead to a massacre of our forces and this cannot be allowed to happen. Therefore, the battalion camp which needs to house 800 armed constables needs adequate housing, residential area, parade area, exercise areas, shooting area etc. so that the battalion can remain comfortable and fit to stand up to any call of duty at any hour. Hence, it is submitted that the value of Forest Protection by the Battalion has been completely misjudged and undermined.

vi. That the Forest Deparrtment relied on a judgement of the Division Bench of the Hon'ble Karnataka High Court in the matter of WPC No. 22567/2016 in the matter of PS Mohan vs State of Karnataka filed to "Stop and close all the activities running illegally in the name of Jungle Lodges and Resorts Ltd in Dubaire Reserved Forest...". It may please be noted that the Jungle Lodges and Resorts Ltd. is a joint venture public sector undertaking of the Forest and Tourism departments of the Karnataka Government that runs resorts and lodges in all National Parks and Protected areas as well as reserved forests of the State. More details of this entity and their business operations can be had from https://www.junglelodges.com/. The Hon'ble Division bench opined in the order dt. 4th January, 2022 that *"Perusal of paragraph 28 of the judgment itself clearly goes to show that the reserve forest land was given to a private company without seeking prior approval of the Central Government. However, that is not the case in the present matter. We have already held that*

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no private player was involved in the Jungle Lodges and Resorts Limited which is totally a body created by the KSTDC and as such, we are of the considered view that the judgment relied on by learned counsel for the petitioners in support of his contention is not applicable to the present facts of the case." and also stated in the order that "*In view of the above, we are of the considered view that the writ petition has been filed without any material to support the contentions raised in the writ petition and it appears that it has been filed with deliberate ulterior motives in order to pressurize the respondents. The conduct of the petitioners, as such, is deprecated and for the purpose of wasting the precious time of the Court...*". (The order may please be seen at **Annexure VIII).** From the above it is clear that when there is no bar to open hotels and resorts by a Government company in a Tiger Reserve or a Reserved Forest, as amply clear in the order dt. 4th January, 2022, then it is not understood how structures raised for forest protection should be termed a non forest activity by the respondent Ministry. A perusal of the order above clearly shows that M/s Jungle Lodges & Resorts Ltd. also did not take any prior permission from the Central Government before establishing/opening hotels and resorts in the protected areas and reserved forests of Karnataka, and apparently no notice under the Forest (Conservation) Act, 1980 under 3A and 3B was issued by the MoEF&CC to the MD, JLR Ltd., Bengaluru. It is surprising that opening hotels and resorts within notified forests by the Government agencies is not an offence under the FC Act, but opening a battalion camp for forest protection is an offence. It is not also understood why opening of hotels and resorts shall be treated as forestry activity but opening of battalion camps for protection of the forest shall be treated as violation of the Act.

vii. It is further submitted that there is a major departure in respect of Section 2 (iv) (b) which now gets replaced by 2 (i) (iv) (b) with sub clause (i)-(viii) in the amended Van (Sanrakshan Evam Sambardhan) Adhiniyam, 1980 and the clause "*any other like purposes*" in the FC Act 1980, which was not qualified by any other phrase and was a standalone clause now has been modified to read as "*any other like purposes which the Central Govt. may by order specify*". This specific change of the phrase "*any other like purposes*" of the Forest (Conservation) Act, 1980 in its present form clearly indicates that there was no explicit authority to decide "*any other like purpose*" prior to 01.12.2023, so it could be either the State Govt. in case of land pertaining to State and Central Govt. in case of land pertaining to Central Govt. However, in the new amendment it is clear that the phrase "any other like purposes" is now qualified with "*which the Central Govt. may by order specify*". It clearly indicates that prior to the promulgation of the Van (Sanrakshan Evam Sambardhan) Adhiniyam, 1980 on 1st December 2023, the State Govt. was within it right to interpret the Clause "*any other like purposes*" on any forest land under its control and therefore, the State Govt. acted in accordance with the provisions of Section 2 (iv) (b) of the Forest Conservation Act and thus could not have acted in violation of the said provisions.

Now, therefore, the State Government requests MoEF&CC :

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1. To condone the inadvertent mistake, if any, of the PCCF & HoFF who acted on behalf of the State Govt. in the interest of the forest protection only and not otherwise.

2. To do away with the imposition of provisions of section 3A and 3B, as the diversion was resorted to by the Forest Department only for protection of forest, possibly to sacrifice 40 odd hectares of degraded land devoid of tree cover to save thousands of hectares of the remaining forests from undergoing further degradation, denudation, encroachment and settlements.

3. To do away with imposition of NPV and Penal NPV on the proposed diversion. However, the State Government has already made provisions to allocate 11.5 Hectares of Revenue land in lieu of the diversion of proposed forest land and afforest the same at its own cost.

4. To allow change of user agency from Forest Department to Police headquarters or their authorized agency in the application for diversion on Parivesh 2.0.

5. To accord early approval of the diversion so that construction can be completed. It is to be stated here that the force is already recruited by the State Government, but effective deployment in the area concerned cannot be done in absence of suitable accommodation of the force including security of the arms and ammunition.

Signed by
Neera Dadlagupi
Principal Secretary to the Govt. of Assam
Environment & Forest Department
Date: 06-08-2024 17:46:57
Dispur - -06

Annexure-I

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5,8

Map of Inner liner RF showing extent of encroachment in Damchera in 2024
Write a description for your map
Legend
Inner Line RF
Proposed site for 3rd Commando Battalion Camp
3rd Commando Battalion camp, Damchera
Damchera
Google Earth

59

of Inner liner RF showing extent of encroachment in Damchera in 2020
Legend
Coy Commando Battalion camp, Damchera
Damchera
gle Earth

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of inner liner RF showing extent of encroachment in Damchera in 2022
Legend
3rd Commando Battalion camp, Damchera
Damchera
gle Earth

1.13

of Inner liner RF showing extent of encroachment in Damchera in 2013
Legend
2nd Commando Battalion camp, Damchera
Damchera

of Inner liner RF showing extent of encroachment in Damchera in 2011
Legend
Damchera
gle Earth

63

of inner liner RF showing extent of encroachment in Damchera in 1985
Legend
Damchera
gle Earth

of Inner liner RF showing extent of encroachment in Damchera in 2017
Legend
Coy Commando Battalion camp, Damchera
Damchera

of Inner liner RF showing extent of encroachment in Damchera in 2015
Legend
2nd Commando Battalion camp, Damchera
Damchera

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Annexure-II

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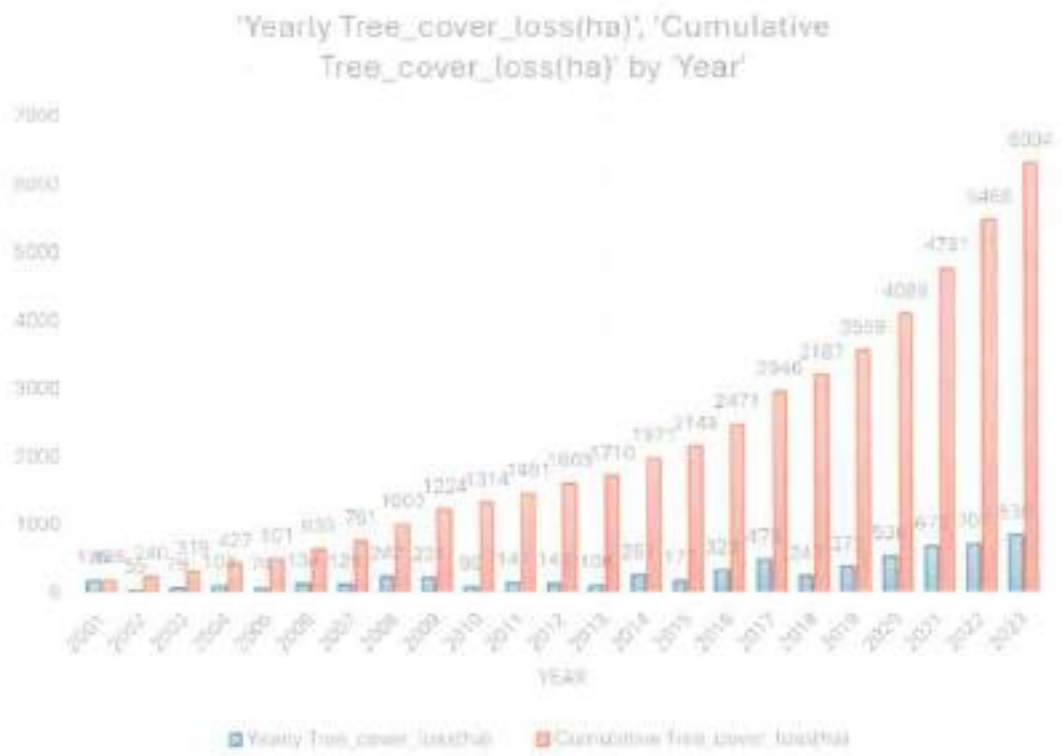
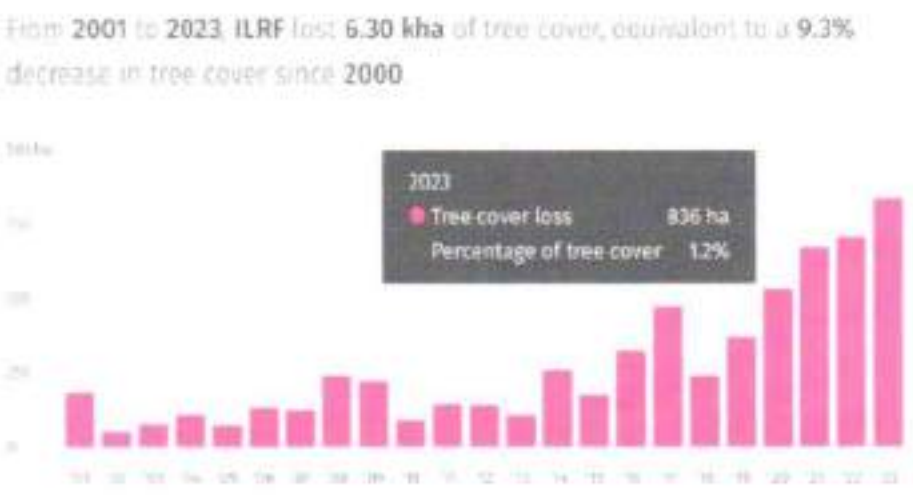
A satellite imagery-based analysis of the Tree cover loss of the Inner Line Reserve Forest, Barak Valley, Assam

Year	Yearly Tree_cover_loss(ha)	Cumulative Tree_cover_loss(ha)
2001	185	185
2002	55	240
2003	79	319
2004	108	427
2005	74	501
2006	134	635
2007	126	761
2008	242	1003
2009	221	1224
2010	90	1314
2011	147	1461
2012	142	1603
2013	106	1710
2014	261	1971
2015	177	2148
2016	323	2471
2017	475	2946
2018	241	3187
2019	372	3559
2020	530	4089
2021	672	4761
2022	707	5468
2023	836	6304

Year Wise Tree Cover Loss in ILRF from 2001 to 2023





Source: Global Forest Watch

Tree cover loss shown on images of 2 different time frames:

Image 1: Year 2013 Landsat 7. The pink patches in and around ILRF represent the tree loss area. Some patches are seen in the south-eastern part of ILRF.

Image 2: Year 2024, Planet Imagery. The smaller pink patches in and around ILRF represent the tree loss area. The Image shows lots of pink patches along the border of Mizoram.

Annexure-III

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GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER::::::::::::::::::::::::::::::::::::::HAILAKANDI
****

No.HCB.8/2014-17/189 Dated Hailakandi the 17th March, 2018.

To

The Chief Secretary to the Govt. of Assam,
Dispur, Guwahati-6.

Sub:- DETAILED REPORT ON ASSAM MIZORAM BORDER ISSUE IN HAILAKANDI.

Madam,

With reference to the subject cited above, I have the honour to submit herewith a detailed report on Assam Mizoram Border issues in the following two parts :

(1) **Part-A :** A brief chronological report, along with necessary, Annexures, on the incidents happened in the past.

(2) **Part-B:** A detailed report on the recent problem beginning with effect from 27th February, 2018.

Submitted for favour of your kind perusal.

Enclo:- As above.

Yours faithfully,

(Adil Khan, IAS)
Deputy Commissioner,
Hailakandi

Memo No.HCB.8/2014-17/189-A Dated Hailakandi the 17th March, 2018.

Copy for information and necessary action to:-

1. The Addl. Chief Secretary to the Govt. of Assam, Home, Political, Environment & Forest Department, Dispur, Guwahati-6.
2. The Director General of Police, Assam, Ulubari, Guwahati-7.
3. The Director General of Police (Border), Assam, Srimantapur, Guwahati-32.
4. The Spl. DGP(SB), Assam, Kahilipara, Guwahati-19.
5. The Principal Secretary to the Chief Minister, Assam, C.M's Secretariat, Dispur, Guwahati-6.
6. The Superintendent of Police, Hailakandi.

(Adil Khan, IAS)
Deputy Commissioner,
Hailakandi

Part A

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ASSAM-MIZORAM BORDER ISSUE, HAILAKANDI

DETAILS OF INCIDENTS / MEETINGS / JOINT INSPECTIONS

(As per records available in the office of DC Hailakandi)

Sl. No	. Date	Incidents / Details of Meetings/Joint Inspections done
1	22-05-1995	Meeting was held between Deputy Commissioner, Aizawl and Deputy Commissioner,Hailakandi at Bhairabi (Kolasib District), Mizoram) in connection with boundary dispute at Kachurthal. Site inspection was also carried out by both the teams headed by the D.C.s It was also decided that as per survey of India map No 83 D/12, it was decided that the area between the Bhairabi Nulla(lui) and Tuikhurlui(nullah) was within Mizoram and the area on the western side of Bhairabi Nullah(Lui) is within Assam.The entire area on the eastern side of Bhairabi lui is within Mizoram and the western side of the river i.e. with Assam territory is localy known as Kochuthol. It was also decided that ground demarcation of the boundary needs to be done. And that both sides were at liberty to enforce the laws of their states within their jurisdiction.**(Minutes at Annexure"1").**
2	29-03-1996	Threatening of villagers namely Funul Haque, Sukur Ali, Abdul Jalil, Harish Ali and others of Kachurthal areas by some Mizos namely Fuiya Lushai and Famkima Lushai of Bhairabi area in Mizoram to leave the village within a week or they will set fire to their houses. Patrolling arranged in the area and information also sent to DEPCOM Aizawl to avoid any untoward incident. (Report at **Annexure-2")**
3	08-04-1996	6(Six) persons from Kachurthal namely (1) Haris Ali,(2) Abdul Haque, (3) Lalu Mia, (4) Kuti Mia, (5) Gias Uddin & (6) Sofiajan were taken to Bhairabi Police Station in Mizoram without informing local Police Station. After discussion with DC, Aizawl over phone, the 6(six) persons were released. Message from S.P, Hailakandi to IGP Border, at (**Annexure" 3"**). About 35 houses in Village Gutguti within Assam Territory set on fire by Mizo miscreants causing damage to house and property of Riang people inhabiting the village. Message sent to **DEPCOM Aizawl** soliciting kind intervention as the area falls under Katlicherra Constituency and there is

		existing Polling Centre in the Village. G.R. distributed to the affected families by DC, Hailakandi (**At Annexure-4 (i) & 4 (ii)**
4	10-04-1996	Meeting between ADC, Hailakandi and SDO© Kolasib of Mizoram at Jamira IB of Haialkandi District in connection with incident at Gutguti of Hailakandi District on 08-04-1996 wherein 35 houses belonging to Riang people of the village were burnt down by people of neighbouring villages in Mizoram. The SDO Kolasib pointed out that the incident could be the outcome of a former incident of 8-4-96 where one Mizo and two non Mizo Muslims were forcibly taken away from their paddy fields in Mizoram and confined in Ghutguti. It was decided that there would be frequent patrolling by police personnel by both states in their respective jurisdiction and that Govt. of Mizoram would extend their cooperation in the speedy rehabilitation of the affected people by the Dist. Administration, Hailakandi. **(Minutes at Annexure"5")**
5	13-04-1996	7(Seven) houses belonging to non Mizos burnt in Mizoram and 8(eight) houses of non Mizos in Assam by Mizo miscreants after alleged gunshot fired by somebody from Assam side leading to the disappearance of one labourer Lallengvara employed by one C.Hmingthangi for loading bamboos in a Truck. Mizoram administration admitted to the setting of fire of eight houses in Assam side **(Report at Annexure 6 & 7).**
6.	02-09-1996	Some miscreants accompanied by 7(Seven) armed Mizo Police personnel entered Assam on 31-08-96 and 02-09-96 indulged intimidations and looting and firing two three rounds in the air. The police men were subsequently placed under suspension by Government of Mizoram (**Message at Annexure-8, 9 & 10)**
7	10-10-1996	Meeting between the Deputy Commissioner of Hailakandi and DC Aizawl of Mizoram at Jamira I.B (Hailakandi) regarding proposed side of BOP at Kachurthal area from Assam side. Mizoram Government had earlier raised objection to the construction of the BOP. The meeting also resolved to request the NEC to take up Hailakandi-Bhairabi road on priority basis and to curb trafficking of drugs and liquor along the Assam-Mizoram Border. The meeting also agreed for a joint inspection in first month of December'1996. **(Minutes at Annexure '11).**
8	16-12-1996	Some Mizo persons equipped with fire arms and accompanied with few police personnel of Bharabi PS came to Kachurthal village and forcibly took away the

		paddy of few Muslims of Kachurthal area. Deputy Commissioner, Aizawl was requested to look into the matter.(**Annexure-12).** It later transpired that there was a mis-understanding of sharing of crops between Mizos of Bhairabi and Non Mizo Muslims of Kachurthal which eventually was the outcome of the non demarcation of the border. **(Annexure-13)**
9.	08-01-1997	One Lalkuma Mizo along with 10-11 others of Bhairabi came to Kachurthal and assaulted one Mozorof Ali of Kachurthal and also set fire to the house of one Saleh Ahmed. DC, Aizawl was requested to look into the matter. Report later received from the DC Aizawl stating that the complaint seems to be baseless but further investigation was being carried out (**Annexure-14 , 14(i), 14(ii)**
10	09.02.1997	Some labourers engaged by Mizo contractor namely Thanga Mizo of Binkonga, Aizwal were found digging earth and forest jungle at Kachurthal for construction of Police camp. In this connection, one case is Registered in Katlicherra P.S & 3 persons namely (1) Abdul Sukkur, (2) Yeasin Ali, (3) Tutiur Rahman. The DC, Aizawal was requested to look into the matter and the work removed from that area. Later report received from DC Aizawl that the site for construction of the police outpost was well within Mizoram side of the Inner Line. (**Annexure-at 15, 16 ,& 17(i) to 17(vi).**
11	10-02-1997	Some Mizo people from Mizoram area assaulted and set fire to the house of Siraj Uddin of Kachurthal and also destroyed three no. of houses and six hundred quintals of paddy and snatching away 13 no. of cattle. The D.C Aizawl was requested to maintain peace and tranquility in the area. **(Annexure at 18)**
12	13.02.1997	24 Mizo persons of Bhairabi are constructing Police Camp at Kachurthal under the guard of Bhairabi Police. The D.C, Aizawl was requested to see that this is not done and a Joint meeting was called for 19.02.1997.(**Annexure-19)**
13	19-02-1997	Joint Inspection by Circle Officer, Katlicherra and SDO(Civil), Kolasib on construction of Mizoram Out Post at Zophai (Kachurthal). The team decided that as there was controversy over the identity of the actual Bhairabi Nala and Tuikhurlui Nala ,where the location of Mizoram Police Out Post was being constructed, they agreed that as per meeting on 22.5.1995 ground demarcation be done early

		(Annexure- 20).
14	10-03-1997	3(Three) houses belonging to Abdul Jalil, Sukkur Ali & Jamir Ali were set on fire in Kachurthal area by Mizo miscreants. The DC, Aizawl was requested to take action to prevent re-occurrence of such incidents. G.R distributed to the victims. **(Annexure-21, 22 & 22 (i))**
15	10-04-1997	Joint inspection of boundary in Kochurthol area between ADC, Hailakandi and ADC, Aizawl with help of Mizoram Survey Party in Kachurthal . The joint team was of the opinion that the point A marked in the trace map is the river Bhairabi reflected in the Survey of India shown dividing the two states of Assam and Mizoram. **(Minutes At Annexure-23).** The D.F.O, Hailakandi later opined that this could not be accepted as Assam Survey party was not involved in the inspection.(**Annexure-24).**
16	03.05.1997	Construction of Police Camp from Mizoram side Report received that some Mizo people have started construction of Police Out Post and Police Barrack at Kachurthal (Abdur Rouf Tilla). The DC, Aizawl was requested to stop the construction works.**(Annexure-25)**
17	21-06-1997	Meeting between Deputy Commissioner, Aizawl and Deputy Commissioner, Hailakandi at PWD IB at Bhairabi regarding construction of Police Out Post at Kachurthal by Mizoram. D.C, Hailakandi stated that the previous meeting between the ADCs of both sides on 10.04.1997 was not approved by him in view of objections raised by the Assam Forest Department.The DC, Aizawl stated that there are very clear about the boundary of the side of the present construction and that it was not possible to stop the present construction. However, he suggested that actual boundary identification be done in near future. **(Minutes at Annexure-26).**
18	25.08.1997	Wife and Son of one Md. Jalil Uddin of Gaglacherra arrested by Mizo Police from Assam without any intimation to local Police and taken over to Mizoram. Subsequently released on P.R Bond on intervention of DC, Aizawl. **(Annexure-27)**
19	04.03.1998	Looting and Arson of 175 houses in Gutguti and 13 houses in Riflemara by Armed Mizo miscreants.**(Annexure-28)**
20	06-03-1998	Looting and Arson of 10(ten) houses in Sahebmara and Manipuri Nala area by Mizo miscreants. One School building used as Polling Station was gutted in the fire. DC, Aizawl. **(Annexure-28)**
21	20-03-1998	Report received from DFO, Hailakandi that Mizo people

		from Mizoram cleared Jungle and did alignment for construction of road upto Betchera inside Hailakandi District by bamboo peg marking "LALHUNMA W/A No.4 and L.H.MAWIA Colony No.4.**(Annexure-29)**
22	07-04-1998	Report from D.F.O, Hailakandi regarding illegal construction of APWD Road to Mizoram BOP at Kachurthal through Kachurthal area by Mizoram PWD.**(Annexure-30 &30 (i).** D.C Aizawl was requested to look into the matter and stop the construction works.**(Annexure-31).**
23	11.04.1998	Threat notice was given to Riang people by YMA of Saikhowtlir Basti of Mizoram in Gutguti area. Due to fear of Mizo people, 175 family taken shelter at Ramnathpur L.P School / Railway Station. Patrolling intensified in this area and D.C. Aizawl was requested to look into the matter and maintain peace in the Bordering areas. The DC, Aizawl informed that CRPF and Sr. Police Officials were deployed on his side. GR was also provided to the affected people by District Administration, Hailakandi.**(Annexure-32).** Later DEPCOM, Aizawl informed that the threat letter was a fabricated one & must have been originated with ill intension to cause communal disharmony.**(Annexure-33).**
24	07-06-2001 & 13.06.2001	Administrative Officer of Bhairabi Centre issued two letters to one Fakar Uddin Mazumder mentioning the address as "ZOPHAI, Bhairabi" instead of "Kachurthal" and requesting him to meet him failing which necessary action would be taken against him.**(Annexure-34, 34 (i), 34 (ii) & 34 (iii).**
25	29-12-2001	25 Houses at Sahebmara Riang Punji were set on fire by Mizo miscreants. The SP, Kolasib reported that 10(ten) persons of Suarhliap village of Mizoram who were involved in burning the houses at Sahebmara were arrested.(**Annexure-35 & 36).**
26	25.01.2002	Residents of Bhaichrra Chakma Punji, Nutun Basti, Saheb Mara near Ramnathpur were given notice by Mizos to vacate land by 27.01.2002 or face attack.**(Annexure-37).**
27	15.06.2002	A joint meeting with D.C, S.P & D.F.O Kolasib District of Mizoram & D.C, S.P, ADC & D.F.O, Hailakandi was held at Circuit House, Hailakandi . DC, Hailakandi opposed the officials constructions by Mizoram Government within the Territory of Assam and pointed out that this areas would be evicted within 3rd week of June'2002 as per orders of the Hon'ble Supreme Court of India. To this, the DC, Kolasib agreed to take up the matter with the higher authorities of Mizoram and requested to stop the proposed eviction in the disputed areas. The DC, Hailakandi agreed on the resolutions of the meeting held on 22.05.1995 but opposed

		the concluding para of the minutes of the meeting of 21.06.1997. DC. Kolasib also agreed to this. It was further resolved to move Survey of India for permanent ground demarcation of the boundary. **(Minutes at Annexure- 38).**
28	05.09.2003	Some Police Personnel of Camp ZOPHAI of 1st IRBN, Mizoram near Kachurthal visited Gollacherra village and asked them to pay tax in the form of paddy or cash and took away hens, ducks and households articles. They threatened the villagers to vacate the village stating it was within the territory of Mizoram.(**Annexure-39).**
29.	06.08.2004	Some Mizo people of Vairengte P.S in Mizoram set fire to the house of one Jalal Uddin of village Chuta Jamira under Katlicherra P.S of Hailakandi District. (**Annexure-40).**
30.	23.09.2004	Mizoram Police led by one Dy.S.P from Kolasib District of Mizoram threatened the villagers of Gollacherra village under Katlichera P.S to vacate the village within 24 hours or obtain Inner Line Permit, failing which they will be forced to vacate. **(Annexure-41)** However, report received from DEPCOM, Kolasib that no police personnel entered into Gollacherra Village. **(Annexure-42).**
31	04.06.2005	A group of 10-12 unknown Mizos most probably YMA/ VCP members of Mizoram constructed a Rest House at Kachurthal in Assam side using wooden structure & tin roof. Also two nos. of sign boards with the words "R.L.ZOSANLIANA; D.S.P Police Hqrs. Pan No.BB/CAD/A-23 of 1995, area 10 (Ten) Bighas " have been pitched adjacent to the house of one Eklal Mia(Encroacher at Kachurthal. D.C, Kolasib informed to take steps for dismantling the house. **(Annexure-43 & 44).**
32	06.11.2005	Mizoram Agriculture Department constructed 2(two) temporary Rest Sheds for Agricultural Labour's Shed under IWDP -2005 at Kachurthal within the boundary of Inner Line Reserve Forest (ILRF) of Hailakandi. DC Kolasib asked to remove the illegal constructions.(**Annexure-45**).
33	07.11.2005	Removal of Assam Forest Sign Board by Mizo miscreants from the Kachurthal area inside ILRF.(**Annexure-51**).
34	01.12.2005	Threat by Police Constable of ZOPHAI Camp (BOP) of Mizoram to kidnap Range Officer of Gharmurah Forest Range for dismantling the Rest Shed.(**Annexure-46(i) & 46(ii)**.
35	06.12.2005	Creation of Horticultural garden encroaching Kachurthal area in ILRF by one Mr.Marua, S/O Balbunga.(**Annexure-51).**

36	09.12.2005	Some persons from Mizoram tried to blow up the watch tower of Forest Department situated in Kachurthal. They damaged the railing and staircase of the structure.(**Annexure-47)**
37	14.02.2006	Mizoram Administration trying to occupy the vacant battalion Rest Camp constructed at Gollacherra F.V by Assam Police.(**Annexure-48 (i) & 48 (ii).**
38.	13.04.2006	Illegal construction of Fishery by Mizo people at Kachurthal inside ILRF.
39	06.05.2006	PWD Kolasib Division, Mizoram illegally constructed a road in the Inner Line Reserve Forest stretching 9.3 kms towards Assam in Phaisen area from the illegally constructed RCC bridge on the Chhimluang Lui stream.(**Annexure-49).**
40.	14.05.2006	Six no. of Mizoram Police Armed Personnel along with two Mizo civilians apprehended one Fakar Uddin Mazumder of Kachurthal under Katlicherra Police Station of Hailakandi District for not paying annual taxes.(**Annexure-50**)
41	10.10.2006	Mizo people guarded by Mizoram police force cutting and felling trees at Kachurthal area inside ILRF .(**Annexure-52).**
42	27.06.2007	One JCB / Excavator seized and four persons of Mizoram were arrested for unauthorized activities like earth cutting in Kachurthal area of ILRF. 6(Six) Armed personnel of 1st IRMZ Battalion of Mizoram were guarding the earth cutting party and were detailed by O/C Bhairabi P.S on request of one Chalthan Jhuana S/O Late Ch.Chhunga (Ex-Chief Minister of Mizoram).(**Annexure-53)**
43	28.06.2007	Discussion in Bungalow Office of D.C, Hailakandi attended by SDO(C) Kolasib, Addl.S.P, Kolasib, Sector Officer, CID (SB), Kolasib. The DC, Hailakandi expressed concern over unauthorized activities in the form of earth cutting, earth leveling by engaging excavator / JCB inside ILRF. The SDO(S) Kolasib expressed that since the matter regarding boundary dispute needs to be taken up at the highest level, they were not in opinion of making any comment and requested DC, Hailakandi to release the arrested persons and JCB/ Excavators unconditionally. (**Minutes at Annexure "54")**
44	10.07.2007	Mizo miscreants from Mizoram again encroached the land at Kachurthal by engaging Bull Dodgers for earth cutting (**Annexure-55**).
45	05. 03.2009	As per report of DFO, Hailakandi, Mizoram Forest

		Department installed 68 nos. of RCC Pillars at Dholcherra (Phaisen) Border under Matijuri Forest Range of Hailakandi Forest Division. (**Annexure-56**).
46	20.03.2009	Joint verification done by SDO(Sadar), Hailakandi, DFO, Hailakandi and D.S.P. Hailakandi along with SDO© Vairengte, Mizoram SDPO, B.D.O, Mizoram regarding minor irrigation works taken up by Government of Mizoram. The Mizoram Government was asked not to continue the works of minor irrigation but the Mizoram Counterpart was not ready to accept. (**Annexure-57**)
47	27.01.2011	Joint meeting between ADC Hailakandi, Addl. S.P, Hailakandi, DFO, Hailakandi, SP, Kolasib, SDM, Virengte, SDPO Virengte, Vice President, Village Council, Virengte regarding collection of Broom stick. An agreement was signed in presence of the officials of Mizoram (Kolasib District) and Assam of Hailakandi District that the collection of broom sticks cultivated in the Ram Prasad Tilla/ Chengkawllui Tlang(Disputed Area) would be done jointly under the supervision of both Assam and Mizoram Police and the parties concerned (cultivators) of Bhairengte and Bilaipur shall bring equal no. of labourers to collect the broom sticks.(**Annexure-58**).
48	11.02.2011 & 12.02.2011	Some officials of Govt. of Mizoram side came to the construction side at Kachurthal LP School and Muliwala LP School and instructed the SMCs to stop the construction work as the said land belongs to Government of Mizoram. Some miscreants destroyed the part of the newly constructed school buildings.(**Annexure-59**).
49	24.02.2011	Minister of Tourism, Government of Mizoram accompanied by 30 civilians visited the construction side of BOP at Bhaicherra Forest Village and threatened the laborers to stop the construction works. DC Kolasib was requested to hold joint meeting with DC, Hailakandi.(**Annexure-60**)
50	10.08.2011	Meeting of D.C, Kolasib and D.C, Hailakandi at PWD Staff Lodge, Kolasib wherein it was agreed to maintain status quo in the disputed area and to share reports on quarterly basis. And have periodic joint patrolling in the Border Areas. (**Minutes at Annexure-61**)
51	09.03.2013	Some miscreants blasted Muliwala L.P School in Bhaircherra ILRF near Kachurthal BOP in which the school building was destroyed. (**Annexure-62**).The DC, Kolasib(Mizoram) was submitted a report relating to the blast stasting no culprits / suspects has yet been apprehended.(**Annexure-63, 63(i), 63(ii), 63(iii)& 63(iv)**.
52	25.04.2014	Some Mizo people led by one Danga of Buchanag area of

		Mizoram along with one Safik Uddin Mazumder of Dholai Part-V, PS Katlicherra encroached some forest land of Betlacherra claiming the land falls under Mizoram. Forest staff however evicted the illegal encroachment by breaking 4(four) bamboo huts.(**Annexure-64**).
53	29.04.2014	Explosion took place at Kachurthal L.P. School demolishing the school. DC, Kolasib(Mizoram) asked to prevent attempt of any violence. (**Annexure-65).**
54	30-04-2014	Meeting between the D.C, Hailakandi and D.C,Kolasib held in the Office chamber of D.C, Hailakandi wherein it was decided to maintain status quo as per last meeting of 2011. The issue was of encroachment in Hailakandi Forest Area by four no. of local persons and engage by one Sri Donga of Bhuchang, Mizoram by way of clearing and damaging forest land. It was decided that Joint survey would be conducted by DFOs of both side.(**Minutes at Annexure-"66)**
55	20.05.2014	Some miscreants from Mizoram along with Mizoram Police are giving threats to the villagers under Assam-Mizoram Border to leave the villages otherwise there would be danger to life and property. DC, Kolasib (Mizoram) was requested to expedite withdrawal of Mizoram Police at the earliest from the Border.(**Annexure-67**).
56	21.08.2014	One Sri C.Lalrim Chana from Koupin south village of Kolasib, Mizoram constructed one timber house inside ILRF within Assam Territory. He was asked to stopped constructional works and accordingly he did so.(**Annexure-68**).
57	19.01.2016	One Zakir Hussain Mazarbhuiya of Kachurthal ILRF constructed wooden house within Assam Territory on the plea that the location belongs to the Ex-Chief Minister, Mizoram. This house was ejected by the Forest Officials of Hailakandi and materials seized.(**Annexure-69**)
58	27.2.2018	Waiting Shed was illegally constructed at Kachurthal area by MZP (A Mizo Youth Organization) . The Shed was later dismantled by Hailakandi Police in presence of SDM, Katlicherra and materials seized.
59.	02.03.2018	Assam Police erected a Bunker at Kachurthal and the said bunker was found dismantled by unknown persons.

Part B

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Recent incident at Assam-Mizoram border at Kachurthal, Hailakandi

On 27.02.2018 a signboard was placed in the name of MZP (Mizo Zirlaw Pawl),Student Organization of Mizoram besides the NH-154 in Kachurtal area under Ramnathpur Police Station , District Hailakandi, Assam. The signboard also contained "Site for Zofate Chawibuk" (i.e. site for rest house) and beneath the signboard there was a makeshift bench on a wooden structure. The Ramnathpur P.S. Police party dismantled the signboard and bench. In the meantime, about 50 (fifty) people accompanied by Mizoram Police came to the spot and started screaming as to who had dismantled their signboard and bench. Then they started construction of a waiting shed beside the road. Assam Police personnel resisted them stating that the land belonged to the State of Assam and they should not construct a waiting shed like this in the territory of Assam. The Mizo people did not pay any heed to the repeated cautions of Assam Police and did not relent. The SDO, Katlicherra and the Police officials present had a long discussion with the Commandant, 1st Mizoram IR Bn, the SDO, Kolasib, Mizoram and the SDPO Kolasib, Mizoram to tackle the situation without any untoward incident. The Mizoram Officials stated that this was a political gimmick of the MZP before the election in Mizoram and started requesting our officials to allow the group to construct the waiting shed to avoid serious law and order situation at the moment with an assurance to dismantle the shed after the departure of the group from the area. In order to avoid serious law & order situation, our officials with the police personnel moved away for the time being. After constructing the wooden shed, the Mizo people left the place at dusk. The SDO Katlicherra with other officials and police personnel returned to the area after dusk and dismantled the waiting shed. The dismantled materials were seized by the Forest officials and brought to the Range Forest Office, Gharmurah.

The Beat Officer, Ramnathpur lodged an FIR with O.C. Ramnathpur P.S. Case No. 35/2018 U/S 143/447/427/506 IPC R/W Sec 5 of the Land Grabbing Act was registered, which is under investigation.

On 28.02.2018, the Superintendent of Police, Hailakandi visited the place and deployed two sections of Assam Police Bn. Personnel for patrolling etc. He also directed O.C. Ramnathpur P.S. to maintain sharp watch in the area.

On 02-03-2018, UBC-289 Kawsar Habib Mazumder of Ramnathpur PS lodged an FIR to the effect that one check post of Assam Police erected at Kachurtal was destroyed by some unknown miscreants of Mizoram at about 6.30 P.M. In this regard a Case No. 37/2018 U/S 143/447/427 IPC has been registered.

Similar types of incident were also reported in the area earlier. Last time there was an incident in the area in 2014. At that time, the then Deputy Commissioner, Hailakandi took up the matter with his counterpart in Kolasib, Mizoram and requested him to prevent such construction and they agreed to maintain the status quo. There was no significant incident from across the border in Kachurtal since 2014. It was also learnt that the MZP is contemplating to construct a shed at the same place on 08.03.2018.

On getting information about the proposed re-attempt of encroachment of land by MZP on 08.03.2018, the Deputy Commissioner- cum- District Magistrate, Hailakandi visited the

spot on 06.03.2018. Immediately, verbal communications were made with DC and SP, Kolasib district of Mizoram with the request to maintain status quo and not to allow any individual or organization to take law in their hands until the issue is resolved lawfully in proper forum. The District Magistrate, Hailakandi also wrote a DO letter to DC, Kolasib District, Mizoram on the same day seeking co-operation of Kolasib district administration to check any attempt of encroachment, to maintain status quo and law & order. An invitation for discussion on the matter between two district administrations was also extended.

Apprehending intrusion by a large number of MZP volunteers in to the territory of Assam, Prohibitory Orders under Section 144 Cr.PC were promulgated by Deputy Commissioner, Hailakandi on 07.03.2018 prohibiting the following:

(i) Assembly of five or more persons in the Kachurtal area and other areas bordering Kolasib District of Mizoram under Ramnathpur Police Station of Hailakandi district.

(ii) Any kind of temporary and permanent construction activity in the forest area of Hailakandi district along Mizoram Border.

(iii) Carrying of arms or other lethal weapon like Dao, catapults, knife etc.

While D.C. Kolasib assured that he is trying to control the situation, he also admitted that MZP don't listen to the administration and expressed helplessness after a point of time.

On the morning of 8th March, 2018, adequate number of force was deployed, headed by Addl. S.P. (HQ)-cum-I/C S.P Hailakandi and Magistrate were also detailed. At about 10.00 AM, about 20 members of MZP reached the spot with two vehicles loaded with construction material and started downloading the materials. At this juncture, the Magistrate on duty requested them not to go ahead with such attempts in the territory of Assam. The MZP members remained adamant and started abusing and misbehaving with the officers and personnel on duty. The Magistrate tried to convince them that any difference over boundary may be discussed at proper official forum and that they should not take law in their hands. He told them that the people of both states are citizens of the same country and therefore, there is no need of fighting over the boundaries. Despite continuous persuasion, they remained adamant and therefore, Magistrate announced on loudspeaker that prohibitory orders U/S 144 Cr.PC has already been promulgated and that they should comply with law and disperse. Even then they remained adamant on construction at which the assembly was declared unlawful by the Magistrate on duty after which they were pushed back by about 200 meter by the police using bare minimum force. In this connection, a case has been registered at Ramnathpur PS vide case No.44/2018 U/S 147/148/149/447/336/294/353 IPC R/W Sec. 5 of Assam Land Grabbing Act.

Later about 60/70 more members of MZP joined the earlier group. Continuous appeals were made by our officers asking them to leave the spot and approach through their administration / Govt. for resolution. However, they camped at the spot declaring that they will not leave until they are able to construct a rest house there.

It may be noted here that despite several requests made by the District Magistrate, Hailakandi to Deputy Commissioner, Kolasib to restrain the MZP members from reaching the spot, they came unobstructed. There was no officer from the Kolasib District administration to

ensure that the people coming from their side comply with the prohibitory orders promulgated by District Magistrate, Hailakandi and not to violate any law.

At about 8.00 PM on 08.03.2018, ADC Kolasib came to the spot and held discussion with the DIGP (SR), Assam, Silchar and the I/C SP, Hailakandi present on the spot. He was requested to convince their student body not to make any attempt of encroachment and abide by the law. He also informed that Govt. emissary from Aizwal is on the way to Kolasib to talk to the MZP members.

It may be added that if the MZP activities/ encroachers are not stopped by the administration of Mizoram and still try to go ahead with the said construction, the situation may worsen.

Further sequences and events are as follows:-

(i) At about 4.00 PM on 09/03/2018, the DC Hailakandi along with the DIGP(SR), Silchar held a meeting with the D.C/S.P and other officials of Kolasib District of Mizoram near the Border to discuss the ways to come to arrive at a mutually agreeable and amicable solution of the current impasse. It was again suggested to the D.C Kolasib that any differences on the border must be discussed and settled in an appropriate forum and no one should be allowed forcefully to encroach the Reserve Forest land and violate law. In return, the D.C Kolasib suggested that to resolve the present situation, the members of MZP may be allowed to construct a small structure which can be later on dismantled by Hailakandi District Administration after the MZP members left the spot. The offer was found to be not legal and legitimate and therefore, it was not agreed upon by us. Rather they were requested to convince their student's body to abide by law and withdraw from the spot and approach their Administration and Government since the offer of our discussion had already been extended by the Government of Assam. The Officers of Kolasib District Administration left after this with an assurance to respond back on the issue and to control the situation on their side. However, no response came from Kolasib District Administration and after that all the MZP members continued camping near the inter-state boundary. Our security forces continued to remain deployed in their position.

(ii) At about 7.00 P.M. on 09.03.2018, it was reported that a Mosque which is on the side of Border (Mizoram Side) is being planned to be demolished. The D.C/S.P Kolasib were immediately informed to give proper protection to the religious structures and to this security forces were deployed to safeguard the Mosque.

(iii) At about 11.00 P.M. on 09.03.2018, it was reported by the Magistrate and the Police Officials on duty at the Border that 2(two) nos. of abandoned houses at the problem site have been set on fire. The matter was immediately reported to the D.C/S.P Kolasib requesting them to immediately stop such kind of vandalism which would otherwise escalate the situation.

On 10th March/2018, since morning, Police officers on duty informed that more and more MZP volunteers are joining the camping side. It was also reported that they are equipped with Lathi, dao, catapult etc. Continuous telephonic communications were made with the D.C/S.P Kolasib with repeated requests to withdraw the MZP members from their side to

maintain law & order within their jurisdiction. In return D.C & S.P Kolasib assured that the MZP members are withdrawing soon and there will not be any intrusion and violent activity.

However, while this was being discussed, about 100 MZP members armed with lathis, dao, knives, wooden materials, wooden planks, catapults etc. came marching all of a sudden towards our forces. They assaulted In-Charge S.P. Hailakandi and injured 15 police personnel of Assam viz (1) C/214 Sudip Sinha, (2) C/502 Safique Ahmed Talukder, (3) c/445 Rajesh Nath, (4) C/458 Asab Uddin, (5) C/194 Subrata Malakar, (6) C/654 Niranjan Sinha, (7) C/169 Sabbir Ahmed, (8) C/ 178 Biswajit Kairi, (9) C/272 Bahar Uddin, (10) c/ 116 .S. Dey, (11) C/20 Sultan Ahmed, (12) C/34 Babla Das, (13) WPC-89 Susmita Nath, (14) WPC-134 Mamata Sinha, (15) WPC-121 Rina Sinha, who were later shifted for medical treatment. Simultaneously, they also started construction by placing wooden poles. In this regard, a case vide Ramanthpur PS case no.45/2018 U/S 147/148/149/447/448/326/436/188/353 IPC R/W Sec. 5 of Assam Land Grabbing Act. has been registered.

Repeated appeals from the Magistrate on duty and the Police Officers were made to MZP volunteers/ encroachers to abide by the law, maintain peace and tranquility and law & order. Despite requests and persuasion, the MZP members were not at all ready to listen and were adamant to go ahead with the construction although the police on duty were maintaining extreme restraint.

At first, security forces receded 100 meters. However, when MZP members continued with the assault, they were pushed back using bare minimum force and the forces exercised maximum restraint as was instructed to them. When the MZP members continued assaulting security personnel on duty, finding no other alternative, to disperse the MZP members 5 (five) rubber bullets round and 2(two) rounds of INSAS Rifle were fired in the air by security personnel. With this use of bare minimum force, our security personnel were able to push back the MZP members.

The MZP members remained on the other side of the Border for some time and our forces continued to hold their position exercising maximum restraint. After some time, the MZP members went to Bhairabi Police Station where the District Administration of Kolasib, as reported, persuaded them to return to Aizawl.

At about 4.30 PM, on 10.03.2018, the D.C Kolasib informed D.C Hailakandi that they will not allow the MZP Members to return to the spot and assured that they would return to Aizawl.

Meanwhile, D.C/ S.P, Hailakandi are continuously in touch with the D.C/ S.P Kolasib to ensure that the common people of either side do not suffer any repercussions due to the present impasse on the border.

It may be mentioned here that area on which the encroachment was attempted by way of construction of Waiting Shed on 27.02.2018 and a Rest House during current incident, falls under Gharmurah Range of Inner Line Reserve Forest in Hailakandi District, notified in 1878. Necessary topographical maps of Survey of India notified in 1971 are available with the D.F.O, Hailakandi, copy of which is enclosed with this report. It may be reiterated that if the Kolasib District Administration does not restrict the free passage of MZP activities/ encroachers to reach to the spot, there may be further attempts to encroach the reserve forest. If the administration in Mizoram does not pro-actively take preventive measures, there is an apprehension of a backlash against the people of Assam residing/working in Mizoram.

Annexure-IV—

Reserve Forest, situated under the jurisdiction of Cachar Division. This table serves as a detailed record, providing insights into the specific occurrences where individuals from the Mizo community have encroached upon the areas of the Inner Line Reserve Forest, enabling a clearer understanding of the scope and nature of these incursions.

Sl. No.	Name of Forest Division	Date on which illegalities by Mizo People in forest area have been noticed	Encroachment of forest land and illegal construction activities thereon			Distance from any easily identifiable mile stone like river/ stream BOP, village inter-state border building etc	Remarks
			Approx Area (Ha)	GPS Co-ordinate	Nature of illegal construction		
1		3	4	5	6	7	8
1	Cachar Forest Division, Silchar	Mizo Section Dt. 21-06-2013	300.0	N 24°28'49.42" E 92°47'14.07"	Road & bridge	Mizo Section F.V.	Boundary Pillar broken by Mizo People
2		Dholakhal Dt. 06-04-2020	200.0	N 24°28'51.90" E 92°47'33.78"	Road	Dholakhal F.V.	
3		Phainum Punjee Dt. 06-04-2020	300.0	N 24°28'28.22" E 92°47'22.38"	Road	Upper Phainum Punjee Village	
4		Bagkhai Dt. 06-04-2020	250.0	N 24°28'7.36" E 92°47'57.17"	Road	Bagkhai	
5		Mother Tilla Dt. 06-04-2020	250.0	N 24°24'45.0" E 92°51'33.3"	Road	Mother Tilla	
6		Old Auto Stand (both side) Dt. 08-11-2020	123.7	N 24°30'59.11" E 92°46'47.55"	Building, Huts & Road	On NH-54	
7		17-01-2021	1.0	N 24°25'28.30" E 92°52'49.67"	Construction of Road from Mizoram via Jabia (Assam Mizoram Border) to Patarkhal mukh 8.0 Km road has been constructed in Assam area by Mizo People in the east direction of Dholakhal & east direction of Sonai River and another road plan is going on from Lailapur to Thimakhal. This is also Assam area from	Dholakhal to Patarkhal mukh approx 4.0 Km in the east direction of Sonai River	

					west to east direction of Sonai River.		
8	Cachar Forest Division, Silchar	Paglacherra (French Nagar) Dt. 05-04-2021	125.0	N 24°30'19.42" E 92°46'46.39"	Mizo I.R.B.N. Camp	Boundary Pillar	
9		Atlang (Dholakhal) Dt. 22-07-2021	150.0	N 24°31'12.61" E 92°45'43.10"	Building & Huts	Atlang Nala	
10		Dt. 26-07-2021	-	N 24°30'59.74" E 92°46'48.51"	The Mizo Police and the IRBN personnel deployed by Mizoram Govt. outed firing un-provokedly on the Assam Govt. officials, Forest and Police staff indiscriminately using sophisticated weapons, resulting death of 6 (six) Assam Police Personnel	Lailapur Auto Stand on NH-54	
11		Dt. 26-09-2021	-	N 24°24'45.0" E 92°51'33.3"	Eviction of temporary patrolling camp set up by Forest Deptt.	Medar Tilla, ILRF	
12		Kalakhal (Paschlakal) Dt. 03-04-2022	400.0.	N 24°27'10" E 92°53'29" N 24°27'10" E 92°53'30" N 24°27'10" E 92°53'29" N 24°27'10" E 92°53'30" N 24°27'15" E 92°55'14" N 24°27'10" E 92°53'29"	Road	Pancherra upstream newly construction of Road	
13		Rengi Tilla Dt. 22-07-2021	175.0	N 24°31'22.44" E 92°46'59.38"	Road, Huts & Horticulture crops	On NH-54	

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BRIEF SUMMERY OF MIZO ACTIVITIES UNDER HAILAKANDI FOREST DIVISION

There is about 1000 Hectors area of land in Inner Line R.F under Hailakandi Forest Division which is encroached by Mizoram Govt. at the following locations:

Sl no	Name of Range	Name of RF	Location of Mizo Encroached Area	Total area encroached(ha)
1	Matijuri	Inner line R.F	Dhalchera	575
2	Gharmura		Kachurthal	425
			Birseema	
			Gollachera	
			Total	1000

In addition to that Mizoram Govt. /people intended to encroach in the adjoining bordering area of Assam under Matijuri Range, Gharmurah Range and Kukicherra Range some of such incidences are shown below.

Date	Brief description
03-06-2021	Reporting of illegal construction of house in the adjoining area of boundary of Assam Mizoram by Mr. Pu John Hallyday at Birsima village within Inner Line R.F, under Gharmurah Range, Hailakandi District. And physical inspection of the illegal constructed house done on 03-06-2021. Area encroached 3.00 Hectors.
04-06-2021	Burning of 3(Three) huts of encroachers at Gollacherra area within Inner Line R.F under Gharmurah Range and within territorial jurisdiction of Hailakandi district near interstate border boundary of Assam Mizoram.
27-06-2021	Mizo encroachment at Kochurthal –Balicherra area under Dhalcherra BOP, Matijuri Range. On 27-06-2021 the Civil, Police and Forest authority of the district along with armed police personnel found a temporary shed constructed at Kachurthol (Balicherra) by the Mizoram Police.
29-06-2021	Dismantling of temporary shed constructed at Kachurthol (Balicherra) by the Mizoram Police and also recovered 120 Hectors Brooen plantation done and occupied by Mizoram.
01-07-2021	On 01-07-2021 Mizoram Police tried to re-construct the temporary shed at Kachurthol-Balicherra area but the district Police/Civil and Forest authority have dismantle the constructional works and recovered encroached 80.00 Hectors Broom planted land.
13-08-2021	At Sahebmura - PakuaPunji EGS L.P. School under Gharmurah Range within Inner Line Reserved Forest low intensity blast has been made in night hours of 13-08-2021 by unknown miscreant of Mizoram.
14-08-2021	On 14-08-2021 during field visit at Kachurthol- Balicherra area i/c Range officer, Matijuri and other forest staff have noticed that about 2.00 (Two) KM Kacha road (earthen road) constructed by the Mizoram Govt. in Inner Line Reserved Forest under Matijuri Range, Hailakandi District, Assam.
27-08-2021	On 27-08-2021 i/c Range Officer, Matijuri has visited the Kachurithal-Balicherra area within Inner Line Reserved Forest area under Matijuri Range, Hailakandi District and reported that Mizoram Police has installed 2(Two) nos. temporary Camps and one bunker near the boundary of 200 Hectors Block Plantation site .
01-09-2021	On 01-09-2021 it is reported that a road is started to construct by the Mizoram Govt. in Kachurithal-Balicherra area near 200 Hectors Mixed Teak Plantation Center within Inner Line Reserved Forest area under Matijuri Range, Hailakandi District. Necessary preventive steps have been adopted by the District Police and Civil authority along with Forests.
02-09-2021	Another Temporary Camp alongwith 2Km road have been constructed by Mizoram Police at Kachurthal-Balicherra area within Inner Line Reserved Forest under Matijuri Range, Hailakandi District, Assam.
06-10-2021	Illegal construction of linkage road with Mizoram State by way of encroachment in Inner Line R.F in Hailakandi district extending the earlier constructed 2.00 Km road at Kacurthol – Balicherra area including a new duty post also done by the Mizoram Police.

Contd. ...2

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Date	Brief description
26-10-2021	The Mizoram Govt. has again started re-construction of incomplete RCC culvert over Bhairabicherra under Gharmurah Range near Kacharthal at GPS Coordinates N -24.227, E - 92.548. But due to Intervention of district Civil and Police authority constructional work has been ceased.
21-11-2021	Illegal construction of a Road by Earth cutting at upstream of Haticherra area within ILRF under Kakicherra Range. The said road is about 2.00 KM (Aerial distance) inside Assam territory from the Inter State Border Boundary of Assam-Mizoram. A point of GPS Coordinates of the road is (24°21'15.5"N 92°38'23.6"E). The said road works has been stopped after joint enquiry done by the both Civil, Police, Forest authority of the counterpart district.
02-02-2022	About 3.00 Ha land encroached by Mizo miscreants at Gollacherra area by cutting/ clearing the bamboo etc. within I.L.R.F. under Gharmurah Range.
09-02-2022	DFO, Hailakandialong with Circle Officer, Katlicherra, Range Officer, Gharmurah, O.C. Ramnathpurand other staff visited the Gollacherra area within Inner LineReserved Forest under Gharmurah Range, Hailakandi district. During our visit it is seen that the earlier encroached area has been extended by cutting/clearing the bamboo etc. from the forest area, the total encroached area is about 3.00 Hectors.
26-02-2022	About2.0Km. away towards eastern direction from Gollacherra B.O.P Mizoram Govt. has illegally constructed new Road at Kala Pahar area within Inner Line Reserved Forest under Gharmurah Range, Hailakandi District.
11-03-2022	Illegal construction of 2(two) nos. temporary huts at Sahebmara area under Gharmurah Range within I.L.R.F.
30-03-2022	Mizoram Govt. is illegal digging pits for installation of electric post meant for power supply in Gollacherra area within I.L.R.F. under Gharmurah Range.
08-03-2023	According to information regarding Mizo encroachment at Birsima area within Inner Line Reserved Forest under Hailakandi District on 08-03-2023 the Beat Forest Officer, Bhairabi Beat, Ramnathpur and O/C Ramnathpur Police Station along with other staff proceeded to Birsima area and stopped the work. The area falls in the disputed border boundary area and also under status quo as per joint decision taken vide joint statement dated, 05-05-2021 of both State of Assam & Mizoram.
10-06-2023	Mizo Govt./ Mizo People have engaged in road works by earth cutting of an existing foot path at Gollachera are a in ILRF Assam near interstate border area. The matter has been informed to the D.C. and S.P, Hailakandi on 10-06-2023, accordingly D.C Hailakandi requested to the D.C, Kolasib Mizoram to stop the activities vide letter No. MJ-14/3/22-HM Dtd. 11-06-2023 and to maintain status-quo as per the joint statement issued by the Govt. of Assam and Mizoram in meeting dtd. 05-08-2021.
15-06-2023	On 15-06-2023 2(two) nos. of JCBs were working for widening of the path 300.0Mtrs. away from Gollacherra BOP in the border area of Gharmurah Range under Hailakandi Forest Division. In this regards District Commissioner, Hailakandi take up the matter with the counterpart of the Deputy Commissioner, Kolasib, Mizoram to maintain the decision adopted in the Minister level agreement dtd. 05-08-2021, 09-08-2022 and 17-11-2022.

Annexure-V(A)

No. Reg/Boundary/31/21/LC-147 dated 04/6/2021

To
The officer In charge
Karimganj Police Station
Ramkrishnanagar

Sub: F.I.R.

Ref: Memo vide dtd. 03/6/2021.

Sir,

With reference to the subject cited above, I have the honour to inform you that on 03/6/2021 I along with (1) Sri Laxman Nath, Addl S.P. and (2) Sri Hailakandi alongwith (3) Sri [illegible] Personal visited the Mizoram boarder area near Sairang (Aizawl) for our Patrolling duties.

On reaching the spot at the bat chang Near Sairang area some Migo People have already constructed shows with bamboo structure inside the Assam jurisdiction. (I.L.P.F) under Kolasib Range.

The above activity leads to illegal transfer to the [illegible] and failed to dismantle the said house. The house was guarded by mizo armed battalion & could not [illegible] by the mizo people.

Thus you are Requested to register a case to this effect against the mizo people supported by them of mizoram Govt. at the earliest.

Yours faithfully

(Ramesh Reddy)
DY Ranger
Range Forest Officer
Chamrang Range
Chamrang

Copy to the Divisional Forest Officer for favour of his kind information and onward necessary action. This office to be informed on 07/6/2021, he is requested to take up the matter with the mizo authority urgently.

Copy to the Circle officer Hailakandi for kind information and disposal.

Copy to Shri Hmingthan Mawiandar For Kind Officer Romanagar for his information. He is directed to pursue the matter and do the needful for objection of the above without delay.

Annexure-V(B)

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

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

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

Annexure-V(C)

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

Letter No. HT/15/Border/11 Dated: 10/07/2021

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°47'36.46")
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)-Mizroam near Kullicherra Part–II in Lallapur 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.

Yours faithfully,

Enclo: Photographs
Station: Hawaithang
Date: 10.07.2021

(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,

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Annexure-V(D)

Memo No: Cont/Border/751/F.I.R/2021/89-91 dt. 14/7/2021

To

The Officer Incharge
Ramanathpur - Police - Station
Ramanathpur.

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 Ramanathpur and Asst officer Patherdi Ramanathpur and Police Battalion Personal visited Assam and Mizoram Border at Bat chera area on Reaching spot a huge stala about 40 feet found. a bamboo hut Guarded by them in our jurisdiction of Assam 1.2 Km and they were devastated the herbs, Thanks, Liana, and valuable trees besides loss of avifauna and fauna etc. heavy loss of forest Govt property 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 Cohen mura Range we failed to dismantle the said Hut as the zone was guarded by fully equipped Armed force Govt of Mizoram on the spot

Therefore I request you Sir to take to this effect against the accused Person which is supported by the Govt of Mizo Ram from Lawd upon Point.

Copy to the Divisional forest officer Hailakandi for favour of his kind information Also refer to our field visited on 14.7.21 He is requested to take up to the matter with the police authority urgent

Copy to Circle officer Hailakandi for favour of his kind information

Copy to the Addl District Magistrate Hailakandi for information. He is directed to take step the matter to do needful action.

Annexure-V(E)

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

Divisional Forest Officer
Cachar Division : Silchar

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Annexure-V(F)

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

To

The office incharge
Ramnathpur P.S

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 sahebmara 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 accrosing 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
Bhairobi Beat
Ramnathpur

(A.H MAZUMDER,Fr.I)

Annexure-V(G)

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Assam Schedule-L (Part-1) Form32

FOREST DEPARTMENT ASSAM

Hailakandi Forest Division, Hailakandi

Application for Issue of processes

Letter No. GM/Border/Offence/31/21/52 Date- 17/06/2021

To

The Hon'ble Chief Judicial Magistrate
Hailakandi, Assam
(Through DFO, Hailakandi)
O.R No. GM/01 of 2021

1) Pu John Halliday c/o Dr Lalrozama, Deputy Commissioner, Mamit District, Mizoram	Sir, Whereas the marginally noted person committed an offence in the areas under this Range, an Offence Report of this Range accompanying of the station and where as the facts can be proved
2) Armed Component of Mizoram Police c/o Dr Lalrozama, Deputy Commissioner, Mamit District, Mizoram	by the evidence of the witness named herein. I have the honour to request that the Honourable Court will issue of process against the accused and initiate trial the case under relevent sections of the Indian Penal Code or under the Assam Forest Regulation, 1891 (as amended up to 1995) under Section 24(a), 24(b) and under Section 25 of the AFR, 1891

Yours Faithfully

Range Forest Officer,
Gharmurah Range,
Gharmurah

Copy to the Divisional Forest Officer, Hailakandi Division, Hailakandi for favour of his kind information and necessary action.

Range Forest Officer,
Gharmurah Range,
Gharmurah

Scanned with OKEN Scanner

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GOVERNMENT OF ASSAM

FOREST DEPARTMENT Hailakandi DIVISION

OFFENCE REPORT NO. GM/01/2021-22 Date 17 / 06/2021.

REVENUE STATION : Gharmurah Range, Gharmurah.

RANGE/ BEAT : Gharmurah Range, Gharmurah.

NATURE OF OFFENCE

Destruction of forest cover and encroachment of 22.5 Bighas (3.00 Hectors) of land inside Inner Line Reserved Forests and illegal construction of building without authority falling under Gharmurah Range of Hailakandi Forest Division.

Date & Hours of Detection : 11.06.2021 at 3:39 P.M.
Place of Occurrence : Betcherra area within Inner Line Reserved Forest
By whom detected. : Sri Pranab Kalita, Deputy Ranger, i/c Range Forest Officer, Gharmurah Range, Gharmurah,
Reference of Section. : 24(a), (b), 25, of the Assam Forest Regulation 1891 (As amended up to 1995). Section 2(a) and 3(B) of FCA1980 (Amended)

Name of Accused

Sl. No.	Name	Father's Name	Address	P.S	District.
1	Pu John Halliday c/o Dr Lalrozama, Deputy Commissioner, Mamit District, Mizoram	Not known	Betcherra area in Inner Line Reserved Forests	Ramnathpur	Hailakandi
2	Armed Component of Mizoram Police c/o Dr Lalrozama, Deputy Commissioner, Mamit District, Mizoram	Not known	Betcherra area in Inner Line Reserved Forests	Ramnathpur	Hailakandi

Name of Witness

Sl. No.	Name	Father's Name	Address	P.S	Dist.
1.	Pranab Kalita, Deputy Ranger	I/c Range Forest Officer, Gharmurah		Ramnathpur	Hailakandi
2	Kabir Hussain Mazumder, Forest Guard	Attached to Gharmurah Range		Ramnathpur	Hailakandi

Scanned with OKEN Scanner

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Fact of the Case

The fact of the case in brief is that on 11-06-2021, I, Sri Pranab Kalita, Deputy Ranger, i/c Gharmurah Range, Gharmurah along with my staff namely Sri Kabir Hussain Mazumder Forest Guard attached to Range Office, Gharmurah Range went for regular normal patrolling duty towards the border area Assam-Mizoram. While patrolling we came across some forest villagers in the Betcherra area falling in the **Innerline Researved Forests** under jurisdiction of Gharmurah Range. It was informed by the villagers, on casual interrogation, that a person namely one Sri Pu John Halliday, S/o. Unknown, address- unknown, hailing from Mizoram has very recently constructed a building in the Betcherra area. On verification of the spot we could discover that a building is constructed Sri Pu John Halliday and he was seen in the house. We had tried to interrogate him and he has confessed verbally that he has constructed the house for his use under active support of the civil and police administration to the Mammit district of Mizoram. Sri John refused, however, to record and sign his statement though he admitted of having constructed the building within the **Inner Line Reserved** Forest near constitutional Inter-state border boundary of Assam Mizoram falling under the jurisdiction of Hailakandi Forest Division. he also did not cooperate to receive the seizure memo as to the seizure of the property together with valuation statement. We also noticed one Armed Component of Mizoram Police, address-Unknown, loitering in the aforesaid are who allegedly were assisting Sri john, as admitted by Sri John Halliday, in clearance of forest areas, construction of building un-authorizedly and their very presence and entry in the **Inner Line Reserve Forest** is apparently illegal as were without any jurisdiction lacking bonafide authority. Presence on the part of the armed component of the Mizoram Police in the Inner Line Reserve Forest and their action of assisting Sri John amounts to abetment in commission of the offence by Sri John. It was also admitted by Sri Pu John Haliday that he has cleared an area of 22.5 Bighas (3 Hectare) of Forest land causing damage to precious flora within the **Inner Line Reserve Forest** under the Jurisdiction of Gharmurah Range of Hailakandi Forest Division, Assam. Such activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area and construction of the building without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Honourable Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad VS Union of India and others.

Being fully satisfied that *Prima Facie* an offence has been committed by Sri Pu John Halliday under active support of a component of Mizoram Police, Government machinery of Mizorma State, therefore, I have seized the permanent structure as empowered under Section 49(1) of the AFR'1891 and thereafter have duly submitted the seizure report to the DFO, Hailakandi Division.

A copy of the seizure memo dated 11.06.2021 with valuation statement of the seized property and the cost of forest property, as damaged and destroyed, including the copy of the seizure report dated 12.06.2021 as submitted to the DFO, Hailakandi Division are annexed hereto and marked as **Exhibit-1** , **Exhibit-2** and **Exhibit-3**respectively.

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It is pertinent to mention here that **Inner Line Reserve Forest** was constituted and notified by the Government of Assam in the year 1933 where in rich floral and faunal diversity exists, broadly classified as ***Cachar Tropical Wet Evergreen Forests*** and ***Cachar Tropical Semi Evergreen Forest*** as per classification of Forests made by ***Champion and Seth*** with luxuriant growth of many rare and threatened species of flora with high economic, medicinal value comprising of interesting herbs. Shrubs, lianas and trees besides host of avifauna, fauna etc. etc. These very dense forests are green lungs to the human race for their survival and are carbon sinks for our healthy living.

The place of occurrence, Betcherra, inside the **Inner Line Reserve Forest** is geo referenced and is depicted in the Topo Sheet precisely indicating the constructed building supported with the visuals of the alleged accused Sri Pu John Halliday, the armed component of Mizoram Police.

The copy of the Government Notification dated **09-03-1933** whereby the **Inner Line Reserve Forest** was constituted is annexed hereto and marked as **Exhibit-4.** An extract copy of Topo Sheet map 83 D/8 is also annexed herewith as **Exhibit -5** showing the encroached area.

A copy of the map, photographs of the building, photographs of Sri Pu John Halliday are annexed hereto and marked as **Exhibits-6, 7** and **Exhibit-8** respectively.

Net Present Value (NPV) of the encroached forest area measuring 3.0hectare (22.5 Bighas) land for the other forest area under Semi Evergreen Forest –Eco- Value class stand Rs. 7.30Lac per hectare (w.e.f 28-03-2008 as per Forest Conservation Act. 1980 amended). So total NPV for 3.0Hectare Reserve Forest land appeared as Rs. 21,90,000.00.

Considering the magnitude of destruction of forest cover in the **Inner Line Reserve Forest** and there after encroachment of the said Reserve Forest land at Betcherra of the State of Assam by the inhabitant of Mizoram state supported by Government machinery it is found expedient to frame and draw up Offence Reports against the illegal doers being a very fit case trial in the Honourable Court of Law for prosecution according.

Description of seized property and estimated value:

1. Estimated Value of building under Seizure : Rs. 18,00,000/-
2. Net Present Value for 3.0Herctare R.F. land : Rs. 21,90,000/-

Submitted

(Pranab Kalita) Dy. R
I/c Range Forest Officer,
Gharmurah Range, Gharmurah

Enclosure:-

1. Seizure list dated 11.06.201 ..... Exhibits-1
2. Seizure Report dated 12.06.2021 ..... Exhibits-2
3. Valuation statement of building and damage to forest cover Exhibits-3
4. Notification dated 09-03-1933 Exhibits-4
5. An extract copy of Topo Sheet map 83 D/8 ..... Exhibit -5
6. Photographs Exhibits-6,7,8

Exhibit - 1

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Exhibit- 1

SEIZURE LIST

1. Date & Hours of Detection : 11.06.2021 at 3.39PM
2. Place of Occurrence : Bethcherra area (Inner Line Reserve Forest)
3. Name & address of accused : (i) Pu John Halliday
   c/o Dr Lalrozama,
   Deputy Commissioner,
   Mamit District, Mizoram
   (ii) Armed Component of Mizoram Police
   c/o Dr Lalrozama,
   Deputy Commissioner,
   Mamit District, Mizoram
4. By whom detected / seized : Pranab Kalita, Dy. Ranger i/c. Range Forest Officer, Gharmurah Range, Gharmurah
5. Reference of Section : Under Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area and construction of the building without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980.

I do hereby seized the following

1. Illegal Construction of permanent building
2. Quantity damage of forest cover in 22.5 Bighas land (3 Hectare).

Signature of Accused

(Signature of Seizing Officer)

(Pranab Kalita) Dy. R
I/c Range Forest Officer,
Gharmurah Range, Gharmurah

Signature of Witness

(1) Kubir Hussain Mazumder, Rfd.

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Exhibit - 2.

Letter No. GM/Border/Offence/31/21/53 Date- 13/06/2021

To

The Divisional Forest Officer,
Hailakandi Division, Hailakandi

Sub. Seizure Report.

Sir,

With reference to the subject cited above, I have the honour to report you that in course of routine Border patrolling duty in Bethchera area along with other staff near Assam and Mizoram border within Inner Line Reserve Forest on 11-06-2021 along with other staff, wherein it is seen that Sri Pu John Halliday and one Armed Component of Mizoram Police (Unknown resident of Mizoram) un-authorizedly constructed the permanent house at Bethchera area with in Inner Line Reserved Forests (ILRF) under the jurisdiction of Gharmurah Range near boundary of Assam clearing 22.5Bighas of land.

As the activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area and construction of the building without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Honourable Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad VS Union of India and others.

The detailed seizure list along with valuation statement etc. are enclosed herewith for kind information and necessary action.

Enclo- As pecified.

Yours Faithfully

(P. Kalita, Dy. R)
i/C Range Forest Officer,
Gharmurah Range, Gharmurah

Copy to the Chief Judicial Magistrate, Hailakandi for kind information and necessary action.

i/C Range Forest Officer,
Gharmurah Range, Gharmurah

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Exhibit-3

Valuation Statement of seizure produce :

1. Illegal Constructed house assessed value : Rs. 18,00,000.00

2. Net Present Value for the 3.0Hectare (22.5Bighs)
Of forest land @ Rs. 7,30,000.00 per Hectare : Rs. 21,90,000.00

Total Rs. 39,90,000.00

Rupees (Thirty nine Lakhs ninety thousand) only

Submitted

(Pranab Kalita) Dy. R
i/c Range Forest Officer,
Gharmurah Range, Gharmurah

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Exhibit-4

X PAL 030122310PB CO TO CE WO 0911

(Copy)

Extract from - THE ASSAM GAZETTE - EXT-II .
Dated 13th March,1933.

Orders by the Governor in Council.
The 9th March, 1933.

Para-245.

No.2100A.P.- In supersession of Government Notification No.5100A.P., dated the 28th August,1930, and in exercise of the power conferred by section 2 of the Bengal Eastern Frontier Regulation, 1873(IV of 1873), as extended to the Lushai Hills District, the Governor in Council with the previous sanction of the Governor General in Council , is pleased to prescribe the line described below as the "Inner Line" of the Lushai Hills District :-

From the junction of the Nuanding with the Barak river, the Inner Line shall run up the midstream of the former to where it receives the Lungkuth Lui; thence up the midstream of that stream to its source, and crossing the range in a westerly direction down the right bank of small feeder flowing into the Tetrangtek stream; thence down the midstream of the latter to its junction with the Sonai river. From this point the Inner Line shall run south-westwards up the midstream of the Sonai river as far as its junction with the Sangalaun Lui; thence up the midstream of the Sangalaun Lui to be its junction with the Bagh Khel; thence up the midstream of the Bagh Khel or Tuikhan Lui to its junction with a large feeder that takes its rise near the deserted village of Bolpum; thence up the midstream of this feeder to the summit of Longtang range, and crossing that range down the midstream of the Teidu Lui to its junction with Kaimi river. Then a straight line running in a north-westerly direction from this junction to the Bhaleibridge one furlong north of the 20th mile stone on the Aijal-Chanhand road, this point is also the conjunction of the Kolasib Subdivision (district Cachar) with the Lushai Hills Pillar District; thence up the midstream of the Dhaleibridge to its source, thence , crossing the watershed it strikes the headwaters of the Cahinlueng Lui and down the midstream of this lui to its junction with the Barun Chara; thence down the midstream of the Barun Chara to its junction with the Tuivivang Lui (Tuivi); thence up the midstream of this Lui to its source in the Khaiphi range thence crossing the Khaiphi range westwards to the source of the Khaiphi Arroung; thence down the midstream of the Khaiphi stream to its junction with the Dulesawmi or Tlawm river; thence up the midstream of the Dhaleswmi river

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to its junction with the Ekkun river; thence up the midstream of the Ekkun river to the second large tributary met with on its left bank; thence up the midstream of this tributary to its source; thence in a northerly direction along a range to Chuterchuria Peak (2071); thence due west in a straight line to the trijunction point of districts Sylhet, Lushai Hills (Assam) and Tripura state (Bengal) situated on the Langai river about ¾th of a mile south-west of the confluence of the Madli Sherra with that river (vide Notification No.3313T, dated the 4th October,1928); thence in a southerly direction up the midstream of the Langai river to its confluence with a small nameless tributary going west about 2½ miles north-east of Batling Sib Peak height 3,083, thence in a south-westerly direction to Batling Sib Peak; thence in a southerly direction to Batling Peak height 2,234 which is the trijunction of district Lushai Hills (Assam), Tripura State and Chittagong Hills Tracts (Bengal); thence in a south-easterly direction for about a mile to a tributary of the Tuilianpui river, thence down the midstream of this tributary to its confluence with the Tuilianpui river thence down the midstream of Tuilianpui river to a point about 2½ miles south-east of its confluence with the Mat river, which is the junction of the Aizal Lungleh Subdivision boundary; thence westwards in a straight line to the source of the Karina river; thence down midstream of the Karina river to its confluence with the Karnaphuli river; thence up the midstream of the Karnaphuli river to its confluence with the Igeza Khal; thence up the midstream of the Thagi Khal to its junction with the other tributaries about 4½ miles south-east of height 2,096 and 5½ miles north-west of Waibung Taung, height 3,083; thence in a south-easterly direction up the slope for about 2 miles to the Waibung Taung range; thence in a westerly, southerly and easterly direction respectively along the range to Waibung Taung Peak height 3,083; thence in a southerly direction to Peaktedong; which is the trijunction of Chittagong Hill Tract (Bengal), Lushai Hills (Assam) and Northern Arakan district (Burma); thence eastwards to Nophrutong or Rangtlang; thence to source of a small stream called the South: Vavenglut or Mraikchaung whose source lies due east of the Peak, down the midstream of the Vavenglut or Mraikchaung to its junction with the Sakul (Kola) or Kalet stream (where a boundary stone has been place); thence up the midstream of the Sakul (Khia) or Kalet stream to the mouth of the Khawlong or Zyucha stream (where a boundary stone has been placed); thence up the midstream of the Khawlang or Zyucha to its source on the Saseng or Kwiram rang ; thence south wards along the Saseng or Kwiram range:

Contd.....3/-

to the source of the Saraik or Kwimain stream (where a boundary stone has been placed); thence down the midstream of the Sarik or Kwimain stream to its junction with the Kolodyne (Kaladan) river; thence straight across the Kolodyne (Kaladan) river to the mouth of the Khongsa or Kwimain stream (where a boundary stone has been placed), (the mouths of these two streams are opposite one another); thence up the middlestream of the Khongsa or Kwimain stream to its source in the Kaisi Tlang (where a boundary stone has been placed); thence southwards to the source of the Kolu or Shuklaik stream; thence down the midstream of the Kolu or Shuklaik stream to its junction with the Sulte river; thence up the midstream of the Sulte river to its junction with the Kaikhau or Khinkhun stream (where a boundary stone has been placed); thence up the midstream of the Kaikhau or Khinkhun stream to its source on the Tachiom or Zahtay Klang; thence northwards along the Zathiom or Zahtay Klang to the source of the Sum stream; thence down the midstream of the Sum stream to its junction with the Mi Tikeng, Tutsi, or Webling river; thence up the midstream of this river to its junction with the Kheimu stream; thence up the midstream of the Kheimu stream to its source on the Kahrin or Kaphrin (Thantal) Klang; thence south along the crest of the Kahrin or (Kaphrin) Klang to the source of the Kathu West; thence down the midstream of the Kathu West to its junction with the Tuivul(Tuisin) river; thence down the midstream of the Tuivul (Kaladan) river to the junction with Tyao; thence up the midstream of the Tyao to its source on the Vaic Tlang; thence eastwards to the source of tributary of the Tuikang river; thence down the midstream of the Tuikang to its junction with the Tuisi; thence down the midstream of the Tuisi to its junction with the Tuivai river; thence down the midstream of the Tuivai river to its its junction with the Vangtua Lui; thence up the midstream of the Vangtua Lui to its source on saddle known as Bongkot where no a boundary pillar marked ML(1) has been erected; thence ciffeing to the west side of this saddle to the source of the Tuitut stream; thence down the midstream of the Tuisi stream to its function with the Tuivai river; thence down the midstream of the Tuivai river to its junction with the Barak river; thence down the midstream of the Barak river to its junction with the Duanting Lui, which is the trijunction of the Lushai Hills and Cachar Districts and Manipur State.

NOTE :-(1) The Inner Line falls in the following survey of India 1"=4 miles and 1" = 1 miles publications :-

North :- 83F,83D,83D/15, D/14, D/11 and D/7,
West :- 83-D/7,83-D, 84-A, 84-B and 84-C,
South & East :- 84-B, 84-C, 84-E, 84-F, 83-D and 83-H.

(2) The northern western southern and eastern boundaries of the Lushai Hills district are co-incident with the Inner Line of the Lushai Hills District

Sd/- W.A.INGRAM,
Chief Secretary to the Govt. of Assam.

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Exhibit-5

GPS COORDINATE : 24°08'23.76"N 92°27'41.61"E is plotted by manually in the, Toposheet No. 83 D/8 with a mark ⊕ shown above.
Boundary of ILRF along Inter-State Border Boundary =

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Exhibit-6

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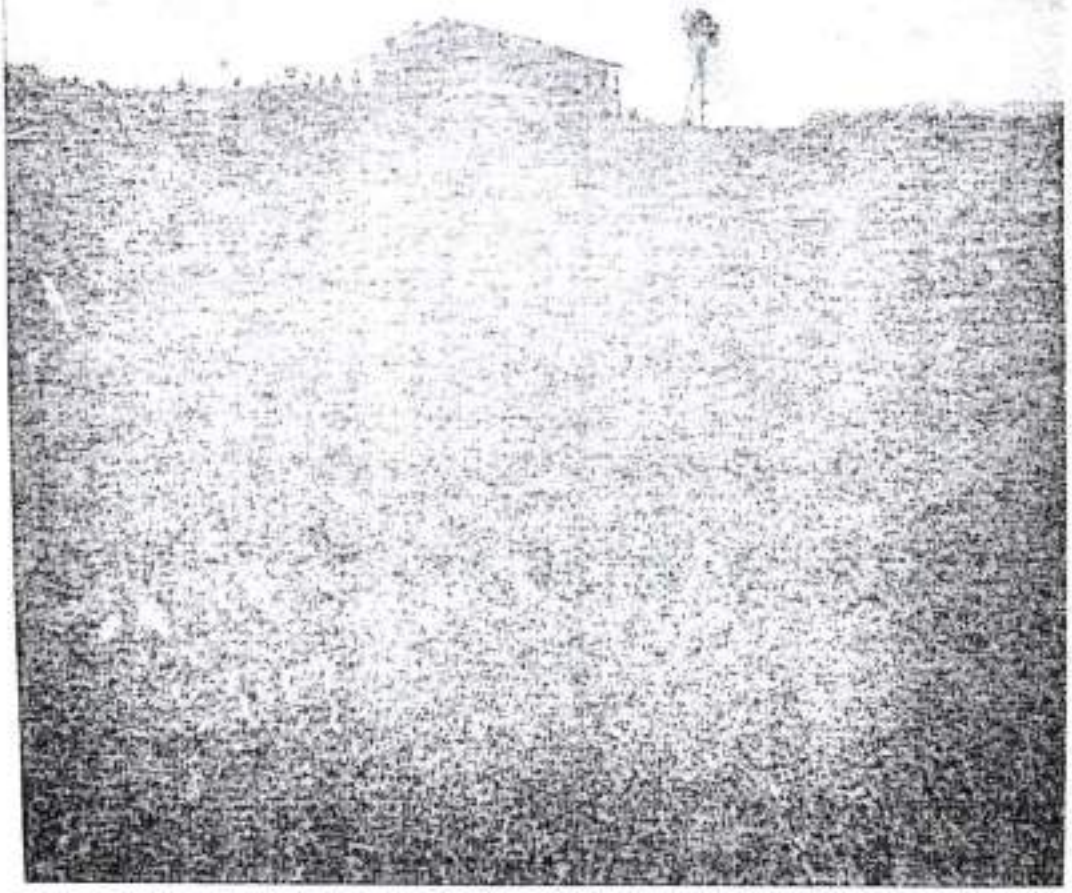

Submitted
(Rupendra)

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Exhibit-7

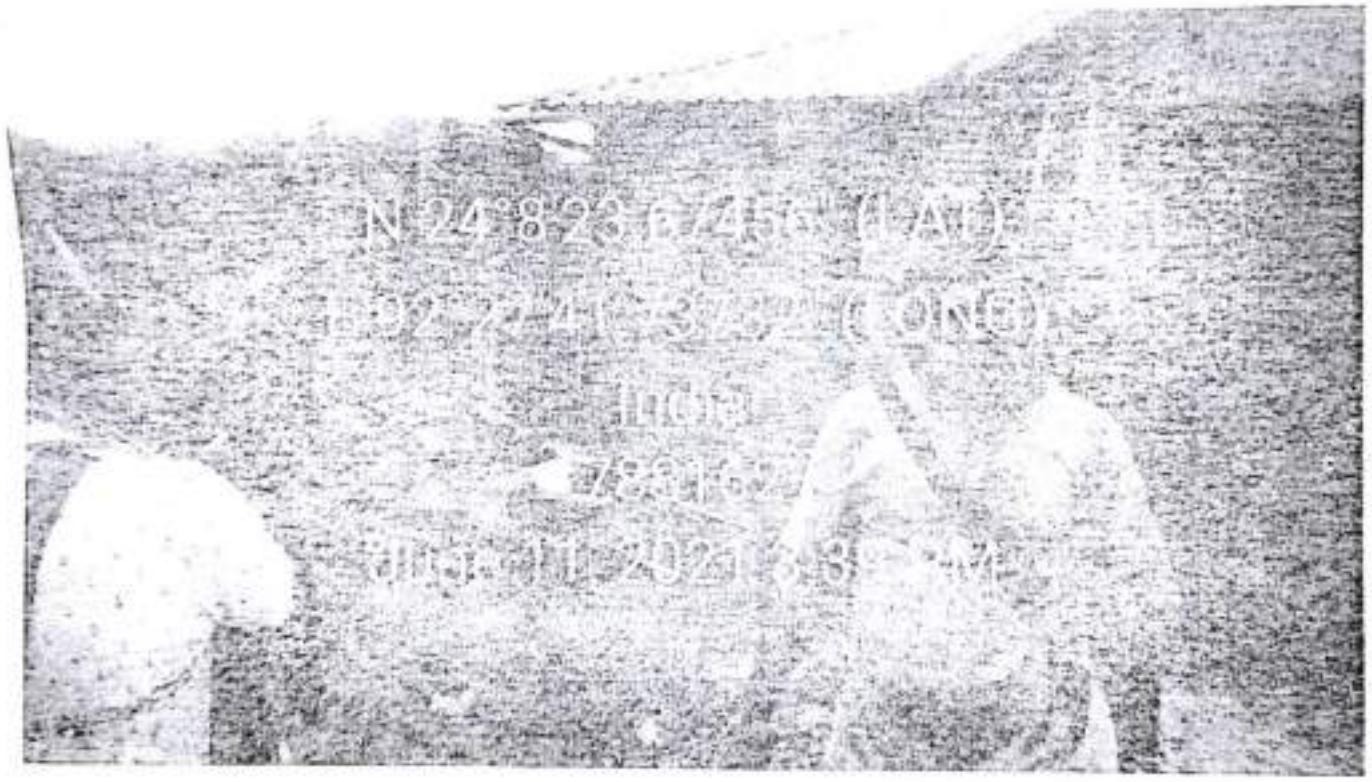

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Exhibit-B

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FOREST DEPARTMENT::: ASSAM HAILAKANDI DIVISION

Offence Report No. : GM/01/2021-22 Date : . 17/06.2021

Revenue Station : Gharmurah Range, Gharmurah.

Range : Gharmurah Range, Gharmurah

Memo No. GM/OR/13/2021/59 dt.17 / 06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Court of Hon'ble CJM, Hailakandi for trial.

((Pranab Kalita) Dy.R
I/c Range Forest Officer,
Gharmurah Range , Gharmurah

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Annexure-V(H)

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Assam Schedule-I (Part-1) Form32

FOREST DEPARTMENT ASSAM

Hailakandi Forest Division, Hailakandi

Application for issue of processes

No. HKD/DFO(T)/OR/1527 Date: 30-06-2021

To

The Hon'ble Chief Judicial Magistrate
Hailakandi, Assam

1) Somiel Vairengte area Kolasib District, Mizoram	Sir, Whereas the marginally noted person committed an offence in the areas under Matjuri Range, an Offence Report of the Range accompanying of the station and where as the facts can be proved by the evidence of the witness named herein. I have the honour to request that the Hon'ble Court will issue of process against the accused and initiate trial the case under relevant sections of the Indian Penal Code or under the Assam Forest Regulation, 1891 (Amended 1995) under Section 24(a), 24(b) and under Section 25 of the AFR, 1891
2) Roa Vairengte area Kolasib District, Mizoram	

Yours Faithfully

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

Copy to the Range Forest Officer, Range, Matijuri, Range, Matijuri for information and necessary action. This has a reference to his Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Divisional Forest Officer,
Hailakandi Division Hailakandi

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GOVERNMENT OF ASSAM

FOREST DEPARTMENT Hailakandi DIVISION

OFFENCE REPORT NO. **MJR/01/2021-22** Date **30 / 06/2021.**

REVENUE STATION : Matizuri Range, Matizuri.

RANGE/ BEAT : Matizuri Range, Matizuri.

NATURE OF OFFENCE

Destruction of forest cover and encroachment of 120.00 Hectors of land wherein cultivated Broom inside **Inner Line Reserved Forests** and illegal construction of Temporary Shed without authority falling under **Matizuri Range** of Hailakandi Forest Division.

Date & Hours of Detection : 27.06.2021 at 4-00 P.M.
Place of Occurrence : Kachurthal (Balicherra) area within Inner Line Reserved Forest
By whom detected. : Sri Duleswar Tamuly , Deputy Ranger, i/c Range Forest Officer, Maizuri Range, Gharmurah,
Reference of Section. : 24(a), (b), 25, of the Assam Forest Regulation 1891 (As amended up to 1995). Section 2(a) and 3(B) of FCA 1980 (Amended)

Name of Accused

Sl. No.	Name	Father's Name	Address	P.S	District.
1	Somiel	Un- known	Vairengte Area	Un- known	Kolasib, Mizoram.
2	Roa	Un- known	Vairengte Area	Un- known	Kolasib Mizoram.

Name of Witness

Sl. No.	Name	Father's Name	Address	P.S	Dist.
1.	Sri Duleswar Tamuly , Deputy Ranger	i/c Range Forest Officer, Matijuri		Lala	Hailakandi
2	Sri Abul Hussain Mazumder, Fr-I	Beat Officer, Lalacherra under Matijuri Range		Lala	Hailakandi

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Fact of the Case

The fact of the case in brief is that on 27-06-2021, I, Sri Duleswar Tamuly, Deputy Ranger, i/c Matijuri Range, Matijuri along with Beat Forest Officer, Lalacherra, Sri Abul Hussain Mazumder, Fr-I under Range Office, Matijuri Range went for normal patrolling duty towards the border area of Assam-Mizoram in Kochurthal (Balicherra) area within Inner Line Reserved Foresat (ILRF). It was informed by a stranger on casual interrogation, that , Mr. Somiel and Mr. Roa , S/o. Unknown, address- Unknown, hailing from Vairengte Area, District- Kolasib, Mizoram have very recently constructed the temporary shed in Kochurthal (Balicherra) area. On verification of the spot we could discover that a temporary shed is constructed and cultivated Broom in 120.00 Hectors land within the **Inner Line Reserved Forest** under Hailakandi District, Assam. The approximate distance of the place of occurrences from the constitutional Inter-state border boundary of Assam Mizoram is about 800 meter within the jurisdiction of Hailakandi Forest Division. It is an offence committed that the accused have cleared an area of 120.00 Hectares of Forest Land and cultivated Broom including illegal construction of temporary shed causing damage to precious flora within the **Inner Line Reserve Forest** under the Jurisdiction of Matijuri Range of Hailakandi Forest Division, Assam. Such activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of 120.00 Hectors reserved forest area and construction of the temporary shed without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Honourable Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad VS Union of India and others.

Being fully satisfied that *Prima Facie* an offence has been committed by Mr. Somiel and Mr. Roa under active support of a component of Mizoram, Government machinery of Mizorma State, therefore, I have seized the temporary structure as empowered under Section 49(1) of the AFR'1891 and thereafter have duly submitted the seizure report to the DFO, Hailakandi Division.

A copy of the seizure memo dated 27.06.2021 with valuation statement of the seized property and the cost of forest property, as damaged and destroyed, including the copy of the seizure report dated 27.06.2021 as submitted to the DFO, Hailakandi Division are annexed hereto and marked as **Exhibit-1** , **Exhibit-2** and **Exhibit-3**respectively.

It is pertinent to mention here that **Inner Line Reserve Forest** was constituted and notified by the Government of Assam in the year 1933 where in rich floral and faunal diversity exists, broadly classified as ***Cachar Tropical Wet Evergreen Forests*** and ***Cachar Tropical Semi Evergreen Forest*** as per classification of Forests made by ***Champion and Seth*** with luxuriant growth of many rare and threatened species of flora with high economic, medicinal value comprising of interesting herbs. Shrubs, lianas and trees besides host of avifauna, fauna etc. etc. These very dense forests are green lungs to the human race for their survival and are **carbon sinks** for our healthy living.

The place of occurrence, measuring area of 120.00 Hectares land in Kochurthal (Balicherra) area, falling inside the **Inner Line Reserve Forest** is geo referenced and is depicted in the Topo Sheet precisely indicating the constructed temporary shed supported with the visuals of the alleged accused Mr. Somiel and Mr. Roa. The said temporary shed has been dismantled on 29-06-2021 along with armed police force and forest staff and kept the seized materials at Dhalcherra Beat Office under Matijuri Range as Office custody.

The copy of the Government Notification dated **09-03-1933** whereby the **Inner Line Reserve Forest** was constituted is annexed hereto and marked as **Exhibit-4.** An extract copy of Topo Sheet map 83 D/11 is also annexed herewith as **Exhibit -5** showing the encroached area.

Photographs of the temporary shed, area of encroached Broom cultivated land, and photograph after dismantling of the shed are annexed hereto and marked as **Exhibits-6.**

Net Present Value (NPV) of the encroached forest area measuring 120.00 hectares land for the other forest area under Semi Evergreen Forest –Eco- Value class stand Rs. 7.30 Lac per hectare (w.e.f 28-03-2008 as per Forest Conservation Act. 1980 amended). So, the total NPV for 120.0Hectare Reserve Forest land appeared as Rs. 87,600,000.00.

Considering the magnitude of destruction of forest cover in the **Inner Line Reserve Forest** and there after encroachment of the said Reserve Forest land at Kochurthal (Balicherra) area of the State of Assam by the inhabitant of Mizoram state and cultivation of Broom supported by Government machinery, it is found expedient to frame and draw up Offence Reports against the illegal doers being a very fit case for trial in the Hon'ble Court of Law for prosecution accordingly.

Description of seized property and estimated value:

1. Estimated Value of Temporary Shed under Seizure : Rs. 2,000/-
2. Net Present Value for 120.0 Hectares R.F. land : Rs. 87,600,000/-

Submitted

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri

Enclosure:-

1. Seizure list dated 27.06.2021 ..... Exhibits-1
2. Seizure Report dated 27.06.2021 ..... Exhibits-2
3. Valuation statement of Temporary Shedand damage to forest cover Exhibits-3
4. Notification dated 09-03-1933 Exhibits-4
5. An extract copy of Topo Sheet map 83 D/11 ..... Exhibit -5
6. Photographs Exhibits-6,

Exhibit – 1

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Letter No. MJR/FRO(T)/Border/Offence/9/331-32 Date- 27/06/2021

To

The Divisional Forest Officer,
Hailakandi Division, Hailakandi

Sub. Seizure Report.

Sir,

With reference to the subject cited above, I have the honour to report you that in course of routine Border patrolling duty in Kachurthal (Balicherra) area along with other staff near Assam and Mizoram border within Inner Line Reserve Forest on 27-06-2021, wherein it is seen that Mr. Somiel, S/o Unknow and Mr. Roa S/o Unknow, in habitant of Vairengte area, Kolasib District, Mizoram un-authorizedly encroached over 120.00 hectares Reserved Forests land by way of broom cultivation and constructed a temporary shed at Kochurthal area (Balicherra) within Inner Line Reserved Forests (ILRF) under the jurisdiction of Matijuri Range near boundary of Assam Mizoram border boundary within Assam. The place of occurrence is about 800 meter away from the interstate border boundary of Assam Mizoram.

As the activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area of 120.00 Hectares land and cultivated Broom including construction of the Temporary Shed without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Honourable Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad -Vs- Union of India and others.

The detailed seizure list along with valuation statement etc. are enclosed herewith for kind information and necessary action.

Enclo- As specified.

Yours Faithfully

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri

Copy to the Chief Judicial Magistrate, Hailakandi for kind information and necessary action.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri.

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Exhibit-2

SEIZURE LIST

1. Date & Hours of Detection : 27.06.2021 at 4.00 PM
2. Place of Occurrence : Kochurthal area (Balicherra) within Inner Line Reserve Forest.
3. Name & address of accused : 1. Somiel, S/o Unknow
   2. Roa S/o Unknow
   Vairengte area.
   Kolasib District, Mizoram
4. By whom detected / seized : Duleswar Tamuly, Dy. Ranger i/c. Range Forest Officer, Matijuri Range, Matijuri
5. Reference of Section : Under Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area and cultivated broom including construction of the temporary shed without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980.

I do hereby seized the following

1. Illegal Construction of Temporary Shed.
2. Quantity damage of forest area of 120.00 Hectares by way of broom cultivation.

Signature of Accused

(Duleswar Tamuly) Dy. R
I/c Range Forest Officer, Matijuri
Range, Matijuri
(Signature of Seizing Officer)

Signature of Witness

(Abul Hussain Mazumder, Fr-I)
Beat Officer, Lalacherra Beat

Exhibit-3

Valuation Statement of seizure produce :

1. Illegal Constructed Temporary Shed assessed value	:	Rs.	2,000.00
2. Net Present Value for the 120 Hectares. Of forest land @ Rs. 7,30,000.00 per Hectare	:	Rs.	87,600,000.00
		Total Rs.	**87,602,000.00**

Rupees (Eight Crores Seventy Six Lac two thousand) only

Submitted

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

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FOREST DEPARTMENT::: ASSAM HAILAKANDI DIVISION

Offence Report No. : MJR/01/2021-22 Date : . 30.06.2021

Revenue Station : Matijuri Range, Matijuri.
Range : Matijuri Range, Matijuri.

Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Hon'ble Court of Hon'ble CJM, Hailakandi for trial.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

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FOREST DEPARTMENT::: ASSAM HAILAKANDI DIVISION

Offence Report No. : MJR/01/2021-22 Date : . 30.06.2021

Revenue Station : Matijuri Range, Matijuri.

Range : Matijuri Range, Matijuri.

Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Hon'ble Court of Hon'ble CJM, Hailakandi for trial.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

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FOREST DEPARTMENT::: ASSAM *HAILAKANDI* DIVISION

Offence Report No. : MJR/01/2021-22 Date : . 30.06.2021

Revenue Station : Matijuri Range, Matijuri.
Range : Matijuri Range, Matijuri.

Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Hon'ble Court of Hon'ble CJM, Hailakandi for trial.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

Annexure-V(I)

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Assam Schedule-L (Part-1) Form32
FOREST DEPARTMENT ASSAM
Hailakandi Forest Division, Hailakandi
Application for issue of processes

Letter No. HKD/DFO(T)/Border/Offence/ 1548 Date-03/07/2021

To

The Hon'ble Chief Judicial Magistrate
Hailakandi, Assam

i/c Mizo Police SIR Battalion and his associates.	Sir, Whereas the marginally noted person committed an offence in the areas under this Range, an Offence Report of this Range accompanying of the station and where as the facts can be proved
	by the evidence of the witness named herein. I have the honour to request that the Hon'ble Court will issue of process against the accused and initiate trial the case under relevant sections of the Indian Penal Code or under the Assam Forest Regulation, 1891 (as amended up to 1995) under Section 24(a), 24(b) and under Section 25 of the AFR, 1891

Yours Faithfully

3/7/2021

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

Copy to the Range Forest Officer, Range, Matijuri, Range, Matijuri for information and necessary action. This has a reference to his Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Divisional Forest Officer,
Hailakandi Division Hailakandi

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GOVERNMENT OF ASSAM

FOREST DEPARTMENT Hailakandi DIVISION

OFFENCE REPORT NO. **MJR/02/2021-22** Date 03/ 07/2021.

REVENUE STATION : Matijuri Range, Matijuri.

RANGE/ BEAT : Matijuri Range, Matijuri.

NATURE OF OFFENCE

Destruction of forest cover and encroachment of 80.00 Hectors of land wherein cultivated Broom inside **Inner Line Reserved Forests** and illegal installation of 3(three) nos. Tents without authority falling under **Matijuri Range** of Hailakandi Forest Division.

Date & Hours of Detection : 01.07.2021 at 11-00 A.M.
Place of Occurrence : Kachurthal (Balicherra) area within Inner Line Reserved Forest
By whom detected. : Sri Duleswar Tamuly , Deputy Ranger, i/c Range Forest Officer, Matijuri Range, Matijuri,
Reference of Section. : 24(a), (b), 25, of the Assam Forest Regulation 1891 (As amended up to 1995). Section 2(a) and 3(B) of FCA1980 (Amended). And 49 of AFR1891(Amended 1995).

Name of Accused

Sl. No.	Name	Father's Name	Address	P.S	District.
1	i/c Mizo Police 5IR Battalion and his associates.	Un- known	Vairengte Area	Un- known	Kolasib, Mizoram.

Name of Witness

Sl. No.	Name	Father's Name	Address	P.S	Dist.
1	Sri Duleswar Tamuly, Deputy Ranger	i/c Range Forest Officer, Matijuri		Lala	Hailakandi
2	Sri Taidul Islam Choudhury, B.Man	Attached to Matijuri Range		Lala	Hailakandi

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Fact of the Case

The fact of the case in brief is that on 01-07-2021, I, Sri Duleswar Tamuly, Deputy Ranger, I/c Matijuri Range, Matijuri along with , Sri Taidul Islam Choudhury, B.Man under Range Office, Matijuri Range went for normal patrolling duty along with armed personnel towards the border area of Assam-Mizoram in Kochurthal (Balicherra) area within Inner Line Reserved Forest (ILRF). Therein, it is noticed that some Mizo Armed Police personnel have installed 3(Three) nos. of Tents at the Kochurthal (Balicherra) area within Inner Line Reserved Forest (ILRF) falling under the jurisdiction of Matijuri Range and within Hailakandi district, Assam. Then I and other Police and Forest staff dismantled the aforementioned Tents on 01-07-2021 and made seizure of the same as per seizure list dt. 01-07-2021 (Exhibit-I) from the possession of I/c Mizo Armed Police of 5IR Battalion and his associates. As the situation was tense and unhealthy due to dismantle and seizure as such detailed name and address of the offender could not be collected moreover both side equipped with armed forces so arrest of the offender is not done to avoid the fire arms tussle between both the province under one national territory. As the force level of Assam site is above double than the Mizoram forces that is why we able to dismantle the illegal installation of Tents and bring the seized Tents and tactfully removed them from the place of occurrence on maintenance of peace and tranquility against their aggressive attitude.

Thereafter, I visited the adjoining area of the dismantle tents site and found that reserved forest land have been encroached by them. The area of the encroached land has been confirmed after due measurement, which stands as 80.00 Hectors. It is crystal clear that the land in question was encroached and clear for cultivation of Broom, because about 70 % land has been already covered by broom plantation. On detailed enquiry of encroached area it is found that 23(twenty three) nos. stumps of different indigenous species standing and yet to be uprooted. Then I made seizure of the same and entered in the seizure list dt. 01-07-2021 (Exhibit-I). According to the status of nearby forest area it is easily assumed that the encroached area is cleared by uprooting the stump after removal of its outturn to facilitate the cultivation. The area in question was encroached by Mizoram with a plea of interstate border boundary dispute since long back. Thereafter, it is under status-que but the Mizo people and Mizo Govt. machineries has ruptured the status-que. The land in question is well inside the territorial jurisdiction of Assam and about 800 Meter inside the Assam from the interstate border boundary of Assam Mizoram.

It is an offence committed that the accused have cleared an area of 80.00 Hectares of Forest Land and cultivated Broom including illegal construction of 3(three)nos. tents causing damage to precious flora within the **Inner Line Reserve Forest** under the Jurisdiction of Matijuri Range of Hailakandi Forest Division, Assam. Such activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of 80.00 Hectors reserved forest area and construction of the 3(three) nos. Tents without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which

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of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Hon'ble Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad VS Union of India and others.

Being fully satisfied that *Prima Facie* an offence has been committed by the i/c Mizo Armed Police personnel of 5IR Battalion and his associates under active support of a component of Mizoram, Government machinery of Mizoram State, therefore, I have seized three Tents as empowered under Section 49(1) of the AFR'1891 and thereafter have duly submitted the seizure report to the DFO, Hailakandi Division.

A copy of the seizure memo dated 01.07.2021 with valuation statement of the seized property and the cost of forest property, as damaged and destroyed, including the copy of the seizure report dated 01.07.2021 as submitted to the DFO, Hailakandi Division are annexed hereto and marked as **Exhibit-1 , Exhibit-2** and **Exhibit-3** respectively.

It is pertinent to mention here that **Inner Line Reserve Forest** was constituted and notified by the Government of Assam in the year 1933 where in rich floral and faunal diversity exists, broadly classified as ***Cachar Tropical Wet Evergreen Forests*** and ***Cachar Tropical Semi Evergreen Forest*** as per classification of Forests made by ***Champion and Seth*** with luxuriant growth of many rare and threatened species of flora with high economic, medicinal value comprising of interesting herbs. Shrubs, lianas and trees besides host of avifauna, fauna etc. etc. These very dense forests are green lungs to the human race for their survival and are **carbon sinks** for our healthy living.

The place of occurrence, measuring area of 80.00 Hectares land in Kochurthal (Balicherra) area, falling inside the **Inner Line Reserve Forest** is geo referenced and is depicted in the Topo Sheet precisely indicating the constructed 3(Three)nos. tents by the i/c Mizo Armed Police of 5IR Battalion The said tents have been dismantled on 01-07-2021 along with armed police force and forest staff of Hailakandi district and kept the seized materials in departmental custody at Divisional Forest Office Hailakandi.

The copy of the Government Notification dated **09-03-1933** whereby the **Inner Line Reserve Forest** was constituted is annexed hereto and marked as **Exhibit-4.** An extract copy of Topo Sheet map **83 D/11** is also annexed herewith as **Exhibit -5** showing the encroached area.

Photographs of the 3(three) nos. Tents, area of encroached Broom cultivated land, and photograph after dismantling of the shed are annexed hereto and marked as **Exhibits-6.**

Net Present Value (NPV) of the encroached forest area measuring 80.00 hectares land for the other forest area under Semi Evergreen Forest –Eco- Value class stand Rs. 7.30 Lac per hectare (w.e.f 28-03-2008 as per Forest Conservation Act. 1980 amended). So, the total NPV for 80.0Hectare Reserve Forest land appeared as Rs. 58,400,000.00.

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Considering the magnitude of destruction of forest cover in the **Inner Line Reserve Forest** and there after encroachment of the said Reserve Forest land at Kochurthal (Balicherra) area of the State of Assam by the inhabitant of Mizoram state and cultivation of Broom supported by Government machinery, it is found expedient to frame and draw up Offence Reports against the illegal doers being a very fit case for trial in the Hon'ble Court of Law for prosecution accordingly.

Description of seized property and estimated value:

1. Estimated Value of seized 3(Three)Nos. Tents	:	Rs.	15,000/-
2. Net Present Value for 80.0 Hectares R.F. land	:	Rs.	58,400,000/-
3. The value outturn of seized 23 Nos. Stumps amounting to Rs. 69,138/-	:	Rs.	69,138/-

Submitted

Dy. R.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri

Enclosure:-

1. Seizure list dated 01.07.2021 ..... Exhibits-1
2. Seizure Report dated 01.07.2021 ..... Exhibits-2
3. Valuation statement Exhibits-3
4. Notification dated 09-03-1933 Exhibits-4
5. An extract copy of Topo Sheet map 83 D/11 ..... Exhibit -5
6. Photographs Exhibits-6,

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Exhibit-1

SEIZURE LIST

1. Date & Hours of Detection : 01.07.2021 at 11.00 AM
2. Place of Occurrence : Kochurthal area (Balicherra) within Inner Line Reserve Forest.
3. Name & address of accused : 1. Mizo Police armed personal
4. By whom detected / seized : Duleswar Tamuly, Dy. Ranger i/c. Range Forest Officer, Matijuri Range, Matijuri
5. Reference of Section : Under Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area for construction of Tent without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 and made seizure of 23 Nos. of Stump under Section 49 of AFR Vol-VII 1891 (Amended in 1995)

I do hereby seized the following

1. Illegal Construction of Tent.
2. Quantity damage of forest area of 80.00 Hectares by way of encroachment.
3. 3 (three) Nos. Tent (length 4.40 Mtr and Breath 3.50. each tent)
4. 23 Nos. of Stump.

Seizure Sl. No.	Species	Stump Girth	Stump height	Volume of removed OT.	Royalty Value of removed O.T
X-25	Cham	1.20	0.20	0.680	
X-26	Gamari	1.40	1.00	1.048	
X-27	Bohara	1.60	0.40	1.444	
X-28	Bohara	0.80	0.90	0.227	
X-29	Jamuk	0.90	0.55	0.312	
X-30	Teak	0.50	0.35	0.099	
X-31	Teak	0.70	0.55	0.170	
X-32	Teak	0.70	0.50	0.170	
X-33	Teak	0.70	0.40	0.170	
X-34	Teak	0.50	0.45	0.099	
X-35	Teak	0.75	0.40	0.670	
X-36	Teak	1.40	0.80	1.048	
X-37	Udal	2.00	0.70	2.379	
X-38	Gamari	1.20	1.10	0.680	
X-39	Gamari	1.30	0.40	0.678	
X-40	Udal	1.05	0.90	1.218	
X-41	Kadam	1.30	0.90	0.878	
X-42	Udal	1.40	0.80	1.048	
X-43	Simul	1.60	1.10	1.444	
X-44	Gamari	1.70	0.10	1.671	
X-45	Sirish	1.60	1.10	1.444	
X-46	Jam	1.10	1.70	0.510	
X-47	Gamari	1.50	0.60	1.218	
Tetal 23 Nos. Stumps =				19.505	Rs. 69,138/-

Signature of Accused

Witness Signature

Tahidul Islam Rowthumpui.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri
(Signature of Seizing Officer)

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Exhibit - 2

Letter No. MJR/FRO(T)/Border/Offence/9/331-32 Date- 27/06/2021

To

The Divisional Forest Officer,
Hailakandi Division, Hailakandi

Sub. Seizure Report.

Sir,

With reference to the subject cited above, I have the honour to report you that in course of routine Border patrolling duty in Kachurthal (Balicherra) area along with other staff near Assam and Mizoram border within Inner Line Reserve Forest on 01-07-2021, therein it is seen that Therein, it is noticed that some Mizo Armed Police personnel have installed 3(Three) nos. of Tents at the Kochurthal (Balicherra) area within Inner Line Reserved Forest (ILRF) falling under the jurisdiction of Matijuri Range and within Hailakandi district, Assam. Then I and other Police and Forest staff dismantled the aforementioned Tents on 01-07-2021 and made seizure of the same as per annexed seizure list dt. 01-07-2021. On detailed enquiry of encroached area it is found that 23(twenty three) nos. stumps of different indigenous species standing and yet to be uprooted. Then I made seizure of the same and entered in the seizure list dt. 01-07-2021 at Kochurthal area (Balicherra) within Inner Line Reserved Forests (ILRF) under the jurisdiction of Matijuri Range near boundary of Assam Mizoram border boundary within Assam. The place of occurrence is about 800 meter away from the interstate border boundary of Assam Mizoram.

As the activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area of 80.00Hectares land and cultivated Broom including construction of the 3(three) nos. Tents without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Hon'ble Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad -Vs- Union of India and others.

The detailed seizure list along with valuation statement etc. are enclosed herewith for kind information and necessary action.

Enclo- As specified.

Yours Faithfully

Dy. R.

(Duleswar Tamuly) Dy. R
I/c Range Forest Officer, Matijuri
Range, Matijuri

Copy to the Chief Judicial Magistrate, Hailakandi for kind information and necessary action.

Dy. R.

(Duleswar Tamuly) Dy. R
I/c Range Forest Officer, Matijuri
Range, Matijuri.

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Exhibit-3

Valuation Statement of seizure produce :

1. Value of 3(Three) Nos. Tents	: Rs.	15,000/-
2. Net Present Value for 80.0 Hectares R.F. land	: Rs.	58,400,000/-
3. The value outturn of seized 23 Nos. Stumps amounting to Rs. 69,138/-	: Rs	69,138/-
Total	: Rs.	58,484,138/-

Rupees (Five Crores eighty four Lac eighty four thousand one hundred thirty eight) only

Submitted

07.2.-

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

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Exhibit-4

FAX NO:2371969 03 TO 08

(Copy)

Extract from - THE ASSAM GAZETTE - DATED 15th March,1933.

Orders by the Governor in Council.
The 9th March, 1933.

No.2100A.For In supersession of Government Notification No.9138A.F., dated the 28th August,1930, and in exercise of the powers conferred by section 2 of the Bengal Eastern Frontier Regulation, 1873(V of 1873), as extended to the Lushai Hills District, the Governor in Council with the previous sanction of the Governor General in Council , is pleased to prescribe the line described below as the "Inner Line" of the Lushai Hills District :-

From the junction of the Ruanding with the Bonak river, the Inner Line shall run up the midstream of the former to where it receives the Lungkuih Lui; thence up the midstream of that stream to its source, and crossing the range in a westerly direction down the right bank of small feeder flowing into the Teirangnak stream; thence down the midstream of the latter to its junction with the Bonai river. From this point the Inner Lines shall run south-westwards up the midstream of the Bonai river as far as its junction with the Sungniwn Lui; thence up the midstream of this Lui to its junction with the Bank Khal; thence up the midstream of the Bank Khal or Tuikaen Lui to its junction with a large feeder that takes its rise near the deserted village of Sripum; thence up the midstream of this feeder to the summit of Bongkung range, and crossing that range down the midstream of the Tuidu Lui to its junction with Sukni river. Then a straight line running in a north-westerly direction from this junction to the Khaiabridge one furlong north of the 202th mile stone on the Aijal-Chaubund road, this point is also the trijunction of the Hailakandi Subdivision (district Cachar) with the Lushai Hills District; thence up the midstream of the Dhalai river to its source, where , crossing the watershed it strikes the headwaters of the Chinlaiwang Lui and , down the midstream of this Lui to its junction with the Barun Chara; thence down the midstream of the Barun Chara to its junction with the Kunchuara Lui (?); thence up the midstream of this Lui to its source in the Dhaimbi range thence crossing the Dhaimbi range westwards to the source of the Dhaimbi stream; thence down the midstream of the Dhaimbi stream to its junction with the Dhaleswari or Tlang river; thence up the midstream of the Dhaleswari river

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on its junction with the Bakwa river; thence up the midstream of the Bakwa river to the second large tributary met with on its left bank; thence up the midstream of this tributary to its source; thence in a northerly direction along a range to Chotarchurra Tuek (3071); thence due west in a straight line to the trijunction point of districts Sylhet, Lushai Hills (Assam) and Tripura state (Bengal) situated on the Langai river about 4th of a mile south-west of the confluence of the Mudi Kherva with that river (vide Notification No.3913R dated the 4th October,1928); thence in a southerly direction up the midstream of the Langai river to its confluence with a small unnamed tributary rising west about 2¼ miles north-east of Batling Sib Tuek height 3,053, thence in a south-westerly direction to Batling Sib Tuek; thence in a southerly direction to Batling Tuek height 2,234 which is the trijunction of district Lushai Hills (Assam), Tripura State and Chittagong Hills Tracts district (Bengal); thence in a south-easterly direction for about a mile to a tributary of the Tuilianpui river, thence down the midstream of this tributary to its confluence with the Tuilianpui river thence down the midstream of Tuilianpui river to a point about 2½ miles south-east of its confluence with the Mat river, which is the junction of the Aijal Subdivision boundary; Lungleh

thence eastwards in a straight line to the source of the Karina river; thence down midstream of the Karina river to its confluence with the Karnaphuli river; thence up the midstream of the Karnaphuli river to its confluence with the Tzaga Khal; thence up the midstream of the Thaga Khal to its junction with two other tributaries about 4¼ miles south-east of height 2,085 and 5½ miles north-west of Waibung Taung, height 3,083; thence in a south-easterly direction up the slope for about 2 miles to the Waibung Taung range; thence in a westerly, southerly and easterly direction respectively along the range to Waibung Taung Peak height 3,083; thence in a southerly direction to Kookadong, which is the trijunction of Chittagong Hill Tract (Bengal), Lushai Hills (Assam) and Northern Arakan district (Burma); thence eastwards to Nejbeutong or Rangtlang; thence to source of a small stream called the Lungleh Varanglui or Mraikchaung whose source lies due east of the Peak, down the midstream of the Varanglui or Mraikchaung to its junction with the Sekul (Kola) or Kalet stream (where a boundary stone has been placed); thence up the midstream of the Sekul (Kola) or Kalet stream to the mouth of the Khautlang or Iyucha stream (where a boundary stone has been placed); thence up the midstream of the Khautlang or Iyucha to its source on the Samang or Kwiam tang ; thence south words along the Samang or Kwiam range;

Contd.....3/-

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it the source of the Somik or Kwimin stream (where a boundary stone has been fixed); thence down the midstream of the Somik or Kwimin stream to its junction with the Koladyne (Kolodan) river; thence straight across the Koladyne (Kolodan) river to the mouth or the Khongam or Kwimin stream (where a boundary stone has been placed), (the mouths of these two streams are opposite one another); thence up the midstream of the Khongam orKwimin stream to its source in the Kaaz Tlang (where a boundary stone has been placed); thence southwards to the source of the Rele or Khwelaik stream; thence down the midstream of the Rele or Khwelaik stream to its junction with the Sulia river; thence up the midstream of the Sulia river to its junction with the Tatcheu or Khimkam stream (where a boundary stone has been placed); thence up the midstream of the Kaikheu or Khimkam stream to its source on the Pathian or Tahtay Klang; thence northwards along the Pathian or Tahtay Klang to the source of the Para stream; thence down the midstream of the Ihin stream to its junction with the Mi (Tlahi, Tuisi, or Mobling) river; thence up the midstream of this river to its junction with the Khofeu stream; thence up the midstream of the Khofeu stream to its source on the Kahrin or Kawhrin (Khasia) Klang; thence south along the crest of the Kahrin or (Kawhrin) Klang to the source of the Kaihu Var; thence down the midstream of the Kaihu Var to its junction with the Boinu(Kolodan) river; thence down the midstream or the Boinu (Kolodan) river to the junction with Tyan; thence up the midstream of the Tyan to its source on the Viko Tlang; thence eastwards to the source of tributary of the Tuimang river; thence down the midstream of the Tuimang to its junction with the Tuisa; thence down the midstream of the Tuisa to its junction with the Tuivai river; thence down the midstream of the Tuivai river to its its junction with the Wangwun Lui; thence up the midstream of the Wangwun Lui to its source at saddle known as Bongkot where ah a boundary pillar marked NL(1) has been erected; thence crossing to the west side of this saddle to the source of the Tuitei stream; thence down the midstream of the Tuitei stream to its junction with the Tuivairiver; thence down the midstream of the Tuivai river to its junction with the Barak river; thence down the midstream of the Barak river to its junction with the Vuandingi Lui, which is the trijunction of the Lushai Hills and Cachar Districts and Manipur State.

NOTE 1-(1) The Inner Line falls in the following survey of India 1"=4 miles and 1" = 1 miles publications :-

North :- 83N,83O,83O/13, D/14, D/11 and D/7,
West :- 83-D/7,83-H, 84-A, 84-E and 84-C,
South & East:- 84-E, 84-C, 84-G, 84-K, 83-O and 83-H.

(2) The northern western southern and eastern boundaries of the Lushai Hills district are co-incident with the Inner Line of the Lushai Hills District

Sd/- W.A.CRAGAIE,
Chief Secretary to the Govt. of Assam.

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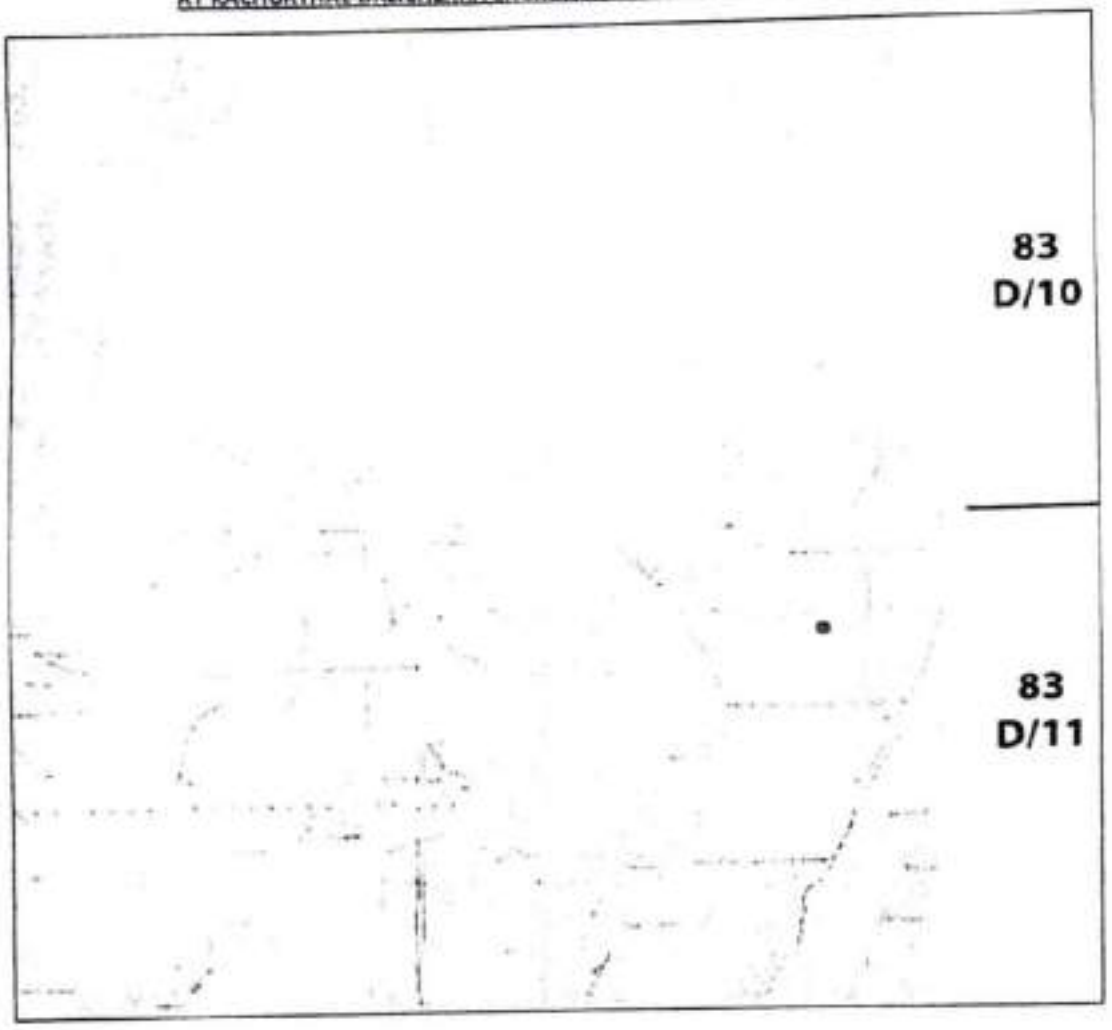
Exhibit-5

MAP SHOWING THE DISMANTLED ILLEGAL CONSTRUCTION OF 3(THREE) NOS. Tents AT KACHURTHAL-BALICHERRA ENCROACHED AREA DONE ON 29-06-2021



GPS Co-ordinates = 24°29'12.35868"N 92°44'28.13208"E
Location of Dismantled 3(three) nos. Tents at Kachurthal-Balicherra Marked at =

Submitted,

Dy. R.

(Duleswar Tamuly) Dy. R
I/c Range Forest Officer,
Matijuri Range, Matijuri

Scanned with OKEN Scanner

Exhibit-6

PHOTOGRAPHS OF THE 3(THREE) NOS. TENTS, AREA OF ENCROACHED BROOM CULTIVATED LAND, AND PHOTOGRAPH AFTER DISMANTLING OF THE SHED.

Submitted

(Duleswar Tamuly) Dy. R
I/c Range Forest Officer
Matijuri Range, Matijuri

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FOREST DEPARTMENT::: ASSAM HAILAKANDI DIVISION

Offence Report No. : MJR/01/2021-22 Date : . 30.06.2021

Revenue Station : Matijuri Range, Matijuri.
Range : Matijuri Range, Matijuri.

Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Hon'ble Court of Hon'ble CJM, Hailakandi for trial.

Dy. R.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

Scanned with OKEN Scanner

Annexure-VI

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS
NORTH EASTERN REGIONAL OFFICE

Telegram : PARYAVARAN

Telephone : (O) 227673, 227929, 227565
FAX No 0364 – 227673

UPLAND ROAD, LAITUMKHRAH
SHILLONG 793 003

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Date the .....

Ref no. 12-2-41/98 RONE-AS/865-67, Dt 24.12.98

To

Principal Chief Conservator of Forests
Assam

Sir,

Sub: Working plans – approval by the Central Government beg.
Ref: Letter No FG.62/WP/REWP/Pt Dt 23.12.98 from CCF(REWP), Assam

I invite your kind attention to the reference cited and the meeting on the above subject held under your chairmanship on 22.12.98 at Guwahati and wish to state that during the discussion the Working plans for the Lakhimpur division (1989 – 90 to 1999-2000), Sonitpur West division (1998 – 99 to 2008- 09), Hailakandi division (1998 – 99 to 2008 – 09) and Kamrup West division (1999 - 2000 to 2008 - 09) were found to be generally in accordance with the National Forest Policy. Therefore, the state government may now take further action to give effect to these plans after incorporating minor changes agreed to during the meetings as recorded in the minutes of the meeting communicated in the reference cited.

I also wish to state that the quality of authorship of these working plans meets the high standards expected of senior forestry professionals and the officers and staff responsible for producing such high quality output, even in the face of severely disturbed conditions under which they have to work, deserve to be recognized.

Seal

Sl No 103
Dt 5 th JAN 1999.

Yours faithfully,

Sd/-

(Promode Kant)
Regional Chief Conservator of Forests.

Copy to

The Addl IGP (FC) MOEF, New Delhi

CCF (REWP), Assam, Guwahati

Sd/-
Chief Conservator of Forests,
Ministry of Environment & Forests,
Regional Office, Shillong (NER).

Annexure-VII

WORKING PLAN

OF

-135-

HAILAKANDI

FOREST DIVISION

1998-99 TO 2009-10

BY

M.K. Yadava, IFS
Working Plan Officer
Upper Assam Circle, Jorhat

Para 2.5 (Page 9)

INJURIES TO WHICH THE FOREST IS LIABLE:

In recent times, the damage caused by animals other than man and his cattle has virtually vanished. There is little of wildlife to mention in the Division. The greatest injury is inflicted by men by way of unauthorized settlement, *jhuming* in high altitude areas, cultivation on flat lands, pan *jhuming*, and illegal felling. As there are no grazing restrictions followed, cattle damage natural regeneration as well as plantations. Damage of trees is also caused by domestic elephants left to graze in the forest without any permit or authority.

Para 4.6 (Page 14)

AMENITIES TO THE STAFF:

The Divisional office is housed in a rented quarter at present, which is most unfit for office use. A well planned office and colony needs to be developed in the town of Hailakandi The staff quarters, other than the residence of the DFO and ACF, should be at least two storeyed RCC buildings with good architectural layout. It should be able to house the entire forestry establishment of Hailakandi in a beautiful and compact manner it is not known as to the steps taken by the local forest administration to acquire land. No distinction should be made between Territorial and Social Forestry us far establishment of a well planned staff colony is concerned.

Under Kukicherra Range, at present, there are 15 nos. of field staff, but the present accommodation is not sufficient. The quarters at Range HQ at Manipur Bagan, Jhalnacerra, Gendacherra, Malicherra and Baruncherra Beat & Sub-Beat offices are in deplorable state. Barracks are made of bamboo and exhibit the most unhygenic conditions of living. The old semi RCC structures with tin roof need to be abandoned Similarly, in Gharmura Range, there are 14 nos. of staff, but only few departmental quarters. Other than the Range office and Bhairabi Beat office quarters, rest of the structures require extensive repair. One of the Fri quarters is at present being used as IB. Such a state of affairs can only hamper forest protection. Similarly, at Matijuri Range, there are 26 nos of staff, but the condition of existing residential accommodation is far from satisfactory. Several quarters have already been dismantled, but no substitute has been provided yet. The IB at Lahirbond is not being maintained. A large no. of field staff and most of the Divisional staff are staying in rented quarters.

All the establishments do not have supply of drinking water, access to emergency medical aid and electricity. No uniform has been distributed to the staff in past several years. There are no welfare schemes taken up for the field staff.

The Division has only one old jeep, which needs frequent repairs. There should be at least three vehicles at the absolute disposal of the DFO and ACFs. All the five major establishments of the Division should be provided with a jeep each. Each beat should be provided with two to three motorcycles. Starting from Range Forest Officer down to Forest Guard, the entire field executive staff needs to be armed, as security is fast becoming a necessity in the forest areas. The present strength of Assam Forest Protection Force is very poor and inadequate. A separate Battalion needs to be raised for the forests of Barak Valley.

All said and done, at present, there are only meager amenities available to the field staff. This is very much reflected in the pathetic condition of the forest itself.

Para 6.7 (Page 18)

THE REANG REFUGEE ISSUE:

To the south of Hailakandi lies the State of Mizoram which has a predominant Christian population. The majority of inhabitants of this State were converted into Christians about a century ago. As a result of conversion, a new social dimension has emerged in the region ie communal tension among different social groups ie. Christian tribal and non-Christian Hindu tribal. Such conflicts in the past have been mentioned by P. N. Bhattachajee in his Plan. The Reang and Mizo communities were involved in minor and major clashes earlier as well.

In the recent conflicts of December, 1997, about sixty six (eye witnesses put the figure to two hundred) Reang refugees families migrated to the Mukam and Bhairabi blocks of Innerline RF. It needs to be mentioned that these forest areas already have a considerable population of displaced Reangs. If measures are not taken to stop further influx of persons across the Mizoram border, the entire Mukam and Bhairabi blocks would be encroached in near future. The Department has not been able to make its presence felt in this region. The refugees must be repatriated back to their original homes at the earliest.

Para 8.9 (Page 26)

ASSAM FOREST PROTECTION FORCE:

A special force called the Assam Forest Protection Force was raised under the Assam Forest Protection Force Act, 1986 (Act XXII of 1987). At present there is only one battalion with a force of about 600 armed personnel. Though the Force has come handy, it has failed to make any visible impact on forest protection. Chiefly, two causes can be attributed for this state of affairs, namely legislative and administrative. As envisaged in the Act, no Rules have been framed as yet (or at least, the author is not aware of any such Rules) to bring into force the relevant provisions of the Act. As a result, the Battalion has remained a band wagon of armed personnel without any locus-standi. The executive forest staff has also remained in the dark as to how to conduct themselves or guide the conduct of the forces in matters of forest protection. Secondly, the Force has been raised with its HQ at Guwahati, under the direct charge of a Commandant. For general day to day administration such as leave, ration, salary etc. the members of the Force have to travel to Guwahati from the remotest corners of their posting, virtually breaking the field formation most of the times. The local executive staff do not have any administrative control over the member of the Force.

Though the framers of the Act had envisaged, yet in absence of any Rules, appropriate blending of the members of the Force and field executive staff has not taken place. Given the present law and order situation in the State, forest officials are second most vulnerable soft target (after the police, paramilitary and army) Already three DFOs have been kidnapped, one DFO killed, one DFO severely attacked and beaten by smugglers and anti-social elements, three Range officers killed, several foresters and forest guards mercilessly butchered in the past few years. Situation has worsened so much so that it is not safe to venture in the forests unarmed.

Under such conditions, certain steps must be taken necessarily, Immediate provision of security cover to the gazetted staff. Appropriate Rules should be framed for conduct of affairs of forest protection and management, laying out detailed and unambiguous procedures incorporating the relevant provisions of CIPC, IPC, Evidence Act, Assam Forest Regulation of 1891, Wildlife (Protection) Act of 1972, and the Assam Forest Protection Force. Forest offences should be notified to be cognizable and non-bailable to attract the provision of Chapter XI & XII of the CrPC, field staff from Forester 1 and upwards to Range Forest Officer should be awarded powers of investigation, and the ACF & DFO should be awarded the powers of Magistrate under the said Chapters of the CrPC and other relevant chapters as well.

Part of the administrative control of the members of the Force should be delegated to the Circle Conservators and DFOs The Force should be raised in sufficient strength to as to house one Battalion each at the HQ of the territorial Circle Conservator under direct charge of a Commandant and under

overall supervision of the Circle Conservator. In addition, all field staff starting from forest guard up to the Range Forest Officer should be suitably armed.

Para 19.2 (Page 58)

ROADS & BUILDINGS:

Most of the houses in which staff dwell are in shambles and need repairs urgently. There is also acute scarcity of quarters due to which staff do not stay in Headquarters. Thus, they become unavailable for emergency duties and night patrolling. To overcome the housing problem, the Department should construct two story flats in the Ranges and Beats, by planning out space neatly, making provision for a strong forest colonies. Such colonies could well be implemented in Matijuri, Gharmura & Kukichera Ranges of the Division.

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SUMMARY OF PRESCRIPTIONS

Point No. 6

Administrative Prescriptions

Sl. No.	Working Circle	Prescriptions	Para No.	Item No.	Control Form No.
6	Administrative Prescriptions	New departmental quarters to be at least double story. Well planned Forest Colony at Hailakandi to be established.	18.5		
		Vehicles, VHF or VSAT for fast communication.			
		Raising of an additional AFPF Battalion for use in Barak Valley.			
		Provision of arms to field staff.			
		Uniform and other amenities to be provided to the staff.			
		Projects to be prepared and finances brought from various funding agencies.	18.6		12

Annexure-VIII

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JANUARY, 2022

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.22567/2016 (GM-FOR-PIL)

BETWEEN

1. P.S. MOHAN
S/O SOMAIAH
AGED ABOUT 47 YEARS
VIRUPAKSHAPURA VILLAGE
RANGASAMUDRA POST
KUSHALANAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

2. J.P. RAJU
S/O PUTTA (LATE)
AGED ABOUT 55 YEARS
RANGASAMUDRA VILLAGE AND POST
KUSHALNAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

3. J.T. KALINGA
S/O LATE THIMMA
AGED ABOUT 55 YEARS
RANGASAMUDRA VILLAGE AND POST
KUSHALNAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

4. SANNAPPA
S/O LATE BASAVAIAH

AGED ABOUT 60 YEARS
DODDA BETTAGERI VILLAGE
GUDDE HOSUR POST
KUSHALNAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

5. CHETHAN V.L.
S/O LINGAPPA V.S.
AGED ABOUT 45 YEARS
VIRUPAKSHAPURA VILLAGE
RANGASAMUDRA POST
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

...PETITIONERS

(BY SRI RAJANNA L, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
REP. BY ITS REVENUE SECRETARY
REVENUE DEPARTMENT
VIDHANA SOUDHA
BANGALORE - 560 001

2. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT
FOREST, ECOLOGY AND
ENVIRONMENT DEPARTMENT
4TH FLOOR, M.S. BUILDING
BANGALORE - 560 001

3. THE PRINCIPAL CONSERVATOR OF FOREST
ARANYA BHAVANA
18TH CROSS, MALLESHWARAM
BANGALORE - 560 003

4. THE CONSERVATOR OF FOREST
KODAGU DISTRICT
ARANYA BHAVANA
MADIKERI - 571 201

5. THE DEPUTY COMMISSIONER
KODAGU DISTRICT
MADIKERI - 571 201

6. THE ASSISTANT COMMISSIONER
MADIKERI SUB-DIVISION
MADIKERI - 571 201

7. THE THASILDHAR
VIRAJPET TALUK, VIRAJPET
MADIKERI DISTRICT - 571 218

8. THE MANAGING DIRECTOR
JUNGLE LODGES AND RESORTS LTD.,
KARNATAKA STATE TOURISM
DEVELOPMENT CORPORATION
KHANIJA BHAVANA, RACE COURSE ROAD
BANGALORE - 560 001

...RESPONDENTS

(BY SRI S RAJASHEKARA, AGA FOR R-1 TO 7;
SRI MITHUN G.A. ADVOCATE FOR R-8)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT NOS.1 TO 7 TO TAKE ACTION AGAINST RESPONDENT NO.8 TO STOP AND CLOSE ALL THE ACTIVITIES ILLEGALLY RUNNING IN THE NAME OF JUNGLE LODGES AND RESORTS LTD., IN DUBARE RESERVED FOREST, KUSHALANAGAR RANGE OF KODAGU DISTRICT, IN PURSUANT TO ANNEXURE - B REPRESENTATION BY THE PETITIONERS AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

Heard learned counsel for the petitioners, learned Additional Government Advocate appearing for respondent Nos.1 to 7 as well as Mr. Mithun G.A., learned counsel appearing for respondent No.8.

2. This public interest litigation has been filed seeking the following reliefs:

> *"a) Issue a writ in the nature of Mandamus or any other writ or order or direction, directing the respondents 1 to 7 to take action against the Respondent No.8 to stop and close all the activities illegally running in the name of Jungle Lodges and Resorts Ltd., in Dubare Reserved Forest, Kushalanagar Range of Kodagu District, in pursuant to the Annexure-B representation by the petitioners.*
>
> *b) Issue any such order or direction as the Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity."*

3. Learned counsel for the petitioners submits that respondent No.8 has constructed a Jungle Lodge in Dubare Reserve Forest, Kushalanagar Range of Kodagu District which is manifestly wrong and illegal as it has been created in contravention of sub-section (iii) of Section 2 of the Forest

(Conservation) Act, 1980. His submission is that under the aforesaid provision, the permission from the Central Government is required to be taken before granting any lease to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by the State Government. It is contended that no such permission was taken from the Central Government before constructing the aforesaid Jungle Lodge and as such, the entire activities done in the name of Jungle Lodges and Resorts Limited in Dubare Reserve Forest, Kushalanagar, Kodagu District, is wrong and illegal.

4. In support of his contention, learned counsel for the petitioners has relied on the Division Bench judgment of this Court in the case of ***M/s.GATEWAY HOTELS AND GATEWAY RESORTS LIMITED, BANGALORE vs NAGARAHOLE BUDAKATTU HAKKU STHAPANA SAMITHI, VIRAJPET, COORG DISTRICT AND OTHERS*** (1999(5) Kar.L.J. 63 [DB]).

5. In contra, learned Additional Government Advocate appearing for respondent Nos.1 to 7 submits that respondent No.8 has been constituted under the Karnataka

State Tourism Development Corporation (KSTDC) which is a State body. It is submitted that the Jungle Lodges and Resorts Limited is not owned, managed or controlled by any private person, but it is totally under the control of the KSTDC which is created by the State Government. It is further submitted that no permission of the Central Government is required for constructing any Jungle Lodge by the KSTDC in the Reserve Forest area.

6. Learned counsel for respondent No.8 has raised preliminary objection regarding the maintainability of the writ petition on the ground that this public interest litigation has been filed with some personal vested interest of the petitioners as respondent No.8 had stopped the river rafting activities in Dubare area which had adversely affected the petitioners. It is submitted that no public interest is involved in the instant writ petition and the writ petition has been filed with ulterior motives.

7. We have considered the submissions made by learned counsel for the petitioners as well as learned counsel appearing for the respondents and gone through the record.

8. So far as the contention of learned counsel for the petitioners that under sub-section (iii) of Section 2 of the Forest (Conservation) Act, 1980, the Central Government's permission is mandatory to be taken before assigning the forest land by way of lease or otherwise to any authority, corporation, agency or any other organisation not owned, managed or controlled by the Government, we are of the considered view that the Jungle Lodges and Resorts Limited which has constructed the Jungle Lodge in Dubare Reserve Forest, Kushalanagar, Kodagu District, is a body created by the KSTDC which itself is totally controlled by the State Government and no private person is involved in the activities of the Jungle Lodges and Resorts Limited. The Managing Director of the Jungle Lodges and Resorts Limited is a Government servant belonging to IFS cadre service.

9. As per the additional statement of objections filed by respondent No.8, the Karnataka Forest Department represented by the Principal Chief Conservator of Forests holds share of 30.85% whereas, the KSTDC has 34.70%, the Governor of Karnataka has 34.44% and the balance of 0.01% is with the Managing Director of the Jungle Lodges and

Resorts Limited. As such, we are of the considered view that sub-section (iii) of Section 2 of the Forest (Conservation) Act, 1980 would not be applicable to the present facts of the case and no permission of the Central Government under the said provision was required for the construction of the impugned Jungle Lodge. The contention of learned counsel for the petitioners in this regard is misconceived.

10. Learned counsel for the petitioners has relied on the judgment of this Court in the case of ***M/S.GATEWAY HOTELS AND GATEWAY RESORTS LIMITED*** *(supra)*, particularly paragraphs 19 and 28 which, on reproduction, read as under:

> *"19. The Forest (Conservation) Act, 1980, which was enacted to provide for conservation of forests and matters connected therewith or ancillary or incidental thereto, provides restriction on the dereservation of forests or use of forest land for non-forest purpose, under Section 2 which reads as:--*
>
> ***"2. Restriction on the dereservation of forests of use of forest land for non-forest purpose.--****Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing.-*

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

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

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

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

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

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

(b) any purpose other than reafforestation,

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

A perusal of the Section 2 clearly indicates that no land or any portion thereof can be assigned by way of lease or otherwise to any private person or any authority, corporation, agency or any other organisations not owned, managed or controlled by the Government, except with the prior approval of the Central Government. The provisions of sub-section (iii) of Section 2 of the Act are applicable to all forest land irrespective of the fact that such forest has been declared as a reserved forest or not."

"28. Keeping in view the facts and circumstances of the case, we are of the opinion that the learned Single Judge was justified in holding that the State Government had assigned a portion of the forest land by way of lease in favour of the appellant, which was a private company, admittedly without seeking prior approval of the Central Government. He, however, felt that in view of his finding that there existed an absolute prohibition on the grant of such rights under Section 20 read with Section 35(3) of the Wildlife Act, the lease itself was void which could not be acted upon by the appellant. We are, however, of the opinion that in case the lease was contrary to the provisions of Section 2(iii) of the Forest (Conservation) Act, it could not be said that the lease agreement was void ab initio without conferring any right upon the appellant, particularly in view of our finding regarding the interpretation of Sections 20 and 35(3) of the Wildlife Act. Even though the lease is not hit by the provisions of Section 20 of the Wildlife Act, yet it being contrary to the mandate of Section 2 of the Forest (Conservation) Act, cannot confer

> *any right upon the appellant to carry on with their scheme, proposals and objects accorded to them on the basis of the lease deed executed in their favour, unless and until the approval of the Central Government is obtained. In the absence of such an approval no activity of renovation, repairs etc., in terms of the impugned lease deed can be carried on till the approval of the Central Government in terms of Section 2 of the Act is granted."*

11. Perusal of paragraph 28 of the judgment itself clearly goes to show that the reserve forest land was given to a private company without seeking prior approval of the Central Government. However, that is not the case in the present matter. We have already held that no private player was involved in the Jungle Lodges and Resorts Limited which is totally a body created by the KSTDC and as such, we are of the considered view that the judgment relied on by learned counsel for the petitioners in support of his contention is not applicable to the present facts of the case.

12. In view of the above, we are of the considered view that the writ petition has been filed without any material to support the contentions raised in the writ petition and it appears that it has been filed with deliberate ulterior motives

in order to pressurize the respondents. The conduct of the petitioners, as such, is deprecated and for the purpose of wasting the precious time of the Court, we impose costs of Rs.50,000/- on the petitioners. The costs shall be paid by the petitioners within a period of one month from today to the Karnataka State Legal Services Authority failing which, it shall be recovered as arrears of land revenue.

13. The writ petition is accordingly dismissed.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

bkv

ANNEXURE - IV

REPLY TO SL NO.2 TO 12 OF EDS RAISED BY MoEF& CC

-151-

EDS. No.2: Since the User Agency in the extant proposal is the Divisional Forest Officer, Hailakandi Division, any administrative approval or financial sanction received by the User Agency for construction on forest land may be uploaded.

Reply :- There is no administrative approval or the Financial Sanction in favour of Divisional Forest Officer, Hailakandi. The administrative approval and the Financial Sanction are in the name of Assam Police Headquater and the Financial Sanction are marked to Assam Police Housing Corporation Limited as vendor which is a State Public Sector Undertaking under the administrative control of Assam Police. (Copy of the administrative approval/ financial sanction are enclosed herewith as **Annexure-IX)**

EDS No.3: If another User Agency has received the administrative and/or financial sanction for the construction, the said user agency should apply for forest clearance along with relevant documents.

Reply :- If MoEF&CC allows change of User Agency, the same shall be complied with.

EDS No.4:On the examination of the KML file for the proposed area, it is observed that a road of about 3 km length from the project site to outside the RF is visible. The State Government is asked to provide the status of the forest clearance received for the road along with its compliance report, if any.

Reply - This is an old forest road for patrolling purposes, which was improved in the wake of border conflict with Mizoram in July 2021 in order to enable cluster movement of Forest and Police Forces. It is requested that MoEF&CC may please allow this road to continue as it is and this shall be used also by the battalion since the battalion is made for protection of Inner Line Reserved Forest (ILRF).

EDS No.5:The component-wise break up of forest land has not been submitted alongwith the proposal. The same needs to be uploaded along with KML file.

Reply:- The component-wise break up of forest land is enclosed herewith as **Annexure-X.**

EDS No.6: Violation to an extent of 1.03 Ha is also seen outside the area proposed for diversion and the State has not sought diversion for the same. The State Government is requested to offer its comments in this regard.

Reply:- The area in question will not be part of diversion. Necessary restoration of 1.03 Ha. will be done.

EDS No.7: KML file of the Inner line Reserve Forest needs to be submitted.

Reply:-KML file of the ILRF is enclosed as **Annexure-XI.**

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EDS No.8: The details of alternatives explored by the State Government forsituating the proposal inside Forest land may be submitted.

Reply:- In case of the battalion at Hailakandi, the original proposal was to set up the battalion closer to the border at Birsima. However, the Mizoram authorities objected, even though the area is very much inside the Assam, did not allow setting up of battalion camp at Birsima. This indicates how difficult it is to protect the border when the parts of Reserved Forest itself are not accessible to the Govt. of Assam. Therefore, the battalion unit is required to be set up very much within the RF in order to stop movement of encroachers from across the border towards the north.

EDS No.9: Approved layout plan has not been uploaded. The same needs to be submitted.

Reply:- Approved layout plan has been enclosed as **Annexure-XII.**

EDS No.10: Land Use pattern statement for 11.5 Ha is given as Residential Area: 3.61 Ha; Administrative buildings. 0.93 Ha & Open spaces-6.96 Ha. The State Government is asked to justify situating the proposal in forest land.Furthermore, since the proposal involves the construction of residential area, State Government may explore the possibility of shifting the said activity in non-forest land in compliance of Guideline 1.10 of the Adhiniyam.

Reply:-As justification provided against EDS No.1 mentioned in great detail, regarding the requirement of battalion for the forest protection, with full justification as to why battalion camp is being set up inside the RF inside the first base. The ground situation is such that effective protection cannot be guaranteed if the unit is located outside the RF. it is to be understood that these activities across the border have twin purpose. Firstly, cutting the forest and encroaching upon the land. And secondly, set up of armed police infrastructure followed by making up of roads, setting up of villages and administrative machinery and thereby taking the whole area under their control. Therefore, setting the battalion outside the RF would not serve any purpose at all. As also explained in reply to the EDS Sl. No. 1 the entire issue also involves security of the State. As regards, construction of residential unit in the said battalion, it may be noted that the purpose of battalion is fully functional unit with official, residential, operation, utility and fitness spaces. Assuming that part of the services is taken out and moved elsewhere in civil area, it will hamper the efficiency of the battalion. Giving the ground situation, the State Government is not in a position to compromise on quality of services and facilities in the Battalion Unit, else this may be self-defeating.

EDS No.11: The State Government has not submitted an integrated plan for water supply, electricity and other such utilities etc required for establishment of a Battalion Inside Forest land. The details of the same shall be provided by the State Government.

Reply:- The electricity line will be routed through approach road and the water needs will be met from the bore wells dug inside the diverted area.

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EDS No.12: As per DSS report, Cultivation land and settlement is visible in the proposed CA site. Comments from State Government in this regard needs to be submitted.

Reply :- The proposed CA comprising a block of 830 Ha. of revenue area adjacent to BurhachaporiWildlfe Sanctuary in Sonitpur District has been allotted to Assam Forest Department by the Revenue & DM Department for use as CA Land Bank. Once all the land bank is allotted for CA, the same would be notified as RF and annexed to Burhachapori Wildlife Sanctuary as its Second Edition. The whole area was evicted in February 2023, and is in control of Forest Department. There are small bamboo and tin structures in the deserted agricultural areas which shall automatically disappear over the plantation activity is started.

Signed by
Neera Daulagupu
Secretary to the Govt. of Assam
Environment & Forest Department
Date: 06-08-2024 17:31:04
Dispur-06

Revised Administrative approval

Annexure-IX

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ADMINISTRATIVE APPROVAL

सत्यमेव जयते

Government Of Assam

Home Department

Approved Number: AA/POL_2024-25(I)_1673

Date: 12-04-2024

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME Construction of newly raised 5 (five) nos. of Commando Battalions at Pabhoi in Biswanath District, Geleky (Kamalabari) in Sivasagar District, Kachurtal in Hailakandi District, Doldoli (Lahorijan) in Karbi-Anglong District, Ambikapur in Sadiya District

Proposal Number : AA-POL-2024-25-2402

Valid Upto : 08-08-2027

Dept. File No: HMA.154/2022

Financial year : 2024-25

Finance Dept Concurrence No. : N/A

Approved to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Approved by : Mr. Nabanit Saikia,AFS,Senior Financial Advisor, Home Department

Finance Concurrence Remarks : N/A

DFP Rule: No-227452 dtd 28-11-2022

Reference Proposal Details — *AA/POL_2023-24(I)_1642 Dated, 18-11-2023*

#	Grant No	Head of Account (HOA)		Estimated Expenditure in current Financial Year(In Lakhs)	Total Project Cost (In Lakhs)
		HOA Code	HOA Description		
(1)	14	4055-00-207-0482-934-13-01-SOPD-G-V-GA	Capital Outlay on Police-NULL-State Police-Relief Operation in connection with Disturbances-Operation against Militant Raising of Assam Commando Battalion-Major Works-Normal	88171.32453	88171.32453
Total Amount (In Lakhs)					88171.32453

Administrative Approval of the competent authority is hereby accorded for an amount of **Rs. 88171.32453 Lakhs (Rupees Eight Hundred and Eighty One Crore Seventy One Lakh Thirty Two Thousand Four Hundred and Fifty Three only)** towards the implementation of the scheme / project subject to observance of the following conditions:

TERMS & CONDITIONS:

1. e-Procurement shall be resorted to for all tender values Rs.50 lakhs and above in compliance with OM No FEB(eGU) 03/2015/109 dated 13/7/18
2. Deptt. File No. S-VI/09/2021/Raising of New CDO Bn./Pt-V

COPY FORWARDED TO:

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. TheDirector General of Police, Assam.
4. Finance (EC-I/II/III) Dept.
5. Finance (Budget) Dept.
6. Treasury Officer, Kamrup Metro
7. ASSAM POLICE HEADQUARTERS

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Financial Sanction

FINANCIAL SANCTION

Government Of Assam

Home Department

-155-

Sanction No: FS/POL_2023-24(I)_18

Sanction Date: 20-04-2023

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME	Raising of New Assam Police Commando battalion at Kachurtal in Hailakandi Dist., Assam (shifted presently to Damcherra in Gharmura Range under Ramnathpur Police station) on Engineering, Procurement and Construction (EPC) Mode

Proposal No. : FS-POL-2023-24-00014

AA No : AA/POL_2022-23(I)_1398 dated 08-08-2022

Dept. File No : -N/A-

Financial Year : 2023-24

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HOD, Home Department

HOA : 4055-00-207-0482-934-13-99-SOPD-ODS-V-GA

DFP Rule: Rule 20.3 (A) & Govt. Letter No. HMA.154/2022/71 Dtd. 08-08-2022

Whether this work/scheme/program etc. has Forest Royalty due to the Government? : N/A

Financial Sanction of the competent authority is hereby accorded for an amount not exceeding **Rs.1425.43499 Lakhs (Rupees Fourteen Crore Twenty Five Lakh Forty Three Thousand Four Hundred and Ninety Nine only)** towards the payment subject to the following terms and conditions:

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. Instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. S-VW09/2021/Raising of New CDO Bn./Pt-I
5. Rule 20.3 (A) & Govt. Letter No. HMA.154/2022/71 Dtd. 08-08-2022

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (In Lakhs)
1	C-POL-01379	Assam Police Housing Corporation Ltd.	1425.43499

COPY FORWARDED TO

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam.
4. Finance (EC-I/II/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS
7. Treasury Officer, Kamrup Metro

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Financial Sanction

FINANCIAL SANCTION

Government Of Assam

Home Department

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Sanction No: FS/POL_2023-24(I)_11

Sanction Date: 20-04-2023

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME Project Management Consultancy services for Raising of New Assam Police Commando Battalion at Kachurtal in Hailakandi Dist., Assam (shifted presently to Demcherra in Gharmura Range under Ramnathpur Police station) on Engineering, Procurement and Construction (EPC) Mode

Proposal No. : FS-POL-2023-24-00021

AA No : AA/POL_2022-23(I)_1390 dated 06-08-2022

Dept. File No : -N/A-

Financial Year : 2023-24

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HCD, Home Department

HOA : 4055-00-207-0482-934-13-99-SOPD-ODS-V-GA

DFP Rule: Rule 20.3 (A) & Govt. Letter No. HMA.154/2022/71 Dtd. 08-08-2022

Whether this work/scheme/program etc. has Forest Royalty due to the Government? : N/A

Financial Sanction of the competent authority is hereby accorded for an amount not exceeding **Rs.120.00000 Lakhs (Rupees One Crore Twenty Lakh only)** towards the payment subject to the following terms and conditions:

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. Instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. S-VI/09/2021/Raising of New CDO Bn./Pt-II
5. Rule 20.3 (A) & Govt. Letter No. HMA.154/2022/71 Dtd. 08-08-2022

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (In Lakhs)
1	C-POL-01381	Assam Police Housing Corporation Ltd.	120.00000

COPY FORWARDED TO

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam.
4. Finance (EC-I/II/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS
7. Treasury Officer, Kamrup Metro

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FINANCIAL SANCTION

Government Of Assam

Home Department

-157-

Sanction No: FS/POL_2023-24(I)_370

Sanction Date: 19-06-2023

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME Raising of New Assam Police Commando battalion at Kachurtal in Hailakandi Dist., Assam (shifted presently to Damcherra in Gharmura Range under Ramnathpur Police Station) on Engineering, Procurement and Construction (EPC) Mode

Proposal No. : FS-POL-2023-24-00493

AA No : AA/POL_2022-23(I)_1398 dated 05-05-2022

Dept. File No : -N/A-

Financial Year : 2023-24

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HOD, Home Department

HOA : 4055-00-207-0482-934-13-99-SOPD-OOS-V-GA

DFP Rule: DFP RULE 20.3 A

Whether this work/scheme/program etc. has Forest Royalty due to the Government? : N/A

Financial Sanction of the competent authority is hereby accorded for an amount not exceeding **Rs.1073.50977 Lakhs (Rupees Ten Crore Seventy Three Lakh Fifty Thousand Nine Hundred and Seventy Seven only)** towards the payment subject to the following terms and conditions:

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. Instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. Deptt. File No. S-VI/09/2021/Raising of New CDO Bn./Pt-I
5. DFP RULE 20.3 A

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (In Lakhs)
1	C-POL-01390	Assam Police Housing Corporation Ltd.	1073.50977

COPY FORWARDED TO :

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam.
4. Finance (EC-III/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS
7. Treasury Officer, Kamrup Metro

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Financial Sanction

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FINANCIAL SANCTION

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Government Of Assam

Home Department

Sanction No: FS/POL_2023-24(I)_2946

Sanction Date: 12-01-2024

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME	Project Management Consultancy Services for Raising of New Assam Police Commando Battalion at Kachurtal in Hailakandi Dist., Assam (shifted presently to Damcherra in Gharmura Range under Ramnathpur Police Station) on Engineering, Procurement and Construction (EPC) Mode

Proposal No. : FS-POL-2023-24-03745

AA No : AA/POL_2023-24(I)_1642 dated 18-11-2023

Dept. File No : -N/A-

Financial Year : 2023-24

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HOD, Home Department

HOA : 4055-00-207-0482-934-13-99-SOPD-ODS-V-GA

DFP Rule: 20.3.A

Whether this work/scheme/program etc. has Forest Royalty due to the Government? : N/A

Reference Approved No. : AA/POL_2022-23(I)_1398, Dated 08-08-2022

Financial Sanction of the competent authority is hereby accorded for an amount not exceeding **Rs.48.00000 Lakhs (Rupees Forty Eight Lakh only)** towards the payment subject to the following terms and conditions:

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. Instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. Deptt. File No. S-VI/09/2021/Raising of New CDO Bn./Pt-V

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (In Lakhs)
1	C-POL-01524	Assam Police Housing Corporation Ltd.	48.00000

COPY FORWARDED TO

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam.
4. Finance (EC-I/II/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS
7. Treasury Officer, Kamrup Metro

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FINANCIAL SANCTION

Government Of Assam

Home Department

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Sanction No: FS/POL_2023-24(I)_964

Sanction Date: 28-08-2023

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME Raising of New Assam Police Commando Battalion at Kachurtal in Hailakandi Dist., Assam (shifted presently to Damcherra in Gharmura Range under Ramnathpur Police Station) on Engineering, Procurement and Construction (EPC) Mode

Proposal No : FS-POL-2023-24-01237

AA No : AA/POL_2022-23(I)_1398 dated 08-08-2022

Dept. File No : -N/A-

Financial Year : 2023-24

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HOD, Home Department

HOA : 4055-00-207-0482-934-13-99-SOPD-CDS-V-GA

DFP Rule: 20.3.A

Whether this work/scheme/program etc. has Forest Royalty due to the Government? : N/A

Financial Sanction of the competent authority is hereby accorded for an amount not exceeding **Rs.557.40069 Lakhs (Rupees Five Crore Fifty Seven Lakh Forty Thousand Sixty Nine only)** towards the payment subject to the following terms and conditions:

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. Instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. Deptt. File No. S-VI/09/2021/Raising of New CDO Bn.Pt-I

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (In Lakhs)
1	C-POL-01414	Assam Police Housing Corporation Ltd.	557.40069

COPY FORWARDED TO

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam.
4. Finance (EC-I/II/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS
7. Treasury Officer, Kamrup Metro

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FINANCIAL SANCTION

Government Of Assam

Home Department

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Sanction No: FS/POL_2023-24(I)_1263

Sanction Date: 22-09-2023

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME	Raising of New Assam Police Commando Battalion at Kachurtai in Hailakandi Dist., Assam (shifted presently to Damcherra in Gharmura Range under Ramnathpur Police Station) on Engineering, Procurement and Construction (EPC)

Proposal No. : FS-POL-2023-24-01616

AA No : AA/POL_2022-23(I)_1398 dated 06-05-2022

Dept. File No : -N/A-

Financial Year : 2023-24

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HOD, Home Department

HOA : 4055-00-207-0482-934-13-99-SOPD-ODS-V-GA

DFP Rule: 20.3.A

Whether this work/scheme/program etc. has Forest Royalty due to the Government? : N/A

Financial Sanction of the competant authority is hereby accorded for an amount not exceeding **Rs.492.55154 Lakhs (Rupees Four Crore Ninety Two Lakh Fifty Five Thousand One Hundred and Fifty Four only)** towards the payment subject to the following terms and conditions.

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. Instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. Deptt. File No. S-VI/09/2021/Raising of New CDO Bn /Pt-I

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (In Lakhs)
1	C-POL-01422	Assam Police Housing Corporation Ltd.	492.55154

COPY FORWARDED TO

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam.
4. Finance (EC-I/II/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS
7. Treasury Officer, Kamrup Metro

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FINANCIAL SANCTION

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Government Of Assam

Home Department

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Sanction No: FS/POL_2023-24(I)_1937

Sanction Date: 18-11-2023

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME Raising of New Assam Police Commando Battalion at Kachurtal in Hailakandi Dist., Assam (shifted presently to Damcherra in Gharmura Range under Ramnathpur Police Station) on Engineering, Procurement and Construction (EPC) Mode

Proposal No. : FS-POL-2023-24-02499

AA No : AA/POL_2023-24(I)_1642 dated 18-11-2023

Dept. File No : -N/A-

Financial Year : 2023-24

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HOD, Home Department

HOA : 4055-00-207-0482-934-13-99-SOPD-ODS-V-GA

DFP Rule: 20.3.A

Whether this work/scheme/program etc. has Forest Royalty due to the Government? : N/A

Reference Approved No. : AA/POL_2022-23(I)_1398, Dated 08-08-2022

Financial Sanction of the competent authority is hereby accorded for an amount not exceeding **Rs.1105.08358 Lakhs (Rupees Eleven Crore Five Lakh Eight Thousand Three Hundred and Fifty Eight only)** towards the payment subject to the following terms and conditions:

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. Instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. Deptt. File No. S-VI/09/2021/Raising of New CDO Bn./Pt-III

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (in Lakhs)
1	C-POL-01503	Assam Police Housing Corporation Ltd.	1105.08358

COPY FORWARDED TO

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam
4. Finance (EC-I/II/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS
7. Treasury Officer, Kamrup Metro

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FINANCIAL SANCTION

Government Of Assam

Home Department

-162-

Sanction No: FS/POL_2023-24(I)_2953

Sanction Date: 12-01-2024

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME Raising of New Assam Police Commando Battalion at Kachurtal in Hailakandi Dist., Assam (shifted presently to Damcherra in Gharmura Range under Ramnathpur Police Station) on Engineering, Procurement and Construction (EPC) Mode

Proposal No. : FS-POL-2023-24-03739

AA No : AA/POL_2023-24(I)_1642 dated 18-11-2023

Dept. File No : -N/A-

Financial Year : 2023-24

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HOD, Home Department

HOA : 4055-00-207-0482-934-13-99-SOPD-ODS-V-GA

DFP Rule: 20.3.A

Whether this work/scheme/program etc., has Forest Royalty due to the Government? : N/A

Reference Approved No. : AA/POL_2022-23(I)_1398, Dated 08-08-2022

Financial Sanction of the competent authority is hereby accorded for an amount not exceeding **Rs.4594.59329 Lakhs (Rupees Forty Five Crore Ninety Four Lakh Fifty Nine Thousand Three Hundred and Twenty Nine only)** towards the payment subject to the following terms and conditions.

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. Instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. Deptt. File No. S-VI/09/2021/Raising of New CDO Bn./Pt-IV

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (In Lakhs)
1	C-POL-01619	Assam Police Housing Corporation Ltd.	4594.59329

COPY FORWARDED TO

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam.
4. Finance (EC-I/II/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS
7. Treasury Officer, Kamrup Metro

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Financial Sanction

FINANCIAL SANCTION

Government Of Assam

Home Department

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Sanction No: FS/POL_2024-25(I)_04

Sanction Date: 12-04-2024

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME Raising of New Assam Police Commando Battalion at Kachurtal in Hailakandi Dist., Assam on Engineering, Procurement and Construction (EPC) Mode

Proposal No. : FS-POL-2024-25-00004

AA No : AA/POL_2024-25(I)_1673 dated 12-04-2024

Dept. File No : -N/A-

Financial Year : 2024-25

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HOD, Home Department

HOA : 4055-00-207-0432-934-13-01-SOPD-G-V-GA

DFP Rule: 20.3.A

Whether this work/scheme/program etc. has Forest Royalty due to the Government? : N/A

Reference Approved No. : AA/POL_2023-24(I)_1642, Dated 18-11-2023

Financial Sanction of the competent authority is hereby accorded for an amount not exceeding **Rs.4431.96488 Lakhs (Rupees Forty Four Crore Thirty One Lakh Ninety Six Thousand Four Hundred and Eighty Eight only)** towards the payment subject to the following terms and conditions:

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. Instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. Deptt. File No. S-VI/09/2021/Raising of New CDO Bn./Pt-V

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (In Lakhs)
1	C-POL-01710	Assam Police Housing Corporation Ltd.	4431.96488

COPY FORWARDED TO

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam.
4. Finance (EC-II/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS
7. Treasury Officer, Kamrup Metro

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Financial Sanction

FINANCIAL SANCTION

Government Of Assam

Home Department

-164-

Sanction No: FS/POL_2024-25(I)_649

Sanction Date: 04-07-2024

To,

Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29

PURPOSE/SCHEME Financial Sanction for Raising of New Assam Commando Battalion at Kachurtal in Hailakandi Dist., Assam (shifted presently to Damcherra in Gharmura Range under Ramnathpur Police Station) on Engineering, Procurement and Construction (EPC) Mode

Proposal No. : FS-POL-2024-25-01006

AA No : AA/POL_2024-25(I)_1673 dated 12-04-2024

Dept. File No : -N/A-

Financial Year : 2024-25

Grant No : 14

Finance Concurrence Remarks: N/A

Finance Concurrence No : -N/A-

Sanctioned to : KAM/POL/001 , ASSAM POLICE HEADQUARTERS

Sanctioned by: Mr. Gyanendra Pratap Singh,HOD, Home Department

HOA : 4055-00-207-0482-934-13-01-SOPD-G-V-GA

DFP Rule: Rule 20.3.A of Schedule of Power to the Sub-ordinate Authority under DFP Rule, 2022

Whether this work/scheme/program etc. has Forest Royalty due to the Government? : Amount(In Lakhs)- ₹17.64205

Reference Approved No. : AA/POL_2023-24(I)_1642, Dated 18-11-2023

Financial Sanction of the competent authority is hereby accorded for an amount not exceeding **Rs.1114.57559 Lakhs (Rupees Eleven Crore Fourteen Lakh Fifty Seven Thousand Five Hundred and Fifty Nine only)** towards the payment subject to the following terms and conditions:

TERMS & CONDITIONS

1. All norms in Assam Financial Rules, AFRBM Act 2005, CVC Guidelines, Assam Public Procurement Act 2017, Assam Public Procurement Rules 2021 and similar directives from Finance Department issued from time to time is to be strictly followed invariably.
2. The admissible deductions can be deducted and deposited into the Govt. Account by the Concerned Authority as per rule/ Govt. instructions.
3. Work to be completed within the estimated cost in all respect without involving cost and time over run.
4. ECF No. 445458

VENDOR DETAILS

#	Commitment Number	Vendor Name	Amount (in Lakhs)
1	C-POL-01721	Assam Police Housing Corporation Ltd.	1114.57559

COPY FORWARDED TO :

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Accountant General (Audit), Assam, Maidamgaon, Guwahati-29
3. The Director General of Police, Assam.
4. Finance (EC-I/II/III) Dept.
5. Finance (Budget) Dept.
6. ASSAM POLICE HEADQUARTERS

This is a computer generated document and doesn't require any Signature/Seal

Annexure-II

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COMPONENTS WISE BREAKUP OF THE FOREST LAND PROPOSED TO BE USED

1	CARRIAGE WAY AREA	1.349 HECTARE
2	RESIDENTIAL BUILDINGS	1.1076 HECTARE
3	NON-RESIDENTIAL BUILDINGS	0.745 HECTARE
4	ACTIVITY AREA	1.895 HECTARE
5	UTILITY AREA	0.386 HECTARE
6	OPEN AREA-	5.9854 HECTARE
	TOTAL	11.468 HECTARE

01	07.08.2024	SUBMISSION DRAWING
MARK	DATE	DESCRIPTION

CLIENT:
ASSAM POLICE HOUSING CORPORATION LTD.
GUWAHATI, ASSAM-781007

DESIGN ASSOCIATES INC.
ARCHITECTS
A - 163, Sector - 136,
Noida - Greater Noida Expressway,
Noida - 201301
Ph. no: 0120-2428600/30
e-mail: puneet.dangi@designassociates.in

PROJECT:
Raising of New Assam Police Commando Battalion in Hailakandi District of Assam

DRAWING TITLE:
MASTER PLAN AREA STATEMENT

DRAWING PURPOSE:
SUBMISSION DRAWING

JOB NO.	DRG. REF. NO.	DATE

SCALE: NTS	REVISION: R0	DATE OF ISSUE: 05.08.2024
DWG. NO.:		
	SHEET SIZE: A1	SHEET NO.: 01
	DRAWN BY: LOKESH	CHECKED BY: PUNEET

Annexure-XII

SITE PLAN FOR 2ND AP COMMANDO BATTALION, HAILAKANDI DISTRICT

SITE PLAN ON GOOGLE EARTH FOR 2ND AP COMMANDO BATTALION, HAILANDI DISTRICT

CARRIAGE WAY AREA - 13608.29 SQM
= 1.349 HECTARE

RESIDENTIAL BUILDINGS- 11676.338 SQM
= 1.1676 HECTARE

NON-RESIDENTIAL BUILDINGS- 7456.01 SQM
= 0.743 HECTARE

ACTIVITY AREA- 18970.813 SQM
= 1.893 HECTARE

UTILITY AREA- 8994.725 SQM
= 0.886 HECTARE

OPEN AREA- 59851.9 SQM
= 5.9851 HECTARE

ANNEXURE - V

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भारत सरकार
GOVERNMENT OF INDIA
क्षेत्रीय कार्यालय
REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लुमबाटनगेन/ LUMBATNGEN,
शिलांग/SHILLONG-793021
TEL. 0364-253-7609/7395/4650; FAX. 0364-2536041
E-mail: ro.ner.shil@gmail.com /moefro.shillong@gov.in

SPEED POST

No. RONE/E/O.A No. 61/24/PB/AS/412

Dated 14/05/2024

NOTICE

Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan) 1980

Whereas, clause (ii) of sub-section (1) of Section 2 of the **Van (Sanrakshan Evam Samvardhan) 1980** (herein referred to as the said Act), contemplates that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing that any forest land or any portion thereof may be used for any non-forest purpose;

Whereas, the Hon'ble National Green Tribunal(NGT), Principal Bench (PB) vide Order dated 23.01.2024 had registered *Suo-Moto* Original Application No. 61/2024/PB on the basis of a news item published in Northeast Now News dated 25.12.2023 titled "Assam: PCCF M.K Yadava accused of illegally clearing protected forest for Commando Battalion". Vide the said Order, the Hon'ble NGT observed that the News item raises a substantial issue regarding compliance of environmental norms.

And whereas, as per the Ministry's and this office's request seeking details from the State Government on the alleged violation for setting of 2nd Commando Battalion Camp at Damchera within the Inner Line Reserve Forest (ILRF) the same has accordingly been submitted and on scrutiny of the said documents, it is observed that vide your letter No.FG.40/14/Mizoram Border/Pt-II dated 28.09.2023, you had given approval for the establishment of the proposed 2nd Commando Battalion within the ILRF by referring to Section 2 (b) of the Forest (Conservation) Act, 1980 that it qualifies as an activity relating to conservation of forests.

And whereas, this office had conducted site visit on the alleged illegal clearing of forest land for the 2nd Commando Battalion Camp at Damchera within the ILRF on 08.03.2024 and accordingly, this office had observed in its report that the construction for the 2nd Commando Battalion Camp is large-scale and of permanent structures having a build-up area of 11.5 ha and the plinth area being close to 30,000 sq. meter, and that the area of 11.5 ha does not appear to have much semblance to any of the activities mentioned in the explanation (b) of Section 2 of the Forest (Conservation) Act, 1980 about ancillary activity for conservation, development and management of forest wildlife, namely establishment of checkpost, firelines, wireless communication and construction of fencing, bridge and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

(Contd.../-)

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And whereas, after perusal of the said Factual Report, the Ministry vide letter No. FC/7/1/2024-FC, dated 18.03.2024 had prima facie observed that the use of forest land for non forest activities has been allowed without prior approval of the Central Government on the forest land in question which is in contravention of the statutory provisions and rules of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

And whereas, the Hon'ble NGT, Principal Bench in O.A No. 61/2024 (PB), Order dated 23.04.2024 citing that the issue involved is about the legality of diversion of 44 hectares of protected forest land for a Commando Battalion headquarters in Barak Valley inside the Inner Line of Reserved Forest in Hailakandi district and referred to the Affidavit filed by this office and accordingly, the Hon'ble Tribunal had observed that the Affidavit clearly reflects the construction has been done in utter violation of the norms.

And whereas, in light of the facts mentioned above, you hereby stand deemed guilty of the said offence and therefore liable to be proceeded against and punished accordingly as per provisions contained in Section 3-A and 3-B of the said Act read with Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 framed there under;

Now therefore in exercise of the powers conferred to the undersigned under sub-rule (3) of Rule 15 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, you are hereby called upon to explain your conduct and to show cause within sixty days of receipt of this Notice, as to why a Complaint should not be filed in the Court of Law having jurisdiction against you for the said offence. In case of failure on your part to respond to this Notice within the time specified as stated above, the undersigned shall proceed further accordingly.

(Ms. Imtienla Ao)
Deputy Director General of Forests (C)

To,

Shri M.K. Yadava,
Special Addl. Chief Secretary (Forest)
Former Principal Chief Conservator of Forests,
Forest and Environment Department,
Government of Assam.

ANNEXURE - VI

भारतसरकार
GOVERNMENT OF INDIA
क्षेत्रीयकार्यालय
REGIONAL OFFICE
पर्यावरण ,वनएवंजलवायुपरिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लुमबाटनगेन/ LUMBATNGEN,
शिलॉंग/SHILLONG-793021
TEL.0364-253-7609/7395/1650; FAX.0364-2536041
E-mail: ro.ner.shil@gmail.com /moefcc.shillong@gov.in

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File No. RONE/E/O.A No. 61/24/PB/AS/ 962 Dated 15.07.2024

To,

Shri M. K. Yadava, IFS, Retd.,
Special Chief Secretary(Forest),
Environment and Forest Department,
Dispur, Guwahati- 781006.

Sub: Notice under Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980-reg.

Ref: Your letter No.SCS/MKY/PF/NGT/2024/1, dated 12.07.2024.

Sir,

Kindly refer to the subject and reference cited above wherein you had requested extension of 3 (three) months time to reply to this Office Show Cause Notice, dated 14.05.2024 (received by you on 17.05.2024) citing the grim flood situation in the State of Assam.

The matter has been examined and having confirmed that Assam is indeed going through one of the worst flood situations and that officers and staff of various Government departments including that of the forest department have been fully deployed in the relief and rescue operations; the request made by you have been considered favorably.

In view of the above, it is requested to kindly file your reply to the said Show Cause Notice on or before 17.10.2024 positively.

This is for favour of your kind information and needful.

Yours faithfully,

([illegible] Lutienla Ao)
Deputy Director General of Forests (C)

ANNEXURE - VII

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GOVERNMENT OF ASSAM
OFFICE OF THE SPECIAL CHIEF SECRETARY (FOREST)
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR-06

No.SCS/MKY/PF/NGT/2024/1 Dated Dispur, the 17th October, 2024

To,

Ms.Imtienla Ao, IFS
Deputy Director General of Forests (C),
Regional Office,
Ministry of Environment, Forest and Climate Change,
Lumbatngen, Shillong – 793021, Meghalaya.

Sub : Notice under Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980

Ref : (i) Your Notice No. RONE/E/O.A.No.61/24/PB/AS/412, dtd. 14/05/2024.
(ii) This office No. SCS/MKY/PF/2024/1, dtd.17/05/2024.
(iii) This office No.SCS/MKY/PF/2024/2, dtd. 25/05/2024.
(iv) This office No. SCS/MKY/PF/2024/4, dtd 31/05/2024.
(v) Your letter No. RONE/E/O.A No. 61/24/PB/AS/60, dtd. 06/06/2024.
(vi) This office No. SCS/MKY/PF/2024/1, dtd 12/07/2024
(vii) Your letter No. RONE/E/O.A.No.61/24/PB/AS/962, dtd. 15/07/2024

Madam,

With reference to the subject cited above, I wish to state that I was served a notice by your good office referred to at Ref No. (i) above and as per the last paragraph of the said notice, the undersigned was provided a period of 60 (sixty) days on receipt of the notice to reply on the same. The acknowledgment receipt of the notice was sent on 17/05/2024 by the undersigned on your mobile number by WhatsApp message to your good self. Therefore, the effective date of receipt of notice is to be accepted as **17/05/2024** and I was bound to file a reply on or before 16/07/2024. However, I had applied for extension of three months further to the sixty days period. The revised time of furnishing reply as per your kind letter dt. 15th July, 2024, was fixed to be 17th October, 2024. However, the letter itself was despatched on the 19th July, 2024 and the same was received on the 25th July by the undersigned. Accordingly, the undersigned is submitting the reply to the notice, for which 25th October, 2024 may please be considered as the submission time due to delay in the receipt of your kind approval of 3 (three) months extension time.

A. Prelude:-The matter of the Environment Activist:

1. **That** on receipt of the notice on 17th May, 2024, the undersigned wrote to your good office vide this office letter no. SCS/MKY/PF/2024/1, dt.17/05/2024 referred to No (ii) above, to provide a certified copy of the complaint, which I could gather from the affidavit dt.28/03/2024 of the MoEF&CC filed in the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi in the OA No. 61/2024 at **Annexure-R3 (Annexure-I** here), that an "environment activist" had "filed a complaint with the Ministry of Environment, Forest & Climate Change accusing Assam Government's top Forest Official of illegally diverting 44 hectares of protected forest land for a Commando Battalion Headquarters in Barak Valley. The complaint alleged that mandatory provisions under the Forest (Conservation) Act, 1980 were bypassed for the construction of the 2nd Assam Commando battalion Unit Headquarters inside the Inner Line Reserved Forest in Hailakandi district." **However, it is surprising that while all documents concerning this matter and that of Geleki are being shared with the Environment Activist, either freely or under RTI Act, 2005, but till date I have not been provided with a copy of the complaint of the said "Environment Activist" filed against the undersigned with the MoEF&CC.**

2. **That** subsequently, on 25/05/2024, as referred to at serial (iii) above, the undersigned again wrote to your good office of one Sri Rohit Choudhury with @Rohitskaziranga twitter handle, who tweeted through https://x.com/Rohitskaziranga/status/1794054065036349929?t=htg7Q-H89u8PnGs41qR3oA&s=19 on 24/5/2024 at 22:43 Hrs (**Annexure-II**) tweeting with a copy the of notice issued to me by the Regional Office Shillong but additionally bearing serial no. 470 & 471 (possibly Regional Office File PUC Numbers) and the first page with transcription in green "ANNEXURE-I" (**Annexure-III** here). The undersigned through the said letter had informed you that the notice was issued to me personally and not to the PCCF & HoFF, Assam and hence before making the notice public under the RTI Act, 2005 or otherwise, it would have been prudent on part of your good office to take consent of the undersigned, under the section 11 of the Right to Information Act, 2005 as the matter relates to a third party and the matter was **confidential**, and that disclosure enquiries are protected under section 8(1)(h) of the RTI Act, 2005, but despite all the statutory provisions laid down in the Right to Information Act, 2005, the consent of the undersigned was not obtained in the instant case either by the Regional Office or the Central Ministry as information about action being taken/proposed on undersigned was provided by both the central agencies. Be it also mentioned that apparently it seems, the media lynching and media trial is totally made in a vindictive manner with a malafide intention to malign the image of particular person, i.e. me, with some ulterior motive that has caused irreparable loss and personal damage to me and my family.

3. **THAT ON THE OTHER HAND**, the undersigned is very much protected by the various judgements of the Hon'ble High Courts and the Central Information Commission for example the landmark judgement in the matter of Shri Govind Jha, Ee(Sg), Jt. Dir (Pol) vs Maj Gen. Gautam Dutt, Dgw, E-In-Cs Dt. 1st June, 2006 [https://indiankanoon.org/doc/1957390/]. A copy of the said judgement is annexed herewith for your kind perusal and ready reference at **Annexure-IV**. It has been decreed in the said judgement that:-

"9. While in criminal law, an investigation can be said to be completed with the filing of the charge sheet in an appropriate court by an investigating agency, in cases of vigilance related enquiries, misconduct and disciplinary matters, the investigation can be said to be over only when the competent authority makes a determination about the culpability or otherwise of the person or persons investigated against. In that sense, the word investigation used in Section 8(1)(h) of the Act should be construed rather broadly and should include all enquiries, verification of records, assessments and so on which may be ordered in specific cases. In all such matters, the enquiry or the investigation should be taken as completed only after the competent authority makes a prima-facie determination about presence or absence of guilt on receipt of the investigation/enquiry report, from the investigation/enquiry officer.

10. There is another aspect to this matter. If for the sake of argument, it is agreed that the report of investigation in any matter can be disclosed immediately after the officer investigating the cases concludes his investigation and prepares the report which, let us assume, impeaches the conduct of a given officer. In case the competent disciplinary authority agrees with the findings of the investigating officer, disclosure of the report even before a final decision by the competent authority, would be inconsequential. There shall be problem, however, if the disciplinary/appointing authority chooses to disagree with the findings of the investigating officer. Early disclosure of the investigation report, in such a case, besides being against the norms of equity, would have caused irretrievable injury to the officer/person's (who would have been the subject of investigation) standing and reputation. His demoralisation would be thorough.

13. There is one other factor that also needs some reflection. Disclosure of an investigation/enquiry report (as demanded in this case by the appellant) even before its acceptance/rejection by a given competent authority will expose that authority to competing pressures which may hamper cool reflection on the report and compromise objectivity of decision-making.

14. In our considered view, therefore, in investigations in vigilance related cases by CVOs or by departmental officers, as well as in all cases of misconduct, misdemeanour, etc., there should be an assumption of continuing investigation till, based on the findings of the report, a decision about the presence of a prima-facie case, is reached by a competent authority. This will, thus, bar any premature disclosure, including disclosure of the report prepared by the investigating officer, as in this case.

15. We, therefore, hold that the present case attracts the exemption under Section 8(1)(h) and, therefore, disclosure of information as asked for by the appellant, cannot be authorized. The appeal is rejected"

4. That May please note that I am only flagging the issue here, without any expectation of action at your end. However, I would fail myself and my State in duty if I do not state that the Regional Office and the Central Ministry have grossly erred in overlooking the section 8(1)(h) of the Right to Information Act, 2005, and the protection that was due to me, as the enquiry would have only completely in finally filing a criminal suit against the undersigned in an appropriate court of law after adjudging that the undersigned was proved guilty of the offence under 3-A and

3-B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and the Van (Sanrakshan Evam Samvardhan) Rules, 2023, and the Consolidated Guidelines and Clarifications issued under the same. Currently, I am only at the stage of submitting my replies to the Notice served by the Regional Office. Quoting again from the decision above, "13... *Disclosure of an investigation/enquiry report (as demanded in this case by the appellant) even before its acceptance/rejection by a given competent authority will expose that authority to competing pressures which may hamper cool reflection on the report and compromise objectivity of decision-making*". This is exactly what is happening with me. A great amount of pressure has been already mounted from all sides through a deluge of media reports depicting gross violations committed by undersigned in blatant disregard to the Adhiniyam, 1980, so that judgements of the authorities deciding the case of the Battalion camps meant for protection of the forests of Assam, whether to be considered a forest activity or not to be a forest activity, at various levels in the Regional Office and the Central Ministry, are now at risk and the forests of Assam are now in danger of losing their protection, because of such strong media lynching. *cool reflection on the report* may not be possible *and* the *objectivity of decision-making possibly* is under the threat of getting lost. All this because some authorities in the Regional Office and the Central Ministry have completely disregarded the section 8(1)(h). This is highly unfair and unbecoming of the Regional Office and the Central Ministry to overlook completely the stand of the State Government, and seemingly succumb to the undue and illegally created pressure by illegal use of the provisions of the RTI Act, 2005 by throwing the section 8(1)(h) of the RTI Act to the wind, to term a forest protection and conservation activity of the State as "non forest". May God save the forests of the country! **I, however, seek forgiveness of the Regional Office and the Central Ministry for being a bit impulsive and offensive, even though, as rightly observed in the said judgement, *"besides being against the norms of equity, would have caused irretrievable injury to the officer/person's (who would have been the subject of investigation) standing and reputation. His demoralisation would be thorough"*, and state that I am willing to go through all the humiliation and pain as a true forest officer who shall suffer himself but not let protection of the forest suffer.**

5. **That** even before I had replied to the notice and even before the period of 60 days was over, media had already pronounced me guilty of an offence which I did not commit in the first place and the matter of which is sub-judice in the Hon'ble National Green Tribunal. Despite complaining and being assured by your good office that the matter was confidential, and should not have leaked out, every information continued to be leaked out and tweeted by @Rohitskaziranga (may please see **Annexure-V**, **Annexure-VI**, **Annexure-VII**). The Notice to the undersigned on the Geleki matter was issued on 18th September, 2024, but even without much delay, it found its way in the media within 10 days, and media trial and media lynching of the undersigned started all over again, as can be seen in a report of NENOW dt. 28th September, 2024 (**Annexure-VIII**). It is needless to mention that all these acts and activities are totally violative of the above mentioned judgement. This newspaper is being cited here only as one instance of so many news reports published against me. I only want to reiterate here that I acted in the interest of the State and for protection of the forests of the State only, and there was no malafide intention on part of the undersigned, nor was the forest land diverted for any other private or public purpose. Media trial and media lynching can only distort facts, but cannot alter the truth. The next two paragraphs are being submitted herewith only to show that the matter had already been placed

with the MoEF&CC as well as the Hon'ble National Green Tribunal regarding the "Environment Activist" on two separate occasions.

6. **That** the undersigned vide letter No. FG.4/RTI Act, 2005/2012 Dt. 24th July, 2023 has written to the Secretary, Assam Information Commission, Guwahati-37 on the subject of "*Misuse of RTI Act, 2005 and constant harassment, blackmailing, defamation by one Sri Rohit Choudhury- reg*" with copies to the DGF&SS to GoI, MoEF&CC, New Delhi, ADGF & Director, Wildlife Preservation, MoEF&CC, GoI, New Delhi and ADGF & MS, NTCA, MoEF&CC, GoI, New Delhi, a copy of which is enclosed herewith for your kind perusal and ready reference (**Annexure-IX**).

7. **That** in the Page 20, being part of Para 15, of the affidavit submitted by the PCCF&HoFF, Assam in the IA No. 124/2024 in OA No. 61/2024 in the Hon'ble National Green Tribunal, Principal Bench, New Delhi, a few facts have been stated about Sri Rohit Choudhury. Just to drive home the issue, I am enclosing herewith the para 15 of the affidavit together with its enclosure for favour of your kind perusal, and thus to expose the hypocrisy of Sri Rohit Choudhury. (**Annexure-X**). The name of Sri Rohit Choudhury may please be seen at Page No. 73 at Sl No. 5 of the para 3.2 of the Annexure-X.

B. The Para 11.8 of the Guidelines of MoEF&CC:

1. **That** the undersigned had written another letter on 31/05/2024 (see Reference at serial no. (iv), requesting if there is any explanation of the phrase "or other like purposes" in Section 2 (iv) (b) of the Forest (Conservation) Act, 1980 and Section 2(1)(iv)(b)(viii) "any other like purposes, which the Central Government may, by order specify" of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 against which I received a reply from your good office vide letter No. RONE/E/O.A No. 61/24/PB/AS/60, dtd. 06/06/2024, which you quoted the provision of **Para 11.8** of the Consolidated Guidelines and under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 which was reproduced in your kind reply Dt. 6th June, 2024. While I have gone through the same, but my expectation was to explore if any other order, notification or direction was available from the Central Government. In fact, the Department rigorously follows the Guidelines
listed in Para 11.8.

2. **That** the provision of **paragraph 11.8** of the Consolidated Guidelines and under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 which was reproduced in your kind reply, is reproduced here again, "**11.8 Infrastructure ancillary to Forest Management**: *According to the explanation in the Act, 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, is not a non-forest use and therefore, taking up such work in the forest land does not require diversion under the Van (Sanrakshan Evam Samvardhan) Adhiniyam. As such*

all State Governments should ensure that the basic spirit and essence or the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is not to divert forest land for construction of residential buildings,

Bungalows, quarters etc. Bare minimum (operational) buildings, which are essential for management of forest by forest personnel and conservation of bio-wealth such as forest guard hut, check posts, range offices, small inspection bungalow (2-3 room), un-tarred single lane roads etc., can be taken up in selected areas without causing damage/destruction to the forests thereon. But if the structures are large and would impact on conservation, prior permission under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 would be required.". Further, the Para 11.8 also features in the Handbook of Forest *(Conservation) Act, 1980 and Forest (Conservation) Rules, 2003 (Guidelines & Clarifications), 2019, which are also reproduced here.* *"**11.8 Infrastructure ancillary to Forest Management**: According to the explanation in the Act, 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, is not a non-forest use and therefore, taking up such work in the forest land does not require diversion under the FC Act. As such all States Government should ensure that the basic spirit and essence or the Forest (Conservation) Act, 1980 is not to divert forest land for construction of residential buildings, Bungalows, quarters etc. Bare minimum (operational) buildings, which are essential for management of forest and conservation of bio-wealth such as forest guard hut, check posts, range offices, small inspection bungalow (2-3 room), un-tarred single lane roads etc., can be taken up in selected areas without causing damage/destruction to the forests thereon. But if the structures are large and would impact on conservation, prior permission under the Forest (Conservation) Act, 1980 would be required."* Contents of both the **Para 11.8** of the Act and the Adhiniyam are ditto.

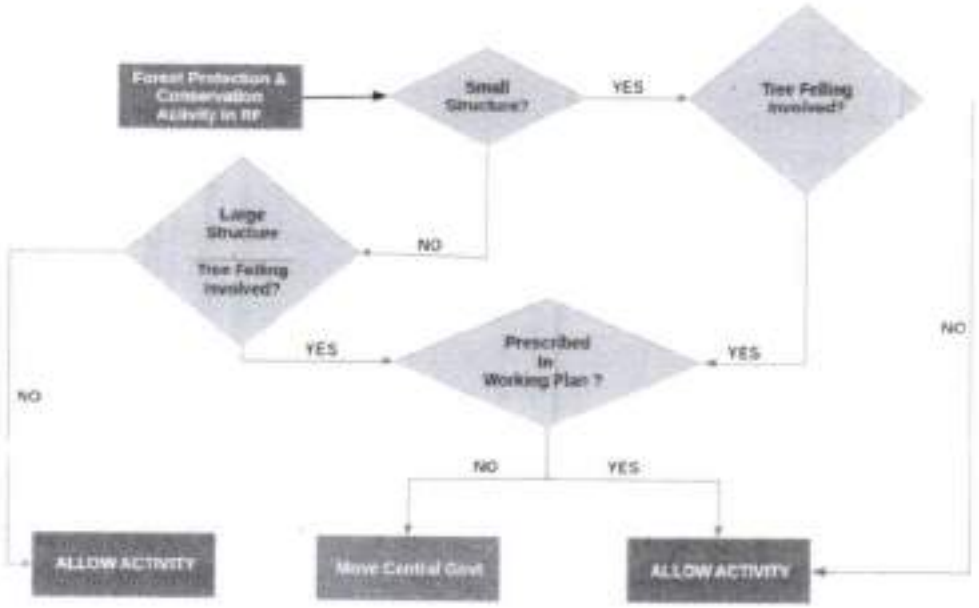
3. **That** the query of the undersigned is also quoted here, *"Therefore, the undersigned humbly seeks to obtain a copy of the order/ directions issued by the MoEF&CC, Govt. Of India, with respect to the Section 2(iv)(b) and the new Section 2(1)(iv)(b)(viii) concerning any limitation by way of area, extent, size and type of construction, which if exceeded the bonafide action taken for forest protection by any State Govt. (land is a State subject), would be adjudged as violation of section 2 of the act and prior permission of the Central Govt. would be mandatory for exceeding the conditions being the maximum for a forest protection and conservation activity".*

4. **That** when the query of the undersigned and the reply of the Regional Office is juxtaposed, it is clear that the mechanism to determine whether an activity carried out inside a forest area for purposes of forest protection and conservation would be determined by the Guidelines & Clarifications, 2019, Para 11.8, and by the Consolidated Guidelines & Clarifications, 2023, Para 11.8, with the clear assumption that no other Guidelines or directions or orders of the MoEF&CC are in operation. Both the 11.8 paras are exactly the same except for the substitution of the phrase 'Forest (Conservation) Act, 1980' in the document of 2019 by the phrase 'Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. This also clearly shows that there is effectively no change in the Para 11.8.

5. **That** with the above clarification received from your good office dt. 6th June, 2024, as mentioned earlier, I wish to submit that the clause/sentence "*But if the structures are large and would impact on conservation, prior permission..... would be required*", needs to be viewed in totality and not in isolation. The test to decide whether large structures need prior permission under the previous Forest (Conservation) Act, 1980 or the Adhiniyam, 1980, or not rests only on the two phrases namely "***structures are large" AND "would impact conservation***", and both are joined by **"and"**, [*"AND" in capital letters for emphasis only*], and hence only if both the conditions are fulfilled, there would be a requirement of prior permission of the Central Government. In the instant case, while the structures are large, but they do not impact on conservation. While it is clear that no trees have been felled, and also no areas have been broken afresh as these areas were encroached, therefore, any adverse impact on conservation had already occurred, and the State Government only wanted to reverse the process by stopping further encroachments. Hence, the very purpose of the structures is forest protection and conservation, and, therefore, one of the two conditions joined by "AND" is not true. Hence, the resultant condition of prior permission of the Central Government is not met. **May I request that the Regional Office MoEF&CC may please withdraw the notice on this ground alone.**

6. **That further,** may please be informed that the first onus of deciding as to whether a structure would impact on conservation or not rests with solely the State Government. The State Government or the agency of the State Government, in this case, the PCCF&HoFF, would typically use the following process to follow the Guidelines, as depicted in the diagram below [*Diagram credit: M.K. Yadava*]:-

TYPICAL FIELD BASED DECISION MAKING UNDER FC ACT 1980



That the diagram above clearly depicts that even if felling is involved for small structure required for protection and conservation, and the same is not prescribed in the Working Plans, one would move for felling permission to the Regional Office of the MoEF&CC. Therefore, irrespective of

the structure being small or large, a field functionary would avoid felling of trees [***If not prescribed in the Working Plan***] for any construction activity related to forest protection and conservation pursuant to Rule 7(3) of the Forest (conservation) Rules, 2003. In the instant case, since there was no felling involved, and hence, there was no requirement to move the Regional Office for clearance.

7. **That** it is to be noted that the decision whether to approach the Central Government for clearance or not would have to happen in the State, to be determined by the Forest Department, under the Forest (Conservation) Act, 1980 in the first place. In this regard, while the Regional Office vide their letter dt. 6th June, 2024, have referred only to Para 11.8 of the Consolidated Guidelines, the relevance of Rule 7(3) also needs to be examined. The Rule 7(3) of the Forest (Conservation) Rules, 2003, reads as below:-

> (3) (a) All proposals involving clearing of trees in forest land or portion thereof for the purpose of using it for re-afforestation shall be finally disposed of by the Regional Office within a period of sixty days of receipt of the proposals from the State Government or the Union territory Administration, as the case may be.
>
> (b) While examining the proposal, the Regional Office shall ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time.
>
> (c) The Regional Office shall however seek prior clearance of the Ministry of Environment, Forests and Climate Change whenever the proposal involves clear-felling of forest land having crown density above forty per cent irrespective of the area involved, or clear-felling of forest area of size more than twenty hectares in the plains and ten hectares in the hilly region, irrespective of density.

This amply supports the decision tree diagram depicted in the previous paragraph. The State Government has to move the Regional Office if clear felling is involved, and the same is not prescribed in the Working Plan. This was the legal position prior to 1st December, 2023. The same rule has been amended now under the new Adhiniyam, 2023 rule 12 (9) & (10) which reads as below:-

> **(9)** The proposals involving whole or part of forest land bearing a canopy density of 0.4 or more or proposals involving clear-felling of forest land of size more than twenty hectares in plains and ten hectares in hills irrespective of canopy density, shall be forwarded to the Regional Empowered Committee and the Regional Empowered Committee shall deal in the manner specified under these rules and while examining the proposal, the Regional Office shall ensure that the final decision is in conformity with the National Working Plan Code, the National Forest Policy and with preamble of Adiniyam for conservation and augmentation of forests.
>
> **(10)** For the purpose of these rules "clear-felling of forest land" means removal of all natural vegetation in whatever form occurring, by felling, uprooting or burning them and removing them from the forest land over one hectare in size or more, but other types of felling of trees of specified size or species, including their selection felling or coppice felling shall not be considered as clear felling.

8. **That** the Rule 2023 notified on 29th November, 2023 became effective from 1st December, 2023, and hence the new definition of "clear-felling" as defined under Rule 12(10) was not applicable as on 28th September, 2023. [However, the new definition of "clear felling" in the Rule 12(10) is very intriguing from the point of Forest protection and Wildlife conservation as because, "clear-felling of trees now has become "***removal of all natural vegetation in whatever form occurring, by felling, uprooting, or burning***", which was not the case in rule 7(3) of the Forest (Conservation) Rules, 2003. However, the saving clause follows immediately after, "... ***and removing them from the forest land***" would mean "***clear-felling of forest land***". Therefore, if and only if the "clear-felled" forest produce is removed from the forest land then only it would be considered "clear-felling of forest land", and not otherwise. **Therefore, unless the "clear-felled" forest produce is removed from the forest land, it cannot be construed as a "clear-felling"**. Since, in the instant case, though 44 ha was permitted by the PCCF&HoFF for use of the battalion camp, but no "clear-felling" was involved in the construction of 11.5 ha area, and rest of the area was not disturbed.

9. **And That and hence**, neither was there any violation of the Forest (Conservation) Rules, 2003 or any violation of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 committed by the undersigned as regards rule 7(3) and rule 12(9) & (10) of these rules respectively. Thus, in either of the Rules, there is no violation.

10. **That** the words "crown density above forty per cent" in the rule 7(3)(c) and "canopy density of 0.4 or more" of the rule 12(10) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 need explanation. These phrases refer to the State of Forest Report wherein the crown density (≡ canopy density) is defined in fraction from 0 to 1 or in per cent from 0 to 100. As per rule 16(4) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, which states "*For the purpose of forest cover under these rules, the figures and description used in the latest India State of Forest Report published by Forest Survey of India shall be referred.*" The latest published State of Forest Report by the Forest Survey of India, and applicable in the instant case is that of 2021. As per page 20 of the FSI report, the canopy cover is described as below:-

Table 2.2 Forest Cover classified in terms of canopy density classes

Class	Description
Very Dense Forest	All lands with tree canopy density of 70 percent and above.
Moderately Dense Forest	All lands with tree canopy density of 40 percent and more but less than 70 percent.
Open Forest	All lands with tree canopy density of 10 percent and more but less than 40 percent.
Scrub	Forest lands with canopy density less than 10 percent.
Non-forest	Lands not included in any of the above classes. (includes water)

11. **That,** thus, all lands with tree canopy of 40% or more are "Moderately Dense Forest" which also means a crown density (≡ canopy density) of 0.4 or more means tree canopy of 40% or more. In the instant case, the area under question was already encroached as can be seen that Hon'ble Gauhati High Court vide order Dt. 9th May, 2023 in WPC No. 8366/2022 rejected the petition of the encroachers in the said forest at Damcherra and accordingly, the encroachers were

evicted allowing space for construction of the battalion camp. Therefore, there was no canopy of 0.4 or more at the camp site under construction. The same may be verified from the SFR 2021 Report of the Forest Survey of India (**Annexure-XI**). Therefore, from the point of forest cover, as well, no violation has been committed by the undersigned.

12. **That, therefore, it may please be noted that there is no violation committed of any Guidelines or the Rules or the Act by the undersigned. Therefore, the your kind Notice issued to undersigned may please be revoked on the above grounds.**

C. Proposal for post facto approval for diversion of 11.5 Ha forest land:

1. **That** it is also necessary to mention at this stage that the State Government has already submitted a proposal for post facto approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Rules made thereunder for diversion of 11.5 ha of forest land with CA of equivalent amount and with specific prayer to condone the inadvertent mistake, if any, of the PCCF & HoFF who acted on behalf of the State Government in the interest of forest protection only and not otherwise, among other prayers to the MoEF&CC. Copy of the Essential Documents Sought (EDS) reply is enclosed for your ready reference. (**Annexure-XII**).

2. **That** there is a substantial difference in the Section 2 (iv) (b) of the Forest (Conservation) Act, 1980 and Section 2(1)(iv)(b) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The two are being quoted here juxtaposed for sake of clarity:-

Section 2 (iv) (b) of the Forest (Conservation) Act, 1980	Section 2(1)(iv)(b) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980
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 communication, and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.	but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely:- (i) silvicultural operations including regeneration operations; (ii) establishment of check posts and infrastructure for the forest fire forest staff; (iii) establishment and maintenance of fire lines; (iv) wireless communications; (v) construction of fencing, boundary marks or pillars, bridges and culverts, dams, watersheds, trench and pipelines; (vi) establishment of zoo and safaris, referred to in the Wild Life (Protection) Act, 1972, owned by the Government or an Authority, in forest areas other than Protected Areas; (vii) eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and (viii) any other like purposes, which the Central Government may, by order, specify.

3. **That** It is to be seen that "***or other like purposes***" in the Forest (Conservation) Act, 1980 now stands modified as "***and (viii) any other like purposes, which the Central Government may, by order, specify***". It is also to be noted that the Adhiniyam was promulgated with effect from **1st December, 2023** only, meaning the provisions of Section 2(1)(iv)(b)(viii) did not exist when the order was issued by the PCCF&HoFF on 28th September, 2023. Therefore, in the humble opinion

of the undersigned, your good office has simply transformed Section 2(iv)(b) of the Forest (Conservation) Act, 1980, applicable prior to 1st December, 2023, on the undersigned by reading the Section 2(1)(iv)(b)(viii) with the clause "***and (viii) any other like purposes, which the Central Government may, by order, specify***", which actually neither did exist and nor was applicable as on 28th September, 2023. ***Therefore, in my humble opinion, the notice issued to me appears to be ultra vires, and hence the notice is rendered inapplicable in the instant case. Hence, the same may please be withdrawn.***

D. On Reply of the Regional Office Dt. 6th June, 2024:

1. **That** the undersigned had requested a suitable reply "*with respect to the Section 2(iv)(b) and the new Section 2(1)(iv)(b)(viii) concerning any limitation by way of area, extent, size and type of construction, which if exceeded*" from the Regional Office vide letter dt. 31st May, 2024. However, in reply came a reference to Para 11.8 of the Guidelines of 2019 and 2023. Therefore, I wish to examine *any limitation by way of area, extent, size and type of construction* provided under the para 11.8 of the Guidelines. The Para 11.8 provides an explanation to the "Explanation" in the Act under the heading "**Infrastructure ancillary to Forest Management**", and reads, "*As such all States Government should ensure that the basic spirit and essence or the Forest (Conservation) Act, 1980 is not to divert forest land for construction of residential buildings, Bungalows, quarters etc. Bare minimum (operational) buildings, which are essential for management of forest and conservation of bio-wealth such as forest guard hut, check posts, range offices, small inspection bungalow (2-3 room), un-tarred single lane roads etc., can be taken up in selected areas without causing damage/destruction to the forests thereon*". Therefore, in essence it says that such infrastructure can be taken up "*without causing damage/destruction to the forests thereon*". Now the second type of infrastructure has the following advisory, "*But if the structures are large and would impact on conservation, prior permission under the Forest (Conservation) Act, 1980 would be required*". Therefore, there is a rider on luxury:- "bare minimum buildings" which are "essential for management and conservation of bio-wealth". Secondly, either small or large, these should be built "without causing damage/ destruction to the forests thereon" and also would not "impact on conservation". Therefore, the guideline under Para 11.8 does not prescribe any limit on area, or extent. However, it does distinguish between "bare minimum" buildings and "structure" that are "large". **It is important to note that area or extent is not mentioned in numbers at all in Para 11.8. The advisory Guidelines in Para 11.8 also does not distinguish between "Temporary" and "Permanent" buildings**. These two are very pertinent to the case at hand. The same is described below:-

2. **That**, as per the Notice issued to the undersigned, in Para 4, it is stated that the Regional Office conducted site visit on the "alleged clearing of forest land" for the 2nd Commando Battalion camp at Damcherra within ILRF on 8th March, 2024 and the visiting office had observed in its report (see Annexure-I, Page 23 of the Report) that "*the construction for the 2nd Commando Battalion is large scale and of permanent structures having a built up area of 11.5 ha and the plinth area being close to 30,000 sq meter, and that the area of 11.5 ha does not appear to have much semblance to any of the activities mentioned in the explanation (b) of the Section 2 of the Forest (Conservation) Act, 1980 about ancillary activity for conservation, development and management of forest wildlife...*". Therefore, the contention of the Regional Office is that the

activity in question "*does not appear to have much semblance to any of the activities mentioned in the explanation (b) of the Section 2 of the Forest Conservation) Act, 1980...*".

3. **That** it is very surprising that while the Regional Office has stated in its reply dt. 6th June, 2024 that Para 11.8 should be referred to by the undersigned in understanding *any limitation by way of area, extent, size and type of construction* under the section 2(iv) (b) or 2(1)(iv)(b)(viii), but, the Regional Office itself contradicts Para 11.8 by stating "large scale", "permanent", "30,000 sq meter", "11.5 ha" whereas "large structures" are allowed under Para 11.8, and there is no mention of either any built up area size or any maximum area in Para 11.8. Therefore, it is clear that the Regional Office has somewhat missed the essence and spirit of the Para 11.8 of the Consolidated Guidelines. As already explained above, **the focus of Para 11.8 is not on size but on impact on the forest**. The Regional Office, on the other hand, has also examined the impact on conservation and protection of the project. As per the said report, which is not quoted in the Notice, on Page 23 at para xxi admits, "*There is no dispute that presence of such combat force in the department will help in the protection and conservation effort of the Division and State*". **If this be the case as reported by the Regional Office, then how the activity of setting up of the 2nd Commando Battalion camp at Damcherra in ILRF which is battered by un-abated encroachment and deforestation for long and continues to battle for its survival, can be considered an activity not ancillary to conservation, development and management of forests and wildlife by the Regional Office?** For such a clear cut mandate under Para 11.8 of the Guidelines, and section 2(iv)(b) of the Forest (Conservation) Act, 1980, it is not understood how the undersigned is liable for action under section 3A /3B of the Act or the Adhiniyam. Therefore, the Notice issued by the Regional Office is ultra vires, and your good office is requested kindly to revoke the same.

4. **That** also may please refer to the 3 (three) affidavits that have been filed so far by the PCCF & HoFF, Assam in the matter of OA No. 61/2024 and IA No. 124/2024 in the Hon'ble National Green Tribunal. The three affidavits contain substantial material to show in clear terms why forest protection is neigh impossible without setting up a full scale armed battalion in the 814 sq km of the ILRF and 142 km of Assam-Mizoram inter-state border. This may please be gauged by your good office from the number of incidents and their gist, which amply explains the grave threat to the ILRF. A copy of the same is attached herewith as **Annexure-XIII**. The current situation is such that trees are felled by miscreants from across the border and the local forest staff are prevented from recovering the out-turn even (may please see the latest incident of 14/08/2024). This is the current situation on the ground. The Regional Office may assess the situation and judge for themselves. It cannot be more amply demonstrated that the cause of the construction of the camp is forest protection, and not otherwise. **Hence, may I request that the Regional Office, MoEF&CC to please withdraw the Notice on this ground alone.**

E. The matter of Approved Working Plan of Hailakandi Forest Division:

1. **That** further, reliance has been put on the approved working plan of Hailakandi Division duly approved by the Regional Office vide their approval letter No. 12-3-41/98/RONE-AS/865-67 Dt. 24.12.98 written by M. K. Yadava IFS, the then Working Plan Officer, Upper Assam Circle, Jorhat which clearly vindicates not only establishment of the armed Battalion but also

justifies construction of double storey structures. It also has raised the concerns of forest protection way back in 1998. A copy of the said Working Plan would have been surely available in the Regional Office, as because the Regional Office gave the approval in 1998, and suddenly the Regional Office cannot make a U-Turn and say that establishment of an armed battalion by the Govt. of Assam in Inner Line RF was a non forestry purpose. Not only that the Working Plan also has appropriately and "prophetically" prescribed setting up of an armed battalion, but went further to prescribe, for this purpose, that "Projects to be prepared and finances brought from various funding agencies". In the background of such a prescription way back in 1998 which was approved by the Regional Office, MoEF&CC, if the Forest department has roped in the Assam Police Housing Cooperation for the purpose, it is fully justified, and by no connotation be termed as non forest at all. **May I request that the Regional Office, MoEF&CC, may please withdraw the notice on this ground alone**. An excerpt from the approved Working Plan of Hailakandi Division along with the approval letter issued from the Regional Office is annexed herewith for favour your kind ready reference. (**Annexure-XIV**).

F. Judgement of the Learned Division Bench of Hon'ble Karnataka High Court:

1. **That** the undersigned has also relied on a judgement of the Division Bench of the Hon'ble Karnataka High Court in the matter of WPC No. 22567/2016 in the matter of PS Mohan vs State of Karnataka filed to "Stop and close all the activities running illegally in the name of Jungle Lodges and Resorts Ltd in Dubare Reserved Forest...". It may please be noted that the Jungle Lodges and Resorts Ltd. is a joint venture public sector undertaking of the Forest and Tourism departments of the Karnataka Government that runs resorts and lodges in all National Parks and Protected areas as well as reserved forests of the State. More details of this entity and their business operations can be had from https://www.junglelodges.com/. The Learned Division Bench opined in the order dt. 4th January, 2022 that *"Perusal of paragraph 28 of the judgment itself clearly goes to show that the reserve forest land was given to a private company without seeking prior approval of the Central Government. However, that is not the case in the present matter. We have already held that no private player was involved in the Jungle Lodges and Resorts Limited which is totally a body created by the KSTDC and as such, we are of the considered view that the judgment relied on by learned counsel for the petitioners in support of his contention is not applicable to the present facts of the case."* and also stated in the order that *"In view of the above, we are of the considered view that the writ petition has been filed without any material to support the contentions raised in the writ petition and it appears that it has been filed with deliberate ulterior motives in order to pressurize the respondents. The conduct of the petitioners, as such, is deprecated and for the purpose of wasting the precious time of the Court..."*. (The order may please be seen at **Annexure-XV**). From the above it is clear that when there is no bar to open hotels and resorts by a Government company in a Tiger Reserve or a Reserved Forest, as amply demonstrated in the order dt. 4th January, 2022, then it is not understood how structures raised for forest protection can be termed a non forest activity. A perusal of the order above clearly shows that M/s Jungle Lodges & Resorts Ltd also did not take any prior permission before establishing/opening hotels and resorts in the protected areas and reserved forests of Karnataka, and apparently no notice under the Forest (Conservation) Act, 1980 was issued by the MoEF&CC to the MD, JLR Ltd, Bengaluru. It is surprising that opening hotels and resorts within notified forests by the Government agencies is not an offence under the FC

Act, but opening a battalion camp for forest protection is an offence. It is not understood why MoEF&CC would treat opening of hotels and resorts as forestry activity but opening of battalion camps for protection of the forest as violation of the Act. Therefore, the ground of the notice is not valid. **On this ground also, the Regional Office, MoEF&CC is requested to withdraw the notice issued to the undersigned.**

2. **That** just to explain the vast difference between the case of M/s Jungle Lodges & Resorts and the 2nd Commando Battalion at Damcherra in the ILRF, may please examine a publicly available material on the "Dubare Reserved Forest Resorts of M/s Jungle Lodges & Resorts, which is placed below [https://t.ly/uOUjw *being the Google search url in short*, **see Annexure-XVI**]:-

3. **That** there are 10 odd spacious resorts inside the Dubare Reserved Forest as is clearly available on a simple Google search on the Internet. The undersigned requests the Regional Office and the MoEF&CC, Govt. Of India, New Delhi in the light of Para 11.8 of the Guidelines; and whether these resorts are "bare minimum (operational) buildings"? These needs to be examined by the Regional Office before casting aspersion on the forest protection efforts of the Government of Assam. The continuous encroachment and tree felling in ILRF must be stopped at any cost. If the Working Plan Officer, Mahendra Kumar Yadava, in 1998, who had travelled the length and breadth of the RF on foot at that time, reduced in writing about the serious encroachment situation of the ILRF (and the Working Plan is incidentally approved by the Regional Office in 1998), the Regional Office should have thought deeply and examined Battalion proposal from all angles, not just by extent of area and type of structure of the camp in the ILRF. That, while a large number of documentary proofs have already been submitted in form of the three affidavits by the PCCF&HoFF, Assam as mentioned earlier, nevertheless, for sake of repetition and for your kind ready reference and perusal, a list of incidents and events that have occurred in the past which amply demonstrate that the forests of Assam on its borders are facing

serious threats which can only be countered by positioning of large armed contingent, has been furnished here at Annexure-XIII for your kind perusal and ready reference.

G. Security risks not examined by the Regional Office:

1. **That** it is a known stand of the MoEF&CC through the affidavits submitted in the matter in the Hon'ble National Green Tribunal in OA No. 61/2024 (PB) and OA No. 105/2024/EZ that *"land is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the State Government. That, inter-alia, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court."* The Central Government on one hand admits that land is a State subject, and the State has also the primary responsibility to determine status of any parcel of land, but has failed to admit that the forests standing on the said land fall in the Concurrent List of the Constitution of India since 1976 on account of the 42nd Amendment of the Constitution and that under the same amendment, Article 48A "To protect and improve the environment and to safeguard the forests and wildlife of the country" was added to the Directive Principles to the State Policy; and further that the Preamble to the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 reads, *"AND WHEREAS it is necessary to provide for provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs, carbon neutrality"* mandates protection of the forest from all threats. Also in view of the fact that it is the stand of the State Government that the 2nd Commando Battalion Camp at Damcherra in ILRF has been initiated for the protection and conservation of the forests and to stop any further deforestation and encroachment of the land, it is not understood how the Regional Office and MoEF&CC can term the activity a non forest activity. The only visible reason cited by the MoEF&CC and the Regional Office is: *"the construction for the 2nd Commando Battalion is large scale and of permanent structures having a built up area of 11.5 ha and the plinth area being close to 30,000 sq meter, and that the area of 11.5 ha does not appear to have much semblance to any of the activities mentioned in the explanation (b) of the Section 2 of the Forest (Conservation) Act, 1980 about ancillary activity for conservation, development and management of forest wildlife..."*. As already stated, this observation of the Regional Office is completely untenable, as because the Regional Office, and to a large extent the MoEF&CC have failed to analyse the aspects of "conservation management and restoration of forests", have failed to analyse "maintenance of ecological security" of the ILRF, have failed to evaluate the "ecological damage" caused to the ILRF for decades, and failed to evaluate the overall "security risk" surrounding the ILRF. Further, the Regional Office and MoEF&CC have failed to give any alternate proposal for security safety and protection of the ILRF. In view of the above, the onus of protection of the ILRF from further destruction rests squarely on the shoulders of the State Government. If that be the case, then, the Regional Office and the MoEF&CC should rather facilitate the mechanism of protection undertaken by the State, rather than labelling the activity a non-forest activity and invoking violation of section 2 of the Forest (conservation) Act, 1980 or of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. **Therefore, the Notice issued to the undersigned is not tenable, and hence, may please be withdrawn**.

2. **That** it is pertinent to mention here with regard to duties and responsibility of the Central Ministry about the forests which is in the Concurrent List, that the Hon'ble National Green Tribunal, Eastern Bench in the OA No. 168/2023/EZ, where MoEF&CC is also one of the respondents, vide order dt. 21st August, 2024, (See **Annexure-XVII**) has rightly stated in para 7 of the order *"6. We may point out that Item 17A of the List III Concurrent List of the Schedule VII of the Constitution of India deals with 'forests'"*. Thereafter, the Hon'ble Tribunal directed in the next para, *"We, therefore, direct the Ministry of Environment, Forests and Climate Change (MoEF&CC) to file its affidavit in reply to the affidavit of the Principal Chief Conservator of Forest dated 15.07.2024 with regard to the stand of the MoEF&CC in such a case of large scale encroachment which has been permitted over the years and decades."* In the next para, the Hon'ble Tribunal directed *"8. The MoEF&CC shall file its affidavit to show what action has been taken by the MoEF&CC in this regard"*

3. **That** the order dt. 21st August, 2024 of the Hon'ble Tribunal is very clear that the subject 'forest', being in the Concurrent List of the Schedule VII of the Constitution of India, the MoEF&CC cannot absolve by simply being quiet on matters of large scale loss of forests and rampant encroachment happening on all its bordering forests. Thus, it is that the Regional Office and the MoEF&CC appear to have least concern about the prevailing issue of encroachment of border forests be it Inner Line RF, be it Geleki, be it Charduar RF or be it Sonai Rupai WLS to mention a few and no suggestions on any protection strategy even, possibly as land is a State subject and hence, the natural corollary is that protection of the land is also a State subject. If this be the case, then, the Regional Office and the Central Ministry should not obstruct the construction of the Battalion camp. While the State of Assam is trying every possible means to protect its frontier forests from large scale encroachment and destruction, the Regional Office and the MoEF&CC have little to say about it, except that such activities are in contravention of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 according to the Central authorities. This stand of the Regional Office and the Central Ministry appears to be contrary to the letter and spirit of the Forest (Conservation) Act, 1980 and Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, as the statute is being used by the Regional Office and the Central Ministry to prevent implementation of a bonafide forest protection and conservation activity even in the face of recorded onslaught of unabated deforestation and encroachment by armed miscreants from across the border.

H. Overlooking the fact that Forest and Police together carry out forest protection in Assam:

1. **That** it should have to be considered by the Regional Office that even the armed forest personnel run a serious security risk on the border for many reasons, and as such everywhere in the State, armed commando battalions have been deployed all across the border areas. The threat in Inner Line RF is immense, and hence a commando battalion camp was very much necessary to stop not only further deforestation/destruction of forest/ tree felling/ encroachments but also to stop further ILRF going into the hands of the other side and Assam losing administrative control over an area not less than 800 sq km. The size of this area can be estimated from the fact that it is almost 8 times the area of Chandigarh, little less than double the area of Bhopal and more than the area of Lucknow.

2. **That** on account of the threat to the forests of the State on the borders where thousands of hectares of forests have been felled and destroyed from miscreants from across the border. Though, the Regional Office has been briefed by the Assam Forest Department that the Assam Forest Department works in close tandem with Assam Police and both are sister organizations of Government of Assam, not much import has been accorded to this fact and the unique protection mechanism by the Central authorities. The Assam model of forest protection is unique in the country, and the Central Ministry ought to have recognized the same, and not treat the two forces independent of each other without any joint mission. It is also to be noted that both the departments are marching hand-in-hand for protection of forests and wildlife, and of course, such a model does not exist in rest of the country. In Assam the Forest Department commands thousands of armed constables, and also have actively deployed not less that 500 armed Commandos of Assam Police for protection of the forests and wildlife, including some border area forests and some high security parks such as Kaziranga Tiger Reserve and Manas Tiger Reserve to mention a few. Because of these very **EXTRAORDINARY** and unique **CHALLENGES** on the bordering forests of the State, a large deployment of Police and Forest forces becomes essential. The additional mobilization by the State Government of a Commando battalion in the ILRF is a **MUST** requirement of the day, if we want to save the forest from unabated encroachment and felling. The prevailing security situation in the ILRF should have been duly evaluated by the Central Ministry. What was the hurry to declare the activity a non-forest by Regional Office/ MoEF&CC? How can the Regional Office and and the Central Ministry ignore the fact that **6 Police personnel were killed and many injured on the 26th July, 2021 when armed Mizo miscreants fired on the Assam forces, while very much being stationed within the boundaries of Assam in the ILRF in Cachar District, with automatic assault weapons and LMGs. On that occasion two Indian Forest Service Office officers of Assam escaped injury and death due to sheer luck. The SP was injured and rendered disabled**. It is not understood if the Regional Office and MoEF&CC are aware about such gruesome incidents or not. **The DFO of Hailakandi has filed cases in the local Court, having jurisdiction over the area, of section 3A and 3B against the officials of Mizoram Government and Mizoram Police and Mizo IRB Battalion for violation of the Forest (Conservation) Act, 1980**. AND now the MoEF&CC wants to do the same to Government of Assam for protecting the forest! Therefore, the Notice has been issued to the undersigned by ignoring all the relevant facts and circumstances by the Regional Office, and that too when the undersigned has decided in the interest of forest protection and conservation. It is also to be noted that the undersigned as Working Plan Officer, Upper Assam Circle, Jorhat, and having overlapping jurisdiction over the ILRF, had visited the areas on foot and assessed the security situation and deteriorating conditions of ILRF way back in 1998, and based on the value judgement that a Working Plan Officer can exercise, the undersigned had recommended setting of a battalion camp in 1998 itself else it would not be possible to protect the ILRF from further encroachment and destruction. The exact words recorded in the approved Working Plan are "*If measures are not taken to stop further influx of persons across the Mizoram Border, the entire Mukam and Bhairabi blocks would be encroached in near future*" [para 6.7, Page 18, see Annexure-XIV], and "*Starting from Range Forest Officer down to Forest Guard, the entire field executive staff needs to be armed, as security is fast becoming a necessity in the forest areas. The present strength of Assam Forest Protection Force is very poor and inadequate. A separate battalion needs to be raised for the forests of Barak Valley.*" [Para 4.6, Page 14, see Annexure-

XIV]. It is further to be noted that since 1998 till date, the Assam Forest has undergone a sea change, but not yet fully geared to face the challenges on its own due to prevailing additional security threats in the remote and border areas. Therefore, it was very apparent, after the incident of 26th July, 2021 that a battalion camp be set up in ILRF, and accordingly the undersigned issued order on 28th September, 2023 for the same. The order itself clearly states "*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*" [see **Annexure-XVIII**]. **The order of the undersigned is speaking and clear and without any ambiguity that it is in the interest of conservation and protection of forest land. Therefore, the Notice issued to the undersigned is not maintainable, as action of the undersigned was bonafide and for the cause of conservation of forest and its protection. Therefore, the Notice may please be withdrawn.**

I. Of Administrative Approval and Financial Sanction:

1. **That** during the course of examination of the proposal for post facto approval of diversion of 11.5 ha forest land concerning the setting up of the 2nd Commando Battalion in the ILRF, the MoEF&CC, New Delhi had raised the EDS asking for documents of administrative approval and financial sanction of the construction of the 2nd Commando battalion camp issued in the Forest Department. In the limited understanding of the undersigned, I was given to understand that since the administrative approval and financial sanction were not in the name of Assam Forest Department, it cannot be treated as forestry activity. In the instant case, the administrative approval and financial sanction copies were submitted by the Govt. of Assam to the MoEF&CC. These documents were drawn in the name of Assam Police HQ. Therefore, Assam Forest Department apparently failed to establish, in the eyes of the MoEF&CC, that the works were meant for the Forest Department or for forest protection. This is quite strange as because, on one hand, the Central Ministry says land is a State subject and the State has *primary responsibility to determine status of any parcel of land* and accordingly the responsibility of keeping the land in possession and securing and protecting it also becomes the prime responsibility of the State as a natural corollary of the statement that land is a State subject. The funds for setting of the 2nd Commando battalion were approved and sanctioned by the Finance Department of the State. Therefore, while the works would be owned by the Assam Police, it was meant to service the long felt need of Assam Forest for forest protection in the border areas. On the other hand it is interesting to note that as per the approved Working Plan of Hailakandi in 1998, it is prophetically prescribed that "*Projects to be prepared and finances brought from various funding agencies*"[Page 62, Point No.6, see Annexure-XIV]. In the instant case, the State Government utilized the earmarked resources form the Assam Police for protection of the ILRF. However, the MoEF&CC does not appear to be convinced at all. It appears that the Central Ministry's thought process is that Police battalions do not perform forest protection works [while it could be true for the rest of the country, but certainly not for Assam] and if it were a forest activity, the Forest Department should have carried out the work on their own and from their budget. If one examines Para 11.8 and the Act and Adhiniyam and the Rules and the Guidelines, there is nothing there

mandates that a forest protection activity is necessarily to be carried out from the funds of the Forest Department and the work must have administrative approval and financial sanction only in the name of the Forest Department, else it would not be treated as a forestry activity. **It appears clearly from the above deliberation that the reasons for treating a forest protection work to be a non forestry activity of the Government of Assam by the Regional Office and the MoEF&CC are not apparently supported by either the Forest (Conservation) Act, 1980 or the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, or the Forest (Conservation) Rules, 2003 or the Van (Sanrakshan Evam Samvardhan) Rules, 2023. Hence, the Notice issued to the undersigned does not stand its ground and the same may please be revoked.**

J. Parawise Replies to the Notice:

Para 1:

This para refers to clause (ii) of sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 which stipulates that no State Government or other authority shall shall make, except with the prior approval of the Central Government, any order directing that any forest land or any portion thereof may be used for non-forest purpose. The same is not denied. However, since the same does not apply to the order issued by the undersigned dt. 28th September, 2023, which was for forest conservation and forest protection. Therefore, the same does not apply to the undersigned. **Hence, it is completely denied that the undersigned issued any order for using any forest land for non-forestry purpose**. Nevertheless, the State Government has submitted a proposal for post facto approval of the Battalion camp to the MoEF&CC as because the Central Ministry has deemed the activity as non forest. However, this should not be interpreted that the State Government has changed its stand on the subject. The EDS reply to the queries of the MoEF&CC by the State Government (may please see Annexur-XII) clearly explains the position of the State Government in this regard. Submission of the proposal by the State Government should not be treated otherwise. It only goes to demonstrate how strongly willing the Government is for the cause of forest protection and conservation.

Para 2:

The para 2 mentions of the Suo Moto OA No. 61/2024 of the Hon'ble National Green Tribunal (Principal Bench) which the Hon'ble Tribunal took cognizance suo moto of a news item published North East Now dt. 25th December, 2023 titled "Assam:PCCF M.K. Yadava accused of illegally clearing protected forest for Commando battalion". The para 2 also states that the Hon'ble Tribunal observed that the news item raised a substantial issue regarding compliance of environmental norms. The same is not denied. However, once the matter was sub-judice, the Regional Office should have waited for the outcome of the order of the Hon'ble Tribunal. Nevertheless, since the matter is sub-judice, no comments are offered by the undersigned. Further, may it be mentioned here that an Environment Activist filed a complaint against the undersigned to the MoEF&CC (date not known, as a copy not provided to the undersigned). The Central Ministry or the Regional Office prima-facie acted only after the Hon'ble Tribunal took cognizance of the news paper report which also stated that a complaint was filed in MoEF&CC on the matter. The Notice to the undersigned cannot be deemed to be an independent action by the Central Ministry, rather it is an reaction of the Suo Moto cognizance taken by the Hon'ble

Tribunal. To that extent, issuance of the Notice has now biased the entire process of delivery of justice, denying the undersigned a fair judgement, but the undersigned is entitled to natural justice.

Para 3:

The para 3 refers to the order dt. 28th September, 2023 and states that the undersigned had given approval for the establishment of the proposed 2nd Commando battalion within ILRF by referring to section 2(b) of the Forest (Conservation) Act, 1980 that it qualifies as an activity relating to conservation of forests. It is accepted that the undersigned issued an order dt. 28th September, 2023 stating that "*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*". Therefore, this para itself clears the air that the undersigned has committed no breach of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. **Hence the Notice issued to the undersigned is not tenable.**

Para 4:

This para is about site visit and inspection report of the Regional Office. While this matter has already been discussed above under **Para B** of this reply at length, the sum and substance of the argument placed by the undersigned is that the observations of the Report for the activity being a non forestry are not consonance with the spirit of Para 11.8. While the DIGF from Regional Office who inspected the site has made a one-sided assessment and for reasons best known to the inspecting authorities, they did not examine or carry out any security assessment or requirement of protection for the ILRF, or actual and potential threats to forest conservation by the miscreants/ armed miscreants from across the Assam-Mizoram border. Secondly, while the structure has been considered large, being two story, but the IGF on the contrary has suggested higher storey structures, instead, to reduce the area. The DIGF apparently seems to agree that G and G+1 should be replaced by G+2 and higher storey structures to reduce area. Firstly, G+2 is not recommended by the approved Working Plan and secondly, whether the area is less or more is not a consideration either in the Act or the Rules or the Consolidated Guidelines and Clarifications issued by MoEF&CC. Hence, whether the area was 100 ha or 11.5 ha, the area parameter does not drive the decision whether the usage is for forestry purpose or not. The sole criteria is, irrespective of the magnitude of area under consideration, whether the same is "without causing damage/ destruction to the forests thereon" or "impacting on conservation". Incidentally, the answer to this question has also been given by the DIGF himself who visited the site. The DIGF has stated that "***there is no dispute that the presence of such Combat Force in the Department will help the protection and conservation effort of the Division and State***" [may please see sl no. xxi on page 23 of the report at Annexure-I]. Therefore, the question of prior permission of the Central Government does not arise by the very submission of the DIGF and also by the Act, the Rules and the Consolidated Guidelines and Clarifications issued by the MoEF&CC. **On this**

ground also, the Notice served to the undersigned is untenable, and the Regional Office MoEF&CC is requested to withdraw the notice issued to the undersigned.

Para 5:

In this para, it is stated that after perusal of the factual report of the site inspection, the MoEF&CC had prima facie observed that the use of forest land for non forest activities has been allowed without prior approval of the Central Government on the forest land in question which is in contravention of the statutory provisions and rules of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Since it is an interpretation of the Central Government on a law which is framed by the Central Government, there is very little to say about the interpretation of the statute by the promulgator of the statute itself. Nevertheless, the kind observation of the Central Ministry that a non forest activity has been allowed on forest land is not factual. Firstly, calling an activity for protection of the forest and its conservation a non forestry activity is beyond comprehension. Yes, probably, if the battalion camp was established, but the unit was not engaged in forest protection duty, then, it would have been understandable, and under these conditions, if the Ministry had treated the activity as non forest, it would have been perfectly alright. However, even without going into the matter in detail, solely depending upon the Report of the Regional Office which did not dwell on the facts and circumstances in their entirety such as the issues of protection of the ILRF, the unabated degradation, deforestation and encroachment of the forest which is well recorded and reflected since 1998 in the approved Working Plan of the Hailakandi Forest Division itself, even totally ignoring the fact that 6 personnel of Assam Police were brutally killed inside the RF and several injured in protecting the ILRF from heavily armed miscreants from across the Assam-Mizoram border, and even without giving any weight to the challenges of protection of a 814 sq km reserved forest with 142 km of Assam-Mizoram inter-state border, without even enquiring once how armed aggression by armed miscreants is perpetrated from across the border, and without any fact finding that the Assam Forest and Assam Police work hand in hand for protection of wildlife and forests in the State, which is a unique example in the country, especially the forests in the border areas of the State, and ignoring the fact that currently about 500 of the trained Commando forces are deployed with Assam Forest Department for protection of forest and wildlife, it is not understood as to on what assumptions the Central Ministry has relied solely on the one-sided Report of the Regional Office and categorized a forest protection activity as a non forest activity. This reflects that the Central Ministry has acted in haste without examining the facts in entirety. It is fully denied by the undersigned that any forest land of ILRF was permitted for non forest use. On the contrary, forest land was permitted only for forest protection and conservation. **Hence, the observation of the Central Ministry is completely denied and firmly refuted**. The undersigned would also to state that the central Ministry and the Regional office did not examine objectively the matter whether the battalion camp was actually a forest activity, and if not, then why it should not be treated as a forest activity within the framework of the existing statutory provisions already laid down, and not by appearance of seemingly large structures and large area, and assumptions of the inspecting officers who were, as now is apparent from the deliberations presented in this reply furnished by the undersigned from Para A to K, already biased in their judgement. In the actions of the undersigned done in the interest of protection and conservation of forest, the undersigned had acted in the best interest of the forests of the State, and this action of the undersigned has the

approval of the State Government. Further that there was no **Mens Rea** in the mind of the undersigned to divert forest land for non forest purpose. **AND HENCE, the notice issued under section 3A & 3B is untenable**.

Para 6:

This para is about order dt. 23rd April, 2024 of the Hon'ble National Green Tribunal, Principal Bench in the matter of Suo-Moto OA No. 61/2024 in which the Hon'ble Tribunal referred to the affidavit filed by the Central Ministry and the Hon'ble Tribunal has observed that the affidavit clearly reflected that the construction has been done in utter violation of the norms. **Since the matter is sub-judice, it sufficeth to state here that the State Government has not yet filed any counter affidavit to the reply of the Central Ministry**. However, even at the cost of repetition, it is again reiterated that based on submissions made by the undersigned in the preceding paragraphs and sub paragraphs from serial A to K in this reply, the issuance of Notice, release of the notice and other internal directions/decisions concerned with the Notice by the Regional Office and the Central Ministry to third party, and subsequent release to media, duly followed by media lynching and media trial that ensued which was able to create considerable bias and currently creating more bias in the minds of all decision making authorities concerned with this matter, by harping on a falsehood that establishing battalion camp for forest conservation and protection is a non forest activity and a stark violation of the Adhiniyam, 1980, the process of a free and fair decision making and award of justice has been put in danger. I wish to state that the undersigned, as a law abiding citizen of the country, is entitled to free and fair judgement/trial and the law of natural justice needs to be followed.

Para 7:

This para holds the undersigned guilty of the said offence and therefore liable to be proceeded against and punished accordingly as per provisions contained in Section 3-A and 3-B of the said Act with Rule 15(3) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 by providing grounds and reasons contained in the preceding six number of paras in the Notice which describe the statutes that the undersigned had purportedly breached and the manner in which the same was breached. As already stated in reply to the previous six paras, and submissions made by the undersigned from Para A to K in this reply, the undersigned has demonstrated that there is no material evidence to show that the undersigned has breached any provision of the statutes that the Notice is referring to. However, as already stated by the undersigned in reply to the previous six paras, and in specific replies covered from Para B to J above, there is nothing to show that the undersigned has allowed any non forest use of forest land in ILRF. **That the Regional Office and the MoEF&CC have failed to make a case, through the Notice served, against the undersigned, which is not in consonance with the Forest (Conservation) Act, 1980, the Forest (Conservation) Rules, 20023, the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 2023 and the Van (Sanrakshan Evam Samvardhan) Rules, 2023 as well as the Guidelines issued by the MoEF&CC in 2019 and 2023.**

K. Postlude:- The Prayer:

1. **That** it may please be noted that the Battalion camp is located in a very remote area on Assam Mizoram border where there is no industry, public utility, or commercial establishment. The battalion camp is neither a public utility nor it has any public interface. It is worth mentioning that establishment of such a battalion camp involves an expenditure of about Rs. 175 cr, and an annual recurring expenditure of Rs. 40-50 cr at the least. This only shows the commitment of the State Government towards forest protection and conservation and that the sole purpose of the camp is forest protection. The undersigned acted in bonafide manner purely in the interest of forest protection and conservation and in line with the Forest (Conservation) Act, 1980 and the Forest (conservation) Rules, 2003 and the Guidelines in vogue at that point of time.

2. **That** on all counts narrated above and due to urgent need of providing forest protection to the forests of the State situated on its borders, it is seen that the undersigned has not violated any section of the Forest (Conservation) Act, 1980, and rather the undersigned acted in public interest and in the interest of forest protection and conservation, and hence, it is stated once again that no violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been committed by the undersigned in permitting establishment of armed battalions inside the reserved forests on the borders of the State. Hence, no Notice under section 3-A and 3-B is liable to be issued against the undersigned.

3. **That** in view of the above humble submissions of the undersigned, from Para A to K and also in view of the Parawise replies made to the Notice issued to the undersigned, and that rather the undersigned acted in public interest and in the interest of forest protection and conservation, I humbly pray to you kindly to withdraw the Notice issued to undesigned at your earliest convenience and **THAT, prima-facie there is no violation committed by the undersigned under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and as the Notice is not tenable at all**, for this kind act of yours I shall remain ever grateful.

Thanking you,

Enclo : As above

Yours faithfully

(M K Yadava)
Special Chief Secretary (Forest)
to the Govt. of Assam
Environment & Forest Department

भारत सरकार
GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
REGIONAL OFFICE
पर्यावरण ,वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लुमबातनगेन/ LUMBATNGEN,
शिलांग/SHILLONG-793021
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E-mail: ro.rez.shil@gmail.com /roefro.shillong@gov.in

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SPEED POST

No. RONE/E/O.A No. 61/24/PB/AS/412

Dated 14/05/2024

NOTICE

Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan) 1980

Whereas, clause (ii) of sub-section (1) of Section 2 of the **Van (Sanrakshan Evam Samvardhan) 1980** (herein referred to as the said Act), contemplates that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing that any forest land or any portion thereof may be used for any non-forest purpose;

Whereas, the Hon'ble National Green Tribunal(NGT), Principal Bench (PB) vide Order dated 23.01.2024 had registered *Suo-Moto* Original Application No. 61/2024/PB on the basis of a news item published in Northeast Now News dated 25.12.2023 titled "Assam: PCCF M.K Yadava accused of illegally clearing protected forest for Commando Battalion". Vide the said Order, the Hon'ble NGT observed that the News item raises a substantial issue regarding compliance of environmental norms.

And whereas, as per the Ministry's and this office's request seeking details from the State Government on the alleged violation for setting of 2nd Commando Battalion Camp at Damchera within the Inner Line Reserve Forest (ILRF) the same has accordingly been submitted. and on scrutiny of the said documents, it is observed that vide your letter No.FG.40/14/Mizoram Border/Pt-II dated 28.09.2023, you had given approval for the establishment of the proposed 2nd Commando Battalion within the ILRF by referring to Section 2 (b) of the Forest (Conservation) Act, 1980 that it qualifies as an activity relating to conservation of forests.

And whereas, this office had conducted site visit on the alleged illegal clearing of forest land for the 2nd Commando Battalion Camp at Damchera within the ILRF on 08.03.2024 and accordingly, this office had observed in its report that the construction for the 2nd Commando Battalion Camp is large-scale and of permanent structures having a build-up area of 11.5 ha and the plinth area being close to 30,000 sq. meter, and that the area of 11.5 ha does not appear to have much semblance to any of the activities mentioned in the explanation (b) of Section 2 of the Forest (Conservation) Act, 1980 about ancillary activity for conservation, development and management of forest wildlife, namely establishment of checkpost, firelines, wireless communication and construction of fencing, bridge and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

(Contd.../-)

And whereas, after perusal of the said Factual Report, the Ministry vide letter No. FC/7/1/2024-FC, dated 18.03.2024 had pima facie observed that the use of forest land for non forest activities has been allowed without prior approval of the Central Government on the forest land in question which is in contravention of the statutory provisions and rules of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

And whereas, the Hon'ble NGT, Principal Bench in O.A No. 61/2024 (PB), Order dated 23.04.2024 citing that the issue involved is about the legality of diversion of 44 hectares of protected forest land for a Commando Battalion headquarters in Barak-Valley inside the Inner Line of Reserved Forest in Hailakandi district and referred to the Affidavit filed by this office and accordingly, the Hon'ble Tribunal had observed that the Affidavit clearly reflects the construction has been done in utter violation of the norms.

And whereas, in light of the facts mentioned above, you hereby stand deemed guilty of the said offence and therefore liable to be proceeded against and punished accordingly as per provisions contained in Section 3-A and 3-B of the said Act read with Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 framed there under;

Now therefore in exercise of the powers conferred to the undersigned under sub-rule (3) of Rule 15 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, you are hereby called upon to explain your conduct and to show cause within sixty days of receipt of this Notice, as to why a Complaint should not be filed in the Court of Law having jurisdiction against you for the said offence. In case of failure on your part to respond to this Notice within the time specified as stated above, the undersigned shall proceed further accordingly.

(Mr. Imtienla Ao)
Deputy Director General of Forests (C)

To,

Shri M.K. Yadava,
Special Addl. Chief Secretary (Forest)
Former Principal Chief Conservator of Forests,
Forest and Environment Department,
Government of Assam.

GOVERNMENT OF ASSAM
OFFICE OF THE SPECIAL CHIEF SECRETARY (FOREST)
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR: GUWAHATI – 06

No.SCS/MKY/PF/2024/1 Dated Dispur, the 17th May, 2024

To,

Ms. Imtienla Ao, IFS
Deputy Director General of Forests (C)
Regional Office,
Ministry of Environment, Forest And Climate Change,
Lumbatngen, Shillong, Meghalaya – 793021

Sub : Notice under Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan Abhiniyam) Rules, 2023 Framed Under the Van (Sanrakshan Evam Samvardhan Abhiniyam) 1980.

Ref : Your office No. RONE/E/O.A No.61/24/PB/AS/412, dated 14-05-2024.

Madam,

With reference to the subject cited, I wish to bring to your kind notice that I am in receipt of a Notice under Rule, 15 (3) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan Abhiniyam) 1980 issued under your signature vide your letter No. RONE/E/O.A No.61/24/PB/AS/412, dated 14-05-2024 referred to above.

It is understood that this notice is an outcome of a complaint filed by an Environment Activist accusing the Assam Government's top Forest Official ***"of illegally diverting 44 hectares of protected forest land for a Commando Battalion headquarters in Barak Valley. The complaint alleges that mandatory provisions under the Forest (Conservation) Act, 1980 were bypassed for the construction of the 2nd Assam Commando Battalion Unit Headquarters inside the Inner Line Reserved Forest in Hailakandi district".*** This is evident from the affidavit submitted by the MoEFCC in the O.A. No. 61/24/PB/AS/412 in the Hon'ble Green Tribunal, Principal Bench, New Delhi. However, the MoEFCC has not neither filed a copy of the complaint nor the said complaint is attached with your kind Notice referred to above.

It may kindly be noted that the undersigned is not in a position to reply to the Notice issued by you unless a ***certified*** copy of the complaint of the Environment Activist is made available in full to the undersigned.

This is for favour of your kind information and for needful action as you may deem fit.

Yours Faithfully

(M.K Yadava, IFS, (Retd.)
Special Chief Secretary (Forest)
Environment & Forest Department

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GOVERNMENT OF ASSAM
OFFICE OF THE SPECIAL CHIEF SECRETARY (FOREST)
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR:GUWAHATI-06
****

No. SCS/MKY/PF/2024/2 Dt. Dispur, the 25th May, 2024

To
Ms. Imtienla Ao, IFS,
Deputy Director General of Forests (C),
Regional Office,
Ministry of Environment,Forest and Climate Change,
Lumbatngen, Shillong – 793021,
Megahalaya.

Sub:-Notice under Rule 15(3) of the Van (Sanrakshan Evam Samvardhan Adhiniyam) Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan Adhiniyam, 1980

Ref:- Your office No. RONE/E/O.A. No. 61/24/PB/AS/412 Dt. 14-05-2024

Madam,

With reference to the subject cited above, I wish to bring to your kind notice that I am in receipt of the above Notice Dt. 14-05-2024. Meanwhile I have come to know that one Sri Rohit Choudhury @Rohitskaziranga has tweeted in the social media by his twitter handle @Rohitskaziranga giving a copy of the notice issued to me vide reference mentioned above, on the 26th May, 2024 at 22.43 Hours. The tweet may please be seen here:- https://x.com/Rohitskaziranga/status/1794054065036349929?t=htg7Q-H89qBPgCs41qR3oA&s=35. It is needless to mention that twitter.com is now x.com.

Since the notice is personally issued to me as "M. K. Yadava", and not to the PCCF&HoFF, Assam, it is my understanding that it is a private notice and not a public notice, and to the best of my understanding should not have been shared with any other person under Right to Information Act, 2005 without my consent.

I would eagerly like to know from your good office as to how this notice has been made available to others, and if so, under what provision of the law.

This is for favour of your kind information and needful action as you may please deem fit.

Yours faithfully,

(M. K. Yadava, IFS, Retd.)
Special Chief Secretary (Forest)
Environment & Forest Department

GOVERNEMNT OF ASSAM
OFFICE OF THE SPECIAL CHIEF SECRETARY (FOREST)
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR: GUWAHATI – 06
****

No. SCS/MKY/PF/2024/4 Dt. Dispur, the 31st May, 2024

To,

Ms. Imtienla Ao, IFS,
Deputy Director General of Forests (C),
Regional Office,
Ministry of Environment, Forest and Climate Change,
Lumbatngen. Shillong-793021, Meghalaya.

Sub: Notice under Rule 15(3) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

Ref : Your office No.RONE/E/O.A.No.61/24/PB/AS/412 Dt. 14-05-2024.

Madam,

With reference to the subject cited above, I wish to bring to your kind notice that I am in respect of the above notice Dt. 14-05-2024, I have gone through the kind notice served by your good self, and also I have gone through the "Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications)" published by the Ministry of Environment, Forest and Climate Change, Government of India, 2019. I have also gone through the "Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023", issued by the MoEF&CC, New Delhi.

However, I could not locate any rules/ guidelines/ directions of the MoEF&CC concerning section 2 (iv) (b) of the Forest (Conservation) Act, 1980 and also section 2 (1) (iv) (b) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Further, the phrase "or other like purposes" in section 2(iv) (b) has now been refrumed as section 2 (1)(iv)(b) (viii) "any other like purposes, which the Central Government may, by order specify" in the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023, which stipulates that the MoEF&CC may notify the nature and extent of the activities concerned under this sub section.

Therefore, the undersigned humbly seeks to obtain a copy of the order/ directions issued by the MoEF&CC, Govt. of India, with respect to the Section 2(iv) (b) and the new Section 2(1)(iv)(b)(viii) concerning any limitation by way of area, extent, size and type of construction, which if exceeded the bonafide action taken for forest protection by any State Govt. (land is a State Subject), would be adjudged as violation of section 2 of the act and prior permission of the Central Govt. would be mandatory for exceeding the conditions being the maximum for a forest protection and conservation activity.

In absence of the above information, I am finding it extremely difficult to proceed with my replies. I shall be obliged if order copy of such an order/ direction of the MoEF&CC issued prior to 28th September, 2023 could please be provided to the undersigned.

This is for favour of your kind information and needful action as you may please deem fit.

Yours faithfully,

31.5.2024

(M.K.Yadava, IFS, Retd.)
Special Chief Secretary (Forest) to the Govt. of Assam
Environment & Forest Department

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भारत सरकार
GOVERNMENT OF INDIA
क्षेत्रीय कार्यालय
REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लुमबाटनगेन/ LUMBATNGEN,
शिलांग/SHILLONG-793021
Tel. 0364-253-7609/7395/4650; Fax. 0364-2536041
E-mail: ro.ncz.shil@gmail.com /moefcc-shillong@gov.in

File No. RONE/E/O.A No. 61/24/PB/AS/ 60/-02 **Dated 06.06.2024**

To,

Shri M. K. Yadava, IFS, Retd.,
Special Chief Secretary(Forest),
Environment and Forest Department,
Dispur, Guwahati- 781006.

Sub: Notice under Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan Adhiniyam), 1980-reg.

Ref: Your letter No.SCS/MKY/PF/2024/4, dated 31.05.2024.

Sir,

In inviting reference to your letter under reference on the subject cited above, I am to request you to kindly refer to Ministry's clarification under Para 11.8 of Chapter 11 of the Handbook of Forest (Conservation) Act, 1980 and Forest (Conservation) Rules, 2003 (Guidelines & Clarifications), 2019. Ministry has then further elaborately specified the infrastructures ancillary to forest management under Para 11.8 of Chapter 11 of the Consolidated Guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 and the same is reproduced as under:

11.8 Infrastructure ancillary to Forest Management: According to the explanation in the Act, 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, is not a non-forest use and therefore, taking up such work in the forest land does not require diversion under the Van (Sanrakshan Evam Samvardhan) Adhiniyam. As such all State Governments should ensure that the basic spirit and essence of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is not to divert forest land for construction of residential buildings, Bungalows, quarters etc. Bare minimum (operational) buildings, which are essential for management of forest ***by forest personnel*** *and conservation of bio-wealth such as forest guard hut, check posts, range offices, small inspection bungalow (2-3 room), un-tarred single lane roads etc., can be taken up in selected areas without causing damage/destruction to the forests thereon. But if the structures are large and would impact on conservation, prior permission under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 would be required.*

This is for favour of your kind infonnation and needful.

Yours faithfully,

(Ms. Imtienla Ao)
Deputy Director General of Forests (C)

Contd.

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Copy to:

1. The Inspector General of Forests, Forest Conservation Division, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110003.

Deputy Director General of Forests (C)

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GOVERNMENT OF ASSAM
OFFICE OF THE SPECIAL CHIEF SECRETARY (FOREST)
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR-06

No.SCS/MKY/PF/NGT/2024/1 Dated Dispur, the 12th July, 2024

To,

Ms.Imtienla Ao, IFS
Deputy Director General of Forests (C),
Regional Office,
Ministry of Environment, Forest and Climate Change,
Lumbatngen, Shillong – 793021, Meghalaya.

Sub : Notice under Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

Ref : (i) No. RONE/E/O.A.No.61/24/PB/AS/412, dtd. 14/05/2024.

Madam,

With reference to the subject cited above, I was served a notice by your good office at Ref no. (i) above, and as per the last paragraph of the notice, the undersigned was provided a period of 60 days on receipt of the notice. The acknowledgment receipt of the notice was sent on 17/05/2024 and by WhatsApp message to your good self. Therefore, the effective date of receipt of notice is to be treated as 17/05/2024 and I have to file a reply on or before 16/07/2024.

Meanwhile, I wish to bring to your kind notice that the State Govt. has applied through the Parivesh 2.0 Portal for approval of the Commando Battalion at Dameherra as well as Geleky vide ECF No. 487309/31, dtd. 03/06/2024 and ECF No. 501565/2, dtd, 06/06/2024 respectively.

Also, may please note that due to the grim flood situation in the state, especially when it has badly impacted wildlife, all officers in field. Also collection of documents therefore, would take a little more time.

In view of the above, the undersigned requests you to grant an extension of time for a period of 3 (three) months to reply to the show cause notice mentioned above.

An early confirmation in this regard is requested.

Thanking You,

Yours faithfully

12/7/2024

(M K Yadava)
Special Chief Secretary (Forest) to the Govt. of Assam
Environment & Forest Department

2517

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भारत सरकार
GOVERNMENT OF INDIA
क्षेत्रीय कार्यालय
REGIONAL OFFICE
पर्यावरण ,वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लुमबाथंगेन/ LUMBATNGEN,
शिलांग/SHILLONG-793021
Tel. 0364-253-7609/7395/4650; Fax. 0364-2536041
E-mail: ro.ner.sil@gmail.com /mocfro.shillong@gov.in

File No. RONE/E/O.A No. 61/24/PB/AS/ 962 Dated 15.07.2024

To,

Shri M. K. Yadava, IFS, Retd.,
Special Chief Secretary(Forest),
Environment and Forest Department,
Dispur, Guwahati- 781006.

Sub: Notice under Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980-reg.

Ref: Your letter No.SCS/MKY/PF/NGT/2024/1, dated 12.07.2024.

Sir,

Kindly refer to the subject and reference cited above wherein you had requested extension of 3 (three) months time to reply to this Office Show Cause Notice, dated 14.05.2024 (received by you on 17.05.2024) citing the grim flood situation in the State of Assam.

The matter has been examined and having confirmed that Assam is indeed going through one of the worst flood situations and that officers and staff of various Government departments including that of the forest department have been fully deployed in the relief and rescue operations; the request made by you have been considered favorably.

In view of the above, it is requested to kindly file your reply to the said Show Cause Notice on or before 17.10.2024 positively.

This is for favour of your kind information and needful.

Yours faithfully,

(Mr. Imtienla Ao)
Deputy Director General of Forests (C)

ANNEXURE - I

ANNEXURE-R 3

SITE VISIT REPORT ON 2nd COMMANDO BATTALION CAMP AT DAMCHERA WITHIN INNERLINE RESERVE FOREST UNDER GHARMURA RANGE, HAILAKANDI FOREST DIVISION

1.1 INTRODUCTION

An environment activist has filed a complaint with the Ministry of Environment, Forest & Climate Change accusing the Assam Government's top Forest Official of illegally diverting 44 hectares of protected forest land for a Commando Battalion headquarters in Barak Valley. The complaint alleges that mandatory provisions under the Forest (Conservation) Act, 1980 were bypassed for the construction of the 2nd Assam Commando Battalion Unit Headquarters inside the Inner Line Reserved Forest in Hailakandi district. The said complaint was published in Northeast Now News dated 25.12.2023 titled *"Assam PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion"*

The Hon'ble National Green Tribunal(NGT), Principal Bench (PB)vide Order dated 23.01.2024 had registered *Suo-Motu* Original Application No. 61/2024/PB on the basis of the said news item published in Northeast Now News dated 25.12.2023. Vide the said Order, the Hon'ble NGT observed that the News item raises a substantial issue regarding compliance of environmental norms and accordingly has impleaded and issued notices to the concerned authorities of the Central and State Government as Respondents in the instant proceedings.

Ministry, New Delhi vide letter dated 16.02.2024 has requested Regional Office, Shillong to examine the matter in detail and submit a factual report with specific recommendations.

1.2STAND OF THE PCCF& HoFF, GOVT. OF ASSAM

The PCCF & HoFF, Govt. of Assam has filed an Affidavit dated 21.01.2024 before the Hon'ble NGT, Principal Bench in Original Application No. 61/2024/PB. The PCCF &HoFF in his Affidavit has taken a stand as under:

i. no illegal diversion of 44 hectares of forest land has been done as it was only for the purpose of setting up camp for the Commando Battalion, which was created for protection of the Inner-line Reserved Forest, the space was allowed, as per the decision of the Cabinet of the Government of Assam, along the Assam-Mizoram border, which is under severe threat in the form of encroachment from the people of Mizoram wherein Assam is having border dispute and encroachment.

ii. no mandatory procedure under the Forest Conservation Act, 1980, has been bypassed and/or violated to grant permission for the construction of the Assam Commando Battalion Headquarter inside the Inner Line Reserved Forest in Hailakandi district. The Forest Conservation Act, 1980, has adequate provisions for any work which is ancillary to conservation and the Commando Battalion, which is an "Operation Battalion" and which is not a regular law and order, enforced battalion, has been set up only with the sole objective of protection of the Inner Line Reserved Forest, solely on the request of the DFO, and Superintendent of Police, Hailakandi, made to the Director General of Police, Assam. The forest protection and ancillary activities do not require permission of the State or the Central Government under the Act.

iii. no question of malafide intention on the part of the DFO and PCCF &HoFF in allowing the Commando Battalion to be set up inside the Inner Line Reserved Forest, which has been set up only for the protection of the Inner Line Reserved Forest and stopping further encroachment and aggression from Mizoram side as the sole objective.

iv. The PCCF has referred to the explanation (b) of Section 2 of the Forest(Conservation) Act, 1980, which states that – "*..... but does not include any work relating or ancillary to conservation, development and management of forests and wild life, 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.*" Accordingly, the camp that has been set up with in the Inner Line Reserve Forests was only for the purpose of protection and conservation of forests.

13.CHRONOLOGICAL ORDER OF EVENTS W.R.T SETTING OF 2ND COMMANDO BATTALION CAMP AT DAMCHERA IN INNERLINE RESERVE FOREST UNDER GHARMURA RANGE, HAILAKANDI FOREST DIVISION:

This Office through Sub-Office Guwahati letter dated 08.02.2024 had requested the Addl. Chief Secretary, Environment & Forest Department, Govt. Of Assam seeking an appointment on 13.02.2024 for discussion on the matter in issue however due to other preoccupations the meeting could not happen and discussion was held with the PCCF and HoFF, Assam.

Regional Office, Shillong had sought details from the State Government on the alleged violation for setting of 2nd Commando Battalion Camp at Damchera within the Inner Line Reserve Forest. State Government has accordingly submitted the information and the following chronological order of events can be construed based on the submission of the State Govt and the Site visit of the Regional Office, as under:

Sl No.	Date	Brief Description of Event
1.	09.03.1933	Government Notification under Section 2 of the Bengal Eastern Frontier Regulation, 1873 prescribing boundaries of "Inner Line Reserved Forest" **Annexure-I**
2.	18.07.2021	Divisional Forest Officer, Hilakandi requested Superintendent of Police, Hailakandi to provide special armed forces to conduct requisite protection measures toward prevention of further extension of encroachment and ejection of encroachers. **Annexure-II**
3.	24.07.2021	Superintending of Police, Hailakandi forwarded the request of DFO, Hailakandiletter dated 18.07.2021 to Director General of Police, Ulubari, Guwahati, Assam. **Annexure-III**
4.	28.07.2021	Cabinet s approval for creation of five new Commando Battalions of Assam Police. **Annexure-IV**
5.	22.10.2021	Sanctioning Orderfrom Home & Political Department, Govt. Of Assam for raising 1 (one) new Assam Commando Battalion i.e. 2nd Assam Commando Battalion (Operation), Binsima, Hailakandi along with creation of posts. **Annexure-V**
6.	27.12.2021	Chief Engineer, Assam Police Housing Corporation vide Notice no. APHC/T/22/2021-22/02, dated 27/12/2021 floated the tender inviting eligible contractors for "Raising of New Assam Police Battalions at different location of Assam". **Annexure VI**
7.	13.02.2023	Assam Police Housing Corporation issued Notice to proceed with Work for raising new Assam Police Commando Battalion at Damchera in Ghatmura Range in favour of M/s. Badri Rai& Company with a tender value of Rs. 139,93,44,801.51 /-. **Annexure-VII**

8.	26.06.2023	Superintendent of Police, Hailakandi requested the Divisional Forest Officer, Hailakandi to hand over the forest land in favour of the Hailakandi District Police. **Annexure VIII**
9.	20.07.2023	DFO, Hailakandi informed the CCF, Southern Assam Circle, Silchar to take up the matter with the higher authorities for strengthening the armed forces for protections duties in the interstate border area in ILRF to prevent further encroachment activities. It was also informed a proposal has already been submitted for departmental operation of 21 nos. of trees standing in the proposed area as per the provisions laid down in the approved Working Plan (2022-23 to 2032-33) for Hailakandi Forest Division. Accordingly, request was made to accord permission for establishment of 2nd Battalion Unit at Damchera in Inner Line RF.**Annexure-IX**
10.	27.07.2023	CCF, Southern Assam Circle requested the Addl. Principal Chief Conservator of Forests (T), Lower Assam Zone to consider the proposal and request the PCCF &HoFF, Assam for according permission towards establishment of 2nd Commando Battalion unit at Damcherra area under Ghamura Range of Hailakandi Division of 43.99 Ha and also permission for felling 21 nos. of trees. **Annexure-X**
11.	28.07.2023	Addl. Principal Chief Conservator of Forests (T), Lower Assam Zone brought to notice of the Principal Chief Conservator of Forests, Assam certain points inter-alia *'ideally, this calls for permission under the Forest (Conservation) Act, 1980 for diversion of forest area for non-forest purpose since Reserved Forest area is involved, unless Government decides otherwise'*. Accordingly request was made to the PCCF, Assam to take a suitable decision on the same. **Annexure-XI**
12.	03.08.2023	PCCF &HoFF, Assam returned the proposal to the Addl. PCCF (T), Lower Assam Zone with a request to look into the proposal and reconsider the same considering the merit of the requirement. **Annexure-XII**
13.	07.08.2023	Addl. PCCF (T), Lower Assam Zone submitted the proposal to the PCCF &HoFF, Assam for allotment of land for establishment of 2nd Commando Battalion Unit inside Inner Line Reserved Forest of Damcherra area under Ghamura Range, Hailakandi Division for consideration. **Annexure-XIII**
14.	28.09.2023	PCCF &HoFF, Assam wrote to the Addl. PCCF (T), Lower Assam Zone informing that the proposal for 43.99 Ha for establishment of 2nd Commando Battalion Unit in the Inner Line RF is for protection and conservation of Reserved Forest and qualifies as an activity relating to conservation of forests mentioned under Section 2 (b) of the Forest (Conservation) Act, 1980. Accordingly permission was given for the establishment of the proposed 2nd Commando Battalion Unit in the interest of conservation and protection of forest land. **Annexure-XIV**
15.	05.10.2023	CCF, Southern Assam Circle, Silchar informed the DFO, Hailakandi that the PCCF, Assam has allowed the establishment of 2nd Commando Battalion inside Inner Line RF at Damcherra under Ghamura Range in the interest of conservation and protection of forest land. Accordingly, CCF had requested DFO, to take necessary action strictly following the Forest Conservation Act, 1980 and related guidelines. **Annexure XV**
16.	26.10.2023	Range Forest Officer, Ghamura Range Office has informed the DFO, Hailakandi that after receiving due clearances from PCCF &HoFF, Assam, the construction work for establishment of 2nd Commando Battalion unit at Damcherra inside Inner Line RF has begun at the designated site measuring 43.99 Ha which has been degraded due to encroachment and paddy cultivation. **Annexure XVI**
17.	27.10.2023	DFO, Hailakandi informed the CCF, Southern Assam Circle that establishment of 2nd Commando Battalion unit at Damcherra inside Inner Line RF will not violate the Forest (Conservation) Act, 1980 and its related

		guidelines since the unit will vehemently be helpful in conservation and protection of forest land within the provision of Section 2 (b) of the Forest (Conservation) Act, 1980. **Annexure XVII**

1.4 SITE VISIT ON THE 2nd COMMANDO BATTALION CAMP AT DAMCHERA WITHIN INNERLINE RESERVE FOREST UNDER GHARMURA RANGE, HAILAKANDI FOREST DIVISION:

The Site Visit was conducted by Ministry of Environment, Forest & Climate Change, Regional Office, Shillong, on the alleged illegal clearing of forest land for the 2nd Commando Battalion Camp at Damchera in Inner Line Reserve Forest under Gharmura Range, Hailakandi Forest Division on 8th March, 2024 represented by:

(i) Shri W. I. Yatbon, Deputy Inspector General of Forests (Central) and
(ii) Shri Gary R. Majaw, Legal Assistant/Consultant

Accompanying the team was Officials from the State Government and User Agency as under:

(i) Shri M. Tunglung, Chief Conservator of Forests, Southern Assam Circle, Silchar,
(ii) Shri Akhil Dutta, Divisional Forest Officer, Hailakandi Forest Division,
(iii) Shri Paul Lalhlimsang, Officer-In-Charge, Ramnathpur Police Station, Hailakandi.
(iv) Shri DhrubaJyoti Das, Range Officer, Range Forest Office, Gharmura Range,
(v) Shri ChiranjitDutta, Executive Engineer, Assam Police Housing Corporation
(vi) Shri Mobrur Ahmed, Assistant Engineer, Assam Police Housing Corporation
(vii) Shri Ashish Kumar Jaiswal, Project Manager, M/s BadriRai& Company,

Prior to the Site visit, Regional Office, Shillong through Sub-Office, Guwahati (MoEF&CC) issued letter dated 01.03.2024 to the Addl. Chief Secretary, Environment & Forest Department, Govt. of Assam informing that site visit to ascertain the facts of the area in issue will be conducted on 7th and 8th March, 2024 and accordingly, State Government was requested to furnish the following information:

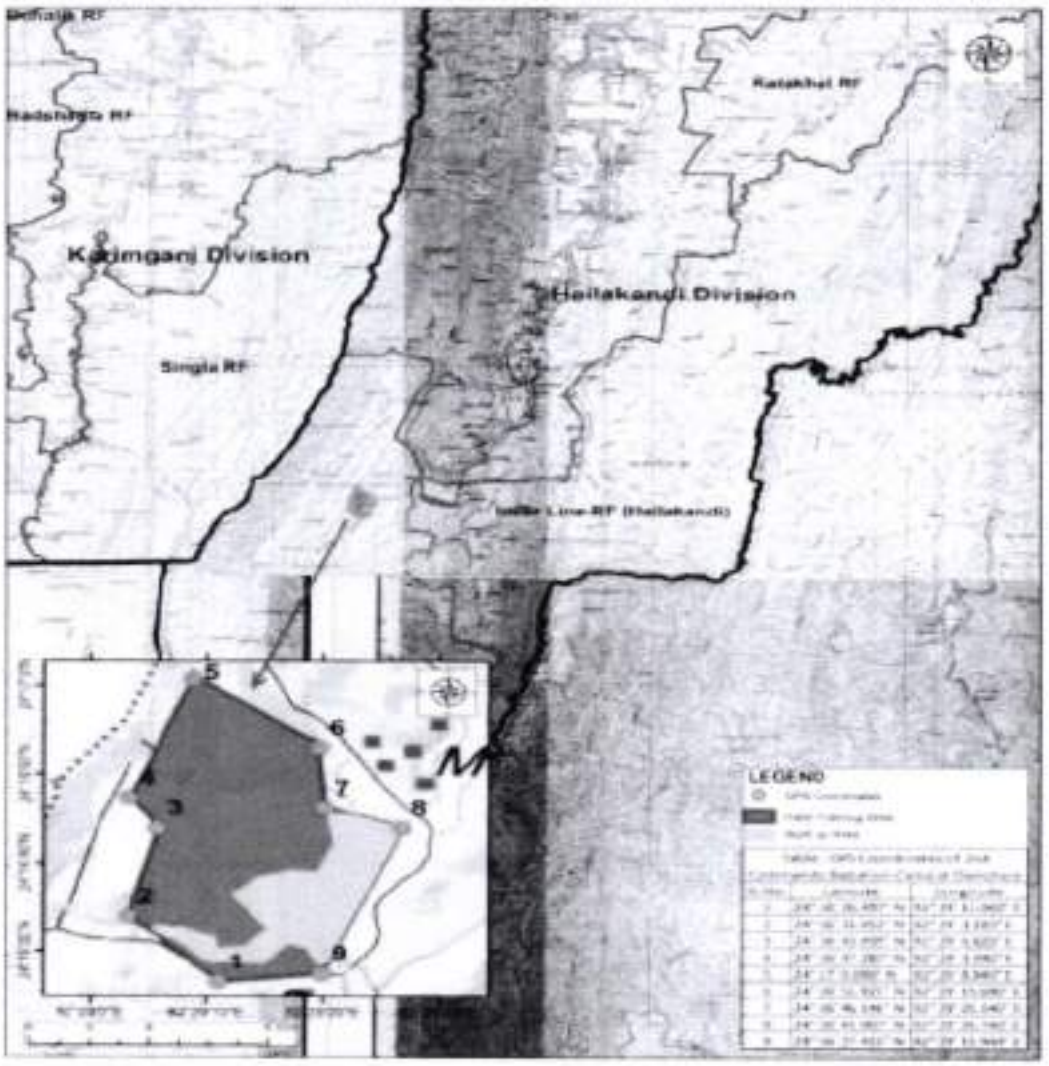
1) The purpose-wise break-up of the 44 ha land with layout map
2) The detailed project report (DPR) of the construction of the Commando Battalion.
3) The original or colour scan SoI map along with GPS coordinates with proper legend.
4) The soft copy of the Kml/shape file
5) The copy of Notification letter of the Reserved Forest land or which the Battalion is being established.
6) The order copy of the State Govt. for establishment of Commando Battalion at Hailakandi.
7) The order copy of (i) the State Govt./authority authorizing diversion of forest land for establishment of Commando Battalion at Hailakandi and (ii) order copy of handing over of land if any, from the Forest Department for construction/ establishment of the Commando Battalion.
8) The order copy of the State Govt. assigning duties to the Commando Battalion.
9) The rank-wise breakup of the officers and men to be stationed in the Battalion.

On the request made by Sub-Office, Guwahati, MoEF& CC, State Government vide letter dated 06.03.2024 has furnished the desired information which is marked as **Annexure-XVIII**

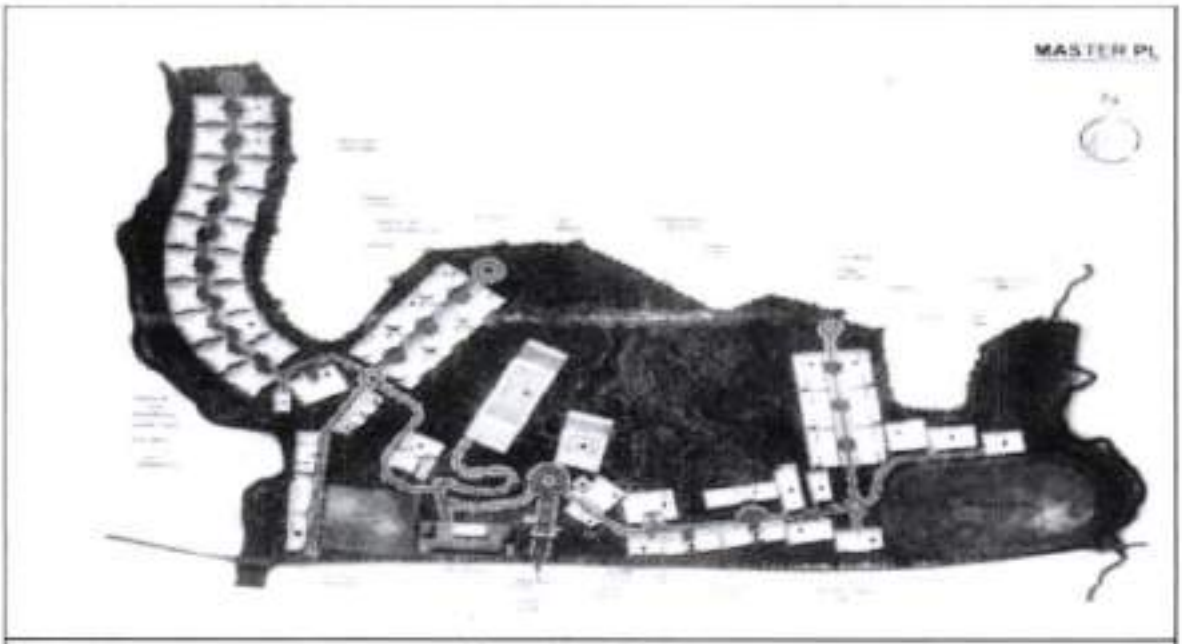
1.5BRIEF OVERVIEW OF FINDINGS:

On reaching the site, it was observed that the construction was on-going in full swing with around 500 workers and construction vehicles wherein the issue is under consideration before the Hon'ble NGT, Principal Bench. The officials present on site informed that the construction is on-going day and night. Officials from Assam Police Housing Corporation Ltd. has shown the Master Plan map of the site (**Annexure-XIX**) and as per the Master Plan some of the building structures are about 50% completed and whereas some of the structures have just started construction wherein only pillars of the same have been erected. **Photos illustrated at table 1.1**

Table1.1:Illustration of photos/maps



Sol Map along with GPS co-ordinates



Master Plan of the Site

Overview of the Site

Workers in progress of the construction

Building structures are about 50 % completed and whereas some of the structures have just started construction wherein only pillars have been erected

1.6 AREA STATEMENT OF BUILDING STRUCTURES:

(A) RESIDENTIAL BUILDINGS as reflected in the Master Plan:

Sl No.	Name of Buildings	No. of Units	Floors	Built up area	Blocks	Total Area (in sqm.)	No. of Units	Blocks	Total Area (in sqm.)
1.	C.O's Residential	1	G+1	250.00	1	250.00	1	1	250.00
2.	Garage		G	40.00	1	40.00		1	40.00
3.	Sentry Post		G	16.00	1	16.00		1	16.00
4.	Guard Shed		G	74.00	1	74.00		1	74.00
5.	Deputy Commandant	4	G+1	720.00	1	720.00	4	1	720.00
6.	Assistant Commandant	8	G+1	600.00	2	1,200.00	8	2	1,200.00
7.	Inspector, SI	45	G+1	1,040.00	5	5,200.00	32	4	4,160.00
				650.00	1	650.00			
8.	Havaldar, ASI, Constable	190	G+1	744.00	23	17,112.00	96	12	8,928.00
				558.00	1	558.00			
9.	Followers	8	G+1	640.00	1	640.00	8	1	640.00
10.	Accommodation for SO's (Insp., SI)	40	G+1	600.00	2	1,200.00	20	1	600.00
11	Barrack (Havaldar, Const., Followers)	504	G+1		8	8064.00	240	4	3840.00
	Total Strength	**800**					409		
TOTAL BUILT UP AREA									**20,468**

(B) NON-RESIDENTIAL BUILDINGS:

Sl No.	Name of Buildings	No. of Units	Floors	Built up area	Blocks	Total Area (in sqm.)	No. of Units	Blocks	Total Area (in sqm.)
1.	C.O's Office Building		G+1	1083.00	1	1083.00		1	1083.00
2.	Garage		G	40.00	1	40.00		1	40.00
3.	Sentry Post		G	4.00	2	8.00		2	8.00
4	M.T Garage with office (20 vechicles)		G	870.00	1	870.00		1	870.00
5.	Ration Store and Clothing Store		G+1	300.00	1	300.00		1	300.00
6.	Magazine/Kote Building with explosive depot		B+G	350.00	1	350.00		1	350.00
7.	GO'S Mess/Guest House		G+1	650.00	1	650.00		1	650.00
8.	SO'S Mess		G+1	870.00	1	870.00		1	870.00
9.	Community Center with Canteen, Saloon, Laundry block		G	600.00	1	600.00		1	600.00
10.	Hospital (10 beds)		G	330.00	1	330.00		1	330.00
11.	Drill shed with stage		G	400.00	1	400.00		1	400.00
12.	Gate complex with 10 men barrack		G	175.00	1	175.00		1	175.00
13.	Watch Towers		G	5.00	10	50.00		10	50.00
14.	Fire Station with Barrack		G+1	350.00	1	350.00		1	350.00
15.	ATM		G	15.00	1	15.00		1	15.00
16.	Control Room		G	50.00	1	50.00		1	50.00
17.	Classroom Block with Computer lab		G+1	700.00	1	700.00		1	700.00
18.	Indoor sports complex with gym		G+1	800.00	1	800.00		1	800.00
19.	Primary School		G	560.00	1	560.00		1	560.00
20.	Family Welfare		G	500.00	1	500.00		1	500.00
21.	Naamghar		G	300.00	1	300.00		1	300.00
22.	Recreation Hall		G	400.00	1	400.00		1	400.00
	Total Strength	**800**							
TOTAL BUILT UP AREA									**9,201.00**

(C) ABSTRACT:

Residential Buildings	**20,468.00sqm.**
Non Residential Buildings	**9,201.00sqm.**
Total Built Up Area	**29,669.00sqm.**

1.7 INSPECTION ON BUILDING STRUCTURES:

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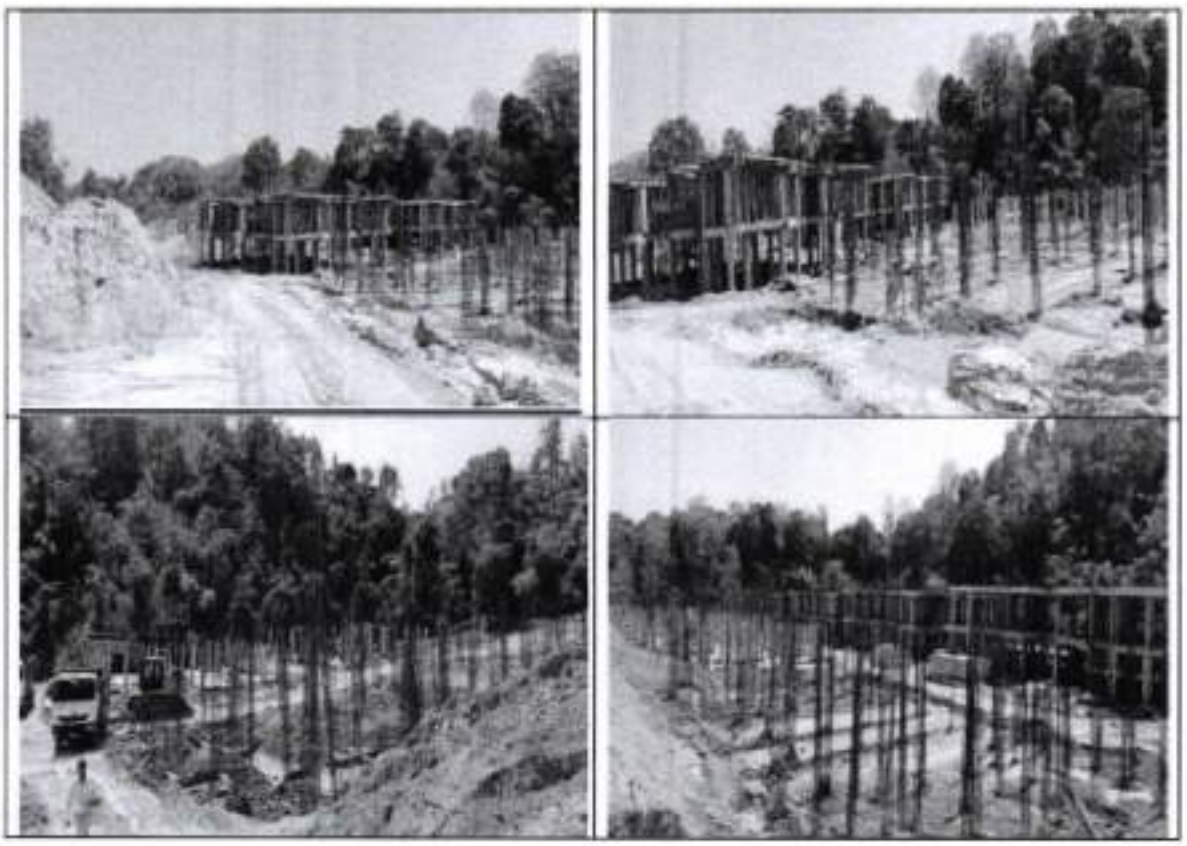
I. RESIDENTIAL BUILDINGS:

(i) Havaldar/Constable, Inspector/Sub-Inspector and Followers Building Quarters:

The site of the building structures for Havaldar/Constable, Inspector/Sub-Inspector and Followers Quarters are in the initial stages of construction with some structures having pillars and slabs and some structures have only pillars and rods erected. As per the Master Plan, the said building structures will be G+1 having 4 (four) blocks for Inspector/Sub-Inspector, 12 (twelve) blocks for Havaldar/Constable and 1 (one) block for Followers. The total built up areas of the structures is 13,728.00 sqm. **Photos illustrated at Table 1.2 below.**

Table 1.2: Havaldar /Constable, Inspector/Sub-Inspector and Followers Quarters



(ii) Assistant Commandant and Deputy Commandant Building Structures

As per the Master Plan the building structures for the Assistant Commandant and Deputy Commandant will be G+1. The Assistant Commandant will be of 1 (one) block and Deputy Commandant will be of 2 (two) blocks.

The site of the building structures for the Assistant Commandant has not yet been erected or constructed. However, the Deputy Commandant Building Structure are in the initial stages of construction with one block having only the pillars erected and the other block having pillars and slabs constructed. The total built up area of Deputy Commandant Building Structures is 720 sqm. **Photos illustrated at Table 1.3 below.**

Table 1.3: Deputy Commandant Building Structures

(iii) **Barracks for Havildar, Constable, Followers:**

As per the Master Plan the building structures of Barracks for Havildar, Constable and Followers will be G+1 of 4 (four) blocks having a built up area of 3,840.00 sqm.The building structures are at 40-50 % completion with rooms and staircase. **Photos illustrated at Table 1.4 below.**

Table 1.4: Barracks for Havildar, Constable and Followers

(iv) **Other observations w.r.t Residential Buildings:**

As per the Master Plan, the site for C.O's Residential Building, Garage, Sentry Post, Guard Shed and Accommodation for SO's (Insp., SI) were not observed on site and can be said that the construction for the said structures have not started. The built up area for these structures if constructed will be 2180 sqm.

II. NON-RESIDENTIAL BUILDINGS:

(i) Primary School:

As per the Master Plan, the building structure of the Primary will be G floor structure of 1 (one) block having a built up area of 560.00 sqm. However, on site, the building structure is only in the initial stages of construction with only pillars erected. **Photos illustrated at Table 1.5 below.**

Table 1.5: Primary School

(ii) Naamghar

As per the Master Plan, the building structure of the Naamghar will be G floor structure of 1 (one) block having a built up area of 100.00 sqm. However, on site, the building structure is only in the initial stages of construction with only pillars erected. **Photos illustrated at Table 1.6 below.**

Table 1.6: Naamghar

(iii) **Magazine/Kote building with explosive depot**

As per the Master Plan, the building structure of the Magazine/Kote building will be B+G floor structure of 1 (one) block having a built up area of 350.00 sqm. However, on site, the building structure is only in the initial stages of construction with only pillars erected. **Photos illustrated at Table 1.7 below.**

Table 1.7: Magazine/Kote building with explosive depot

(iv) **Ration Store & Clothing Store:**

As per the Master Plan, the building structure of the Ration Store& Clothing Store building will be G+1 structure of 1 (one) block having a built up area of 300.00 sqm. However, on site, the building structure is only in the initial stages of construction with only the ground floor having constructed rooms and the 1st floor having only pillars erected. **Photos illustrated at Table 1.8 below.**

Table 1.8: Ration Store& Clothing Store

(v) **Admin, CO's Office Building:**

As per the Master Plan, the building structure of the Admin, CO's Office Building will be G+1 structure of 1 (one) block having a built up area of 1,083sqm. However, on site, the building structure is only in the initial stages of construction with only the ground floor having constructed rooms and the 1st floor having only pillars erected. **Photos illustrated at Table 1.9 below.**

Table 1.9: Admin, CO's Office Building

(vi) **Hospital**

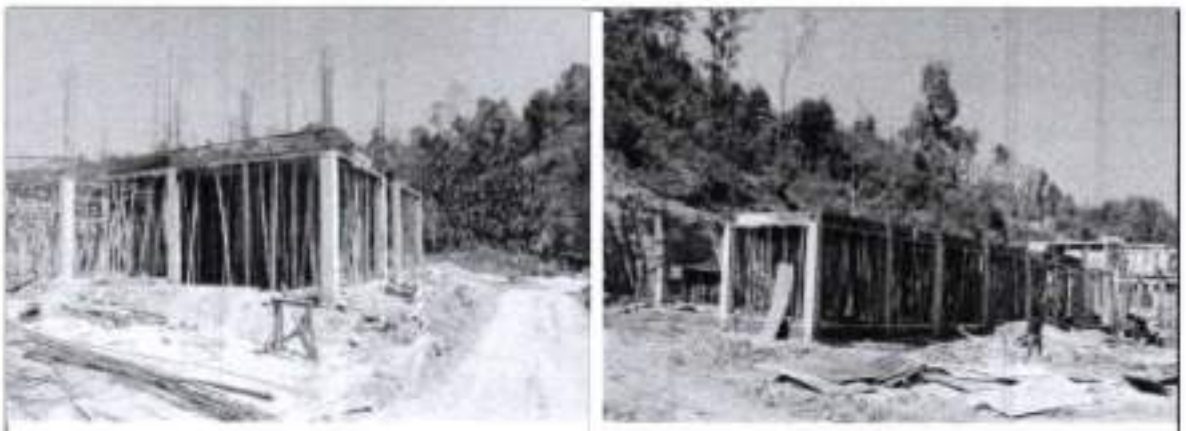
As per the Master Plan, the building structure of the Hospital Building of 10 (ten) beds will be G floor structure of 1 (one) block having a built up area of 330sqm. However, on site, the building structure is only in the initial stages of construction with only the pillars erected. **Photos illustrated at Table 1.10 below.**

Table 1.10: Hospital Building

(vii) **SO's and GO's/ Guest House Mess Building**

As per the Master Plan, the building structure of the SO's and GO's/ Guest House Mess Building will be G+1 floor structure of 1 (one) block each having a built up area of 650.00sqm. for GO's/Guest House and 870.00sqm. for SO's Mess. However, on site, the building structure is only in the initial stages of construction with only the pillars erected. **Photos illustrated at Table 1.11 below.**

Table 1.11: SO's and GO's/ Guest House Mess Building



GO's/Guest House	SO's Mess building

(viii) **Recreational Hall**

As per the Master Plan, the building structure of the Recreational Hall will be G floor structure of 1 (one) block having a built up area of 400.00sqm. However, on site, the building structure is only in the initial stages of construction with only the pillars erected. **Photos illustrated at Table 1.12 below.**

Table 1.12: Recreational Hall

(ix) **Family Welfare Center building:**

As per the Master Plan, the building structure of the Family Welfare Center building will be G floor structure of 1 (one) block having a built up area of 500.00 sqm. However, on site, the building structure is only in the initial stages of construction with only the pillars erected and on-going construction. **Photos illustrated at Table 1.13 below.**

Table 1.13: Family Welfare Center

(x) **Classroom block with computer lab building**

As per the Master Plan, the building structure of the Classroom block building will be G+1 floor structure of 1 (one) block having a built up area of 700.00 sqm. However, on site, the building structure is only in the initial stages of construction with only the pillars erected and on-going construction. **Photos illustrated at Table 1.14 below.**

Table 1.14: Classroom block with computer lab building

(xi) **Community Center with Canteen, Saloon and Laundry block:**

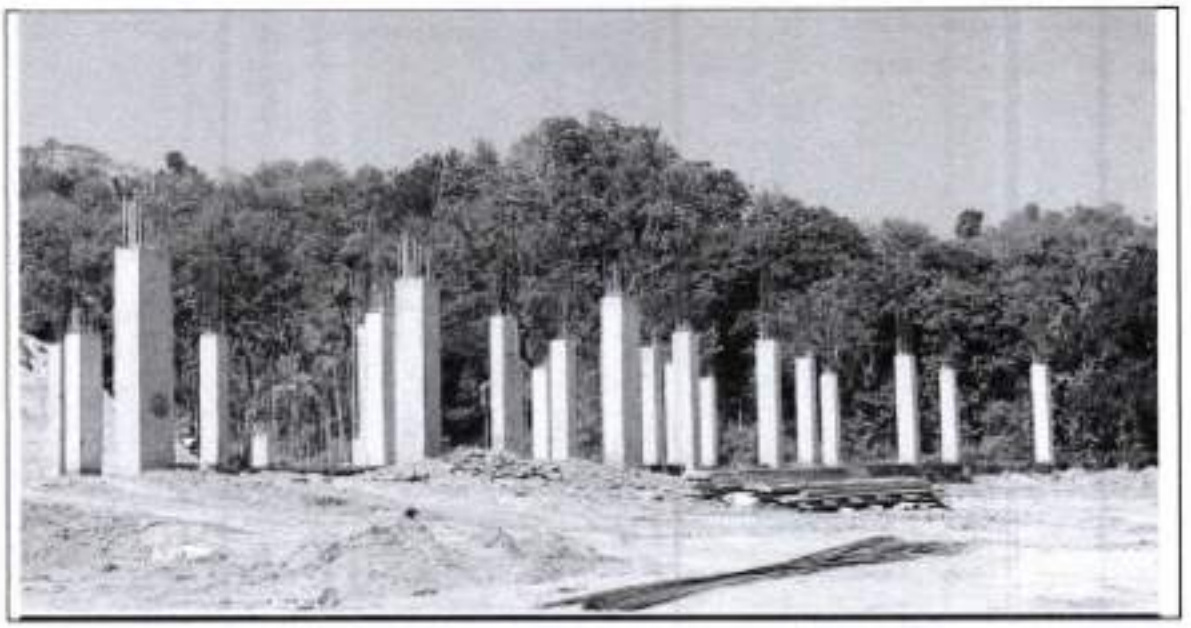
As per the Master Plan, the building structure of the Community Center with Canteen, Saloon and Laundry block building will be G floor structure of 1 (one) block having a built up area of 600.00 sqm. However, on site, the building structure is only in the initial stages of construction with only the pillars erected and on-going construction. **Photos illustrated at Table 1.15 below.**

Table 1.15: Community Center with Canteen, Saloon and Laundry block

(xii) **Indoor Sports Complex with Gym:**

As per the Master Plan, the building structure of the Indoor Sports Complex with Gym building will be of G+1 floor structure of 1 (one) block having a built up area of 800.00 sqm. However, on site, the building structure is only in the initial stages of construction with only the pillars erected and on-going construction. **Photos illustrated at Table 1.16 below.**

Table 1.16: Indoor Sports Complex with Gym



(xiii) Drill Shed with stage:

As per the Master Plan, the building structure of the Drill Shed with stage will be of G floor structure of 1 (one) block having a built up area of 400.00 sqm. However, on site, the building structure is only in the initial stages of construction with only small pillars and rods erected. **Photos illustrated at Table 1.16 below.**

Table 1.17: Drill Shed

(xiv) Other Observations w.r.t Non residential buildings:

Besides the above observations, the site near the Halvadar/Constable Quarter buildings is a small stream running near the site, the soil from the construction site is being directly dump near the site thereby affecting the natural flow of the stream. A number of labour camps were seen

scattered throughout the site. A small stone crushing unit was also seen on the site for continuous supply of stones for the construction site. The site for firing range was observed. The Football field/running track was also observed with incomplete boundary walls surrounding the site. **Photos illustrated at Table 1.18 below.**

Table 1.18: Other observations w.r.t Non residential buildings

Soil from the construction site is being directly dumped near the site thereby affecting the natural flow of the stream nearby.	A number of labour camps were seen scattered throughout the site
A number of labour camps were seen scattered throughout the site	A small stone crushing unit was also seen on the site for continuous supply of stones for the construction site
Site for firing range was observed	Football field/running track was also observed with incomplete boundary walls surrounding the site

1.8 Observations made on the north-eastern side of the 32.5 ha plot (Field Training Area of the Battalion Camp)

The site has been perambulated on the east- north-eastern side and it was found that the boundary of the plot goes along an unmotorable old path/kaccha road. It is observed that some local encroachers house and betelnut plantation are within the 32.5 ha plot. As per the local officers, these occupants within the 44 ha plot have agreed to vacate once the construction of the Battalion is complete. Such encroachments are also observed beyond the 44 ha plot. **Photos illustrated at Table 1.19 below:**

Table 1.19: Observations made on the north-eastern side of the 32.5 ha plot (Field Training Area of the Battalion Camp)

Construction of boundary pillar of the 44 ha plot	View of the outside boundary wall of the 11.5 ha
View of the camp from 32.5 ha boundary kaccha road	32.5 ha boundary kaccha road
Encroached house within the 32.5 ha	View of dense forest beyond the 44 ha plot

1.9: OBSERVATIONS:

From the papers made available to this office and at the time of site visit it is revealed that:

i. The area on which the construction of the Battalion is in Inner Line RF declared as an RF vide Notification No. 2106A dated 9th March, 1933.

ii. The area of 44 ha consists of 2 parts, 11.5 ha for build-up area and 32.5 ha for training purpose.

iii. The area in 11.5 ha build up area is devoid of vegetation and found levelled. It was informed that the area is evicted encroachment area and was of rice fields and plantations before. The vegetation in the rest of the area of 32.5 ha is mostly covered with moderately dense forest interspersed with teak plantations mixed with Gmelinaarboreaor Gamari. There are extensive encroachment all over the area visited across the length and breadth of the RF in the form of rice fields, betlenut plantation, dwelling houses etc.. The area of the RF does not appear to have been demarcated.

iv. There is no report of wildlife presence in the area except wild boar, as informed by the field staff.

v. The site of 11.5 ha does appear to have been encroached and evicted. The area is not fully cleared of the encroachment as seen from the presence of the mosque, and some settlements nearby and within the 44 ha itself being occupied by the local population of the state of Assam.

vi. As per the forest officers accompanying the undersigned, no tree is being felled for the construction of the Battalion as the area is encroachment-eviction area.

vii. The site for the construction of the Battalion was selected jointly by the DFO and the Police Deptt as per the letter dated 26.06.2023 keeping in view the strategic location and vicinity to the borders.

viii. The DFO vide his letter dated 18.07.2021 has requested the SP, Hailakandi to provide Special Armed Forces to conduct requisite protection measures towards prevention of further extension of encroachment and ejection of encroachers.

ix. The Home & Political Department, Govt. of Assam vide their letter dated 22.10.2021Notified for raising 1 (one) new Assam Commando Battalion i.e. 2nd Assam Commando Battalion (Operation), Birsima, Hailakandi alongwith creation of posts.

x. The Police Department, Govt. Of Assamissued order No HMA 113/2021/Pt/29 dated 22.10.2021, specifying the posts and force strength is the Battalion as follows.

Sl No.	Rank	Gazetted/Non-Gazetted posts	No. Of post for each Battalion
Force Personnel			
1.	Commandant (SP Rank)	Gazetted Post	1
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		72

	Cook – 20 Multitasking and Maintenance Staff – 18 Water Carrier – 18 Dhobi – 8 Barber – 8	Non-Gazetted Post	
Medical Staff			
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 Asstt)	Non-Gazetted Post	1
14.	Lab Technician	Non-Gazetted Post	1
15.	Staff Nurse	Non-Gazetted Post	2
16.	Hav. Nurse	Non-Gazetted Post	2
17.	Const. Nurse	Non-Gazetted Post	10
18.	Dhai	Non-Gazetted Post	1
APRO Staff			
19.	Inspector	Non-Gazetted Post	1
20.	S.I (Radio Operator)	Non-Gazetted Post	3
21.	S.I (Technician)	Non-Gazetted Post	1
22.	ASI (Radio Operator)	Non-Gazetted Post	4
23.	ASI (Cypher)	Non-Gazetted Post	1
24.	HC (WO/WT/Cy)/Cn (WO/WT/Cy)	Non-Gazetted Post	14
Grand Total			**800**

xi. The work for the construction of the Battalion Camp was tenderedby Assam Police Housing Corporation Ltd.vide Tender Notice no. APHC/T/22/2021-22/02, dated 27/12/2021.

xii. The Work Order was issued by Assam Police Housing Corporation Ltd. vide Order No. APHC/CS/80/2021-22 dated 13.02.2023 to M/s. Badri Rai & Company.

xiii. The PCCF and HoFF of Assam vide order dated 28.09.2023 gave a go-ahead for the construction of the Battalion on the ground that the work is ancillary to forest protection.

xiv. The work was said to have started in October 2023 as per the Forest Department officers (DFO, RFO) and Assam Police Housing Corporation representatives.

xv. As per the DPR of the project the plinth area is 29,669.00sq metre.

xvi. The breakup of the land is as below:

Allotted Land for 2nd Commando Battalion Unit within the ILRF: **43.9900.00 sqm.**

Built up area **: 11.5 ha**

Plinth area of the structures **: 29.669.00sqm**

xvii. The units to be constructed and the progress of their construction is as below:

Sl No	Name of the unit	Plinth area in sqm.	Status of construction
Residential Buildings			
1.	C.O's Residential	250.00	On-going construction
2.	Garage	40.00	On-going construction
3.	Sentry Post	16.00	On-going construction
4.	Guard Shed	74.00	On-going construction
5.	Deputy Commandant	720.00	On-going construction
6.	Assistant Commandant	1,200.00	On-going construction
7.	Inspector, SI	4,160.00	On-going construction
8.	Havaldar, ASI, Constable	8,928.00	On-going construction
9.	Followers	640.00	On-going construction
10.	Accommodation for SO's (Insp., SI)	600.00	On-going construction
11.	Barrack (Havaldar, Const., Folowers)	3,840.00	On-going construction
Non- Residential Buildings			
12.	C.O's Office Building	1083.00	On-going construction
13.	Garage	40.00	On-going construction
14.	Sentry Post	8.00	On-going construction
15.	M.T. Garage with office (20 vechicles)	870.00	On-going construction
16.	Ration Store and Clothing Store	300.00	On-going construction
17.	Magazine/Kote Building with explosive depot	350.00	On-going construction
18.	SO'S Mess/Guest House	650.00	On-going construction
19.	SO'S Mess	870.00	On-going construction
20.	Community Center with Canteen, Saloon, Laundry block	600.00	On-going construction
21.	Hospital (10 beds)	330.00	On-going construction
22.	Drill shed with stage	400.00	On-going construction
23.	Gate complex with 10 men barrack	175.00	On-going construction
24.	Watch Towers	50.00	On-going construction
25.	Fire Station with Barrack	350.00	On-going construction
26.	ATM	15.00	On-going construction
27.	Control Room	50.00	On-going construction
28.	Classroom Block with Computer lab	700.00	On-going construction
29.	Indoor sports complex with gym.	800.00	On-going construction
30.	Primary School	560.00	On-going construction
31.	Family Welfare	500.00	On-going construction
32.	Naamghar	300.00	On-going construction
33.	Recreation Hall	400.00	On-going construction
	Total	**29,669.00sqm**	

xviii. The construction are of RCC permanent structures of mostly G and G+1

xix. The rest of the area is kept for training and other needs. The vegetation is left intact as on the day of the visit.

xx. During the course of discussion it was informed by the DFO, Hailakandi that there are 109 sanctioned posts of which73 are in position as on date which include 1 (one) DCF, 1 (one) ACF, 5 (five) Forest Rangers, 4 (four) Deputy Rangers, 15 (fifteen) Forester-I and 30 Forest Guards.

xxi. As per the local officers and staff the establishment of this Battalion will go a long way in protecting the Inner Line RF forests from within the state and the neighbouring state. It is claimed that even now, some impact is felt by way of the morale of the staff being raised with the establishment of the same. During the visit, the visiting team was accompanied, among others, by some of the Commando staff currently attached with the DFO, Halilakandi. There is no dispute that the presence of such combat force in the Department will help the protection and conservation effort of the Division and State.

xxii. The area being allowed for construction of the Battalion Camp to the Assam Police Housing Corporation could have been reduced had the construction been made more floors than G and G+1.

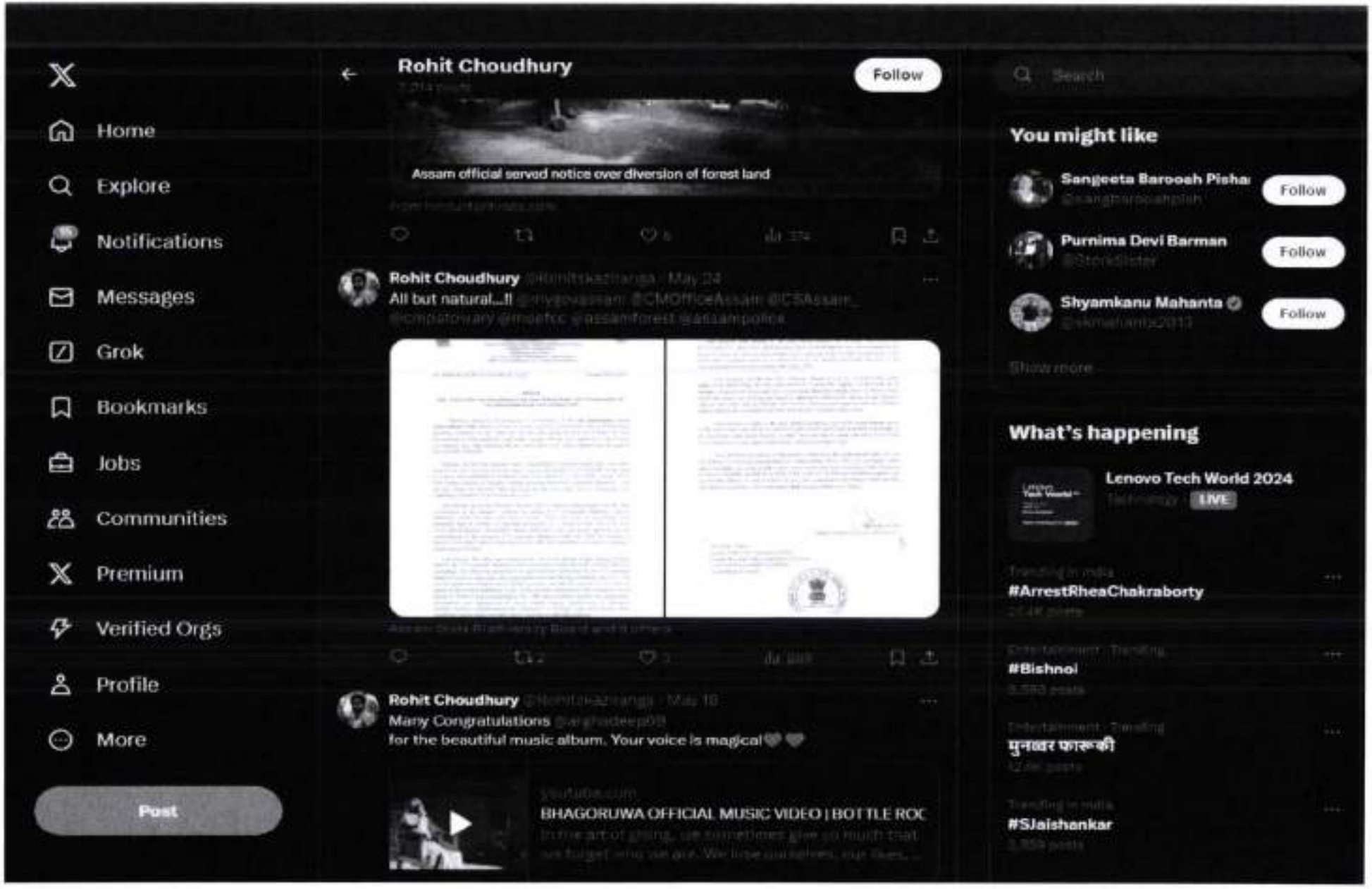
The construction is large-scale and of permanent concrete structures, considering the area of build-up is 11.5 ha and the plinth area being close to 30,000 sq metre. The area of 11.5 ha does not appear to have much semblance to any of the activities mentioned in the explanation (b) of Section 2 of the Forest (C) Act, 1980 about ancillary activity for *conservation, development and management of forest and wildlife, namely, establishment of checkpost, firelines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.*

The area of 32.5 ha set aside for training has not been broken by the current activity of the construction of the Camp Battalion. The site has been perambulated on the east - northeastern side and it was found that the boundary of the plot goes along an unmotorable old path/kaccha road. It is observed that some local encroachers house and betlenut plantation are within the 32.5 ha plot. As per the local officers, these occupants within the 44 ha plot have agreed to vacate once the construction of the Battalion is complete. Such encroachments are also observed beyond the 44 ha plot.

The above are the facts gathered through correspondence and as observed and noted in the field.

Sd/-
(W. L. Yatbon)
DIGF, RO, Shillong

ANNEXURE - II -227-



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ANNEXURE - III

GOVERNMENT OF INDIA
REGIONAL OFFICE
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
LUMBATNGEN
Tel. 0364-253-7609/7395/4650 Fax 0364-2536041
E-mail: ro.ner.shl@gmail.com /nerfro.shillong@gov.in

No. RONE/E/O.A No. 61/24/PB/AS/ 412 Dated 14/05/2024

NOTICE

Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 framed under the Van (Sanrakshan Evam Samvardhan) 1980

Whereas, clause (ii) of sub-section (1) of Section 2 of the **Van (Sanrakshan Evam Samvardhan) 1980** (herein referred to as the said Act), contemplates that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing that any forest land or any portion thereof may be used for any non-forest purpose;

Whereas, the Hon'ble National Green Tribunal(NGT), Principal Bench (PB) vide Order dated 23.01.2024 had registered *Suo-Moto* Original Application No. 61/2024/PB on the basis of a news item published in Northeast Now News dated 25.12.2023 titled "Assam: PCCF M.K. Yadava accused of illegally clearing protected forest for Commando Battalion". Vide the said Order, the Hon'ble NGT observed that the News item raises a substantial issue regarding compliance of environmental norms.

And whereas, as per the Ministry's and this office's request seeking details from the State Government on the alleged violation for setting of 2nd Commando Battalion Camp at Damchera within the Inner Line Reserve Forest (ILRF) the same has accordingly been submitted and on scrutiny of the said documents, it is observed that vide your letter No.FG.40/14/Mizoram Border/Pt-II dated 28.09.2023, you had given approval for the establishment of the proposed 2nd Commando Battalion within the ILRF by referring to Section 2 (b) of the Forest (Conservation) Act, 1980 that it qualifies as an activity relating to conservation of forests.

And whereas, this office had conducted site visit on the alleged illegal clearing of forest land for the 2nd Commando Battalion Camp at Damchera within the ILRF on 08.03.2024 and accordingly, this office had observed in its report that the construction for the 2nd Commando Battalion Camp is large-scale and of permanent structures having a build-up area of 11.5 ha and the plinth area being close to 30,000 sq. meter, and that the area of 11.5 ha does not appear to have much semblance to any of the activities mentioned in the explanation (b) of Section 2 of the Forest (Conservation) Act, 1980 about ancillary activity for conservation, development and management of forest wildlife, namely establishment of checkpost, firelines, wireless communication and construction of fencing, bridge and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

(Contd.....)

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-2-

And whereas, after perusal of the said Factual Report, the Ministry vide letter No. FC/7.1/2024-FC, dated 18.03.2024 had prima facie observed that the use of forest land for non forest activities has been allowed without prior approval of the Central Government on the forest land in question which is in contravention of the statutory provisions and rules of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

And whereas, the Hon'ble NGT, Principal Bench in O.A No. 61/2024 (PB), Order dated 23.04.2024 citing that the issue involved is about the legality of diversion of 44 hectares of protected forest land for a Commando Battalion headquarters in Barak Valley inside the Inner Line of Reserved Forest in Hailakandi district and referred to the Affidavit filed by this office and accordingly, the Hon'ble Tribunal had observed that the Affidavit clearly reflects the construction has been done in utter violation of the norms.

And whereas, in light of the facts mentioned above, you hereby stand deemed guilty of the said offence and therefore liable to be proceeded against and punished accordingly as per provisions contained in Section 3-A and 3-B of the said Act read with Rule 15 (3) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 framed there under.

Now therefore in exercise of the powers conferred to the undersigned under sub-rule (3) of Rule 15 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, you are hereby called upon to explain your conduct and to show cause within sixty days of receipt of this Notice, as to why a Complaint should not be filed in the Court of Law having jurisdiction against you for the said offence. In case of failure on your part to respond to this Notice within the time specified as stated above, the undersigned shall proceed further accordingly.

(Md. Imtienla Ao)
Deputy Director General of Forests (C)

To,
Shri M.K. Yadava,
Special Addl. Chief Secretary (Forest)
Former Principal Chief Conservator of Forests,
Forest and Environment Department,
Government of Assam.

ANNEXURE - IV

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Shri Govind Jha, Ee(Sg), Jt. Dir (Pol) ... vs Maj Gen. Gautam Dutt, Dgw, E-In-Cs ... on 1 June, 2006

JUDGMENT

1. This appeal is by Shri Govind Jha against the order of the appellate authority, Maj. Gen. Gautam. Dutt, DGW, Engineer-in-Chief's (E-in-C). Branch. Army. HQs,. who. had upheld the order of the CPIO, Maj Gen. Gautam Banerjee, ADGW Army HQs. Brief facts of the case are as follows:

2. The appellant, Shri Govind Jha, who is an employee of E-in-C's Branch of the Army HQs filed a request for information dated the 28 November, 05 before the CPIO seeking disclosure of the following information:

> 2(a). Please show me the documents so that the reason for delaying the investigation not forwarding the case to MOD (sic) and leading to promoting officer can be evaluated by the proper authority Further clearance giving for non involvement in any CVC/SPE (sic) cases has been issued in spite of CVC (sic) letter asking for investigation is important in the matter.
>
> (b). As per para 367 and 400 of RMES CWE/CE (sic) cannot be saved to issue show cause notice, please confirm that proper show cause notice have been issued to CWE/CE (sic) as per para quoted ibid.

Suitable prior information was available to CVC (sic), MOD (sic), E-in-C for the act of omission/commission vide CVC (sic) letter No. VIG-97496/04-7234 dated. 11.10.2005 based on my complaint.

If CE CC (sic) has left CE/CWE (sic) from show cause notice the reason for the same may be shown to me. Complaint have been made 2 years back where as action is still pending in spite of time limitation for the action taken based on my complaint in the time Any action on the show cause notice has been taken or forwarded to MOD (sic) may be shown to me so that willful action of the Department to save the complainant can be evaluated.

(c) Copy of investigation and acceptance of the ordering authority may kindly be shown for my perusal and further necessary action and also reason for not associating me in the investigation to prove the complaint....

(d) It is evident that the investigation has been willfully delayed and clearance has. been given in spite of prior information, my complaint and CVC (sic) observation quoted above. The delay in progressing the case will lead to warranted action against the authority misusing their power.

(e). No. S.O.P. (sic) has been issued by the E-in-C which should be available in the computer as per the act.

3. The appellant received a response (dated 29.12.2005) from the CPIO. The reply, referring to the paragraphs in the RTI petition of the appellant stated as follows:

> Para 2(a): The investigation report has been submitted to MOD(sic) for their decision. in the case after obtaining statutory advice from the CVC. Since the evaluation of the investigation report is in progress at MOD(SIC) showing the investigation report and related documents to Shri Govind Jha, appellant, being the complainant himself, may not be desirable at this stage as it may impede the investigation process. The CPIO cited sub para 8(h) of para 7 of the RTI Act, 2005 in support of the above conclusion.
>
> Para 2(b): The CPIO informed to the appellant that Shri A.K. Bajaj has been served. with show cause notice by the competent authority. Further action was pending.
>
> Para 2(c): The reply as to 2(a) above.

Para 2(d): It is merely an observation by the appellant Hence, did not merit a response. -232-

4. The appellant carried the matter in appeal to the appellate authority, Maj. Gen. Gautam Dutt, DGW, who in his order dated the 3 March.06, decided as follows:

> 1. Ref your letter No. 270501/90/6/2005/R-Info-Act/E-in-C dated 27 Jan 2006. 2. Having gone though the complete case it has transpired that you have made the complaint direct to the CVC (sic). Currently, the case is under examination with the MOD (sic). 3. Therefore, it is considered necessary to obtain the opinion of CVC/MOD (sic) whether the investigation report (IR) can be supplied to you or not at this stage. Jt. DG (D&V) has accordingly been directed to do the needful. Final decision to supply the copy of IR to you will be taken after obtaining opinion of CVC/MOD. (sic).

5. The parties were called for hearing on 1.6.06. The appellant was present, while the appellate authority and the CPIO were represented by Maj. Gen. V.K. Negi, ADGW(A), and Shri L.M. Sarin, Offg. Jt. DG (D&V), E-in-C's Branch, Army HQs, New Delhi.

6. It is seen from the records in this case, that on the basis of a complaint filed by the appellant, the competent authority in the E-in-C's office Army HQ had initiated certain investigations on the directions of the CVC (sic). The investigation, apparently, has been completed and the report has been submitted to the Ministry of Defence, who in this case are the competent authority to take a decision . It is the contention of the CPIO and the appellate authority that the matter is still under examination by the Ministry of Defence and has not yet reached fruition Mere submission of the report by the investigating officer cannot be construed as the completion of investigation. According to them, investigation is complete only when, based upon the investigation report, a decision is made by the authority competent to take such decision regarding whether to pursue further action in the matter. Any disclosure of the investigation report prior to a final decision would be premature and shall be injurious to the standing and the reputation of those whose actions and conduct might have been subject matter of enquiry.

7. The appellant countered this by arguing that once the investigating officer finalises the investigation report, the protection of Section 8(1)(h) ceases to be available. Now that the report by the investigating officer is ready, there is no bar under the provisions of the RTI Act to its disclosure. He holds that the decision of the competent authority in an investigation need not be awaited in order to disclose the report of that investigation Such a disclosure cannot be described as premature disclosure. It is the appellant's view, that far from harming the investigation or compromising its objectivity, disclosure of the investigation report creates conditions for more thorough examination of evidence. He complained that the investigation officer had given him no hearing, which he deserved being the complainant. If he were made privy to the investigation his input would have been highly useful to the investigation officer in arriving at his conclusions. Even now, if he is allowed to access the investigation report, he could point out to the decision making authority its deficiencies, if any, and thereby help improve the quality of decision. The appellant drew our attention to the preamble at the RTI Act which declares that the purpose of the Act was to combat corruption by bringing in transparency in governance. It is his plea that the information sought by him contributes to that end.

8. In examining this case, the critical point is whether the plea of continuing investigation taken by the appellate authority and the CPIO is a valid plea, which would have the support of the exemption under Section 8(1)(h) of the RTI Act. It is to be considered whether an investigation can be said to be over just

because the officer entrusted with such investigation has completed his task and submitted the report to the competent authority. This will also mean that an investigation and a decision in that investigation are two separate stages and cannot be said to constitute a continuum.

9. While in criminal law, an investigation can be said to be completed with the filing of the charge sheet in an appropriate court by an investigating agency, in cases of vigilance related enquiries, misconduct and disciplinary matters, the investigation can be said to be over only when the competent authority makes a determination about the culpability or otherwise of the person or persons investigated against. In that sense, the word investigation used in Section 8(1)(h) of the Act should be construed rather broadly and should include all enquiries, verification of records, assessments and so on which may be ordered in specific cases. In all such matters, the enquiry or the investigation should be taken as completed only after the competent authority makes a prima-facie determination about presence or absence of guilt on receipt of the investigation/enquiry report, from the investigation/enquiry officer.

10. There is another aspect to this matter. If for the sake of argument, it is agreed that the report of investigation in any matter can be disclosed immediately after the officer investigating the cases concludes his investigation and prepares the report which, let us assume, impeaches the conduct of a given officer. In case the competent disciplinary authority agrees with the findings of the investigating officer, disclosure of the report even before a final decision by the competent authority, would be inconsequential. There shall be problem, however, if the disciplinary/appointing authority chooses to disagree with the findings of the investigating officer. Early disclosure of the investigation report, in such a case, besides being against the norms of equity, would have caused irretrievable injury to the officer/person's (who would have been the subject of investigation) standing, and reputation. His demoralisation would be thorough.

11. In exempting from disclosure matters pertaining to an on-going investigation, (Section 8 (1)(h)), the RTI Act besides other reasons, also caters to the possible impact of the disclosure of such information on the public servants' morale and their self-esteem. There are, thus, weighty reasons for such a provision in the exemption clauses of the RTI Act.

12. We are keenly aware that one of the purposes of the enactment of the RTI Act is to combat corruption by improving transparency in administration. This objective should be achieved without impairing the interest of the honest employee. Premature disclosure of investigation-related information has the potentiality to tar the employee's reputation, permanently, which cannot be undone even by his eventual exoneration. The balance of advantage thus, lies in exempting investigations/enquiries in vigilance, misconduct or disciplinary cases, etc. from disclosure requirements under the Act, till a decision in a given case is reached by the competent authority. This also conforms to the letter and the spirit of Section 8(1)(h) of the RTI Act.

13. There is one other factor that also needs some reflection. Disclosure of an investigation/enquiry report (as demanded in this case by the appellant) even before its acceptance/rejection by a given competent authority will expose that authority to competing pressures which may hamper cool reflection on the report and compromise objectivity of decision-making.

14. In our considered view, therefore, in investigations in vigilance related cases by CVOs or by departmental officers, as well as in all cases of misconduct, misdemeanour, etc., there should be an assumption of continuing investigation till, based on the findings of the report, a decision about the presence of a prima-facie case, is reached by a competent authority. This will, thus, bar any premature disclosure, including disclosure of the report prepared by the investigating officer, as in this case.

15. We, therefore, hold that the present case attracts the exemption under Section 8(1)(h) and, therefore, disclosure of information as asked for by the appellant, cannot be authorized The appeal is rejected.

16. We, however, ask the disciplinary authority in the present case, i e. the Ministry of Defence, to take a view within two months in respect of the findings in the investigation report so that the appellant's right to access the investigation report can be reactivated without any unconscionable delay.

ANNEXURE - V

897

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Rohit Choudhury

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Rohit Choudhury

Feathers of all hues adorn the "very special" officer's cap!

ANNEXURE-2

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

Dated: As per e-sign

To,

Deputy Director General of Forests
Regional Office (North East)
Law-U-Sib, Lumbajingan, Near MTC Workshop
Sibsagar

Sub:
Non-forestry activity on 28 hectares of forest land for construction of
commando battalion in Gelaky, Sivasagar, Assam
Ref: Letter No. F No. (AD) 283/2023-GW1 391 dated 22.08.2024

Madam,

With respect to the above mentioned subject on which a proposal from State of
Assam for in-principle approval of violation of the Hon'ble/Hon'ble Supreme Court
Judgment 1996 has been received in this ministry. Before that, an information
regarding same was also received in the Ministry which was compared to State of
Assam and Regional Office to the matter.

In this connection, Regional Office Shillong (MoEF&CC) has submitted a Site
Inspection Report (SIR) vide letter no. F No. (AD) 283/2024-GW1 391 dated
22.08.2024 to this Ministry.

The said SIR has been examined in the Ministry and prima facie it has been
observed that the non-forestry activities have been allowed without prior approval
of the Central Government in the forest land in question which is in contravention
of the statutory provisions and rules of the Forest Conservation Act,
Administration 1980.

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

Yours sincerely,

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

Chief Minister Assam and 2 others

Rohit Choudhury

Inconvenient realities buried. Fake population counts promoted (as in KNP Rhino Census-2022). Mining for oil and coal in Elephant Reserves and ESZs allowed citing "minimal disturbance" (as in Tikok and Dessoi Valley RF).

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ANNEXURE - VII

-237-

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

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

To,

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

Sub:
Non-forestry activity on 28 hectares of forest land for construction of commando batallion in Geleky, Sivasagar, Assam
Ref: Letter No. F.No. 3ASC/255/2024/GHY/381 dated 22.08.2024.

Madam,

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

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

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

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

Yours sincerely,

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

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

ANNEXURE - VIII

NORTHEAST NOW

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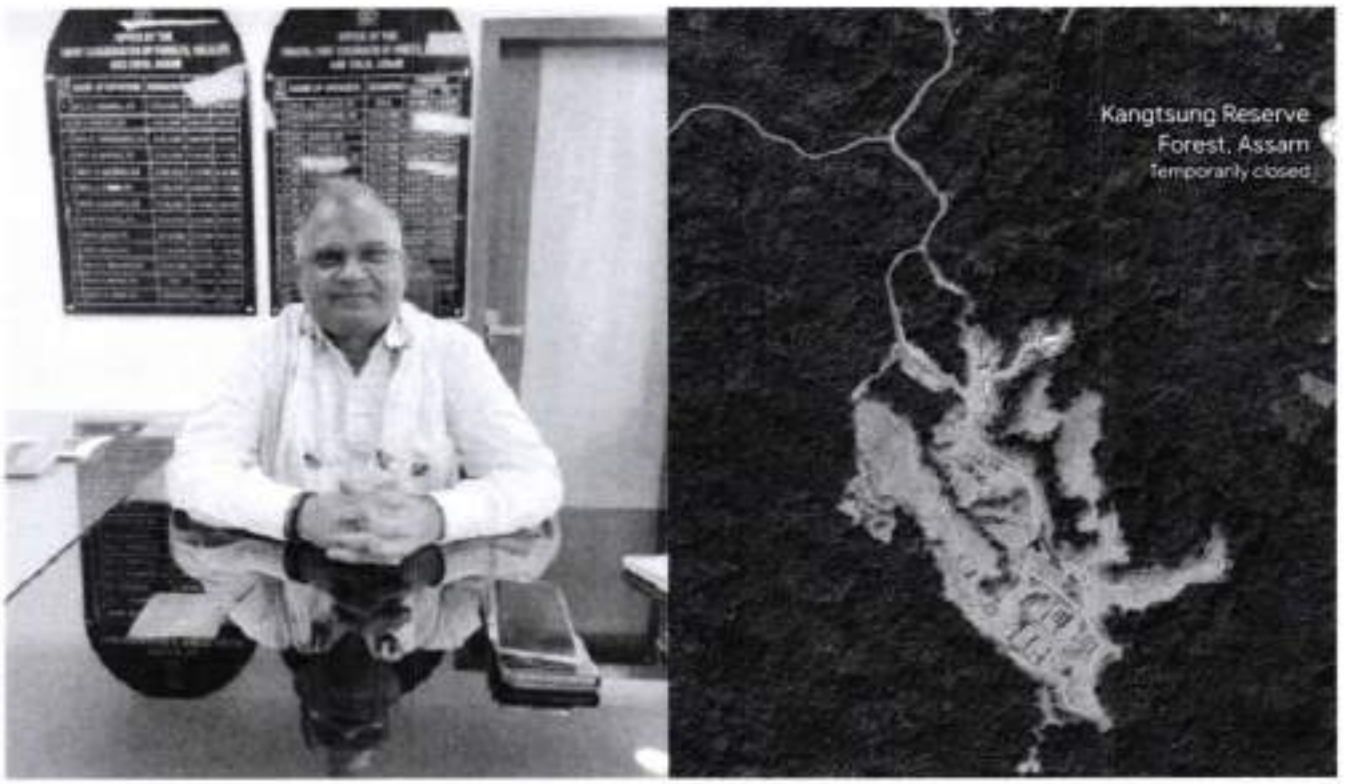
Environment

Assam: Environment ministry issues notice to ex-PCCF MK Yadava over diversion of Geleky forest land

A high-level team from the Ministry of Environment conducted a site inspection at Geleky Reserve Forest on Friday (September 27, 2024), to assess a violation of the Forest Conservation Act

by Mahesh Deka
September 28, 2024 11:57 pm



The diversion of 28 hectares of land in Geleky reserve forest was approved by then Assam's principal chief conservator of forests (PCCF), MK Yadava.

Guwahati: The Ministry of Environment, Forest, and Climate Change (MoEF&CC) has issued a show cause notice to Assam Special Chief Secretary (Forest) M.K. Yadava for allegedly diverting forest land

Query Monitor

Sources said the Environment ministry's regional office in Shillong sent the notice to IFS officer MK Yadava on September 18 under Section 3 A of the Forest Conservation Amendment Act 2023.

- 239 -

"Ready for a challenge? Click here to take our quiz and show off your knowledge!"

According to Section 3A of the Forest Conservation Act, violating or abetting the violation of Section 2 is punishable by up to 15 days of simple imprisonment.

MK Yadava allegedly illegally diverted 28 hectares forest land for the construction of a Commando Battalion camp inside Geleky Reserved Forest in Sivasagar district along Assam-Nagaland border.

According to sources, a high-level team from the Ministry of Environment conducted a site inspection at Geleky Reserve Forest on Friday (September 27, 2024), to assess a violation of the Forest Conservation Act (FCA).

The inspection was ordered by the Eastern Bench, Kolkata of the National Green Tribunal (NGT).

The team, led by Anjan Mohanty, Additional Director General (Forest Conservation), MoEF&CC, included the Additional Secretary, MoEF&CC, the DIG Regional Office, MoEF&CC, Rajendra Garawad, the CCF-Forest Conservation, Assam, and Sayambrita Dutta Madhab, DFO-Sivasagar.

The site inspection was conducted to gather evidence and prepare a detailed Site Inspection Report (SIR) to be submitted to the NGT.

The NGT is scheduled to hear the matter on October 4, 2024.

In May this year, the NGT formed a committee comprising MoEF&CC officials to investigate the illegal diversion of forest land at Geleky.

The development came after Environmental activist Rohit Choudhury filed a petition with the NGT alleging that the Assam Forest Department, under the leadership of the then Principal Chief Conservator of Forests (PCCF) M.K. Yadava, cleared 28 hectares of reserve forest land at Geleky without following proper procedure.

Choudhury alleged that MK Yadava misused his authority to grant permission for the project without obtaining approval from MoEF&CC, a violation of the Forest (Conservation) Act, 1980.

Notably, New Delhi Bench of the NGT is already investigating a similar case against Yadava over alleged

Query Monitor

ANNEXURE - IX

-240-

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

E-mail: hoff-assam@gov.in

Letter No.FG.4/RTI Act, 2005/2012 Date: 24th July, 2023

To,

The Secretary,
Assam Information Commission,
Godapani Path, Juripar, Panjabari,
Guwahati- 37.

Sub: Misuse of RTI Act, 2005 and constant harassment, blackmailing, defamation by one Sri Rohit Choudhury- reg.

Sir,

With reference to the subject cited above, I have the honour to make the following few submissions for kind perusal and consideration of the Hon'ble Assam information Commission as put forth here under:-

1. That one Sri Rohit Choudhury hailing from Bokakhat and earlier being a part of the NGO named "LIFE" run by Learned Advocate Sri Ritwik Dutta at New Delhi and allegedly now busted by the CBI (proof of conduct of raid as per Media report attached), had filed as many as 82 nos. of RTI applications with the O/o the PCCF, Wildlife & CWLW, Assam, O/o the Field Director, Kaziranga National Park & Tiger Reserve (KNP & TR) and O/o the DFO, Eastern Assam Wildlife Division, Bokakhat from 2018 to 2023 till date. It is pertinent to mention here that, CBI registered a case against the above named Learned Advocate Sri Ritwik Dutta, Environmental lawyer & the President of the NGO "LIFE", allegedly for violation of the regulatory provisions of the Foreign Contribution (Regulation) Act (FCRA),1976. It will not be out place to put on record that Learned Advocate Sri Ritwik Dutta has been the Legal Counsel to Sri Rohit Choudhury for a long duration of time. **(Annexure- 1). (Annexure-2, 2A, 2B).**

2. That the RTI Applicant Sri Rohit Choudhury has been constantly trying to damage the reputation of the Kaziranga National Park and its Management since I was holding the post of the Director of the Protected Area from December, 2013 to March, 2016, a period during which he filed a slew of RTI applications through which he had sought voluminous information pertaining to the administration, management, funding, details

of various meetings etc. which also contained sensitive information covering the entire administrative setup as maintained by the Kaziranga National Park & Tiger Reserve. Similarly, Sri Rohit Choudhury continued to seek voluminous information from the O/o the PCCF, WL & CWLW, Assam from November, 2019 to March, 2023 during the tenure of the undersigned as the CWLW of Assam there by making it amply clear that he had used the RTI Act as the mode of personal attack against me out of personal vendetta instead of seeking information involving public interest. **(Annexure-3).**

RTI applications filed by Sri Rohit Choudhury in the offices of PCCF, Wildlife & CWLW, Assam, Field Director, KNP & TR and DFO, EAWL Division:

Sl. No.	Year	No. of RTI applications	Remarks
1	**2018**	**6**	RTI applications received by the O/o PCCF, WL & CWLW, Assam
2	**2019**	**6**	
3	**2020**	**7**	
4	**2021**	**5**	
5	**2022**	**9**	
6	**Total**	**33**	
7	2017	2	RTI applications received by the O/o FD, KNP & TR, Bokakhat.
8	2018	6	
9	2019	7	
10	2020	3	
11	2021	7	
12	2022	16	
	Total	**41**	
13	**2018**	**1**	RTI applications received by the O/o DFO, EAWL, Bokakhat.
	2019	**2**	
	2020	**1**	
	2021	**2**	
	2022	**2**	
	Total	**8**	
	Grand total	**82**	

3. That in terms of the orders passed by the Hon'ble Commission as also in due deference to the provisions of the RTI Act, 2005 several orders were also issued to Sri Rohit Choudhury by the undersigned while tenure of the undersigned as Director, Kaziranga NP.

Copies of the orders issued by the undersigned as Director of the PA, in respect of Sri Rohit Choudhury during the above mentioned period are enclosed herewith. **(Annexure-4, 4A, 4B, 4C, 4D).**

4. Further, the period of the undersigned as the Director, Kaziranga NP, Sri Rohit Choudhury has been personally and constantly targeting me through the RTI

applications submitted to the KNP authorities. In this regard, **the present Field Director, KNP & TR has already filed an application to the Hon'ble Information Commission, Assam vide letter No. KNP/FG/RTI/Rohit Choudhury/Pt, dated 04.07.2023** seriously complaining about causing harassing & demoralizing effect on the staff, adverse impact on efficient functioning of office work, defamation of KNP & public authority, and also causing threat to the security of KNP by making public confidential information about density of rhino of the park despite categorical restraining letters to him, now having serious future ramifications in overall conservation efforts of the Greater One-horned Rhinoceros. (**Annexure-5).**

5. That Sri Rohit Choudhury has not been content with filing voluminous RTI applications only and ensuring that there is little time left for administration and management of wildlife to address the issues by way of furnishing replies. He has been personally targeting the undersigned through a series of tweets from his tweeter handle @Rohitskaziranga. All these tweets have been circulated by him in social media and later on in the newspapers across the country to defame the undersigned. It transpires to be a blackmailing tactics of Sri Rohit Choudhury by bombarding the Print/ Social Media with defamatory material as a part of vilification propaganda sinisterly designed against the undersigned. The *modus operandi* of Sri Rohit Choudhury has been to file RTI application and from the material received thereof, to cook up defamatory stories against the undersigned without ever verifying the truth, and throw up the stories in the media & social media in a targeted manner attempting to cause personal harm by defaming the undersigned. On careful perusal of the RTIs filed by Sri Rohit Choudhury it will be abundantly clear that there is no iota of public interest served at all but he is committed to ensure that a lot of time that should have been fruitfully spent in public interest gets wasted in making copies of replies to his RTI applications.

As a testimony a set of sample of some of the media reports along with the copies of tweets are enclosed herewith. (**Annexure-6, 6A, 6B, 6C, 6D, 6E, 6F).**

6. It is also to be noted that Sri Rohit Choudhury appears to be having a system of information collection from offices of the CWLW, Field Director, KNP & TR; DFO, EAWL Division and Aranya Bhawan; and deliberately gathers half cooked facts through his cohorts, and many a times his tweet messages reflect information collected without submitting RTI application. It will be pertinent to point out about the revenue

target of Forest Department, and renovation of HoFF Office as a case at hand. (**Annexure-7, 7A**).

7. Further, Sri Rohit Choudhury filed a complaint against the undersigned regarding alleged rhino estimation conducted during March, 2022 in KNP, towards the end of January, 2023 nearly after a year of the estimation exercise. (**Annexure-8, 8A**).

I may kindly be permitted to humbly submit that due to sudden demise of my father on 10th February, 2023 followed by demise of my great aunt (Bor maa) after a month due to which (reasons beyond my control) the replies could not be sent to the Ministry on time as called for based on the baseless and concocted allegations leveled by Sri Rohit Choudhury against me in particular. However, replies were furnished to the Ministry vide letter No. FG.26/hoff-office/wildlife, dated 11.04.2023 with specific and point wise replies to the issues selectively and with a sinister design raised by Sri Rohit Choudhury before the MoEF & CC. (**Annexure-9**). A bare perusal of the replies furnished to the authorities will make it amply clear that Sri Rohit Choudhury has a very strong bias towards me and he can go any length to maliciously defame the undersigned; and in this process he also defames the much acclaimed and cherished international reputation of Kaziranga National Park. Sri Rohit Choudhury is bent upon to selectively cause damage not only to my reputation but also the administration of the KNP as he is not being facilitated with privileges as he used to enjoy as reported by the Director, KNP.

8. All the above narrated facts and circumstances clearly indicate that Sri Rohit Choudhury has caused severe damage to KNP internationally without any basis or any concrete proof in support of his wild allegations. While targeting KNP authority especially the undersigned in the matter of rhino estimation, he has also raised doubts of the capability of enumerators, observers and media observers. This fact also has been mentioned in the reply to the MoEF & CC, Govt. of India. Sri Rohit Choudhury has artificially created such a situation that, it might be difficult to conduct rhino estimation in KNP next time. Thus, a great public injury and mistrust has been inflicted on KNP by Sri Rohit Choudhury which is irreparable.

9. It is for the first time in the history of KNP that population density of rhinos has been made public by anybody. Such open publishing of sensitive data would mean that the poachers and wildlife traffickers internationally get a clear picture of KNP for planning & executing poaching of rhino. This criminal act of Sri Rohit Choudhury is an

unpardonable offence by any stretch of imagination more so when he was repeatedly being requested not to share the information with anybody by the Park Director and therefore cannot be condoned, making himself liable as an offender for each case of poaching *prima facie*.

The attention of the Hon'ble Assam Information Commission is drawn to the fact that, by revealing certain information in such a great detail leveraging the provisions of the RTI Act, 2005 by Sri Rohit Choudhury appears to be criminal in nature.

10. Further, tweeter messages flooded by Sri Rohit Choudhury by fetching important data/information through RTI applications and thereafter planting the same in the print media/social media is an established *modus operandi* of Sri Choudhury in order to maliciously intimidate me publicly also with an aim to blackmail the undersigned. To this now he has added another methodology of collecting half cooked information clandestinely through his cohorts against me and making the same public through social media. Therefore, it is clear that Sri Rohit Choudhury is maintaining a constant link with a few officers and staff in the Department to gather information that suits him to defame me, and none of this information has been gathered through RTI application. **(Annexure-10) and (Annexure-10A to 10Q).**

11. Sri Rohit Choudhury, later, probably realizing the risk of such an endeavor has changed his *modus operandi* to first getting a news item in the newspapers published and then tweeting the same in order to defame and bully the undersigned. As an instance one of the tweets of this nature is enclosed herewith for kind reference. **(Annexure-11).**

I would like to quote one more example that, the O/o the PCCF & HoFF, Assam is running short of IT experts and for that MD, AMTRON provides technical support by sparing services of IT experts temporarily. Sri Rohit Choudhury has gone to the extent of collecting data from the O/o the MD, AMTRON, Guwahati and used the same in his tweet message to defame & bully the undersigned as a personal vendetta. **(Annexure-12).**

12. Further, I beg to draw kind attention of the Hon'ble Information Commission to some of the RTI application filed by Sri Rohit Choudhury, **categorically, in the name of the undersigned,** and then he has tweeted defamatory messages which clearly indicates that his intention is not in the interest of public but only to defame the undersigned and to create an atmosphere so that the undersigned is derailed from the focus of discharge

of official duties and divert attention to the obnoxious messages and news sinisterly designed by him at the behest of his cohorts. It also demonstrates that Sri Rohit Choudhury under the garb of so called environmental activism allegedly preached by him, runs a blackmailing institution to bring his soft targets under his control; but unfortunately to his dreams and wishes he has not been successful in my case. **(Annexure-13, 13A, 13B, 13C)**.

13. Sri Rohit Choudhury went to the extent of creating hysteria in the news media and social media during the visit of the First Citizen of India the Hon'ble President in April, 2023 to KNP, by publishing news against me concerning the visit of the Hon'ble President of India. Thus, he tried to create an environment wherein I could have easily lost my focus and composure and failed in discharge of bounden duties. The news reports against me appeared in almost every newspaper in the country. Another intention of Sri Rohit Choudhury and his close associates could have been to ensure that so much muck is thrown in media that the President House, after reading so much anti Kaziranga propaganda in the media, would have called off the visit of the Hon'ble President of India. It is reiterated here that as loyal and humble government servant the undersigned does not keep in touch with media or go for any undue publicity. During the period of the visit of the Hon'ble President of India, I was painted a complete villain in all the news media/social media in every nook and corner of the country. This was definitely an activity which was PAID and fuelled by Sri Rohit Choudhury and his niche of cohorts in the Forest department. Further, it also cannot be denied that Sri Rohit Choudhury have ably been supported by some officers and staff of the Department. This is a very serious matter which needs to be investigated in detail and to unearth the real culprits as to how a single individual in cahoots with a few officials and staff in the Department could launch such an offensive campaign even to attempt to defame Kaziranga KNP knowing adequately well that the VVIP visit was in the offing, and it was directly against the interest and reputation of Kaziranga National Park and also the state of Assam as a whole.

It may be further noted by the Hon'ble Commission that the RTI reply on expenditure on the visit of the Hon'ble President of India in last week of February, 2022 was provided to Sri Rohit Choudhury by the Park authorities on 30th November, 2022 and he chose to release this information in the public domain through print / social media at an opportune moment, on 28th March, 2023 (first report in Times of India) when the

VVIP visit of the Hon'ble President of India was being worked out. If he had an element of public interest, he could have made the news public in December, 2022 itself. BUT HE CHOSE NOT TO. Sri Rohit Choudhury was waiting for an opportune moment to cause maximum damage to the reputation of Kaziranga and also cause personal damage to my posting and position as CWLW, Assam, just at the time of the VVIP visit. Therefore, the ***mens rea*** in the mind of Sri Rohit choudhury is clearly visible and his criminal intent to cause irreparable damage to a national park of international repute is proved beyond doubt. It is requested humbly that the Hon'ble Commission may take a strong note of the timing of these activities of Sri Rohit Choudhury, and how skillfully he is misusing the RTI Act, 2005 for causing public damage to reputed institutions such as Kaziranga NP and try every way to embarrass the State of Assam. **(Annexure-14, 14A, 14B)**.

Further, had he filed similar RTI applications in other National parks and Sanctuaries of the country on expenditure incurred on any VVIP visit, his environmental and wildlife interest and public interest would have got an excellent reflection; but Sri Rohit Choudhury is a pseudo environmental activist and has the sole intention of causing damage to Kaziranga NP only, and its authorities, especially the Park Director and the undersigned. Therefore, this is another example which clearly shows that Sri Rohit Choudhury is a highly biased individual, a black mailer with sinister design to foster his personal enjoyment leaving aside the public interest, whose primary livelihood is by defaming and disgracing Kaziranga NP and the undersigned in public. The attention of the Hon'ble Commission is solicited to keep a hawk's eye / strict vigil as there is huge wastage of time of public institutions on these aspects of Sri Rohit Choudhury as well.

14. Therefore, it is seen that, Sri Rohit Choudhury has been bombarding through newspaper reports, RTI applications seeking voluminous data/information and social media tweets from his tweeter handle @Rohitskaziranga solely targeted to attack Kaziranga and especially the undersigned personally and, thus, hinder and exert unnecessary pressure to divert the attention from meaningful discharge of duties and attending crucial works of public interest and other important issues involving forest conservation through malicious propaganda in print media/social media. I may also be permitted to point out that such malicious propaganda constantly has adversely jeopardized and caused serious trauma to my family members. The constant nuisance created by Sri Rohit Choudhury and his cohort gang of informers is unlawful, and it is my earnest prayer

before the Hon'ble Commission that he must be restrained from unhindered vilification propaganda immediately as he has been misusing the RTI Act, 2005.

15. The undersigned prays to the Hon'ble Information Commission that the documents and evidences provided through this humble petition shall indicate that Sri Rohit Choudhury has not only singled out KNP for defamation worldwide but also has singled out the undersigned for defamation and causing under severe mental pressure and agony on the undersigned to decapacitate from discharge of lawful duties properly. While many of his fake stories are based on RTI applications, his sole intention is only to defame KNP and the undersigned, which to the best of my humble knowledge cannot be treated a public cause.

16. It is brought to the notice of the Hon'ble Assam Information Commission that the intent of RTI Act is clearly spelled out in the preamble of the RTI Act,2005 which is reproduced below:

"An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, to promote transparency and accountability in the working of every public authority, the constitution and for matters connected therewith or incidental thereto...

... ***AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information"***.

It is humbly brought to the notice of the Hon'ble Assam Information Commission that Sri Rohit Choudhury through his RTI applications never pursued the public interests but instead adversely impacted the efficient operations, delivery and administration of the Government, and has gone to the extent of damaging the reputation of the prestigious institution such as Kaziranga National Park which directly harms the international tourist potential of the national park.

17. With regards to the above narrated constant harassment and defamation caused to the undersigned by misusing RTI Act, 2005 by Sri Rohit Choudhury, few judgments passed by the Hon'ble Supreme Court and different Hon'ble Central Information Commission & State Information Commission are quoted hereunder for kind perusal of the Hon'ble Commission:

a. The Hon;ble Supreme Court while hearing an application filed by Ms. Anjali Bhardwaj and retired Commodore Lokesh Batra on December 16, 2019 about the lack of transparency in the appointment process of Information Commissioners despite a judgement from Supreme Court on February 15, the Hon'ble Chief Justice of India Sharad Arvind Bodbe said, " the time has come to lay down guidelines on the use of the RTI and the guidelines should be put in place to check the locus of the RTI Applicant and put a filter on the kind of requests made under the 2005 Act". The Hon'ble CJI also said that the court was not against the exercise of the Right to Information, but it could not be an unrivalled right. He also observed that there is a serious problem of people filling RTI requests with malafide intention, people set up by rival and that the RTI Act had become a source of criminal intimidation by people with an axe to grind. He said "***Criminal intimidation is a nice word for blackmail." People who call themselves RTI Activities and were in no way concerned with the issues on which they file RTI requests had impeded government functioning***.

b. **The Institute of Chartered Accountants of India Vs. Shaunak H. Satya and Ors, A.I.R 2011 SC 3336**.

The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and government, preservation of confidentiality of sensitive information and optimum use. **"(The Institute of Chartered Accountants of India Vs Shaunak H. Satya and Ors, A.I.R 2011 SC 3336)"**

c. **The Punjub State Information Commission while disposing of the Appeal Cases Nos. 217, 218, 219 and 220 of 2017, in its order dated 05.04.2017 stated as follows-**

"The Commission finds that it is the duty of the Commission to see that such blatant misuse of RTI Act should not be allowed further and such situation need to be appropriately dealt with to secure the faith of the public in this 'Sun Shine Act' and remove obstacles in functioning of public authority which would have eventually prevent public authority from focusing on transparency. His act of running riot with filing repeated application s seeking insane and voluminous

Information's has become counter-productive of public interest. The Commission cannot allow such fishing operations of the appellant. We see acts as a misuse rather abuse of the RTI Act with unsavory motives".

d. **Shail Sahni -Vs- Valsa Sara Mathew and Ors (05.07.2013 DELHC) MANU DE/1897/2013**

In this case the Hon'ble Delhi High Court has also observed that indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted in to a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead discharging their regular duties. ***The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should lead to employees of a public authorities prioritizing information furnishing" at the cost of their normal and regular duties.***

e. **Hon'ble Assam State Information Commission's order in case No. SIC/AE.83/2020 dated 24.12.2020 stated as:**

"Unfortunate to see seasoned applicants, the Act of 2005 never intended to create professionals but to provide access to information to common citizens".

f. **The Central Information Commission In case No. : CIC/SG/C/2011/000760, CIC/SM/A/2011/000926/SG, CIC/SM/A/2011/001111/SG, CIC/SG/A/2011/002909**

The CIC while passing the order on the above cases had opined that though the right to information is a fundamental right of the citizens, it cannot the used indiscriminately to fulfill the demands of one individual.

"*The Commission is also conscious of the fact that it is financed by the poorest man in this country who may be starving to death. The complainant, by repeatedly filling similar RTI applications and appeals with the respondent public authority and the commission, is wasting time of the public authorities,*" **the CIC had said.**

g. **Satish Tiwari Vs IOCL**

CIC in Satish Tiwari vs IOCL case observed that it is indeed very unfortunate that a large number of persons who themselves are not so clean in so far as their conduct and behavior, including economic integrity is concerned and it is they who have been misusing the provisions of the RTI Act for promotion of personal interest at the heavy cost of public expenditure which are incurred in processing the RTI applications.

In view of the above submissions and explanations, it is humbly prayed to take action against Sri Rohit Choudhury as deemed proper for misusing the statutory provisions under RTI Act, 2005 to harass, intimidate, bully and blackmail the public authorities to meet his ulterior motives, and to defame the undersigned with *malafide* intentions and vindictive attitude.

For this act of kindness, as in duty bound, I shall ever pray.

Enclo: As stated above.

Yours faithfully,

(M.K. Yadava, IFS)
Principal Chief Conservator of Forests
& Head of Forest Force, Assam.

Copy to:

1. The Director General of Forests & Special Secretary to the Govt. of India, MoEF&CC, New Delhi.
2. The Director General of Police, Assam for favour of his kind information and needful action.
3. The Additional Chief Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-06.
4. The Additional Director General of Forests & Director, Wildlife Preservation, MoEF & CC, Govt. of India, New Delhi.
5. The Additional Director General of Forests and Member Secretary, NTCA, MoEF & CC, Govt. of India, New Delhi.
6. The Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden, Assam, Panjabari, Guwahati-37.
7. The Director, Kaziranga National Park, Bokakhat
8. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat
9. The Registrar, Assam Information Commission, Godapani Path, Juripar, Panjabari, Guwahati-37, for kind appraisal of the Hon'ble Assam Information Commission.

(M.K.Yadava, IFS)
Principal Chief Conservator of Forests
& Head of Forest Force, Assam,

ANNEXURE-1

The Indian EXPRESS
JOURNALISM OF COURAGE

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CBI books noted environmental lawyer Ritwick Dutta for FCRA violation

The action was taken in response to a complaint from the Union Home Ministry alleging that Dutta's organisation, LIFE, was receiving funds from a USA-based organisation to litigate against Indian coal projects with the intention of "targeting and stalling them".

By PTI
New Delhi | April 22, 2023 09:35 IST

NewsGuard

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The CBI FIR alleged that Dutta had received Rs. 41 lakh in foreign contributions in Financial Year 2013-14 from EJ, and had subsequently established LIFE Proprietorship. (Photo: LIFE website)

The Central Bureau of Investigation (CBI) has registered an FIR against well-known environmental lawyer Ritwick Dutta for alleged violations of the **Foreign Contribution (Regulation) Act**.

The action was taken in response to a complaint from the Union Home Ministry alleging that Dutta's organisation, LIFE, was receiving funds from USA-based Earth Justice (EJ) to litigate against Indian coal projects with the intention of "targeting and stalling them", a practice that the ministry deemed a "violation of FCRA".

The complaint, which is now part of the FIR named Dutta, the winner of many reputed awards including Sweden's alternative to the Nobel Prize called the Right

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ANNEXURE-2

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO: 472 OF 2018/EZ

(Earlier: ORIGINAL APPLICATION NO: 19 OF 2014/EZ)

IN THE MATTER OF:-

Rohit Choudhury

...Applicant

Versus

Union of India and Ors.

...Respondents

JOINT REJOINDER ON BEHALF OF THE APPLICANT TO THE AFFIDAVIT FILED BY RESPONDENT NO. 2 i.e. THE STATE OF ASSAM DATED 29.04.2019 AND REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF RESPONDENT NO. 8 i.e. DEPARTMENT OF FOREST AND ENVIRONMENT ALSO DATED 29.04.2019

MOST RESPECTFULLY SHOWETH

1. That the Applicant has filed the above titled Original Application under Sections 14 and 15 of the National Green Tribunal Act 2010, seeking action with respect to the protection and conservation of the Deepor Beel in Kamrup District of Assam. The Deepor Beel is a natural wetland which has been declared as a Ramsar Site (in November 2002) and a part of it is also declared as a wildlife sanctuary (in 1989) under the provisions of the Wildlife (Protection) Act, 1972.

Rohit Choudhury

2. That the Applicant is filing the present joint rejoinder in response to the Affidavit filed by Respondent No. 2 i.e. the State of Assam dated 29.04.2019 and Report in the form of Affidavit on behalf of Respondent No. II i.e. Department of Forest and Environment also dated 29.04.2019. At the outset, it is submitted that the contents of the said replies are denied unless specifically admitted or is part of record. Further, the contents of the above titled Original Application and other rejoinder(s) filed by the Applicant in the resent case may be read and considered as part and parcel of the instant rejoinder and the same are not being repeated for the sake of brevity.

RESPONSE TO THE AFFIDAVIT FILED BY RESPONDENT NO. 2 i.e. THE STATE OF ASSAM DATED 29.04.2019

3. That the Affidavit filed by Respondent No. 2 avers to the decisions taken in the third meeting of the Inter Departmental Expert Group constituted vide Notification dated 04.12.2018 on the question of relocation of the landfill site from West Boragaon. Before going into the specific merits of the decisions inasmuch as they relate to the instant matter, it is worth mentioning that, in this instant matter, this Hon'ble Tribunal, vide Order dated 18.12.2018, had granted a period of two months to the state of Assam for shifting the Municipal Solid Waste Plant situated on the 'Deepor Beel' on the prayers made by the Learned Senior Additional Advocate General. Respondent No 2, i.e., the State of Assam, had clearly failed to meet this deadline. It is most respectfully submitted that months have passed by since that Order and yet the MSW Plant has not been shifted.

Rob Choudhury

4. That even this Hon'ble Tribunal had taken notice of this delay and the same is reflected in Order dated 26.02.2019. In paragraph 8 of this last-mentioned Order, this Hon'ble Tribunal has observed that:

> *"So far as the shifting of the Municipal Solid Waste Plant is concerned, enough time has been granted to the State".*

Furthermore, in paragraph 9 of the same Order, this Hon'ble Tribunal had specified that:

> *"...we withhold ourselves from passing any coercive orders for the moment making it clear that if an alternative place is not been identified in the next meeting of the Committee, the Municipal Solid Waste Plant shall be directed to be closed in addition to imposition of exemplary penalty. It shall be ensured that the second meeting is held without fail within a period of one month and the alternative site finalized."*

5. That, subsequently, Order dated 29.04.2019 reflects that this Hon'ble Tribunal was informed by the L/d Advocate appearing for Respondent No. 2 i.e. the State of Assam that the Municipal Corporation has identified an alternative dumping ground at Chandrapur and that steps will be taken to shift the existing dumping ground at Pachim Boragaon to the new site at Chandrapur. However, the Affidavit submitted by Respondent 2 on the same date clearly shows that this was an incorrect position of facts presented by their Advocate before this Hon'ble Tribunal. In that Affidavit, the Respondent 2 i.e. the State of Assam clearly state that:

> "...a joint survey was made by GMC along with the officials of Kamrup (M) district administration in Chandrapur Circle to identify suitable place for setting up of Municipal Solid Waste Treatment Plant as well as landfill site. However, *the plot of land shown for the purpose is not readily available usable and will need long term preparation in terms of fund and time.*

Rohit Choudhury

... Deputy Commissioner Kamrup (M) shall identify a number of small plots in and around Guwahati for use as Landfill Sites if a single plot is not available.

... the abandoned Quarries may be used as Landfill site.

...Till selection of another site for Waste Disposal, the GMC shall make all out effort to minimise the pollution threat to Deepor Bill..."

(Emphasis Supplied)

6. That the quotations presented above are decisions from the 3rd meeting of inter departmental and Expert Group Committee on this matter held on 12.04.2019 and are presented by the Respondent 2, i.e., the State of Assam, as Affidavit, before this Hon'ble Tribunal, on 29.04.2019. This Affidavit, in terms of the decisions taken during the 3rd meeting of inter departmental and Expert Group Committee on this matter held on 12.04.19, clearly shows that Chandrapur has not, by any stretch of imagination, been chosen as a alternative site either for landfill or for waste dumping, or even for setting up any Municipal Solid Waste Treatment Plant by the Respondent 2 authority. In fact, as their Affidavit dated 29.04.2019 clearly states, no alternative area has till date been finalised by them in this matter.

7. That how the L/d advocate appearing for Respondent 2 made oral averments, under oath, of Chandrapur being chosen as an alternative site which are completely in contradiction with the facts and situations presented as Affidavit by the same Respondent 2, i.e., the State of Assam, is a question that beggars closer judicial scrutiny. In light of the facts and situations presented by the Respondent 2 through their Affidavit dated 29.04.2019, it is clear that neither Chandrapur and nor any other alternative site has been chosen, despite clear directions to

Rohit Choudhury

this tune being given by this Hon'ble Tribunal as early as 18.12.2019, and the unreasonable delay in this regard being noted by this Hon'ble Tribunal in Order dated 26.02.2019.

8. That as per the Minutes of the meeting held on 12.04.2019, it was decided that the GMC shall make all efforts to minimise the pollution threat to Deepor Beel by adopting the following measure-

> *"iv) Construction of RCC boundary cum retaining wall covering the core dumping site by augmenting modern technology so as to prevent seepage of water to the nearby water body."*

9. That these steps recommended by the Interdepartmental and Expert Committee are not based on technical expertise. It is pertinent to mention that the construction of an RCC boundary cum retaining wall covering the core dumping site would prevent the horizontal seepage of toxic materials but it would not be able to address the issue of vertical seepage of toxic materials along with rain water. The characteristic of the soil below the dumping site being sandy alluvial, particularly facilitates the vertical seepage of rain water and therefore, the contamination of the ground water table beneath the dump site is a matter of certainty.

10. That, in light of the facts and situations presented by the Respondent 2 through their Affidavit dated 29.04.2019, it is clear that the ground situation vis-a-vis earmarking and usage of any alternative site for waste disposal has not seen any substantial change since the Order as passed in this matter on 26.02.2019, and coercive implementation measures along with exemplary penalty, as mentioned by that Order, should ideally be imposed against Respondent 2, i.e. the State of Assam, not only for such unreasonable delay which is leading to a continual deterioration of the environment and ecology of the Deepor Beel, but also for seeking to

Rohit Choudhury

mislead this Hon'ble Tribunal on 29.04.2019 by submitting oral averments and written Affidavit which are completely contrary to one another in fact and substance.

11. That thus, with regards to the Affidavit submitted by the Respondent No. 2, i.e., the State of Assam, the Applicant prays that the fact that no alternative site for Municipal Solid Waste Management/ Treatment or Landfill has been selected by the Respondent 2 till date – despite being categorically ordered upon by this Hon'ble Tribunal to do so more than seven months age – as early as on 18.12.2019 – be brought on record, and, steps towards coercive implementation and exemplary measures – as indicated by this Hon'ble Tribunal vide Order dated 26.02.2019 in this instant matter – be initiated against Respondent 2 i.e. the State of Assam owing to such unreasonable delay in carrying out this Hon'ble Tribunal's Orders, owing to the attempt by Respondent 2 to mislead this Hon'ble Tribunal by presenting contradictory oral and written averments on 29.04.2019 – the former expressing that Chandrapur has been selected as an alternative site while the latter, in the form of a sworn Affidavit, categorically negating any such choice or selection.

RESPONSE TO THE REPORT IN THE FORM OF AN AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 8

12. That the Respondent 8, i.e., the North East Frontier Railway Authority through their Affidavit dated 29.04.2019 have submitted that they have adopted some technical measures through the REMMLOT (Remote Monitoring and Management of Locomotive Trains) system making use of GSM Network system and GPS system and that they are in the process of 'Speed Radar Guns' for further monitoring of speed of locomotives. However, Respondent 8, i.e., the requisite Railway

Rahi Chowdhury

Authorities, in their Affidavit, have not specified the locations for which such speed controls shall be made operative.

13. That though the Respondent 8 has averred to their proposed installation of the REMMLOT system and Speed Radar Gun technologies, they have made no reference to installation of 'Thermal and Seismic Sensors' in line with those used by the requisite Railway Authorities in Uttarakhand and Tamil Nadu to deal with the issue of elephant deaths, and, in absence of any specific commitment by Respondent 8 in this regard, whether they have considered this technology as directed upon them by this Hon'ble Tribunal vide paragraph 7 of Order dated 26.02.2019, remains unclear. In absence of any commitment by the Respondent 8 in this regard, it can be deemed that they have refrained themselves from any specific performance in terms of the above numbered paragraph of the above dated Order.

14. That two other issues that have been presented by the Respondent 8 through their Affidavit dated 29.04.2019 are:- (i) construction of a tunnel under the hilly stretch between gates no. 273 and 274 in the existing railway track and (ii) laying new track through diverted alignment. In terms of construction of a tunnel, the Affidavit submitted by Respondent 8 details out certain communications that they had with the WII (Wildlife Institute of India). However, neither have ecological considerations for such a highly eco-sensitive area been in the Affidavit and nor has it been shown how such tunnel construction might be beneficial in prevention of deaths of elephants or other animals. It must be borne in mind that construction of any tunnel in this area is bound to impose heavy burdens on the survival and sustenance of the ecology of the region – and, given that the Original Application prays for protection of the sensitive ecology of the area in question, measures such as tunnel-construction, without

Rohit Choudhary

adequate checks, balances and safeguards, is bound to wreak havoc on such sensitive ecology.

15. That the Applicant submits that recommendation (I), that envisages the construction of a tunnel under the hilly stretch between gates no. 273 and 274 in the existing railway track, is not ecologically prudent keeping in mind the sensitive elephant corridor in the Deepor Beel area. The corridor for movement of elephants from Rani Reserved Forest to Deepor Beel is spread from Matia to Bhangrathan Mandir, which is the stretch from railway track mile post 163/0 to 168/0. It is pertinent to mention that as soon as the aforementioned tunnel is constructed, the speed restrictions from Azra to Kamakhya will be removed and consequently, the number of trains traversing the area will sharply increase. This will greatly endanger the elephant habitation in the rest of the elephant corridor (Matia, Mikirpara, Segunbari and Bhangrathan), resulting in higher instances of railway-elephant collisions.

16. That recommendation (ii), which proposes laying down a new track through the diverted alignment will also be detrimental to the safety of elephants in the Deepor Beel area. It has been observed that wild elephants visit the Deepor Beel area through a depression in the hillock near Deepor Beel Tower Point. It is pertinent to mention that the diverted railway alignment proposed is problematic to the extent that it will come in close proximity to the depression in the hillock mentioned above. The increased exposure to human activities and railway movement will force the elephants to use other corridors. Consequently, this will result in a sharp increase in human-elephant conflicts in fringe areas.

17. It is most respectfully submitted that the Affidavit of Respondent 8 shows no concern or reflects no reasonable position in terms of such

checks, balances and safeguards that would be necessary any further to be built in or around the eco-sensitive areas of Deepor Beel.

18. That in terms of laying out of the railway tracks in an alternative route, it is most humbly submitted that this proposition was firmly refuted by this Hon'ble Tribunal vide Order dated 18.01.2018 and the same position was reiterated by this Hon'ble Tribunal through Order dated 08.12.2018. While it is true that the Respondent 8, in paragraph 5 of their Affidavit dated 29.04.2019, does indeed refer to the Hon'ble Tribunal's disagreement for laying out and diverting alternative railway tracks. However, strangely, in paragraph 6 of the same Affidavit, the Respondent 8 lays out, in detail, the situation relating to diversion of railway routes and laying out of alternative tracks and communications between various government authorities in this regard. It is most humbly submitted that the entire of paragraph 6 of the Affidavit submitted by Respondent 8 is against the very letter and spirit of the various Orders such as those dated 18.01.2018 and 08.12.2018 as passed by this Hon'ble Tribunal in this instant matter – given that such laying out of alternative tracks through alternative routes have been specifically forbidden in context by this Hon'ble Tribunal in this instant matter.

19. That not only are paragraphs 5 and 6 of the Affidavit dated 29.04.2019 as submitted by the Respondent 8 in this matter contradictory to each other inasmuch as the former alludes to this Hon'ble Tribunal specifically prohibiting any alternative route to be lain out in this scope and context whereas the latter delineates the various steps and measures that had either been taken or mulled over by the authorities in question with regards to laying new railway tracks along alternative routes in and around the area concerned, and not only do the contents of paragraph 6 of the Affidavit as submitted by the Respondents 8 militate against

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multiple orders passed by this Hon'ble Tribunal in this instant matter, it is also most respectfully submitted that the paragraph 6 of the Affidavit dated 29.04.2019 as submitted by the Respondent 8 betrays an underhanded manner in which something – being, in this case, laying out of railway tracks along an alternative route in and around the Deepor Beel area – specifically denied by the judiciary, that is, by this Hon'ble Tribunal in this instant matter – is being sought to be done administratively – by invoking multiple administrative decisions by the Ministry of Forests, Environment and Climate Change, the Ministry of Railway, the Department of Environment, Government of Assam, the Revenue and the Land Survey Authorities.

20. That, the moment this Hon'ble Tribunal had excluded the possibility of laying out new railway tracks along alternative routes from the vires of this instant Matter, the developments in this regard, that is, with regards to such land survey, revenue apportionment and other issues related to laying out of alternative tracks in and around the area concerned – as presented through paragraph 6 of the Affidavit dated 29.04.2019 submitted by the Respondent 8 – also becomes outside the vires of the Matter in entirety, making the Affidavit as one that is liable to be struck down so far as this issue extends.

21. That it is clear from the Affidavit as submitted by the Respondent 8 on 29.04.2019, that they are not, till date, in compliance in entirety with all the steps recommended by the Expert Committee created by this Hon'ble Tribunal in this instant matter dated 18.01.2018, despite the passage of more than one and a half years having passed, and, in terms of paragraph 6 of the Order dated 08.10.2018 passed by this Hon'ble Tribunal in this instant matter, it is most humbly prayed that coercive enforcement measures be encumbered unto the Respondent 8 not only

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because of their non-compliance in this matter but also because of the manner in which, in direct contravention of the order by this Hon'ble Tribunal deciding against the proposition of an alternative railway track along the area in question, the Respondent 8, through their Affidavit dated 29.04.2019, continues to insist, push and focus upon that issue - which is despite the fact that this Hon'ble Tribunal had decided against such diversion in multiple previous orders of this same matter.

22. That in light of the above submissions, it is clear that neither of the two measures proposed by the Respondent 8 are aligned with the facts, issues or circumstances raised by the Applicant through the Original Application and various affidavits as submitted thereafter. A tunnel runs the risk of wrecking havoc on the ecology of an eco-sensitive area where the environment is already under peril which has led to the primary cause of action of this instant matter, and which has led even to the Wildlife Institute of India (WII) opining against the same - as Respondent No. 8 concedes in their Affidavit. On the other hand, alternative routes for laying of tracks is an option that has already been rejected by this Hon'ble Tribunal in this instant matter as a viable option. Furthermore, despite specific instructions by this Hon'ble Tribunal in this instant matter, the installation of 'Thermal and Seismic Sensors' - which has been used by the Railway Authorities in Tamil Nadu and Uttarakhand with considerable success in reducing elephant deaths - has not been an option either mulled over or implemented by the Respondent No. 8.

23. That, though such 'Thermal and Seismic Sensors' can be adopted by Respondent 8 authorities as a short term measure, the Applicant humbly points at the need for long term measures aimed at freeing the elephant corridor from the issue of railway tracks passing through it. Respondent No. 8 has provided two solutions as described above- (i) tunnel under

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the hilly stretch between gates no. 273 and 274 (ii) laying new track through diverted alignment. In this respect, the Applicant herein humbly submits that the Deepor Beel Wildlife Sanctuary being a Protected Area, having a fragile and sensitive ecology, is required to be duly safeguarded. The Map published by the Ministry of Environment, Forest and Climate Change clearly shows the 'Deepor Beel Wildlife Sanctuary' as a Protected Area. A true copy of the Map of the Protected Areas in the State of Assam published by the Ministry of Environment, Forest and Climate Change has been annexed herewith as **ANNEXURE A-1.**

24. That, it is pertinent to mention that animals are not defined by these jurisdictional and wildlife protection boundaries set out by humans. This was reiterated by the Hon'ble Supreme Court in the matter of **Centre for Environmental Law, World Wide Fund-India v. Union of India** reported in **(2013) 8 SCC 234.** Relevant extracts of the said Judgement have been cited below-

> *"**53.** Several migratory birds, mammals, and animals in wild cross-national and international borders created by man and every nation have a duty and obligation to ensure their protection. No nation or organisation can claim ownership or possession over them, the Convention on the conservation of migratory species of wild animals held at Bonn, 1979, supports this principle and the Convention recognises that wild animals in their innumerable forms are irreplaceable part of the earth; natural system and must be conserved for the good of the mankind. It has recognised that the States are and must be the protectors of the migratory species of wild animals that live within or pass through their national jurisdictional boundaries. Convention highlights that conservation and effective management of migratory species of wild animals require the concerted action of all States within the national jurisdictional boundaries of which such species spend any part of their life cycle. India is also a signatory to that Convention."*

25. That taking into consideration the free movement of animals, the Ministry of Environment, Forest and Climate Change had published the Guidelines for Declaration of Eco-sensitive Zones around National Parks and Wildlife Sanctuaries. As per the said Guidelines, it is stated that the purpose of declaring Eco-sensitive Zones around National Parks and

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Sanctuaries is to create some kind of "Shock Absorber" for the Protected Areas. Additionally, the Ministry of Environment, Forest and Climate Change has defined the extent of eco-sensitive zones around these wildlife sanctuaries as having a buffer zone of upto 10kms around the Protected Area. Relevant extracts of the said Guidelines have been cited below for the convenience of this Hon'ble Tribunal-

> *"3. Purpose for declaring Eco-Sensitive Zones:*
> *The purpose of declaring eco-sensitive zones around National Parks and Sanctuaries is to create some kind of "Shock Absorber" for the Protected Areas. They would also act as a transition zone from areas of high protection to areas involving lesser protection.*
> *4. Extent of Eco-Sensitive Zones:*
> *4.1 The width of the Eco-Sensitive Zone and type of regulations will differ from Protected Area to Protected Area. However, as a general principle the width of the Eco-sensitive Zone could go upto 10kms around a Protected Area as provided in the Wildlife Conservation Strategy-2002.*
> *4.2 In case where sensitive corridors, connectivity and ecologically important patches, crucial for landscape linkage, are even beyond 10kms width, these should be included in the Eco-sensitive Zone."*

A true copy of the 'Guidelines for Declaration of Eco-sensitive Zones around National Parks and Wildlife Sanctuaries' published by the Ministry of Environment, Forest and Climate Change has been annexed herewith as **ANNEXURE A-2**.

26. That in this regard, it is crucial to reiterate that the Deepor Beel Wildlife Sanctuary has been identified as a 'Ramsar Site' because of its International importance, being a natural habitat having as many as 688 species of birds, including 70 migratory birds. The Lesser Adjutant, which is listed as a 'Vulnerable' species is also commonly spotted in the Beel. Further, the Deepor Beel has a prominent elephant corridor, frequented by numerous Asian elephants. Keeping these in mind, it is crucial that the Deepor Beel Wildlife Sanctuary is protected from linear infrastructure like railway lines that would disrupt the fragile and ecosensitve ecology in the Deepor Beel Wildlife Sanctuary. Therefore, the Applicant prays before this Hon'ble Tribunal that a considerable buffer zone be

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maintained between the Wildlife Sanctuary and the new railway alignment proposed to be constructed by Respondent No.8.

27. That additionally, the railway track re-alignment should take into account all checks and balances put in this regard by a catena of laws and legislative frameworks including but not limited to the Forest (Conservation) Act, 1980, the rules thereof, the handbook of guidelines notified as F. No. 5-2/2017- FC dated 28.03.2019 passed by Respondent 1 authorities in this regard, the Wildlife (Protection) Act, 1972 with all Rules, Notifications and Guidelines thereof, the Environment (Protection) Act, 1986 all Rules, Notifications and Guidelines thereof, the Wetlands (Conservation and Management) Rules, 2017 read with relevant provisions of the Ramsar Convention are to be followed, with adequate and appropriate buffer areas between the wetlands and forest on one side and the alternative track routes on the other determinable by expert authorities duly notified in this regard.

28. That therefore, in light of the above submissions, it is clear that the mitigation measures proposed to be undertaken by the Respondents herein are not adequate either to curb the deaths of elephants or to protect the eco-sensitivity or the biodiversity of Deepor Beel. For these reasons, the Hon'ble Tribunal may be pleased to pass appropriate directions as prayed by the applicant in the above titled Original Application in the interest of environment and ecological integrity of the wildlife in Deepor Beel.

29. It is therefore, most respectfully submitted that under the facts and circumstances of the case and in the interest of justice, the various reliefs as prayed for in the Application may kindly be granted in favour of the Applicant.

Rahul Choudhury

In light of the above stated facts and submissions, this Hon'ble Tribunal may be pleased to grant the prayers made in the above titled Original Application.

APPLICANT

THROUGH

RITWICK DUTTA RAHUL CHOUDHARY

Counsels for Applicants

N-71, Lower Ground Floor, Greater Kailash – 1

New Delhi – 110048

VERIFICATION

I, Rohit Choudhury, S/o Sh. Debi Prasad Agarwal, aged about 37 years, R/o Village Gormur, P.O Lokhujan, Bokakhat-785612, District Golaghat, Assam, presently at New Delhi do hereby verify that the contents of the Paras 1 to ___ are true to my personal knowledge and that I have not suppressed any material fact.

APPLICANT

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Item No. 03 Court No. 3

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)

Original Application No. 472/2018
Earlier O.A. No. 19/2014 (EZ)

Rohit Chowdhury Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 20.11.2018

CORAM: HON'BLE MR. JUSTICE S.J. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Rework Dutta, Mr. Saurabh Sharma, Ms. Aishwarya Roy and Ms. Sharon Mathew, Advocates for Intervener

For Respondent is: Mr. Gora Chand Roy Choudhury, Advocate for R-1
Mr. Devajit Saikia, Senior Advocate and Mr. Santanu Bora, Advocate for R-2,3 & 6
Mr. S. Mazumdar, Advocate and Mr. S. Das Gupta, Advocate and Mr. S. Hakim, Advocate for R-4
Mr. Swapan Banerjee, Advocate for R-8

ORDER

1. We have perused the affidavit filed on behalf of the respondent no. 2, the State of Assam. It is stated in the affidavit that the committee constituted in terms of the order dated 18.01.2018 held two meetings, first of which was on 23.02.2108 and the next on 02.04.2018. The culmination of the two meetings was to initiate a scientific study of 'Deepor Beel' to identify paths of elephant movements through the Wildlife Institute of India, Dehradun, and other issues pertaining to preservation of the 'Deepor Beel' and also the other water bodies. The Committee directed the Principal Chief Conservator of Forests (PCCF) to submit a report to Railway Authority and to take other safety measures within a week and prepare an action plan immediately while at the same time directing the Railway Authority to prepare an Action Plan immediately after

assessing the impact from NJCP. The Wildlife Institute of India, Dehradun conducted research and submitted its report which, after appreciating the criticality of the situation pertaining to the plight of the elephants, proposed following mitigation measures:

> **"Mitigation Measures Proposed:**
>
> *Based on our observations during the field visit and discussion with field staff we recommend the following mitigation measures to reduce elephant kill on the railway track*
>
> *i Speed restriction – Restriction of speed of train passing through this stretch should be the immediate measure to prevent collision with elephants on the track. We recommend a speed limit of 30 km/hour along this stretch for all the trains passing on this stretch.*
>
> *ii Regular patrolling along the railway track – The ongoing efforts of Assam Forest Department need to be continued along the railway track as a regular basis. Designated patrolling team need to walk every patrol along this track specifically during night hour and upon detection of elephant movement near the track a proper mechanism should be put in place to pass on the information to the locomotive driver.*
>
> *iii Construction of a tunnel between Gate No. 273 and 274 – The long term solution to prevent collision with wild elephants per se mortalities is a tunnel at the hill track between railway gate no. 273 and 274. The railway track after bridge no. 258 passes through a small valley the slope of a hill. This stretch of railway track owing to its location is most prone to elephants kill. In order to avoid collision with wild elephants, possibility of constructing a tunnel through the hill between gate no. 273 and 274 should be explored. A track passing through the tunnel will be the long term solution to this problem."*

2. The State of Assam submits that the action plan of Railway Authority in terms of the recommendations is still awaited. Mr. Swapan Banerjee, the learned counsel for the Railways appearing today, prays for a fortnight's further time to submit the action plan.

3. In consideration of this, we direct the Committee to hold an emergent meeting within 2 weeks from hence and deliberate on this question.

4. The Railways shall file their action taken report containing specific proposals one week thereafter.

5. A compliance report of these directions shall be filed without fail after two weeks i.e. on 04.12.2018.

[illegible] Before we proceed to deal the Miscellaneous Application, we must observe that during the course of disposal of the Miscellaneous Application, the Tribunal has noticed that the Tribunal has extremely restrictive area of powers as it suffers the [illegible] and secondly it adjourns the proceedings [illegible]

2. Consequent to submissions of Mr. Swapnil Banerjee, learned counsel for the Railways that the works in the second railway line has been stopped, no further order would be necessary at this stage.

3. List the case on 18.12.2018

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

November 20, 2018
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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 174 of 2013
(M. A. No. 687 OF 2014, M. A. No. 1070 OF 2013 & M.A. NO. 142 OF 2014)

Rohit Choudhary Vs. Union of India & Ors.

CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present:

Applicant	Mr. Ritwick Dutta, Mr. Rahul Choudhary Ms. Pallavi Talware and Mr. Preeta Dhar, Advs.
Respondent No. 1:	Mr. Vivek Chib and Mr. Kaushal Gupta, Advs.
Respondent No. 4:	Mr. Gunjan Sinha Sain, MV Kim law firm
Respondent No. 5:	Mr. Vikas Malhotra and Mr. M.P. Sahay, Advs.
Respondent No. 6:	Ms. Reshmi Rea Sinha and Mr. P. Sinha, Advs.
Respondent No. 11:	Mr. Sushil Kabra, Advocate
Respondent No. 7 to 9	Mr. Avijit Roy, Adv. for Corporate Law Group

Date and Remarks	Orders of the Tribunal
Item No. 09 April 22, 2015	Heard. Perused. Grievance voiced in the present Application is regarding the existence of NH – 37 passing through Kaziranga National Park from Jakhalabandha to Bokakhat in contravention of condition stipulated in Environmental Clearance dated 31st May, 1991. Diversion of NH – 37 was a condition precedent for construction of petroleum refinery at Numaligarh was stipulated in the said Environmental Clearance and ofcourse for grave reasons in relation to environment. Learned counsel appearing for State submits that concerns arising out of existence of NH – 7 have been seriously taken into consideration by the State and has already in place the short term measures as per the directions issued by this Tribunal from time to time. As regards long term measures such as construction of flyover, under passes, tunnels for facilitating the wildlife

movement across the Kaziranga during normal time as well in critical conditions like floods he submits that its execution will take considerable time. There are recommendations for long terms measures vide report dated January, 2014. Now it is for the State of Assam to prepare DPR in light of the recommendations in the said report. The State of Assam shall come out with the requisite DPR within three months.

Our attention is drawn to the Report of the Comptroller Auditor General of India published by the Government of Assam (Report No. 3 of 2014 - performance of Audit of Kaziranga National Park).

Learned counsel appearing for Applicant submits with reference to paragraph 14.2.3 at page no. 67 and 14.2.11 at page no. 71 of the said report that the area along and around the NH – 37 is illegally exploited for commercial purposes and there is inaction on the part of the State of Assam. Certainly whatsoever is revealed is not conducive to the environment of the area in question, with particular reference to the normal movement of wild life across the Kaziranga National Park. The recommendations in that regard appear at page No. 72 of the Report. We reproduce those recommendations as follows:

- *"In view of the GoI directive of July 2013, a default area of 10 km from the park boundary may be declared as the eco-sensitive zone and action as per the points prescribed in the guidelines of GoI taken immediately.*
- *Construction of resorts/hotels without permission of the park authorities, change in the land use pattern of two Revenue by the Circle Officer, Bokakhat and*

encroachment of Government land by private bodies need to be investigated upon.

- *The entire stretch of NH 37 from Hurapachar to Bokakhat need to be freed from illegal encroachments and the illegal parking of trucks need to be cleared immediately. All constructions made on either sides of the NH above with validity of the people residing in these areas need to be examined in coordination with the Circle Offices Bokakhat and Kaliabor with reference to the land holdings, permissions, etc and all illegal constructions/ persons removed from the area within a fixed timeframe.*
- *Government orders banning parking of trucks, establishment of dhabas, construction without prior permission from KNP authorities along NH 37 from Hurapachar to Bokakhat and mining activities in the Karbi Anglong hills adjacent to NH 37 need to be issued immediately to prevent further urbanization and disturbance to the wildlife habitat."*

Our attention is also drawn to the letter dated 19th March, 2015 addressed by the MoEF to the Chief Secretary of Assam wherein grievance is voiced regarding release of the funds to the two tiger reserves namely Kanziranga Tiger Reserve and Manas Tiger Reserve. In the present case we are more concerned about the Kanziranga Tiger Reserve. We find from this communication that despite release of the funds, the State of Assam has delayed its utilization and/or completely neglected its release to tiger reserves. We find that funds released on 25th February, 2015, 13th March, 2015 and 19th November, 2014 to the State of Assam by the MoEF have not been released to the Tiger reserves for its proper utilisation. This is certainly going to effect the implementation of the measures which are expected to be

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taken in the interest of the Kaziranga National Park. We direct State of Assam to release these fund made available to them by the RBI within two weeks if not released.

We have before us list of encroachers and the extent of encroachments made by them in the Kaziranga National Park vide annexure (G) at Page 92 to 107 of the said report (report no. 3 of 2014).

Let the State of Assam take positive action in respect of the recommendations made vide Report o of 2014- Performance Audit of Kaziranga National Park and place before us the action taken report within three weeks from today.

Issue Notice to the encroachers named in the annexure (G) to the report to show cause why they should not be made to pay compensation for damaging the environment.

Notice made returnable by next date.

Copies of the report be furnished to the Learned counsel appearing for Respondents.

List this matter on 20th May, 2015.

.....JM
(U.U. Salvi)

.....EM
(Dr. D.K. Agrawal)

.....EM
(A.P. Yousuf)

ANNEXURE-3

Abstract of RTI applications filed by Sri Rohit Choudhury in the O/o the PCCF, WL & CWLW, Assam:

10.07.2018: - 1. Applied for copy of the proposal submitted by the o/o the PCCF WL, Assam, to Government of Assam regarding extending the opening period for NPs and WLSs in Assam as mentioned in the MoM held on 16.07.2016.

2. For copy of proposal submitted by the o/o the PCCF WL, Assam to the Government of Assam regarding extending the opening period of **KNP.**

3. Copy of report/opinion/suggestions if any sought by the o/o the Director, KNP and o/o the DFO, EAWL Division, Bokakhat for opening the opening the opening period of KNP from October to May.

10.07.2018: - Applied for the action taken report of the o/o PCCF WL and CWLW, Assam on "Report on rampant mining in Karbi Anglong hills adjoining KTR" submitted by the by National Tiger Conservation Authority, to the Chief Secretary, Assam on 20th April/2018.

10.07.2018: - Applied for –

1. The copy of the action taken report of the O/o the PCCF & HoFF, Assam on the letter No. WL/FG/47/Tour/VVIP?Pt./2012, dated 21.09.2016 of Deputy Conservator of Forests (WLCC & I), o/o PCCF WL & CWLW, Assam written to the o/o the PCCF & HoFF, Assam (Sub: Conservation Cess on the Hotels and resorts of **KNP.**

2. Copy of approval received by the Govt. of Asssam w.r.t Conservation Cess of the Hotels and resorts of **KNP.**

10.07.2018: - Applied for –

1. Inspecting all documents, correspondences, communications, letters, reports, note sheets, file notings etc pertaining to the stone quarries/mining and stone crusher in district of Karbi Anglong and adjoining areas of KNP made and received between the o/o PCCF WL & CWLW, Assam with the followings –

a. Government of Assam,
b.o/o thePCCF, Karbi Anglong,
c.o/o the PCCF & HoFF, Assam,
d.o/o the Director, KNP.

18.12.2018: - Applied for –

1. Providing copy of minutes of all meetings held after 1st November, 2016 on "MoM on the levy of environmental fee on resorts in and around KTR held in APFBC CH, Aranya Bhawan, on 01.11.2016".

2. Copy of the action taken rport/steps taken by the o/o the PCCF & HoFF, Assam, after the said meeting.

3. Copy of draft rules submitted by the FD,KTR.

18.12.2018: - Applied for –

Action taken report of the Environment & Forest Department , Government of Assam on the report Letter no.KNP/FG/.221/A/Private Resort, dated 17.02.2010, submitted by the director KNP.

07.07.2019: - Applied for –

1. Providing certified copy of the MoM held in the CH of the Chief Secretary, Assam on 27.07.2019 on the presentation of ESZ of KNP.

2. Providing certified copies of MoM of all meetings held w.r.t. the ESZ of KNP after the 12th April, 2019 till date.

03.09.2019: - Applied for –

Providing the certified copy of the " REPORT ON DELINEATION OF NINE ANIMAL CORRIDORS CONNECTING KNP TO KARBI ANGLONG" submitted by the Committee constituted by the Government of Assam vide Notification No.FRS.142/2018/474 dated 4th May, 2019. **Annexure-1.**

04.11.2019: - Applied for –

1. Providing certified copy of the letter No.A/WAWL/Bordikorai Hydel Project/2013/486 dated 16.09.2019 in the eastern buffer of Nameri TR.

2. Providing certified copy of the letter No. WL/FG.35/Wildlife Clearance for Bordikorai Irrigation HPP (4.7 MW) naduar RF, dated 09.09.2019.

3. Providing certified copy of all correspondences, communications, color maps, letters, report, note sheets made and received by the PCCF WL & CWLW, Assam. **Annexure-2.**

15.11.2019: - Applied for –

1. Providing total number and certified copies of permissions given by the o/o the PCCF WL & CWLW, Assam, since 1st January 2006 till date for transportation of elephants to other states from the state of Assam.

2. Providing details of the total numbers of Elephants brought back to Assam through the said permissions.

3. Providing details of the proposals/applications which are presently under consideration of o/o the CWLW, Assam for sending elephants to other states from Assam. **Annexure-3.**

16.11.2019: - Applied for –

1. Providing copy of SOP followed by the Assam Forest Department for maintaining the record of all domestic & departmental elephants.

2. Providing SOP followed by Assam Forest Department for maintaining record of all the elephants which were/are sent out to other states from the state of Assam. **Annexure-4.**

05.12.2019: - Applied for –

1. Providing copy of guidelines followed by Assam Forest Department for maintenance of departmental and domestic Elephants in Assam.

2. Providing copy of guide line followed by Assam Forest Department for maintaining of elephants sent out to other states from the states of Assam. **Annexure-5.** -278-

07.02.2020: - Applied for –

Providing the total number & certified copies of permissions given by the o/o the PCCF WL & CWLW, Assam from 1st November 2019 till 31st January, 2020. **Annexure-6.**

03.03.2020: - Applied for –

1. Providing copy of the notification of the constitution of Deepor Beel Conservation and Development Society.

2. Providing details of the composition of the above mentioned committee along with the name of other Members/Departments in the Committee.

3. Providing minutes of all the meeting held of Deepor Beel Conservation and Development Society after its constitution. **Annexure-7.**

09.03.2020: - Applied for –

1. Providing the copy of the study report carried out by the Forest Department to ascertain the impact of power line passing through Deepor Beel to avifauna w.r.t. GB meeting of DBCDS held on 16.05.2019 in the CH of the Hon'ble CM, Assam. **Annexure-8.**

05.07.2020: - Applied for –

Providing draft proposal received by the MoEF & CC, Government of India from the Government of Assam declaring ESZ around KNP (including PAs of KNP, Nambor Doigrung, East Karbi Anglong WLS, North Karbi Anglong WLS, Nambor WLS, Garampani WLS, Laokhowa & Burachapori WLS. **Annexure-9.**

22.09.2020: - Applied for –

Providing copy of all correspondences, communications, letters OMs, enquiry reports and MoMs etc. w.r.t. the encroachment in and out site Amchang WLS, made and received by the O/O the PCCF, WL with the O/O the Principal Secretary, Environment & Forest Department, Govt. of Assam, O/O the PCCF & HoFF, Assam, O/O the Chief Wildlife Warden, Assam, O/O the CCF (T) CAC, Guwahati, DFO, Guwahati Wildlife, O/o the DFO, Kamrup East, O/o the DC, Kamrup (Metro). **Annexure-10.**

29.09.2020: - Applied for –

Providing copies of all the recommendations submitted to the O/O the PCCF, Wildlife, O/o the SDO (C), Kaliabor, O/O the SDO (C), Bokakhat, O/o the DFO, Nagaon, O/O the DFO, Eastern Assam Wildlife Division for the animal corridors –Kukurakata-Bagser (Kaziranga-Karbi Anglong Corridor), Kaziranga- Burapahar-Kanchanjuri (Kaziranga-Karbi Anglong Corridor), Kaziranga-Panbari (Kaziranga-Karbi Anglong Corridor) with reference to Government of Assam Notification No. FRW-12/2016/12 dated 28.12.2016. **Annexure-11.**

29.09.2020: - Applied for –

Providing all correspondences, communications , complaints, letters, OMs, enquiry reports, MoM etc. made and received since 1st January,2018 till date by the O/O the PCCF, Wildlife & Chief Wildlife Warden, Assam with the headquarters, 51 Sub Area C/o 99 APO, Narengi w.r.t. elephant depredation problem in Narengi Army Station area. **Annexure-12.**

04.03.2021: - Applied for –

1. Providing copy of FC granted/issued by MoEF & CC for Barak Valley Wildlife Safari cum Rescue Centre at Dholai of Cachar District.

2. Providing copies of all correspondences/communications/note sheets etc. exchanged between MoEF & CC and Government of Assam w.r.t. BVWSRC, Dholai, Cachar. **Annexure-13.**

03.05.2021: - Applied for –

1. Providing copy of bio-data and supporting documents of the persons being appointed as Honorary Wildlife Warden of various districts of Assam.

2. Providing copy of eligibility criteria fixed by the Department of Environment and Forests, Government of Assam/Assam Forest Department for selection of Hony. WLW.

3. Providing related MoM of the SBWL, Assam.

4. Providing all file notings/note sheet/comments/correspondences/communications made and received by Assam Forest Department with the Government of Assam/other offices w.r.t. appointment of Hony. WLW.

5. Providing copy of proposal and recommendations sent by the O/O PCCF, WL & CWLW, Assam w.r.t. Hony. WLW. **Annexure-14.**

04.08.2021:- Applied for –

1. Providing copy of the compliance report submitted by the APCCF i/c Wildlife, O/O the PCCF & HoFF, Assam as per the direction given in the letter No. FG.1/Amchang WLS/2016/B dated 03.08.2020.

2. Action taken by the O/O PCCF & HoFF, Assam if no compliance report has been submitted. **Annexure-15.**

05.08.2021: - Applied for –

1. Providing copy of Zonal Master Plan for ESZ of Amchang WLS and submitted to the State Government.

2. Providing copy of affidavit filed by the DFO, Guwahati Wildlife Division in the Gauhati High Court for violation of status – quo of encroachment in Amchang WLS.

3. Providing copy of scientific study carried out to re-establish the elephant corridor between Amchang WLS and Marakdola RF by retrofitting of the NH from Jorabat to Sonapur.

4. Providing copy of letter in which direction was given to DFO, Guwahati Wildlife Division to evict all the new encroachers from Amchang WLS. **Annexure-16.**

20.08.2021: - Applied for –

Providing Action Taken by the Sub Committees w.r.t. the 1st meeting of Elephant Task Force, Assam held on 11.09.2020 through VC. **Annexure-17.**

04.04.2022: - Applied for –

Providing Action Taken Report by the O/O PCCF, Wildlife & CWLW, Assam on the letter No. KNP/FG.828/Central Empowered Committee dated 15.02.2022 of the FD, KNP & TR. **Annexure-18.**

21.06.2022: - Applied for –

Providing details of the total number of ministerial staff etc. in the O/O PCCF, Wildlife & CWLW, Assam. **Annexure-19.**

21.06.2022: - Applied for –

Providing details of the total amount of funds sanctioned and provided by the Government of Assam for the 14th Rhino Population Estimation/Census, 2022. **Annexure-20.**

21.06.2022: - Applied for –

Providing certified copies of permission/NOCs given/issued by the O/O the CWLW, Assam since 1st April, 2019 till date for transportation of elephants to other State from the State of Assam. **Annexure-21.**

11.07.2022: - Applied for –

Providing copy of elephant reserve report submitted on five elephant reserve to the PCCF, WL & CWLW, Assam in response to the above mentioned letter No. WL/FG.27/Elephant Reserve/2021, dated 20.01.2021 of O/O the PCCF, Wildlife & CWLW, Assam. **Annexure-22.**

12.07.2022: - Applied for –

Providing copy of the report of 14th Rhino Population Estimation/Census 2022 prepared by Assam Forest Department. **Annexure-23.**

09.09.2022:- Applied for –

1. Providing the details of the total number of elephants sent from the State of Assam to the various other States of the Country in the last 30 years.

2. Providing details of the total numbers of elephants brought back to the State of Assam.

3. Providing copy of correspondences/communication/letters request etc. sent by O/O the CWLW, Assam to the O/O PCCF, WL & CWLW of various States of India to bring back the above mentioned elephants to the State of Assam after the period of lease was over. **Annexure-24.**

12.09.2022: - Applied for –

1. Providing total number and certified copies of permissions/NOCs given/issued by Sri M.K. Yadava, IFS, as CWLW, Government of Assam for transportation of elephants to other States of India from the State of Assam.

2. Providing total number of elephants brought back to the State of Assam from other State which were sent from Assam to other States during the tenure of Sri M.K. Yadava, IFS as CWLW, Government of Assam. **Annexure-25.**

13.09.2022: - Applied for –

Providing copy of report/detailed scientific study carried out by the Assam Forest Department to assess site specific carrying capacity for eco-tourism/number of vehicles permitted per day as per carrying capacity in KNP & TR, Manas NP & TR, Orang NP & TR and Pobitora WLS. **Annexure-26.**

RTI First Appeal:

19.08.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005 in reference to RTI application dated 21.06.2022. **Annexure-27.**

19.08.2022: - First Appeal under Section 19 (1) of the RTI Act, 2005 in reference to RTI application dated 21.06.2022. **Annexure-28.**

24.08.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005 in reference to RTI application dated 12.07.2022. **Annexure-29.**

18.09.2022: - First Appeal under Section 19 (1) of the RTI Act, 2005 in reference to RTI application dated 11.07.2022. **Annexure-30.**

31.10.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005 in reference to RTI application dated 09.09.2022. **Annexure-31.**

05.11.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005 in reference to RTI application dated 12.09.2022. **Annexure-32.**

26.11.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005 in reference to RTI application dated 13.09.2022.

Year wise Number of Applications received: PCCF (WL)

Year	Number of Applications
2018	6
2019	6
2020	7
2021	5
2022	9
Total	33

Abstract of RTI applications filed by Sri Rohit Choudhury in the O/o the Director, KNP:

05.01.2018: - Applied for –

1. Certified copies of all letters/communications/correspondences/orders made and receipt by the O/o the Director, KNP with various authorities since 1st January, 2000 till date w.r.t. i. Encroachment & eviction in KNP and addition areas. ii. NDZ around KNP/withdrawal of NDZ around KNP and NGT issues

2. File inspection of the above mentioned files of O/o the Director, KNP since 1st January, 2000 till date.

05.01.2018: - Applied for –

Copy of report on the study done on "Animal Ecology and Habitat of KNP" by KNP Authority/Assam Forest Department/WII.

05.01.2018: - Applied for –

1. Copy of survey report/study report/enquiry report/observations of O/o the Director, KNP on the downstream Diffolu River, Moridiffolu River and other rivers getting silted due to excessive quarrying, stone crushing in adjoining areas of KNP.
2. Details of present status of the siltation Diffolu River and Mori Diffolu River and its impact on the wildlife and habitat of KNP.

24.01.2018: - Applied for –

1. File inspection of all documents, correspondences, communications, reports, note sheets, file noting, tender documents, and guidelines for construction of the Highland in KNP.
2. File inspection of all documents correspondences, communications and minutes of meeting of KTCF.

03.07.2018: - Applied for –

1. Copy of action taken report/correspondence received from the O/o the Deputy Commissioner, Golaghat and O/o the SDO (Civil) Bokakhat & Koliabor w.r.t. the letter No. KNP/FG.679/Hotel, Dhaba/Sarai Act, dated 06.10.2017 regarding truck etc. parking between Jakhlabandha to Bokakhat.

03.07.2018: - Applied for –

1. Action Taken Report of O/o the FD, KNP & TR on the "Report on rampant mining in Karbi Anglong Hills adjoining Kaziranga Tiger Reserve, Assam" submitted by NTCA.
2. Copy of all correspondences made and received by the O/o the FD, KNP & TR on the above mentioned issue.

05.07.2019: - Applied for –

1. Certified copies of all MoM of the Sub-Committee of the Kaziranga Biodiversity Conservation and Development Committee held after 04.01.2012 till date.

17.01.2020: - Applied for –

1. Details of the area, length, height & location of the power fencing programme undertaken by KNP authority.
2. Details of the total expenses incurred by KNP authority till date on the above.

3. Details of the above work completed till date & remaining work to be completed.
4. Details of the working plan under which the power fencing programme was considered/approved.

17.01.2020: - Applied for –

1. Details (Range wise) of the total number of EDC constituted by KNP authority till date with name of members of all committees.
2. Details of total amount of fund/grants/financial aids released/given to its of the mentioned EDC along with source of fund.
3. Details of all the activities in which above mentioned fund were spent.
4. SOP adopted by KNP authority to check the utilization of fund release to EDC being constituted.
5. Copy of financial audit report.

18.01.2020: - Applied for –

1. The copy of MoM held since 01.01.2014 till date to discussed various issues related to issue of NOC to carry out non forestry activities in the fringe areas of KNP & TR.
2. Copy of all field inspection reports.

18.01.2020: - Applied for –

1. Copies of all letters/correspondences received by the O/o the Director, KNP since 1st January, 2017 till date, with other Govt. and Non Govt. agencies w.r.t. all encroachment/constructions on animal corridors, forest area, addition & fringe areas of KNP, illegal parking on animal corridors & NH-37.

18.01.2020: - Applied for –

1. Details of total sanctioned strength, existing strength and required strength of staff in present context of KNP.

22.06.2020: - Applied for –

1. With reference to communication dated 26.02. 2020 from the SPIO, O/o the Director, KNP & TR, Bokakhat, the applicant stated that SPIO deliberately furnished him incomplete information and requested for furnishing complete information mentioning that non furnishing of information will invite action on the SPIO under Section 20 (1) & (2) of the RTI Act, 2005.

02.09.2020: - Applied for –

1. Certified copies of all correspondences/communications made and received by the O/o the Director, KNP with other Govt. offices/Departments w.r.t. new construction/encroachment on corridors of KNP.

02.09.2020: - Applied for –

1. Details of date of joining & relieving (tenure) of Mr. M.K. Yadava, IFS as Director, KNP & TR.

2. Details of total number of Rhino poaching reported/rhinos killed during the tenure of Mr. M.K. Yadava, IFS as Director, KNP & TR.

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03.05.2021: - Applied for –

1. Copy of all correspondences/communication/letters etc. made & received from Gauhati High Court with O/o the Director, KNP and replies sent to Gauhati High Court w.r.t. order dated 09.10.2015 in PIL (Suo-Moto) No. 66/2012.
2. Copies of all correspondences/communications/letters etc. made and received by O/o the Director, KNP and other Govt. offices w.r.t. order dated 09.10.2015 in the above mentioned PIL.

09.06.2021: - Applied for –

1. Copies of all documents/Govt. order w.r.t. handing over of Bagser Reserved Forest to KNP authority by Nagaon (T) Division.

09.06.2021: - Applied for –

1. Copies of all correspondences/communication made and received since 1st January, 2016 till date by the O/o the Director, KNP with the PCCF, WL, Assam/PCCF & HoFF, Assam/any other offices with reference to handing over of social forestry plantation falling on the animal corridors to KNP for better protection and consolidation.

17.08.2021: - Applied for –

1. Files, documents reports, reports and all correspondences exchanged between O/o the CO, Koliabor Revenue Circle & O/o the Director, KNP w.r.t. encroachment of Govt. land in the periphery of KNP falling in Kaliabor Circle.

17.08.2021: - Applied for –

1. Year wise details of total number of rhino killed in KNP due to poaching in last 20 years.

20.08.2021: - Applied for –

1. Copy of status report of elephant corridor received from (1) O/o the DFO, Eastern Assam Wildlife Division (2) Nagaon (T) Division.
2. Copy of the status report of elephant corridor submitted by the O/o the Director, KNP & TR to O/o the PCCF, WL & CWLW, Assam/ any other office.

20.08.2021: - Applied for –

1. Copy of the detailed information for the period 2010 to 2020 provided by the DFOs of the respective division in the prescribed format to the O/o the Director, KNP & TR as discussed in the meeting held on 6th February, 2021 of the Elephant Tusk Force Sub-Committees.

20.08.2021: - Applied for –

1. Copy of status report of Elephant Corridor received from the (1) O/o the DFO, Eastern Assam Wildlife Division, Bokakhat and (2) O/o the DFO, Nagaon (T) Division, Nagaon (w.r.t. copy of letter No, KNP/FG.798/Animal Corridor, dated 19.06.2020 w.r.t. status of Elephant Corridors).

2. Copy of the status report of Elephant Corridor submitted by the O/o the Director, KNP & TR to O/o the PCCF, WL & CWLW, Assam/any other office.

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23.11.2021: - Applied for –

1. Copy of all correspondences, communications, letters etc. made and received by O/o the Director, KNP and APDCL/other offices w.r.t. sagging electric lines in KNP & TR area since 1st January, 2010 till date.
2. List of total number of wild animals killed due to electrocution in KNP & TR since 1st January, 2010 till date.

27.01.2022: - Complaint submitted to the Hon'ble Minister of Environment Forests & Climate Change, Govt. of India on anomalies in the 14th Rhino Population Estimation, 2022 in KNP requesting for instituting an inquiry.

28.01.2022: - Applied for -

1. All correspondences/communications/letters etc. made and received by the O/o Director, KNP w.r.t. violation of Hon'ble Supreme Court order dated 12.04.2019 passed in I.A. No. 42944 of 2019 in WP (C) No. 202 of 1995.
2. Action Taken Report by the O/o the Director, KNP on the letter dated 03.11.2021 (D.O. No. FRW.10/2019/48) of the Chief Secretary, Assam written to the Member Secretary, CEC, Supreme Court of India.

04.04.2022: - Applied for –

1. Details of Action Taken Report by the O/o the Director, KNP & TR w.r.t. taking over the encroach land by Methoni TE as mentioned in the letter No. A/WLG/Encroachment/Methoni T.E./6385-86, dated 11.08.2021.

04.04.2022: - Applied for –

1. Complete details of the receipt & payments account, income & expenditure account and balance sheet of KTCF for the FY of last 8 years i.e. from 2014-2015 to 2021-2022.

05.04.2022: - Applied for -

1. Copies of all recording/observation sheets submitted by the enumerators after counting of rhinos on 26th & 27th March, 2022.

09.05.2022: - Applied for –

1. Details of total amount of fund/amount spent by KNP authority/Assam Forest Department on the 14th Rhino Population Estimation in KNP conducted from 25th to 28th March, 2022.
2. Total break up along with supporting bills/vouchers.
3. Name of enumerators, who were part of actual counting of rhino on 26th & 27th March, 2022.
4. The name of 64 enumerators, 12 independent observer & 49 Media observers.

18.05.2022: - Applied for –

1. Copies of the MoM of Executive Committee meetings of KTCF held since 1st April, 2019 till date.
2. Copies of MoM of GB meetings of KTCF held since 1st April, 2019 till date.

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18.05.2022: - Applied for –

1. Details of total amount of fund being sanctioned & spent from KTCF fund on the visit of Hon'ble President of India to KNP in the month of February, 2022.
2. The details of total amount of fund provided by the Govt. of Assam & NTCA to KNP

01.06.2022: - Applied for –

1. List of total number, name, age & duration of casual workers presently working in/for the KNP & TR.
2. Details of monthly salary and allowances given to them.
3. Copy of notification/provision under which Govt. of India/Govt. of Assam provides salary to them.
4. List of casual employees/casual workers presently working in KNP & TR who are permitted use fire arms/weapons for the forest protection duty.
5. Details of welfare measures taken by Govt. of Assam/KNP authority for the above mentioned Casual employees.

01.06.2022: - Applied for –

1. Copy of report/complete information submitted by the O/o the Director, KNP & Field Coordinator, Kaziranga Karbi Anglong Elephant Reserve to the O/o the Chief Wildlife Warden, Govt. of Assam and to the MoEF & CC, Govt. of India w.r.t. information pertaining to ER w.r.t. F. No. -17/2019-PE, dated 12th Jnauary, 2021.

01.06.2022: - Applied for –

1. Copy of all correspondences/communication/MoMs etc. made and received by the O/o the Field Director, KNP & TR with the O/o DFo, Nagaon WL and other offices since 1st April, 2017 till date w.r.t. encroachment in Laokhowa WLS, Burachapori WLS & Kochmara RF.

01.06.2022: - Applied for –

1. The list of total number of speed violations (over speeding) detected/recorded on the identified wildlife animal corridors (NH-37) by the sensor/speed cameras installed by Assam Forest Department/KNP authority and Action Taken since 1st January,2022 till date.

23.06.2022: - Applied for –

1. Copy of MoM in which the names of 64 enumerators, 12 independent observers & 49 Media observers were discussed and selected/approved for 14th Rhino Population Estimation in KNP.

2. Name of 64 enumerators, 12 independent observers & 49 Media observers who have participated in entire exercise of Rhino Estimation from 25th to 28th March, 2022.

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23.06.2022: - Applied for –

1. Details of total number of NOC issued by KNP authority for change of land use/land sale permission under Bokakhat, Kaliabor & Silonijan Revenue Circle.
2. Certified copy of the above NOC.
3. Copy of MoM of all meetings held till date in which the above NOCs were issued/rejected by KNP authority.
4. Present status of violation if any recorded by the KNP authority on the above mentioned NOCs.

23.06.2022: - Applied for –

1. Copy of all the research papers & report prepared/published by KNP authority on rhino, elephant & tiger census held in KNP in last 15 years.
2. The names & details of total number of research officer posted in KNP in last 15 years.

08.05.2023: - Applied for –

1. The copy of complete details of the receipt & payment account income & expenditure account & balance sheet of KTCF for the FY 2020-21, 2021-22 & 2022-23.

08.05.2023: - Applied for –

1. Information of total amount of funds being released financial year wise by the NTCA to KNP & TR authority for installation & maintenance of electronic eyes since its inception till date.
2. Information to total amount of fund being spent by KNP & TR authority from the above fund received financial year wise for installation & maintenance of electronic eyes.
3. Information to total amount of fund being spent by KNP & TR authority from the above fund received financial year wise from the above fund for purposes other than installation & maintenance of electronic eyes.

10.05.2023: - Applied for –

1. The name of total number of contractual employees presently working in KNP & TR.

18.05.2023: - Applied for –

1. W.r.t. AIC's Order in case No. SLC/GLT.19/2022 dated 15.03.2023 requested to provide MoM of the 30 Executive Committee meetings of KTCF held between 1st April, 2019 and 18.05.2023.

05.06.2023: - Applied for –

1. Information of the total amount/fund being sanctioned by Govt. of India/Govt. of Assam/ Assam Forest Department to KNP & TR authority for the visit of the Hon'ble President of India to KNP & TR in the month of April, 2023. -288-
2. Complete information of the expenses incurred from the above mentioned fund sanctioned for the visit of the Hon'ble President of India.
3. The copy of bills & supporting vouchers.
4. Information of the total amount of fund being sanctioned & spent from the fund of KTCF for the visit of the Hon'ble President of India.

RTI First Appeal:

23.06.2020:- First Appeal under Section 19 (1) of the RTI Act, 2005.
19.10.2021:- First Appeal under Section 19 (1) of the RTI Act, 2005.
18.05.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005.
23.06.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005.
23.06.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005.
23.06.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005.
04.07.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005.
14.07.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005.
14.07.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005.
02.08.2022:- First Appeal under Section 19 (1) of the RTI Act, 2005.

Year wise Number of Applications received: FD, KNP

Year	Number of Applications
2017	2
2018	6
2019	7
2020	3
2021	7
2022	16
Total	**41**

Abstract of RTI applications filed by Sri Rohit Choudhury in the O/o the DFO, Eastern Assam Wildlife Division:

05.01.2018: - Applied for –

1. Action Taken Report of the DFO, EAWL on the letters No. KNP/FG.65/C.M., dated 25.07.2007 and No. KNP/FG.365/Stone Quarry, dated 07.10.2017 addressed to the Conservator of Forests, Karbi Anglong and PCCF, Karbi Anglong on siltation of Moridifalu river and Agriculture field of Panbari area due to crusher plant.
2. Copy of survey report/study report/enquiry report/observation of O/o the DFO, EAWL on the downstream Difalu river, Moridifalu rivers and other rivers getting silted.
3. Details of the present status of the siltation of Difalu river and Moridifalu river and its impact on the wildlife and habitat of KNP & TR.

26.06.2019: - Applied for –

1. Certified copies of all the correspondences/communication/note sheet/MoM/OM/Circulars/letters/Color maps etc. made and received the O/o DFO, EAWL with all higher authorities of State Government, Assam Forest Department, Civil & Police Administration of Nagaon, Golaghat and Karbi Anglong districts w.r.t. above mentioned issue.

05.07.2019: - Applied for –

1. Certified copies of all correspondences/communication/note sheets/MoM/OM/Circular/Enquiry reports etc. made and received by the O/o the DFO, EAWL with all authorities of State Government/Assam Forest Department/Flood and River Erosion management Agency of Assam O/o the Deputy Commissioner, Golaghat/O/o SDO, Civil, Bokakhat/O/o Water Resource Division, Jorhat and all other offices on the above mentioned issue.
2. Copy of permission/NOC granted by the O/o DFO, EAWL, O/o EE, Jorhat Water Resource Division and Flood /River Erosion management Agency of Assam and to any other agency to do the above mentioned work.

02.09.2020: - Applied for –

1. Copies of all MoM held till date of the above mentioned committee formed by the SDO (Civil) Kaliabor w.r.t. notification No. FRW-12/2016/12, dated 28th December, 2016 for the below mentioned corridors :-
    - Kukurakata – Bagser (Kaziranga – Karbi Anglong Corridor)
    - Kaziranga – Burapahar –Kanchanjuri (Kaziranga-Karbi Anglong Corridor).
2. Copies of all the MoM held till date of the above mentioned committee formed by SDO (Civil) Bokakhat for the below mentioned corridor.
    - Kaziranga – Panbari (Kaziranga Karbi Anglong Corridor).

09.06.2021: - Applied for –

1. Copies of all correspondence/communications/enquiry reports etc. made and received since 1st April, 2016 till date by the O/o the RO, Bagori/Burapahar/Kaziranga with the O/o the DFO, EAWL w.r.t. construction/encroachment/destruction on the wildlife animal corridors.

17.08.2021: - Applied for –

1. File, documents records, reports and all correspondences exchanged between O/o the Circle Officer, Kaliabor Revenue Circle and O/o the DFO, EAWL w.r.t. encroachment of Government land in the periphery of KNP falling under Kaliabor Circle.

28.01.2022: - Applied for –

1. Copy of all correspondences/communications/letters etc. made and received by the O/o the DFO, EAWL w.r.t. the violation of Hon'ble Supreme Court Order dated 12.04.2019 passed in I.A. No. 42944 in W.P. (C) No. 202 of 1995, after 06.10.2021 till date.

2. Action Taken Report by the O/o the DFO, EAWL on the letter dated 03.11.2021 (DO No. FRW.10/2019/48) of the Chief Secretary, Assam written to the Member Secretary, Central Empowered Committee (constituted by Hon'ble Supreme Court of India). -290-

04.04.2022: - Applied for –

1. Action Taken Report by the O/o DFO, EAWL w.r.t. taking over of the encroach land by Methoni Tea Estate as mentioned in the letter No. A/WLG/Encroachment/Methoni Tea Estate/6385-86, dated 11.08.2021.
2. If no steps have been taken the reasons thereof may be communicated.

Year wise Number of Applications received: DFO, EAWL

Year	Number of Applications
2018	1
2019	2
2020	1
2021	2
2022	2
Total	8

ANNEXURE-4

GOVT OF ASSAM
DEPARTMENT OF ENVIRONMENT AND FOREST
OFFICE OF THE DIRECTOR: KAZIRANGA NATIONAL PARK
-CUM-
FIELD DIRECTOR, KAZIRANGA TIGER RESEVE:BOKAKHAT::ASSAM

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O.O. No. 169 (A) Dated 14th October, 2015

Personnel Appearance of Petitioner

1. The petitioner Sri Rohit Choudhury, C/O Shri Vipin Kumar, 371, Masjid Moth, South Ex-II, New Delhi-49 was asked by this office letter No. KNP/FG-439/RTI-Act/Pt/Genl, dtd. 18-09-2015 to be personally present in the office of the undersigned and reminder by e-mail issued. However the petitioner neither acknowledged the letters nor made any communication as to whether he would be personally present or not on the appointed dates. It is noted that the petitioner did not present himself on any of the 1st to 6th days of October/2015.

Reasons of Delay

2. The petition could not disposed on the 06-10-2015 due to the following reasons:-

   i. The hearing slated from 1st to 6th October, 2015 could not take place as the petitioner did not present himself on any of the days scheduled for the hearing

   ii. The matter could not be heard ex-party on the 6th October/2015 because the undersigned had to rush to Guwahati to attend the court of the Hon'ble Chief Justice of Gauhati High Court on 6th, 7th, 9th and 12th October, 2015.

SPEAKING ORDER

3. Read the RTI application dated 02-05-2012 and RTI First Appeal dated 26-06-2012 of Sri Rohit Choudhury, New Delhi regarding required Informations/Documents in connection with Stone Crusher etc. within 25 KM of the boundary of Kaziranga National Park/Tiger Reserve.

4. Read the letter dated 08-05-2012 & 04-07-2012 issued vide office of the Principal Chief Conservator of Forests & Head of Forest Force, Assam, Rehabari, Guwahati under cover of letter No. FG-4/Infor. Act/Rohit Choudhury/2012, dtd. 04-07-2012 forwarding the first appeal of the petitioner.

5. Read the RTI Second Appeal dated 01-11-2012 of Shri Rohit Choudhury, New Delhi under section 19 (3) of RTI- Act, 2005 accompanying the Remand Order dated 14-08-2015 issued by the Under Secretary & Deputy Registrar, Assam State Information Commission, Panjabari, Guwahati under cover of Memo No. SIG/GLT-9/2013/7-A, dtd. 14-08-2015.

6. Read the Remand Order dtd. 14-08-2015 of the Hon'ble State Chief Information Commissioner, Assam.

CASE OF THE PETITIONER

7. The case of the petitioner Shri Rohit Choudhury, C/O Shri Vipin Kumar, 371, Masjid Moth, South Ex-II, New Delhi-49 is that he filed an RTI application dated 02-05-2012 seeking information about the stone crusher etc. within 25 KM of the boundary of Kaziranga National Park/Tiger Reserve to the SPIO, O/O the Principal Chief Conservator of Forests & Head of Forest Force, Assam, Rehabari, Guwahati-8 and the same RTI application was transferred to the SPIO, O/O the Director, Kaziranga National Park, Bokakhat by the SPIO O/O the Principal Chief Conservator of Forests & Head of Forest Force, Assam vide his letter dtd. 08-05-2012.

8. He filed a first appeal to the Appellate Authority O/O the Principal Chief Conservator of Forest & Head of Forest Force vide his petition dtd. 26-06-2012, which was forwarded to the Director, Kaziranga National Park, Bokakhat vide Principal Chief Conservator of Forests & Head of Forest Force, Assam letter dtd. 04/07/2012.

9. The SPIO O/O the Director, Kaziranga National Park furnished the reply on 26-07-2012 based on the letter dtd. 04-07-2012 of the appellate authority O/O the Principal Chief Conservator of Forests & Head of Forest Force, Assam, which was received in this office on 20-07-2012.

10. The petitioner Sri Rohit Choudhury filed a second appeal dtd. 01-11-2012 to the Secretary & Registrar, Assam State Information Commission, Dispur, Guwahati. Thereupon, Hon'ble State Chief Information Commissioner was pleased to pass the Remand Order dtd. 14-08-2015 in the matter.

11. The Remand order dtd. 14-08-2015 arises out of the appeal filed by the petitioner dtd. 01-11-2012 pursuant to which the Hon'ble State Chief Information Commissioner, Assam observed that the first appeal before the first appellate authority filed on 26-06-2012 has not yet been heard and dispose off. Accordingly the Hon'ble State Chief Information Commissioner, Assam State Information Commission, was pleased to issue remand order to the first appellate authority for disposal of the first appeal with speaking order after hearing the petitioner within 30 days from the date of receipt of this Remand Order. Hence this speaking order.

-293- (305)

Findings:

12. **Nature of information sought**: The petitioner had sought certain information in respect of stone crusher, brick kilns, tea factory and other industries, with GPS location within 25 KM of Kaziranga National Park and Tiger Reserve in the state of Assam. The information sought must be examined in view of section 2(f) of the RTI Act, 2005 which defines information firstly as materials in any printed form, secondly as material held in electronic form. In the instance case, the public authority i.e. the Director, Kaziranga National Park, Bokakhat, the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat and the Divisional Forest Officer, Nagaon Wildlife Division of the Kaziranga Tiger Reserve maintain only record for which they are accountable under the laws and statutes that they enforce. There is no laws to the best of the knowledge of the undersigned which mandates keeping record of industries within 25 KM of a National Park/Tiger Reserve by any of the above authorities. Further, Brick Kiln, Tea Factory and other industries do not fall within the jurisdiction of these public authorities. Further, the territorial jurisdiction of these authorities does not uniformly extend upto 25 KM area of the Park boundary/Tiger Reserve boundary. The said authorities, therefore, did not hold part of the information within the meaning of Section 2 (f) of the Act.

13. Therefore, the information sought by the petitioner was limited only to stone crusher falling within the jurisdiction of the Divisional Forest Officer, Eastern Assam Wildlife Division. It may be noted that jurisdiction of the Divisional Forest Officer, Nagaon Wildlife Division is limited to PA boundary of Laokhowa and Burchapori Wildlife Sanctuary only, hence there is no question of this particular authority holding any information sought by the petitioner. Therefore, the information provided by the SPIO vide letter dtd. 26-07-2012 has to be considered as complete in all respect. Providing any information beyond the information already provided would tantamount to creation of information for which there is no provision under the Act.

14. The SPIO, in his letter dtd. 06-07-2012 informed the petitioner in clear terms, that **"Further the other industries like brick kilns, tea factory are not in purview of this division and hence the information may be collected from the concerning district administrations."**

15. **The petitioner in his first appeal dtd. 26-06-2012 raised the following issues:**

i. The petitioner has alleged in Serial No.2 of his appeal that even after 45 days, he has not been provided the desired information which is the gross violation of the Act. Further under Serial No. 3 the petitioner alleged that this case may be deemed to be treated under section 7 (2) of the Act.

ii. The petitioner has requested to pass necessary order to the SPIO to provide the required complete information without any further delay free of cost.

6. Having carefully gone through all the available records, facts and circumstances of the 1st appeal of petitioner, **the findings are summarized below:**

i. The petitioner is entitled to relief under section 7 (6) of the Act

ii. However, as the SPIO has already provided information to the petitioner vide letter dated 26-07-2012, the petitioner shall be deemed to have got relief under Section 7 (6) of the Act, as on 26-07-2012

iii. The information provided to the petitioner is complete and no further information can be made available to the petitioner unless the same is created by the authorities concerned having jurisdiction over the territory within the 25 KM National Park/Tiger Project falling in district of Golaghat/Nagaon/Karbi-Anglong/Sonitpur/Mangaldoi in Assam and possibly part of Arunachal Pradesh. This is beyond the scope of the Act.

iv. There is currently no statute under which it is mandated to keep record of certain industries falling within 25 KM of a National Park/Tiger Reserve, and for the purpose no authority has been designated under any law to the best of knowledge of the undersigned.

ORDER

17. In pursuance of the order of the Hon'ble State Chief Information Commissioner, Assam dtd. 14-08-2015, **the first appeal of** the petitioner **is hereby disposed off** in view of information already provided to the petitioner by the SPIO vide his letter dated 26-07-2012, a copy of which is enclosed for reference of the petitioner once again, and the said information is complete, and the petitioner therefore is not entitled to receive any further relief under section 7 (6) of the Act, which are already complied with.

18. However, the petitioner is at liberty to move the Hon'ble State Chief Information Commissioner, Assam with second appeal against this order, if he so pleases.

19. This order may be uploaded on the Kaziranga National Park official website, and dispatched by the registered post to the petitioner Shri Rohit Choudhury, C/O Shri Vipin Kumar, 371, Masjid Moth, South Ex-II, New Delhi-49, alongwith a copy of the letter dtd. 26-07-2012 of the SPIO, O/O the Director, Kaziranga National Park, Bokakhat.

Sd/-(M.K. Yadava, IFS)
Director,
Kaziranga National Park,
Bokakhat:785612:Assam

-295- (307

Memo No. KNP/FG-439/RTI-Act/Pt/Genl. Date: 14-10-2015

Copy to:

1. The Under Secretary & Deputy Registrar, Assam State Information Commission, Jonakee Complex, Shilpgram Road, Panjabari, Guwahati-781037 for favour of information of the Hon'ble State Chief Information Commissioner, Assam.
2. The Additional Chief Secretary to Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-6 for favour of kind information.
3. The Principal Chief Conservator of Forests & Head of Forest Force, Assam, Rehabari, Guwahati-8 for favour of kind information.
4. The Principal Chief Conservator of Forests (Wildlife), Assam, Basistha, Guwahati-29 for favour of kind information.
5. The Inspector General, NTCA, 1st Floor, NBCC Place, Pragati Vihar, Bhishma Pitamah Marg, New Delhi 110003 for information.
6. The SO to the Chief Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-6 for favour of kind information to the Chief Secretary, Assam.
7. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat for information.
8. Shri Rohit Choudhury, C/O Shri Vipin Kumar, 371, Masjid Moth, South Ex-II, New Delhi-49 for information.
9. O.O Book
10. Office Copy

Director,
Kaziranga National Park,
Bokakhat-785612, Assam

Issued on 14/10/2015

MH/CZ/Cc/O.O./15

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GOVT OF ASSAM
DEPARTMENT OF ENVIRONMENT AND FOREST
OFFICE OF THE DIRECTOR: KAZIRANGA NATIONAL PARK BOKAKHAT
-CUM-
FIELD DIRECTOR, KAZIRANGA TIGER RESERVE

Letter No KNP/FG-439/RTI Act/Pt/Genl Date 5/10/2015

From M. K. Yadava, IFS
Director,
Kaziranga National Park
Bokakhat: 785612

Contact:- 094350-12458(M)
03776-268095(O)
Fax: 03776-268095
E-mail: mkyadava@gmail.com
mkyadava.ifs@assam.gov.in

To

Shri M.N. Duarah, IFS
Conservator of Forests,
O/o the Director, Kaziranga National Park,
Bokakhat.

Sub: REMAND ORDER.

With reference to the subject cited above, it is to inform you that a REMAND ORDER was issued by the State Information Commission, Assam against a RTI matter submitted by Sri Rohit Choudhury of New Delhi. Accordingly Sri Choudhury was requested to attend this office on 6/10/2015 vide letter No: KNP/FG-439/RTI-Act/pt/Genl dtd.18/09/2015. But I will not be able to attend the hearing on the fixed date as I have been called by the Addl. Chief Secretary(Environment & Forests), Govt of Assam, to attend the meeting of the Hon'ble Assurance Committee of the Parliament on 06/10/2015 at 9 AM at Guwahati as such you are hereby authorized and requested to attend the office for hearing on 06/10/2015 positively in behalf of undersigned.

Director,
Kaziranga National Park
Bokakhat:785612:Assam
5/10/2015

Issued on
05/10/2015

OFFICE OF THE

ASSAM STATE INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI– 781037
Phone: (0361) 2332704, 2337900, 2331193 Fax: 2332704 email: secretary-sicassam@gmail.com

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No. SIC/GLT. 9/2013/7

Dated, Panjabari the 14th August, 2015

REMAND ORDER

Seen the appeal petition dated. 01.11.2012 filed before the Commission by the petitioner , Sri Rohit Choudhury.

From perusal of the case records, it is seen that the petitioner filed the first appeal petition before the First Appellate Authority on 26.06.2012 which has not yet been heard and disposed of by the First Appellate Authority.

The Appeal petition dated 01.11.2012 is, therefore, remanded to the First Appellate Authority for disposal with a speaking order after hearing the petitioner within 30 days from the date of receipt of this remand order.

The petitioner will be at liberty to move this Commission with Second appeal petition or complaint petition , as the case may be, if he is aggrieved by the decision of the first Appellate Authority or because of non-disposal of the first appeal petition by the first Appellate Authority.

Sd/-
(H. S. Das, IAS) (Retd)
State Chief Information Commissioner,
Assam

Memo No. SIC/GLT. 9/2013/7- A

Dated, Panjabari the 14th August, 2015

Copy to :-

1. The 1st Appellate Authority, The Director, Kaziranga National Park, Bokakhat, Dist. Golaghat, Assam, Pin- 785609.
2. Appellant Petitioner Sri Rohit Choudhury, S/o. Shri Vipin Kumar, 371, Masjid Moth, South Ex-II, New Delhi- 49.

Under Secretary & Dy. Registrar
Assam State Information Commission

GOVT OF ASSAM
DEPARTMENT OF ENVIRONMENT AND FOREST -298-
OFFICE OF THE
DIRECTOR: KAZIRANGA NATIONAL PARK :BOKAKHAT::ASSAM

Letter No. KNP/FG-439/RTI-Act/Pt/Genl. Dated: 25-01-2016

From: M.K. Yadava, IFS
Director,
Kaziranga National Park,
Bokakhat 785612

Contact:→
Phone & Fax: 03776-268095
E-mail: mkyadava.ifs@assam.gov.in
mkyadava@gmail.com

To
The Principal Chief Conservator of Forest (Wildlife),
Assam, Basistha,
Guwahati-29

Sub: Complaint against financial irregularities of the Kaziranga National Park & Tiger Reserve Authority.

Ref: Your letter No. WL/FG-4/RTI/Genl., dtd. 02/01/2016

Sir,

In inviting a reference to the subject matter above, I have the honour to submit herewith that one Shri Rohit Choudhury, N-71, Lower Ground Floor, Greater Kailash Part-I, New Delhi-48, filed an RTI dated 25-10-2014, seeking for information regarding for Power Fencing Programme replies seens have been furnished vide letter No. KNP/FG.411/Power Fencing, dtd. 31-08-2015 the relevant informations put up also at website http://kaziranga.assam.gov.in under the RTI section of the portal.

Further, it may be noted that an independent inquiry including field was carried out by the Sri D.P. Bonkhal, IFS, I.G., NTCA, Guwahati. However, outcome of the findings are not known to the undersigned.

Further, you may conduct an independent inquiry on the subject matter, if deemed fit and proper. In my considered opinion, this is a frivolous complaint by Shri Rohit Choudhury who is in the habit of putting of false complaints and leading campaign to divert attention of the public from the actual burning issues faced by the Park.

Yours faithfully,

Director,
Kaziranga National Park,
Bokakhat 785612: Assam

Copy to:

1. The Principal Chief Conservator of Forests and Head of Forest Force, Assam, Rehabari, Guwahati-08 for favour of kind information.
2. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat for information.

Director,
Kaziranga National Park,
Bokakhat 785612: Assam

MH/C2/January/16

GOVT OF ASSAM
DEPARTMENT OF ENVIRONMENT AND FOREST
OFFICE OF THE DIRECTOR: KAZIRANGA NATIONAL PARK BOKAKHAT
-CUM-
FIELD DIRECTOR, KAZIRANGA TIGER RESERVE

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Letter No.KNP/FG-439/RTI-Act/pt/Genl, Date: 18/09/2015

From: M. K. Yadava, IFS
Director,
Kaziranga National Park,
Bokakhat: 785612

Contact: 09435012458 (M)
Phone & Fax: 03776-268095(O)
E-mail: mkyadava@gmail.com
mkyadava.ifs@assam.gov.in

To,

The Under Secretary & Dy. Registrar,
Assam State Information Commission,
Ionakee Complex, Ship Gram Road,
Panjabari, Guwahati-781037

Sub: REMAND ORDER

Ref: Your Memo No: SIC/GLT-9/2013/7-A, dated 14/08/2015.

Sir,

With response to your letter quoted above, I am to inform you that the required informations/documents have already been furnished to the applicant Shri Rohit Choudhury vide this office letter No. KNP/FG-439/RTI-Act/Pt/Genl/2012 dated 26/07/2012 and copy to the Appellate Authority & Chief Conservator of Forests (planning), O/o the Principal Chief Conservator of Forest & Head of Forest Force, Assam, Rehabari, Guwahati-8 for his necessary action.

However, a copy of the letter No. KNP/FG-439/RTI-Act/Pt/Genl/2012 dated 26/07/2012 alongwith its Annexure I & II are enclosed herewith for favour of your kind information and needful.

Further as per the kind direction of the Hon'ble Commission, the Petitioner is being given an opportunity to be heard by the first Appellate Authority. He is directed to be present in person in any of the working days from 1st October to 6th October'2015 in the office of the undersigned during office hours, with at-least 24 hours prior intimation for being heard in persin in the matter.

Enclo: As stated above.

Yours faithfully,

Director,
Kaziranga National Park
Bokakhat:785612: Assam

Copy forwarded to:

1) The Principal Chief Conservator of Forest & Head of Forest Force Assam, Rehabari, Guwahat-8 for favour of kind information.
2) The Principal Chief Conservator of Forests (WL), Assam, Basistha, Guwahati-29 for favour of kind information.
3) Shri Rohit Choudhury, C/O Shri Vipin Kumar, 371, Masjhid Moth, South- Ex-II, New Delhi-49 for information. The photocopy of this office letter No.KNP/FG-439/RTI-Act / pt/ Genl/2012, dated 26/07/2012 alongwith its annexure-I & II are enclosed herewith for his information. He is directed to be present in person in any of the working days from 1st October to 6th October'2015 in the office of the undersigned during office hours, with at-least 24 hours prior intimation for being heard in person in the matter, failing which the matter shall be dispose of ex-part on the afternoon of the 6th October'2015.

Director,
Kaziranga National Park
Bokakhat:785612:Assam

Issued on 18/09/2015 C/C

ANNEXURE-5

-300-

GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM-785612
(E-mail ID: dir.kaziranganp@gmail.com)

Letter No. KNP/FG/RTI/Rohit Choudhary/Pt *Dated: 04/07/2023*

To

The Secretary,
Assam Information Commission,
Godapani Path, Juripar, Panjabari,
Guwahati- 781037

Sub: Misuse of RTI Act (2005) and constant harassment by Mr Rohit Choudhury-reg

Sir,

With reference to the above subject, I have the honour to make the following submissions for the kind perusal and consideration of the Hon'ble Assam Information Commission as quoted hereunder.

1. Mr. Rohit Choudhury, a person from Bokakhat township having his residence near to the Office of The Field Director, Kaziranga National Park and Tiger Reserve, had filed as many as 47 No's of RTI Applications with the Office of The Field Director, Kaziranga National Park and Tiger Reserve from 23.11.2017 till date. Through these RTI applications he had sought voluminous information pertaining to the administration, management, funding, details of various meeting's etc which also contains sensitive information covering the entire administrative setup as maintained by the KNP&TR.

The year wise breakup is as given below:

S.No	Year	No. of RTI applications filed	Remarks
1	2017	2	During this period Mr. Rohit Choudhury used to spend most of his time in the Office of The Divisional Forest Officer, Eastern Assam Wildlife Division and Office of The Field Director, Kaziranga National Park and Tiger Reserve and had easy access to all the voluminous sensitive, confidential information and hence the number of RTI applications filed are comparatively less.
2	2018	7	
3	2019	1	

4	2020	11	During this period the subject of the RTI application filed by Mr. Rohit Choudhury were more or less same as the File description in Official Files as he got access to official files, meetings etc as he used to frequently visit the office and was duly facilitated to his wishes and advantage at his sweet will.
5	2021	8	
6	2022	14	From March, 2022 as the undersigned had taken over the charge of the office of The Field Director, Kaziranga National Park and Tiger Reserve, Mr.Rohit Choudhury started filing numerous RTI applications requesting voluminous information as his access to the office got stalled and started sharing information in media maligning the image of the Field Director Kaziranga National Park and Tiger Reserve and to cause damage to the reputation of the world famed KNP & TR and also leaked out sensitive information like information on Rhino Census despite repeated warnings.
7	2023	4	

2. It is most respectfully brought to the kind notice of the Hon'ble Assam Information Commission that from the above table, it can be observed that the number of RTI applications have considerably increased after the undersigned took over the charge in March, 2022. This clearly indicates that Mr. Rohit Choudhury apparently has malafide intentions against the undersigned due to obvious reasons of not being able to get access to official files, papers, and an opportunity to visit the office and sit in the office for hours together. The fact remains that previously Mr. Rohit Choudhury was given full liberty to get access to all sorts of information at his sweet will and he could not get such facilitation since the very tenure of the undersigned.

3. It will not be out of place to bring on record before the August Assam Information Commission that during the tenure of previous Field Director he got certain privileges like special entry inside Kaziranga National Park and Tiger Reserve, use of departmental vehicles, officers escorting him for the field visit (Certain Officers from the Office of The Divisional Forest Office, Eastern Assam Wildlife Division and Office of The Field Director ,Kaziranga National Park and Tiger Reserve escorted him during his field visits), getting access to confidential information during his visit to the Office of The Field Director, Kaziranga National Park and Tiger Reserve and by getting access to such information, Mr Rohit Choudhury had filed RTI'is on the subjects which were more or less the same as the file description of Official Files. Mr. Rohit Choudhury used to visit the Office of The Divisional Forest Officer, Eastern Assam Wildlife Division and Office of The Field Director, Kaziranga National Park and Tiger Reserve almost regularly and

spend most of his time in the above offices as the very residential house of Mr. Rohit Choudhury is located nearby to this Office.

4. At certain times Mr. Rohit Choudhury had e-mailed the Field Director, KNP&TR to direct the DFO's under Director, KNP&TR to disclose confidential information. At few times Mr. Rohit Choudhury has become an extra power centre and started directing the DFO's to conduct the Office according to his needs. Mr. Rohit Choudhury had tried to exercise power and jurisdiction even in official matters in as much as he had called for furnishing reports as per his wishes as shall be evident from the series of mails. As the undersigned has curtailed those privileges, Mr. Rohit Choudhury chose to start vendetta and vilification propaganda against the undersigned by filing a large number of RTI applications on similar subjects.

Copy of the e-mails is annexed here to and marked as **Annexure-I**.

5. During my predecessor's time, Mr. Rohit Choudhury got access to the sensitive information and documents on the pretext of ***study and research purpose and also for use in the court*** without permission from Chief Wildlife Warden as mandated under Section 28 of Wildlife Protection Act, 1972. It will be abundantly clear from the content of the mail that Mr. Rohit Choudhury had categorically and in unequivocal terms had threatened to use the materials for filing cases against the State of Assam and Union of India and others using the information furnished through mails. This fatal flaw was pointed out to the notice of Chief Wildlife Warden, Assam as soon as it came to the notice of the undersigned for requisite action vide Letter No.KNP/FG.165/Project Elephant/Pt-I dated 02.08.2022.

Copy of the Letter No.KNP/FG.165/Project Elephant/Pt-I dated 02.08.2022 along with all its annexures annexed here to and marked as **Annexure-II** (series).

6. It is also kindly brought to the notice of the Hon'ble State Chief Information Commission that Mr. Rohit Choudhury is not enrolled in any of the Universities for PhD or for any other degree, as learnt.

7. It may kindly be permitted to reiterate before the Hon'ble Assam Information Commission that Mr. Rohit Choudhury has filed 47 Nos of RTI applications from 2017 to till date in the Office of The Field Director, Kaziranga National Park and Tiger Reserve (KNP&TR). On a bare perusal of the RTI's in question it will be seen that there are galore of instances where Mr. Rohit Choudhury had asked for the same information in different formats. This is having a harassing effect and

demoralizing effect on the staff in as much as major quantum of office time is consumed in searching, analyzing such documents which are basically technical in nature and the staff dealing such files are not adequately conversant as very old records are to be searched out from files having not much of relevance at present scenario and juncture. In addition to this, it is leading to disproportionate diversion of resources, smooth conduct of office administration jeopardizing the office work.

8. In this regard few judgements passed by the Hon'ble Supreme Court containing the **ratio** are quoted hereunder:

a. **Central Board of Secondary Education vs Aditya Bandopadhyaya(2009):**

"indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spend 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

b. **Satish Tiwari vs IOCL**

CIC in Satish Tiwari vs IOCL case observed that it is indeed very unfortunate *that a large number of persons who themselves are not so clean in so far as their conduct and behaviour, including economic integrity is concerned and it is they who have been misusing the provisions of the RTI Act for promotion of personal interest at the heavy cost of public expenditure which are incurred in processing the RTI applications.*

c. **The Punjab State Information Commission while disposing of the Appeal Cases Nos. 217, 218, 219 and 220 of 2017, in its order dated 05.04.2017 stated as follows-**

"The Commission finds that it is the duty of the Commission to see that such blatant misuse of RTI Act should not be allowed further and such situation need to be appropriately dealt with to secure the faith of the public in this 'Sun Shine Act' and remove obstacles in functioning of public

authority which would have eventually prevent public authority from focusing on transparency. His act of running not with filing repeated applications seeking insane and voluminous information's has become counter-productive of public interest. The Commission cannot allow such fishing operations of the appellant. We see his acts as a misuse rather abuse of the RTI Act with unsavory motives."

d. **Shail Sahni v Valsa Sara Mathew and Ors (05 07 2013 DELHC) MANU DE/1897/2013**

In this case the Hon'ble Delhi High Court has also observed that indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should lead to employees of a public authorities prioritizing information furnishing" at the cost of their normal and regular duties.

e. **Hon'ble Assam State Information Commission's order in Case No.SIC/AE.83/2020 dated 24.12.2020 stated as:**

"Unfortunate to see seasoned applicants, the Act of 2005 never intended to create professionals but to provide access to information to common citizens."

f. **The Central Information Commission in case No.: CIC/SG/C/2011/000760, CIC/ SM/A/2011/000926/ SG, CIC/SM/A/2011/001111/SG, CIC/SG/A/2011/002909**

The CIC while passing the order on the above cases had opined that though the right to information is a fundamental right of the citizens, it cannot be used indiscriminately to fulfil the demands of one individual. *"The Commission is also conscious of the fact that it is financed by the poorest man in this country who may be starving to death. The complainant, by repeatedly filing similar RTI applications and appeals with the respondent public authority and the commission, is wasting time of the public authorities," the CIC had said.*

Therefore, in the light of above orders and Judgements it is most humbly submitted before the Hon'ble Assam Information Commission that since the past

1(one) year or so considerable time and manpower resources have been diverted by the Office of The Field Director, Kaziranga National Park and Tiger Reserve and Office of The Divisional Forest Officer, Eastern Assam Wildlife Division to answer/reply to the RTI applications of Mr. Rohit Choudhury. In addition to this, disproportionate resources and time have also been diverted by both the above offices on the First appeals filed by Mr. Rohit Choudhury adversely affecting in discharge of other office works, carrying out the anti poaching measures, in overall management and administration of the park.

9. It is also brought to the notice of the Hon'ble Assam Information Commission that the intent of RTI Act is clearly spelled out in the Preamble of the RTI Act (2005) which is reproduced below:

"An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;"

It is kindly brought to the notice of the Hon'ble Assam Information Commission that Mr. Rohit Choudhury through his RTI applications never pursued the public interests but instead blocked the efficient operations, delivery and administration of the Governments numerous times as explained in the foregoing paragraphs.

10. The Central Vigilance Commission vide Circular No.03/03/2017 dated 10.03.2017 has communicated CIC Order No. CIC/AD/A/2013001326-SA dated 25.06.2014 in case of Shri Ramesh Chand Jain vs Delhi Transport Commission, GNCTD, Delhi also has flagged repetitive filing of RTI applications on similar subject. Central Vigilance Commission has directed that "***Repetition shall be ground for refusal of information***."

Copy of the Circular No.03/03/2017 dated 10.03.2017 is annexed hereto and marked as **Annexure-III**

11. It is pertinent to bring it to the kind attention of the Hon'ble Assam Information Commission that Mr. Rohit Choudhury got access to the full report of 14th Rhino census estimation of Kaziranga National Park by filing numerous RTI applications, First appeals, Second appeals. The information Mr. Rohit Choudhury got access to include raw data of the enumerator sheet containing the GPS location of the Rhinos which were counted, and the analysis done related to the density of Rhinos within the Park. A restraint letter was sent to Shri Rohit Choudhury vide

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Letter No. KNP/FG/RTI/Rohit Choudhury dated 07.12.2022 to return the sheets as ditto and not to share the information or make the information public and a reminder was also sent regarding this vide Letter No.KNP/FG/RTI/Rohit Choudhury dated 28.12.2022. To utter surprise and shock Mr. Rohit Choudhury had shared the above sensitive information in public, with the intention to malign and to put the Rhinos of Kaziranga National Park along with all the officials and staff who are constantly under threat from poachers, in the line of danger. This is the first time in the history of Kaziranga National Park that compartment wise data has been made public and he has taken liberty, despite restraint by the undersigned to publish the same in media. This way Mr. Rohit Choudhury has posed a serious threat to the security of the Kaziranga National Park and Tiger Reserve (KNP&TR).

Copy of Letter No.KNP/FG/RTI/Rohit Choudhury dated 07.12.2022 and Letter No.KNP/FG/RTI/Rohit Choudhury dated 28.12.2022 is annexed hereto and marked as **Annexure-IV & Annexure-V** respectively.

12. After divulging the information of the Rhino Census by Mr. Rohit Choudhury, an incident of poaching has occurred in the interior area of Western Range, Bagori of Kaziranga National Park and Tiger Reserve (carcass of the Rhino was detected on 26.03.2023 and the case is under investigation). It may also have future repercussions on the Rhino population of Kaziranga National Park and Tiger Reserve as the information may fall in the hands of miscreants/poachers. Park Management, including the field staff deployed for anti-poaching activities are always put under severe stress and threats endangering their lives for the cause of Rhino conservation. It is on record that due to constant vigil and round the clock anti-poaching activities, coordination between police and civil administration the KNP & TR could boast of recording zero poaching during 2022 after nearly 47 years under the constant and great efforts put up by the present Government. While the commitment of the Government of Assam could be visible in terms of zero poaching during the past year the same momentum could not be continued as a case of poaching has happened during the current year just ahead of the visit of the Hon'ble President of India to the park.

13. It is kindly brought to the notice of the Hon'ble Assam Information Commission that poached Rhino Horns are used as lucrative commodity, which fetches huge cash to procure Arms, Narcotic Drugs, which ultimately is used to wage war against the State or against the Union. This is having a cascading effect on the security of the North-East region in particular and India, in general.

As the issue is too serious in nature having far reaching ramifications in near future, a request was made with the Director General of Police, Assam vide Letter No. KNP/FG/RTI/Rohit Choudhury/Pt dated 28-02-2023 to take requisite action for return of all the enumeration sheets, information from Mr. Rohit Choudhury as he leaked the same in public. On the advice of the Director

General of Police, Assam vide Letter No.G/VI/Wild Life/57/2022/78 dated 24.03.2023, to take up the matter with Government of Assam, a letter was addressed to the Government of Assam vide Letter No. KNP/FG/RTI/Rohit Choudhury/Pt dated 16.06.2023 to undertake a thorough investigation against Mr. Rohit Choudhury and recipients of the above said information and documents.

Copy of Letter No. KNP/FG/RTI/Rohit Choudhury/Pt dated 28-02-2023, Letter No. G/VI/Wild Life/57/2022/78 dated 24.03.2023 and Letter No. KNP/FG/RTI/Rohit Choudhury/Pt dated 16.06.2023 is annexed hereto and marked as **Annexure-VI, Annexure-VII, Annexure-VIII**.

14. In this regard few judgements passed by the Hon'ble Supreme Court containing the ratio are quoted hereunder.

a. The Hon'ble Supreme Court while hearing an application filed by Ms. Anjali Bhardwaj and retired Commodore Lokesh Batra on December 16, 2019 about the lack of transparency in the appointment process of Information Commissioners despite a Judgement from the Supreme Court on February 15, the Hon'ble Chief Justice of India Sharad Arvind Bodbe said, "the time has come to lay down guidelines on the use of the RTI and that guidelines should be put in place to check the locus of the RTI Applicant and put a filter on the kind of requests made under the 2005 Act." The Hon'ble CJI also said that the Court was not against the exercise of the Right to information, but it could not be an unrivalled right. He also observed that there is a serious problem of people filing RTI requests with malafide intention, people set up by rival and that the RTI Act had become a source of criminal intimidation by people with an axe to grind. He said, *"Criminal intimidation is a nice word for blackmail." People who call themselves RTI Activists and were in no way concerned with the issues on which they file RTI requests had impeded government functioning.*

b. **The Institute of Chartered Accountants of India Vs. Shaunak H. Satya and Ors, A.I.R 2011 SC 3336**
The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests which include efficient operation of public authorities and government, preservation of confidentiality of sensitive information and optimum use.." (The Institute of Chartered Accountants of India Vs. Shaunak H. Satya and Ors, A.I.R 2011 SC 3336)."

It can be observed by the Hon'ble Assam Information Commission that Mr. Rohit Choudhury used RTI with a malafide intention to obstruct the efficient operation of public authorities and government and, he deliberately shared confidential information in the media. The same was pointed out by the Hon'ble

Supreme Court in the Judgements listed above *that some people in disguise of RTI activist are holding the administration to ransom.*

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15. Mr. Rohit Choudhury has created a self-analysis on Rhino Census as per his whims and fancies, without understanding the nuances of wildlife. And he shared his self-analysis in the media deliberately to malign Kaziranga National Park and Tiger Reserve. In this regard clarification was issued to The Editor, The Hindu vide Letter No. KNP&TR/The Hindu dated 14.02.2023.

Copy of the Newspaper article and clarification there to addressed to the Editor, The Hindu vide Letter No. KNP&TR/The Hindu dated 14.02.2023 are annexed hereto and marked as **Annexure-IX** and **Annexure-X** respectively.

16. Mr. Rohit Choudhury based on his self-analysis on Rhino Census has complained to the Hon'ble Union Minister of Environment, Forest and Climate Change vide Letter No.NIL dated 27.01.2023 that there are serious anomalies in the 14th Rhino Population Estimation,2022 with baseless allegations against the Chief Wildlife Warden, Assam and the undersigned with a request to cause an inquiry. In this regard, a detailed explanation was already submitted by the undersigned to The Principal Chief Conservator of Forests (Wildlife), Assam vide Letter No KNP/FG.168/Rhino Census/2015-18 dated 23.02.2023.

Copy of the complaint Letter No.NIL dated 27.01.2023 Letter No KNP/FG.168/Rhino Census/2015-18 dated 23.02.2023 are annexed hereto and marked as **Annexure-XI** and **Annexure-XII** respectively.

17. It will not be out of place to bring it to the kind notice of the August Assam Information Commission that the Principal Chief Conservator of Forests and Head of Forest Force (PCCF& HoFF) Assam has submitted detailed clarification to the above baseless and wild allegations as levelled by Mr. Rohit Choudhury vide Letter No.FG.26/hoff-office/wildlife dated 11.04.2023.

It will be seen on perusal of the allegations of Mr. Rohit Choudhury that he had tried to vouch for the enumeration exercise carried out in Manas National Park and Tiger Reserve as *"for Manas, the SoP laid down by the MoEF & CC was meticulously followed"*. The PCCF & HoFF through the above letter pointed out that Mr. Rohit Choudhury has willfully ignored the fact that Orang, Manas, Pobitora has followed similar Rhino estimation procedure as Kaziranga National Park and Tiger Reserve. Therefore, it can be observed by the Hon'ble Assam Information Commission that the sole intention of Mr. Rohit Choudhury was to defame the Kaziranga National Park and Tiger Reserve with baseless allegations.

Copy of the Letter No.FG.26/hoff-office/wildlife dated 11.04.2023 is annexed hereto and marked as **Annexure – XIII**.

18. It shall be appreciated by the Hon'ble Assam Information Commission that this is a dangerous trend where RTI has been used to access very sensitive and confidential information. From the above it can be observed that Mr. Rohit Choudhury has weaponized RTI Act against the Kaziranga National Park and Tiger Reserve and Assam Forest Department with an ulterior motive and malafide intentions.

19. It is kindly brought to the notice of the Hon'ble Assam Information Commission that the *modus operandi* of Mr. Rohit Choudhury to defame the Kaziranga National Park and Tiger Reserve is by tweeting his half-baked analysis on issues regarding the Kaziranga National Park on Twitter. In one such instance Mr. Rohit Choudhury has tweeted that sensors in animal corridors are dysfunctional and defamed the undersigned and Kaziranga National Park and Tiger Reserve by tweeting that Field Director, KNP&TR is in deep slumber. He also shared an article which attributed that Field Director, KNP&TR has no knowledge about these cameras. Field Director, KNP&TR vide Letter No.KNP/FG.733/Sensor/NH-37 dated 11.04.2023 requested the government to release the arrears to be paid to the Organization(Assam Electronics Development Corporation Limited) for making the animal sensors functional. Therefore, it can be stated that all these allegations are unfound and clearly amount to defamation of the undersigned and the KNPTR.

Copy of the Tweets and Letter No.KNP/FG.733/Sensor/NH-37 dated 11.04.2023 are annexed hereto and marked as **Annexure-XIV & Annexure-XV** respectively.

In view of the above submissions, it is humbly prayed to take a statutory action against Mr. Rohit Choudhury for misusing the statutory provisions under RTI Act,2005 to blackmail, intimidate, threaten the public authorities to meet his ulterior motives, malafide intentions and personal vendetta.

For this act of kindness, as in duty bound, I shall ever pray.

Enclo: As stated above.

Yours faithfully,

9/8/23

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat:Assam:785612

Copy to :

1. The Director General of Forest & Special Secretary to the Govt. of India, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110003, India for favour of kind information.
2. The ADG/Member Secretary , NTCA, Ministry of Conservation, Forest & Climate Change, Govt. of India, B1 Wing, 7th Floor, Paryavaran Bhawan, CGO Complex, New Delhi 110003 for favour of his kind information.
3. The Additional Director General of Forest (Wildlife) Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110003, India for favour of kind information
4. The Additional Chief Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati for favour of kind information
5. The Principal Chief Conservator of Forest & Head of Forest Force, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for favour of his kind information.
6. Director General of Police, Assam,Assam Police Headquarters, Ulubari, Guwahati 781007for favour of his kind information.
7. The Principal Chief Conservator of Forest & Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for favour of his kind information.
8. The Divisional Forest Officer, Eastern Assam Wildlife Division for his information and necessary action.
9. The Registrar, Assam Information Commission, GodapaniPath, Juripar, Panjabari, Guwahati 781037 for kind appraisal of the Hon'ble Assam Information Commission.

A/8/17

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat:Assam:785612

Annexure - I

- 311.

Gmail

Director Kaziranga National Park <dir.kaziranganp@gmail.com>

Request for information on Elephant Task Force Sub-Committee

rohit choudhury <rohitkaziranga@gmail.com>
To: Director Kaziranga National Park <dir.kaziranganp@gmail.com>
Cc: "Divisional Forest Officer Eastern Assam Wildlife Divn." <dfo.eawl@gmail.com>, b.dyuti.kashyap011@gmail.com, bagoirange@gmail.com, burapahariange@gmail.com, kaziranga range@gmail.com, rabin sarmah <kazirangaresearch@gmail.com>

29 June 2021 at 21:56

Respected Sir,

I would like to bring to your kind notice about the meeting of Elephant Task Force- Sub Committee (Kaziranga –Karbi Anglong Range) held at 11.00am on 6th February, 2021 at Mahimiri Hall, Centenary Convention Centre, Kohora Kaziranga National Park & Tiger Reserve. In the Minutes of meeting point 4, it was stated that "*DFOs will convene a meeting at Range level except Biswanath WLD and EAWLD where data will be collected centrally. The Director KNP&TR will share formats through Google Sheets with all DFOs for necessary data collection. DFOs to provide requisite information for the period of 2010 to 2020*".

Along with the minutes of the meeting format of Form 1 to Form 6 was shared with all concerned.

Therefore, in view of the same I request you to kindly provide me the complete information in the format as mentioned in the minutes of the meeting. **I am in need of the information for my study and research purpose and also the information may be useful in court.** As the meeting was held 5 months ago, I believe that the information will be readily available with the O/o the Director,Kaziranga National Park.

Hope you would consider my prayer and provide me the information of all the divisions at the earliest possible.

Regards,

Rohit Choudhury

(Attached)

KNP.Elephant Task Force.pdf
397K

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GOVERNMENT OF ASSAM
OFFICE OF THE DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM 785612

Letter No. KNP/FG.165/Project Elephant/Pt-I *Dated 31/07/2021*

To

1. The Divisional Forest Officers, Eastern Assam Wildlife Division
2. The Divisional Forest Officers, Biswanath Wildlife Division
3. The Divisional Forest Officers, Karbi Anglong East Division
4. The Divisional Forest Officers, Nagaon (T) Division
5. The Divisional Forest Officers, Sonitpur West Division
6. The Divisional Forest Officers, Nagaon South Division, Hojai
7. The Divisional Forest Officer, Golaghat Division, Golaghat.

Sub: **Action taken report.**

Ref: Rohit Choudhary e-mail dated 29-06-2021 & This office letter No.KNP/FG 165/Project Elephant/Pt-I, dtd. 19-02-2021.

With reference to the subject cited above, I am forwarding herewith a copy of e-mail dated 29-06-2021 received from Rohit Choudhury regarding for information on Elephant Task Force Sub-Committee.

In this regard, you are instructed to submit the information as per the format provided vide above mentioned letter No.

(P. Sivakumar, IFS) CCF
Director,
Kaziranga National Park & Tiger Reserve
Bokakhat:Assam:785612

ISSUED ON 31.07.21

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Gmail

Director Kaziranga National Park <dir.kaziranganp@gmail.com>

Request for information on Elephant Task Force Sub-Committee

Rohit Choudhury <rohitkaziranga@gmail.com> 30 July 2021 at 14:36
To: Director Kaziranga National Park <dir.kaziranganp@gmail.com>
Cc: Divisional Forest Officer Eastern Assam Wildlife Dvn <dfo.eawl@gmail.com>, bidyutbkashoran011@gmail.com, bagoirange@gmail.com, tauratchariange@gmail.com, kazirangarange@gmail.com, rabin sarmah <kazirangaresearch@gmail.com>

Respected Sir,

In continuation of my email dated 29/06/2021, I **would like to inform you that I am yet to receive any reply / information from your office on the Elephant Task Force Sub-Committee.** This information is very important for my research and work.

Therefore, once again I request your good office to kindly see if the information could be provided to me at the earliest.

Regards,

Rohit Choudhury

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Azadi Ka Amrit Mahotsav

GOVERNMENT OF ASSAM

REMINDER

OFFICE OF THE FIELD DIRECTOR, KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT, ASSAM-785612

(E-mail ID: dir.kazirangnp@gmail.com)

Letter No. KNP/FG.165/Project Elephant/Pt-I *Dated 28/10/2021*

To

1. The Divisional Forest Officer, Eastern Assam Wildlife Division cum Deputy Director, Kaziranga Tiger Reserve.
2. The Divisional Forest Officer, Biswanath Wildlife Division cum Deputy Director, Kaziranga Tiger Reserve
3. The Divisional Forest Officer, Karbi Anglong East Division
4. The Divisional Forest Officer, Nagaon (T) Division
5. The Divisional Forest Officer, Nagaon South Division
6. The Divisional Forest Officer, Golaghat (T) Division

Sub: **Action Taken Report**

Ref: This office letter No. KNP/FG.165/Project Elephant/Pt-I dtd.19-02-2021 and KNP/FG.165/Project Elephant/Pt-I dtd. 31-07-2021.

Sir,

With reference to the above, I am directed once again to request you submit the information as per format provided vide letter mentioned under reference.

Divisional Forest Officer
Cum
Additional Deputy Director
Kaziranga Tiger Reserve
Bokakhat: Assam: 785612

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Minutes of the meeting of the Elephant Task Force Sub Committee (Kaziranga –Karbi Anglong Range) held at 11.00am on 6th February, 2021 at Mahimiri Hall, Centenary Convention Centre, Kohora Kaziranga National Park & Tiger Reserve

Members present: Annexure-I

At the outset the Chairman of the Elephant Task Force- Sub Committee (Kaziranga –Karbi Anglong Range) Sri. P. Sivakumar, Director of KNP & TR has welcomed all the members and briefed them about purpose of the committee, issues related to the Kaziranga- Karbi Anglong Elephant Reserve. The director also suggested to draft an integrated management plan for the ER. After the detailed discussions, the following decisions were taken

1. Bhomoragur RF and 6th addition to Kaziranga NP is also part of the ER. Hence it was decided to invited DFOs of Sonitpur West and Biswanath Wildlife Division during the next meeting of the sub-committee
2. The management plan/action plan will be prepared with active participation from all the members and the stake holders
3. WWF in association with the concerned Division will re-verify the map for Elephant Reserve. Possible logistic support will be provided by concerned Divisions. Besides, the Land Use Change Map will also be prepared by WWF
4. DFOs will convene a meeting at Range level except Biswanath WLD and EAWLD where data will be collected centrally. The Director KNP&TR will share formats through Google Sheets with all DFOs for necessary data collection. DFOs to provide requisite information for the period of **2010 to 2020**

The meeting was ended with vote of thanks from the Chair

(P. Sivakumar, IFS) CCF
Director,
Kaziranga National Park & Tiger Reserve
Bokakhat, Assam 785612

Letter No. KNP/FG.165/Project Elephant/Pt-I ***Dated: 19-02-2021***

1. The Principal Chief Conservator of Forest (Wildlife) & the Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari,Guwahati-37 for favour his kind information
2. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat for information and necessary action
3. The Divisional Forest Officer, Nagaon Division, Nagaon for information and necessary action

4 The Divisional Forest Officer, Karbi Anglong East Forest Division, Diphu for information and necessary action

5 The Divisional Forest Officer, Nagaon South Division, Hojai for information and necessary action

6 The Divisional Forest Officer, Golaghat Division, Golaghat for information and necessary action

7 The Divisional Forest Officer, Biswanath Wildlife Division, Biswanath for information and necessary action

8 The Divisional Forest Officer, Sonitpur West Division, Tezpur for information and necessary action

9 Dr Varun Goswami, Guwahati for information and necessary action

10 Dr Pranab Bora, WWF India, Field Office Kaziranga for information and necessary action

Director,
Kaziranga National Park & Tiger Reserve
Bokakhat, Assam 785612

- 317 -

Gmail

Director Kaziranga National Park <dir.kaziranganp@gmail.com>

Request for information of Elephant Task Force

1 message

rohit choudhury <rohitskaziranga@gmail.com> 29 October 2021 at 21:48
To: "Divisional Forest Officer Eastern Assam Wildlife Divn." <dfo.eawl@gmail.com>
Cc: Director Kaziranga National Park <dir.kaziranganp@gmail.com>, bagorirange@gmail.com, kazirangarange@gmail.com, bidyutbikashborah011@gmail.com, burapaharrange@gmail.com, rabin sarmah <kazirangaresearch@gmail.com>, "Vaibhav C. Mathur" <drvaibhavcm@gmail.com>, nayanjyoti7@gmail.com

Respected Sir,

I would like to bring to your knowledge about the meeting of the Elephant Task Force- Sub Committee (Kaziranga -Karbi Anglong Range) held at 11.00 am on 6th February, 2021 at Mahimin Hall, Centenary Convention Centre, Kohora Kaziranga National Park & Tiger Reserve. From the Minutes of the meeting dated 19-02-2021 it is known that all the respective divisions were shared with the format in which the information was seeked.

However, from the RTI information received from the O/o the Director, Kaziranga National Park it is informed that information from the Eastern Assam Wildlife Division is still awaited.

Sir, it's been 9 month since the meeting dated 06-02-2021 was held, but information is still awaited. And also O/o the Director, Kaziranga National Park had made correspondences with your good office on 31-08-2021 & 28-10-2021 in this regard.

Therefore, I humbly request you to kindly give necessary direction to your office to kindly provide the information as requested.

Regards,

Rohit Choudhury

3 attachments

KNPTR_20210219_MoM_06-02-2021.pdf
397K

KNPTR_20210731_Project Elephant.pdf
534K

KNPTR_20211029_Action taken report_elephant reserve.pdf
277K

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Gmail

Director Kaziranga National Park <dir.kaziranganp@gmail.com>

Action taken report on Elephant Reserve

2 messages

Director Kaziranga National Park <dir.kaziranganp@gmail.com> 25 November 2021 at 15:46
To: rohit choudhury <Rohitskaziranga@gmail.com>

Please find herewith the attachment.

Director
Kaziranga National Park & Tiger Reserve
P.O Bokakhat, District: Golaghat
Assam - 785 612

Phone: +91-3776-268095 /9435084183
http://kaziranga.assam.gov.in
https://www.facebook.com/KazirangaNP
https://twitter.com/kaziranga_

7 attachments

- KNPTR_20211125_RTI-Rohit Choudhuri.pdf 258K
- Golaghat Division.pdf 323K
- Biswanath WL Division.pdf 1058K
- EAWL Division.pdf 2241K
- Nagaon Division.pdf 2536K
- Nagaon South Division.pdf 2869K
- Sonitpur West Division.pdf 5243K

rohit choudhury <rohitskaziranga@gmail.com> 29 November 2021 at 18:29
To: Director Kaziranga National Park <dir.kaziranganp@gmail.com>

Respected Sir,

Thank you for the Information.

However I would like to bring to your kind notice that the information provided by Nagaon (T) Division is incomplete as it has not been provided in the prescribed format as sought by the O/o the Director, Kaziranga National Park. Therefore, I would request you to kindly give necessary direction to the Divisional Forest Officer, Nagaon (T) Division to provide the information in the prescribed format.

Regards,

Rohit Choudhury

Annexure - II

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GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM: 785612
(E-mail ID:dfo.kaziranga@gmail.com)

Letter No. KNP/FG/165/Project Elephant/Pt-I Dated: 02-08-2022

To

The Chief Wildlife Warden, Assam,
Aranya Bhawan, Panjabari
Guwahati-37

Sub: **Discrepancy in permission required under section 28 for research related matter.**

Ref: 1. Mail dated 29-06-2021, 30-07-2021 and 29-10-2021 of Sri Rohit Choudhury regarding

Sir,

With reference to the above, I have the honour to enclose herewith the copies of mails dated 29-06-2021, dated 30-07-2021 and dated 29-10-2021 of Sri Rohit Choudhury of Bokakhat on which he sought details of information regarding elephant Reserve as per formats as designed and prescribed by this office vide letter No. KNP/FG/165/Project Elephant/ Pt-I , dtd 19-02-2021 compiled by the Elephant Task Force Sub-Committee.

The details of information in the formats (Form No-1 to Form No. 6) for the period from the year 2010 to 2020 were **sought by him as he was in need of the information for his study and research purpose and also the information for use in the court.**

It appears via this office letter No. KNP/FG/165/Project Elephant/ Pt-I, dtd.31-07-2021 and even No dated 28-10-2021 that the DFOs were asked to furnish with, the information as sought for by Sri Choudhury. It further appears from this office mail dated 25-11-2021 to Sri Rohit Choudhury that the information as sought for by him were furnished with a further request for directing DFO, Nagaon (T) Division to furnish the information as per the format.

As per **section 28 of Wildlife Protection Act, 1972,** it is **mandatory for a person to take permission of Chief Wildlife Warden, Assam for obtaining information from authorities for research purposes.** In view of above correspondence this **office has not found any documents of Sri Rohit Choudhury taking requisite permission under above section.**

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

Enclo: As stated above.

Yours faithfully,

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam: 785612

Annexure - III

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Telegraphic Address
SATARKTA, New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स/Fax : 24651186

सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलैक्स,
ब्लॉक ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

फा./No CVC/RTI/MISC/16/006

दिनांक / Dated 10.03.2017

Circular No. 03/03/2017

Subject: **Seeking similar information through repeated RTI Applications-Central Information Commission's decision- regarding.**

The attention of the CVOs concerned is drawn to the Central Information Commission's decision dated 25.06.2014 in case No. CIC/AD/A/2013/001326-SA in the case of Shri Ramesh Chand Jain Vs. Delhi Transport Corporation, GNCTD, Delhi, in which the issue of seeking information by the RTI Applicants through repetitive Applications on similar issues/subject has been considered and decided by the Central Information Commission.

2. The Central Information Commission, in its decision, had observed that:-

"The Commission noticed that several applicants seek some information from one wing of the public authority, and based on the responses file a bunch of RTI questions from the same or other wings of same public authority, or from other authority. This will have a continuous harassing effect on the public authority. As the PIOs go on answering, more and more questions are generated out of the same and in the same proportion the number of repeated first appeals and second appeals will be growing."

3. The Commission after considering various aspects of the issue and the provisions of acts of similar nature in other countries, and also the decisions of earlier Information Commissioners has concluded that:-

"(i) Even a single repetition of RTI application would demand the valuable time of the public authority, first appellate authority and if it also reaches second appeal, that of the Commission, which time could have been spent to hear another appeal or answer another application or perform other public duty.

Contd...2...

(iii) Every repetition of RTI application which was earlier responded will be an obstruction to flow of information and defeats the purpose of the RTI Act."

4. The **Central Information Commission, vide its decision No. CIC/AD/A/2013/001326-SA dated 25.06.2014 has thus, decided that -**

*"(i) **No scope of repeating under RTI Act***
*(ii) **Citizen has no Right to Repeat***
*(iii) **Repetition shall be ground of refusal***
*(iv) **Appeals can be rejected.**"*

5. The CVOs may bring the above quoted decision of Central Information Commission to the notice of all the CPIOs/Appellate Authorities of their organizations, who may consider the Central Information Commission's decision, while deciding about the RTI Applications seeking similar information through repeated RTI Applications. The complete decision of Central Information Commission, in case No. CIC/AD/A/2013/001326-SA, in the case of Shri Ramesh Chand Jain Vs. Delhi Transport Corporation, GNCTD, Delhi is available on its website, www.cic.gov.in, in downloadable form and can be access from there.

(Rajiv Verma)
Under Secretary & Nodal CPIO

To,

All Chief Vigilance Officers

By speed post / Mail

Annexure - IV

-322-

GOVERNMENT OF ASSAM

OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE

BOKAKHAT: ASSAM-785612

(E-mail ID:*dir.kazirangenp@gmail.com*)

Letter No: KNP/1 G/RTI/Rohit Choudhury *Dated 07/12/2022*

To

Sri Rohit Chowdhury
Vill: Gormur
P.O: Lokhujan, Bokakhat 785612
Dist: Golaghat, Assam

Sub: RTI reply regarding 14th Rhino Estimation report and Enumerator sheets- Reg.

Kindly refer to letter No.B/WLG/RTI/2022/9530 dated 28.11.2022 and letter No.B/WLG/RTI/2022/9529 dated 28.11.2022 of the Office of the Divisional Forest Officer, Eastern Assam Wildlife Division that were issued in response to your RTI dated 09.05.2022 and 23.06.2022 respectively. I am to bring to your kind notice that the documents shared with you are secret / confidential in nature and sent erroneously to you by the First Appellate Authority & SPIO of O/o the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat.

Since these documents i.e 14thRhino Estimation Report as well as the Enumerator Sheets created during the estimation exercise in March, 2022 contain sensitive information with regard to the Rhino density and their spatial distribution including the GPS locations of the Rhinos in the Kaziranga National Park, which under no circumstances should be made public. **This information may lead to incitement** of **Rhino poaching and put the Greater One-Horned Rhinoceros** (a flag bearing species of the prestigious world heritage site i.e. Kaziranga National Park) **population at risk and thereby jeopardize the anti-poaching efforts of the Government of Assam and the Nation at large**. It will also put the management of Kaziranga National Park under tremendous risk and may invite threat to the lives of frontline staff who are patrolling the Park 24*7*365.

Therefore, **I request you to return the hard copies of the documents forthwith furnished to you as the RTI reply and also any copies you might have made of the same**. You are also to submit a written statement stating the names & contact details of the persons with whom you might have shared the above information. Further, an undertaking to the effect that no copies of the documents are lying with you either in physical hard copies or electronic forms with you or anyone with whom you would have shared. Any leakage of information or publishing of information in any form and on any platform, other than what has been published officially by the Kaziranga National Park authority and released to the public, may result in an untoward incident of poaching including attempts of poaching that would make you liable for prosecution under abetting to commit a crime.

Treat this as **MOST URGENT**

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat:Assam:785612

Copy to

1. The Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for kind information.
2. The Registrar, Assam Information Commissioner, Panjabari, Guwahati-37 for kind information.
3. The Superintendent of Police, Golaghat for information.
4. The Divisional Forest Officer cum Deputy Director, Eastern Assam Wildlife Division, Bokakhat for information.
5. Guard file

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat: Assam: 785612

Annexure - V

SPEED POST

REMINDER - 323 -

GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM-785612

(E-mail ID:dir.kazirangatfo@gmail.com)

Letter No. KNP/FG/RTI/Rohit Choudhury Dated 28/12/2022

To

Sri Rohit Choudhury
Vill: Gorimar
P.O: Lokhujan, Bokakhat 785612
Dist: Golaghat, Assam

Sub: RTI reply regarding 14th Rhino Estimation report and Enumerator sheets-reg.

Ref: This office letter No: KNP/FG/RTI/Rohit Choudhury dated 07/12/2022- reg

Please refer to this office letter dated 07-12-2022 under reference, by which you were asked to return the documents and share the requisite information if any, leaked to any person regarding the Hard copies of 14th Rhino Estimation Report and Enumerator Sheets furnished by Office of the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat on 28th November 2022 as quoted in the above letter.

I hereby reiterate that the documents are highly sensitive in nature and may result into high attempts of poaching and any such untoward incident would make you liable for prosecution under abetting to commit a crime as the confidential material exists only in your possession, among general public, which was erroneously furnished by the Divisional Forest officer. Thus, I **request you to act on the reminder immediately and furnish and return all information sought by the letter quoted in the reference**. Retention of the above documents will be at your own risk and cost.

Treat this as **MOST URGENT**

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam: 785612

Copy to:

1. The Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for kind information.
2. The Registrar, Assam Information Commissioner, Panjabari, Guwahati-37 for kind information.
3. The Superintendent of Police, Golaghat for information.
4. The Divisional Forest Officer cum Deputy Director, Eastern Assam Wildlife Division, Bokakhat for information.
5. Guard file.

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam: 785612

achieved by Kaziranga National Park after more than 45 years under the leadership of Hon'ble Chief Minister Sri Himanta Biswa Sarma

5 Sir, it may also fizzle out the efforts of the Special Task Force headed by your esteemed self to ensure no Rhinos are poached, as Mr Rohit Choudhary has put the report out in public domain, in addition to baseless and wild allegations and maligning the world Heritage Site without any basis and facts

7 The intention of the person is guided by ulterior motive and agenda which can be seen whereby he constantly targets the Kaziranga National Park in media as well as social media

I would, therefore, request you to kindly initiate an inquiry in the above said matter and take necessary action against the said individual, Mr Rohit Choudhury

Enclo: Mail dated 27th Jan, 2023

Yours faithfully,

28/1/23

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat,Assam 785612

Copy to

The Director General of Forest to the Govt. of India, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110003, India for favour of kind information

The Additional Chief Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati for favour of kind information

The Principal Chief Conservator of Forests & Head of Forest Force, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for favour of kind information and necessary action.

The Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for favour of kind information and necessary action. He is requested to kindly take up the matter accordingly for a thorough probe

The Registrar, Assam Information Commission, Panjabari, Guwahati-37 for kind information

The Superintendent of Police, Golaghat District, Golaghat for information

28/1/23

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat,Assam 785612

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Annexure - VII

Confidential

ASSAM POLICE HEADQUARTERS
ULUBARI , GUWAHATI

Letter No. G/VI/Wild Life /57/2022/78, Dated: 24/03/2023

To

Shri Jatindra Sarma, IFS, CCF
Field Director, Kaziranga National Park
& Tiger Reserve, Bokakhat, Assam.

Sub :: RTI reply regarding 14th Rhino Estimation report and Enumerator sheets-reg.

Ref :: Your letter No. KNP/FG/RTI/Rohit Choudhory/Pt, dtd.28/02/2023.

Sir,

With reference to the subject cited above, I am to inform you that the letter and its enclosures have been perused. On perusal of the documents submitted vide your letter under reference, it has been come to the nouce that the records relating to 14th Rhino Estimation were duly shared to Mr. Rohit Choudhory an RTI activist by the First Appellate Authority & SPIO of O/o the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat as specified in letter No.KNP/FG/RTI/Rohit Choudhory, dtd.07/12/2022. At this juncture, Police have limited role to take initiative on the matter .

Hence, you are requested that the **matter may be taken up with your higher authority for taking appropriate decision on the matter.**

Yours faithfully,

Inspector General of Police (L&O)
Assam , Guwahati.

Annexure - VIII

- 326 -

GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM-785612
(E-mail ID: dir.kaziranga@gmail.com)

Letter No. KNP/FG/RTI/Rohit Choudhury/Pt *Dated 16/06/2023*

To,
The Principal Chief Conservator of Forests (Wildlife) &
Chief Wildlife Warden, Assam
Aranya Bhawan, Panjabari
Guwahati

Sub: RTI reply regarding 14th Rhino Estimation report and Enumerator sheets- Reg.

Ref 1. Letter No KNP/FG/RTI/Rohit Choudhury/Pt dated 28.02.2023
2. Letter No. G/VI/Wildlife/57/2022/78 dated 24.03.2023

Sir,

With reference to the subject cited above, I have the honour to bring it to your kind notice regarding a sensitive matter corresponding to the 14th rhino estimation.

1. That, one Mr. Rohit Choudhury, an RTI activist had got access to confidential information through the RTI allegedly by harassing the SPIO, O/o the DFO, Eastern Assam Wildlife Division, Bokakhat with barrage of RTIs and constant threat of punitive action, even if the information is sensitive.
2. It was learnt that Mr. Rohit Choudhury had got access to the full report of the 14th rhino estimation which includes, raw data of the enumerator sheet containing the GPS location of the rhinos which were counted and the analysis done relating to the density of rhinos within the Kaziranga National Park.
3. Knowing the above facts the undersigned had directed Mr. Rohit Choudhury in the letters dated 07-12-2022 & 28-12-2022 to hand over all the confidential documents received through the RTI relating to 14th rhino estimation to the office of the Director, Kaziranga National Park and not disclose to anyone or make any copies of the same as it would apparently put the Kaziranga National Park under threat.
4. However, it is seen that he has created a self-analysis as per his wishes, without understanding the nuances of wildlife and shared the sensitive information in public, with the intention to malign and to put the Rhinos of Kaziranga National Park along with all the officials and staff who are constantly under threat from poachers, in the line of danger.

5. It shall be appreciated that this is a dangerous trend where the RTI has been used to access very sensitive and confidential information and can disrupt the zero poaching achieved by Kaziranga National Park after more than 45 years under the leadership of Hon'ble Chief Minister Sri Himanta Biswa Sarma .

6. The intention of the person is guided by ulterior motive and agenda which can be seen whereby he constantly targets the Kaziranga National Park in media as well as social media

7. The same has been communicated to your good self and DGP vide Letter No. Letter No KNP FG/RTI/Rohit Choudhury/Pt dated 28.02.2023(Copy Enclosed)

8. After divulging the information of Rhino Census, an incident of poaching has occurred in Western Range, Bagori of Kaziranga National Park and Tiger Reserve (Carcass of the Rhino was detected on 26.03.2023). It may also have future repercussions on the Rhino population of Kaziranga National Park and Tiger Reserve as the information may reach the miscreants/ bad elements

9. The Office of the DGP vide Letter No. G/VI/Wildlife/57/2022/78 dated 24.03.2023 has opined that police have limited role to take initiative on the matter, hence the matter may be taken up with the higher authority in the department for further needful action in the matter

10. It is imperative that a thorough investigation through the competent body needs to be undertaken against Mr. Rohit Choudhury and to ascertain the recipients of the sensitive information /documents

I would, therefore, request you to kindly initiate an inquiry in the above said matter and take necessary action against the said individual, Mr. Rohit Choudhury.

Enclo: As stated above

Yours faithfully,

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam 785612

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Copy to

1. The Director General of Forest & Special Secretary to the Govt. of India, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110003, India for favour of kind information
2. The Additional Chief Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati for favour of kind information
3. The AIG/Member Secretary, NTCA, Ministry of Conservation, Forest & Climate Change, Govt of India, B1 Wing, 7th Floor, Paryavaran Bhawan, CGO Complex, New Delhi-110003 for favour of his kind information
4. The Principal Chief Conservator of Forest & Head of Forest Force, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for favour kind information.

Copies of this office letter dated 28-02-2023 and letter dated 24-03-2023 from the Inspector General of Police, Assam, Guwahati as cited under reference, are enclosed for their kind reference and perusal.

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat, Assam-785612

Annexure - IX

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THE HINDU

ADVERTISEMENT

'Assam rhinoceros data may have been doctored for funds'

March 21, 2018 10:23 pm | Updated March 22, 2018 09:35 am IST - GUWAHATI

An animal could have been counted twice, thrice: NGO

RAHUL KARMAKAR

Doubtful data?

An Assam NGO has said census methods are questionable and figures are fudged to ensure there are at least 3,000 rhinos as envisaged in Rhino Vision 2020 for foreign conservation funds to keep flowing in

Year	Kaziranga	Manas	Orang	Pobitora
2006	1,855		68	81
2009	2,048		64	84
2012	2,290	22	100	93
2013	2,329			
2015	2,401	30		
2018				102

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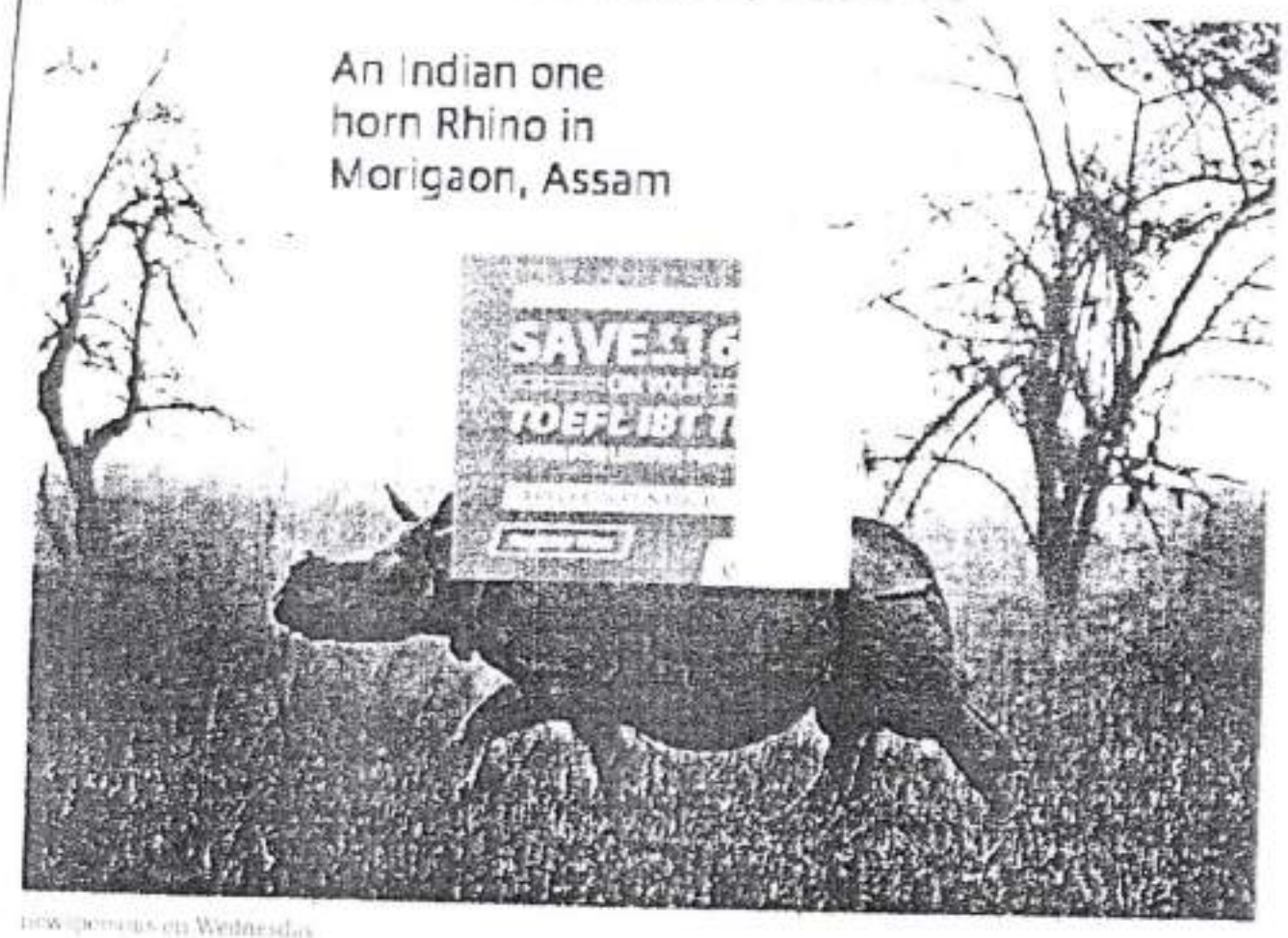


now ignorant on Wednesday.

Mr. Handique and fellow activist Tarun Chandra Deka said other wildlife reserves have been stating replies to similar RTI queries for quite some time now.

"Neutral authorities"

The duo questioned the rhino data release after the census in Pobitora Wildlife Sanctuary last week. "They counted 102 rhinos this time, which is an increase of 35 (animals) after 26 of the 93 counted in 2012 died naturally or due to poaching. Such figures need to be verified by neutral authorities," Mr. Handique said.

He said the "doubtful data" point to a plan to have at least 3,000 rhinos as envisaged in the Indian Rhino Vision 2020 initiative so that foreign conservation agencies continue to provide funds, a sizeable part of which goes to green groups working in collusion with forest officials. "Our demand is that New Delhi should clear the doubts by probing the census methods and ensuring the exercise is done through GPS and other available technology, so that the same rhino is not counted twice or thrice if it moves from one block to the other," Mr. Handique said.

Forest officials denied any foul play. "We have asked the enumerators to ensure maximum transparency," State Forest Minister Pramila Rani Brahma said.

Annexure - X

-331-

GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM-785612

(E-mail ID:dir.kaziranga@gmail.com)

Letter No. KNP & TR / The Hindu *Dated 14/02/2023*

To

The Editor-in-Chief
Kasturi Buildings 859 & 860,
Anna Salai, Chennai
Tamilnadu, India 600002

Sub: Clarification to the news item published in 'The Hindu' on Rhino Population in Kaziranga National Park on 14-02-2023.

Dear Sir,

I am directed to submit herewith the clarifications on the malicious and misleading news as published in your esteemed daily (dated 14-02-2023) for immediate publication in the front page of the paper for information of all concerned.

It is requested that **you shall do the needful to publish the entire clarification containing the facts immediately on receipt of the same.**

Encl: Clarification.

Yours Sincerely,

14/2/23

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam 785612

Copy to the Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for favour of his kind information and necessary action.

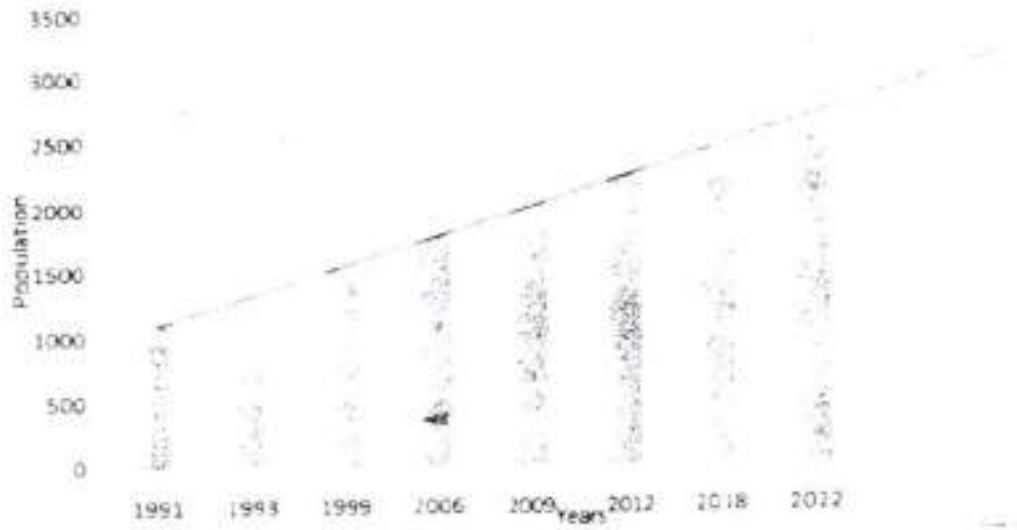
14/2/23

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam 785612

Reply to the news published in The Hindu on Rhino Population Estimation-2022 in Kaziranga National Park:

The 14th rhino census in Kaziranga NP was conducted during 25-28 March 2022 following the system that has been in practice in the Rhino bearing areas of Assam. The same experience has gone into the preparation of the SoP on One horned Rhino Population Estimation released by the Ministry of Environment Forest and Climate Change, Govt. of India and that has been followed to conduct the rhino estimation during 2022. The method is widely used for large mammals like the rhino and elephant even though it has its own limitation as highlighted by different scientist from time to time. However, the said method has been traditionally in practice since 1966. As per the SoP for "Monitoring of greater One Horned Rhinoceros population" issued by MoEF & CC, Govt. of India, *"depending on the resources and manpower availability double count in the same area is also practiced to minimize errors"*. Further in the said SoP, *"It is advised that a combination of the total count with some suitable sampling procedures like annual birth & death records, regular monitoring records etc. is necessary to diminish error to find actual count"*. Locally over a period of more than a decade, it has been experienced and evolved that bad weather condition and improper grass burning may also lead to erroneous counting resulting in necessity of repeated counting to minimize error. In the year 2015 for the first time, under direct/block count followed by 10% random block count, population of rhino was estimated to be 2401 ± 100. The method was repeated in 2018 and 2022 rhino estimation as well.

The 2022, rhino census revealed a total population of 2613 rhino individuals which is the best possible number achieved for the park through the efforts of all the enumerators involved in conduct of the actual count under very challenging and difficult conditions due to terrain as well as weather. Some of the blocks even took more than 6 hours for the enumeration team to complete the count of a single block.



1. From the above graph based on rhino census results over the years it can be seen that since 1991, Kaziranga has demonstrated a steady growth as evident from the trend line. During this period the park has recorded 663 total rhino deaths on natural account and 51 rhinos were poached which accounts for a total death of 714 individuals.
2. The area of Kaziranga NP is currently 889.51 sq kms (2022) which has increased from 858.98 sq kms in 2015. This shows that the density of the rhinos as per the 2022 records stands at approx. 2.9 per sq kms.
3. From the analysis of the % composition of rhino population for the 3 estimation period in the park, it has been observed that the trend has remained almost stable for the various age and sex classes (table given below)

Table showing Population dynamics (age and sex):

	Adult			Sub Adult				
Year	Male	Female	Un-sexed	Male	Female	Un-sexed	Juvenile	Calf
2022	28.70	34.56	6.51	4.44	5.59	3.94	10.68	5.59
2018	26.61	32.86	8.54	4.81	6.17	5.06	6.42	9.53
2015	27.61	33.40	7.75	3.75	4.75	3.75	10.45	8.54

Table Showing Rhino Population in KNP as per Estimation since 1991

Year	kaziranga NP	Estimation period growth (in %)	Annual growth (in %)
1991	1120		
1993	1164	3.93	1.96
1999	1552	33.33	6.67
2006	1855	19.52	2.79
2009	2048	10.40	3.47
2012	2290	11.82	3.94
2013	2329	1.70	1.70
2015	2401	3.09	1.55
2018	2413	0.50	0.17
2022	2613	8.29	2.07

Av. Annual growth = 2.70%

The complainant does not have a clear understanding of the methodology and objective of conducting rhino estimation in Assam. Allegation raised by the complainant is a complete misrepresentation of facts and intended to tarnish the image of Kaziranga National Park.

Before publishing such a damaging report in the media, The Hindu should have verified the facts with the KNP Authority/Chief Wildlife Warden, Assam. It is not understood that as to why a national daily like The Hindu of repute have published the report without getting the facts from KNP Authority/Chief Wildlife Warden, Assam. Moreover, any person or organization requires permission from the Chief Wildlife Warden of the State before publishing any facts related to wild animals of Protected Areas of the state.

Annexure – XI

-334-

31.01.23

To
The Hon'ble Minister
Ministry of Environment, Forest and Climate Change
Government of India
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110003

Dated: 27/01/2023

Sub:- Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park,Assam; Request for Instituting an Inquiry.

Respected Sir,

In connection with the subject cited above, I would like to bring the following facts to your kind notice for favour of necessary action:

A) The 14th Rhino Population Estimation / Census was conducted from 25th March to 28th March 2022 in Kaziranga National Park. As per the press release signed by Shri Jatindra Sarma, Director, Kaziranga National Park (**Annexure I**), the chronology of the 14th Rhino Population Estimation 2022 is as follows:

1. On 25th March 2022, a training-cum-briefing session was conducted for the enumerators by the experts.
2. Following the same, actual counting of Rhinos was done from 26th to 27th March 2022 by the enumerators.
3. On 28th March, 2022, a sample survey was conducted in 26 randomly selected compartments (out of the 84 compartments spread over the Kaziranga National Park, its addition areas and civil areas).
4. Computation of the data was carried out on 28th March 2022 by a committee notified by the PCCF & HoFF, Assam (**Annexure II**), and 2,613 was the total number of Rhinos arrived at in the computation.
5. Altogether 64 enumerators, 12 independent observers and 49 media observers have participated in the entire exercise.

B) To check the authenticity of the data as mentioned by the Director, Kaziranga National Park & Tiger Reserve in the press note, RTI applications (**Annexure III & IV**) were filed in the office of the Director, Kaziranga National Park & Tiger Reserve and in the office of the Divisional Forest Officer, Eastern Assam Wildlife

Rohit Chaudhary
27.01.2023

SEA (KR) on file
27/01
06/02/2023

Division, Bokakhat. Initially, the RTI applications were not met with any positive response.

C) Eventually, upon receiving the information from the SPIO, Eastern Assam Wildlife Division in response to a direction from the State Chief Information Commissioner, Assam (**Annexure V**), and after carefully analysing the said information, it was found that the data sheets submitted by the enumerators on 26th & 27th had the actual count of Rhinos in Kaziranga as only 2,042.

D) The information furnished by the SPIO, Eastern Assam Wildlife Division showed that a 'sample survey' was conducted on 28th March, 2022 in 22 randomly selected compartments / blocks, and it showed a total count of 1,064 as against 472 counted by the enumerators on 26th & 27th March 2022 in the very same blocks. It is seen that in the final computation, the enumerators' data of 26th & 27th March 2022 pertaining to these 22 blocks was deleted, and the increased numbers of the 'sample survey' of 28th March, 2022 were substituted, to jack up the total count from 2,042 to 2,634. (**Annexure VI**)

E) There are several interesting facts to the so called 'sample survey' conducted on 28th March 2022 by the Director, Kaziranga National Park, which are as follows:

1. There is no procedure such as 'sample survey' in the Block Count Method, which is one of the three methods prescribed for Rhino Population Estimation in the Standard Operating Procedure (SOP) (**Annexure VII**). Such being the case, deleting the actual count figures of the enumerators, and substituting the same by the 'sample survey' figures is a significant deviation from the set procedure that casts serious doubts upon the credibility of 14th Rhino Population Estimation, 2022 carried out in the Kaziranga National Park.

2. **Even within Assam, the other Rhino bearing areas such as the Manas National Park have meticulously followed the SOP laid down by the MoEF&CC in counting the Rhinos in 2022, and made the resultant** data public by hosting the same on their website. The strange procedural deviation was made only in the case of the Kaziranga National Park.

3. In blocks where the original count by the enumerators on 26th & 27th revealed 'NIL' Rhinos, no 'sample survey' was carried out on 28th March 2022. Thus, it is clear that it was not a 'random sample survey' as is being claimed, and turns out to be statistically unsound.

4. In all the 22 compartments / blocks where the 'sample survey' was conducted, there was an increase in Rhino numbers, so much so, that the 'sample survey' numbers were more than double of the enumerators'

Rohit Choudhury
27.01.2023

actual count. None of the 22 compartments where the 'sample survey' supposedly took place had actually recorded any decrease in Rhino count.

5. No independent observers or media observers were present during the 'sample survey' on 28th March 2022, or during the final computation of the data.

6. The furnishing of information by the SPIO, Eastern Assam Wildlife Division, BokaKhat under directions of the Chief Information Commissioner, Assam was soon followed by letters from the Director, Kaziranga dated 07th December 2022 and 28th December 2022 to the undersigned, demanding the return of the information obtained. The intent of these letters appeared to be to browbeat the undersigned not to disclose the anomalies in the data to anyone. (**Annexure VIII & IX**)

The above facts clearly show that the Rhino numbers of the 14th Rhino Population Estimation 2022 in the Kaziranga National Park were seriously compromised by the Computation Committee notified by the PCCF & HoFF, Assam along with the Director, Kaziranga National Park & Tiger Reserve and Chief Wildlife Warden, Assam.

In light of the above, I request your esteemed self to cause an inquiry into the grave anomalies noticed in the 14th Rhino Population Estimation 2022 and recommend for necessary action against the officials involved, including against Shri Jatindra Sarma, IFS (Director, Kaziranga National Park) for misleading the Government and public on the actual numbers of the rhinoceros in the Kaziranga National Park, which is also a National Park, UNESCO World Heritage Site and a place of international importance for the single one horned rhinoceros.

Action taken in this regard may be communicated

Thank you,

Sincerely,
Rohit Choudhury
27.01.2023

(Rohit Choudhury)
Village: Gormur, P.O: Lokhujan
Bokakhat: 785612, Dist: Golaghat, Assam
Email: rohitskaziranga@gmail.com

Copy for kind information and necessary action to:

1. The Hon'ble Chief Minister, Government of Assam and Chairperson, State Board for Wildlife, Assam, Janata Bhawan, Dispur, Guwahati, Assam.

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2. The Hon'ble Chairman, Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change, Rajya Sabha, New Delhi.
3. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
4. The Chief Secretary, Government of Assam, Janata Bhawan, Guwahati.
5. The Director General of Forest (DGF), Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
6. The Director General of Police, Government of Assam, Assam Police Headquarters, Guwahati, Assam.
7. The ADGF (Project Tiger) & Member Secretary, National Tiger Conservation Authority, New Delhi.
8. The Director, Wildlife Institute of India, Dehradun, Uttarakhand.
9. The Principal Chief Conservator of Forests & Head of Forest Force cum Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
10. The Prindpal Chief Conservator of Forests (Wildlife), Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
11. The Director, Kaziranga National Park & Tiger Reserve, Bokakhat, Assam.
12. The Superintendent of Police, Golaghat, Assam.
13. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat, Assam.
14. The Range Forest Officer, Burapahar Range / Bagori Range / Kohora Range / Agoratoli Range & Bokakhat Range of Kaziranga National Park.
15. The Officer-In-Charge, Bokakhat Police Station, Bokakhat, Dist-Golaghat, Assam.

Rohit Choudhury
27.01.2023

To
The Hon'ble M
Ministry of En
Government
Indira Paryav
Dor Bagh Ro
New Delhi-

Sub:- Re
Kaziran

Respecte

1
acts to

A)

Annexure - XII

-338-

GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM-785612

Letter No. KNP/EG/168/Rhino Census/2015-2018 *Dated 23/02/2023*

To

The Principal Chief Conservator of Forests, (Wildlife), Assam
Aranyya Bhawan, Panjabari,
Guwahati-37

Sub: Rhino census-2022 regarding.

Ref Your letter dated 15-02-2023 (Camp Bokakhat)

Sir,

With reference to the above, I have the honour to report you the following facts for favour of your kind information and requisite necessary action.

1. I had taken over charge of the Filed Director, Kaziranga National Park on 23rd March,2022 i.e only 1 (one) day before the exercise of Rhino estimation. It was observed that preparation were almost completed for the mega and specific exercise in presence of the CWLW, Assam and large retinue of Media persons, NGOs etc.
2. The 14th rhino census in Kaziranga NP was conducted during 25-28 March' 2022 following the prevalent system that has been in practice in the Rhino bearing areas of Assam. It is learnt that the same experience has gone into the preparation of the SoP on One horned Rhino Population Estimation as released by the Ministry of Environment, Forest and Climate Change, Govt of India and that it has been followed to conduct the rhino estimation during 2022.
3. The method is widely used for large mammals like the rhino and elephant even though it has its own limitation as highlighted by different scientists from time to time. However, the said method has been traditionally in practice since 1966 as learnt.
4. As per the SoP for ***"Monitoring of greater One Horned Rhinoceros population"*** issued by the MoEF & CC, Govt of India, *"depending on the resources and manpower availability repeat count in the same area is also practiced to minimize errors"*. Further, in the said SoP, it has been emphatically expressed as *"It is advised that a combination of the total count with some suitable sampling procedures like annual birth & death records, regular monitoring records etc. is necessary to diminish error to find actual count"*.
5. Locally, over a period of more than a decade, it has been experienced and evolved that bad weather condition and improper grass burning may also lead to erroneous counting resulting in necessity of repeated counting to minimize error.
6. In the year 2015 for the first time, under direct/block count followed by 10% random block count, population of rhino was estimated to be 2401 ± 100. The same method was repeated in 2018 and also during 2022 rhino estimation as well.
7. The 2022, rhino census revealed a total population of 2613 rhino individuals which is the best possible number achieved for the park through the efforts of all the enumerators

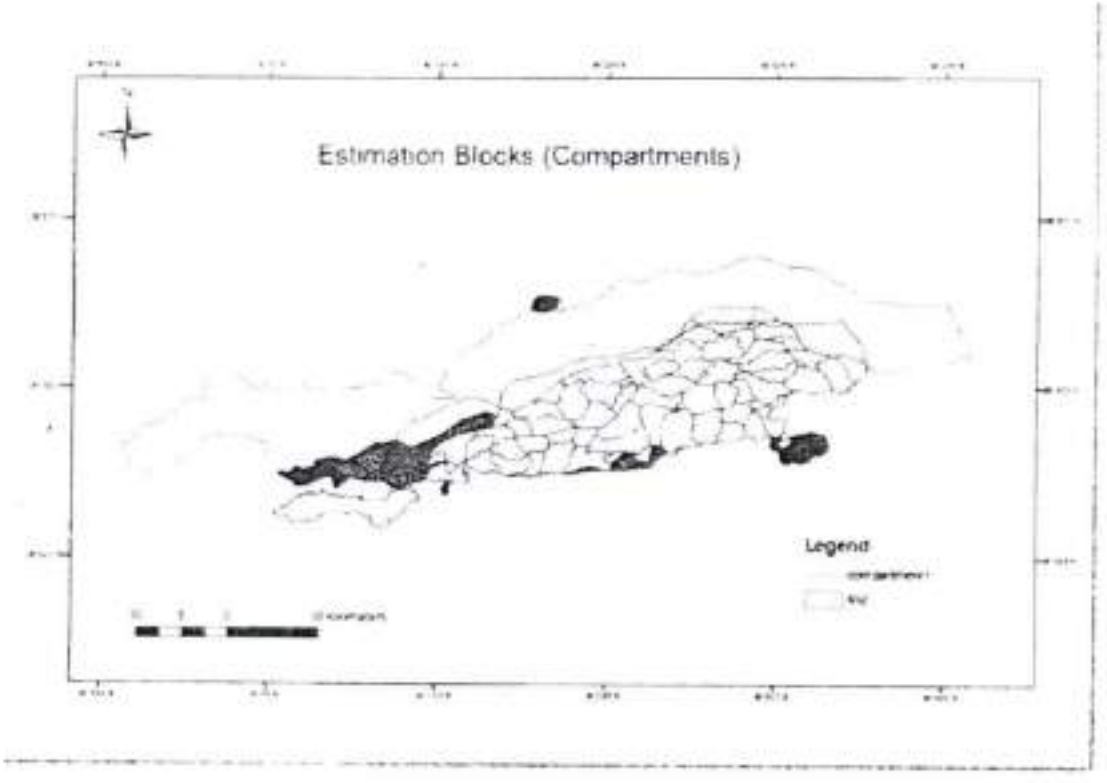
involved in conduct of the actual count under very challenging and difficult conditions due to terrain as well as inclement weather. Some of the blocks even took more than 6 (six) hours for the enumeration team to complete the count of a single block which infact was very painstaking.

8. As per record, Rhino census was first conducted during the year 1966 to ascertain the rhino population and distribution in the Kaziranga National Park and reportedly 366 rhinoceros were counted. The year 2022 happened to be the 14th number of times the exercise of rhino estimation was carried out in the Park.

Regarding methods of counting remaining the same from the 1966 to 2022, i.e "Direct Visual Count" in unequal sized block (here, it is called compartment). However, in the course of time some minor changes were incorporated as learnt in order to streamline huge logistics, manpower and also for transparency. In 1993, besides forest officers, NGOs, Media, Civil societies were involved which is still followed in the successive exercises. Kaziranga specific model was adhered to from 1999 that at least 25% compartments shall be recounted for various analysis. Moreover, for analysis, KNP considers the line transect data from All India Tiger Monitoring.

METHOD

The method does not deviate from the said SoP as prescribed by the MoEF & CC, GoI and tradition of Rhino count in the Kaziranga National Park.



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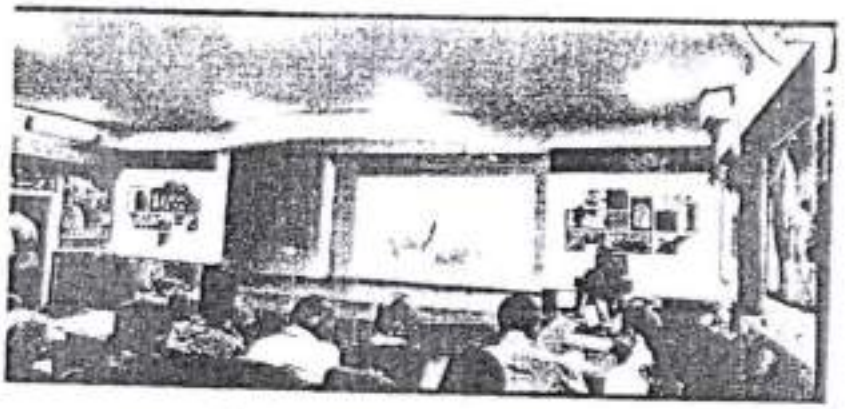


(Briefing session on 24th March 2022)

The method applied for **GOBR** estimation is 'Direct Visual Count' in estimation blocks (*here it is named as compartments*) Topography with number of water bodies, streams, tree forests, tall grasslands, rain breaks **weather** etc presents a difficult situation for direct visual counts or any other ecological estimation process. To overcome this, numbers of steps are taken. Every animal sighted within the block was counted and recorded with its sex and age class.

Field Preparation:

- Many effort has been taken for controlled (prescribed) burning of tall grassland. In some cases tall grasses were cut and burnt. Close supervision was carried out for the process.
- Compartments were drawn on 1" scale topographical sheet and transferred to Google Earth satellite imagery.
- Wherever necessary, artificial boundaries were marked after field verification.

Training:

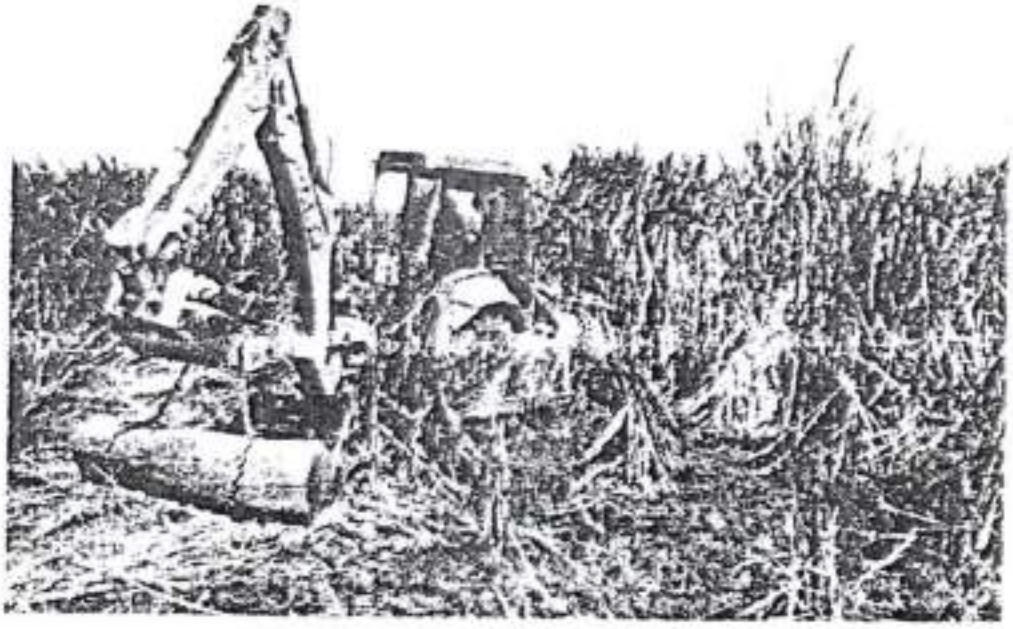
- Many field level training sessions were organized for the field staff to prepare them about the compartment boundary, identification of probable places within the compartment and identification of age & sex of rhino.
- Briefing session was organized for enumerators, observer & media persons on 23rd March 2022 with experienced person, experts, conservationists. Identification of rhino, compartment description and logistics were discussed.

The process: Like previous years, the GOBR estimation exercises have been completed in two consecutive days, on 24th and 25th March, 2022 taking Jia Diffolu River as the base line. The area on the south of Jia Diffalu River was completed on 24th March, 2022 covering 38 nos. of compartments and the areas on the North of Jia Diffalu covering 34 nos. of compartments have been completed on 25th March 2022.

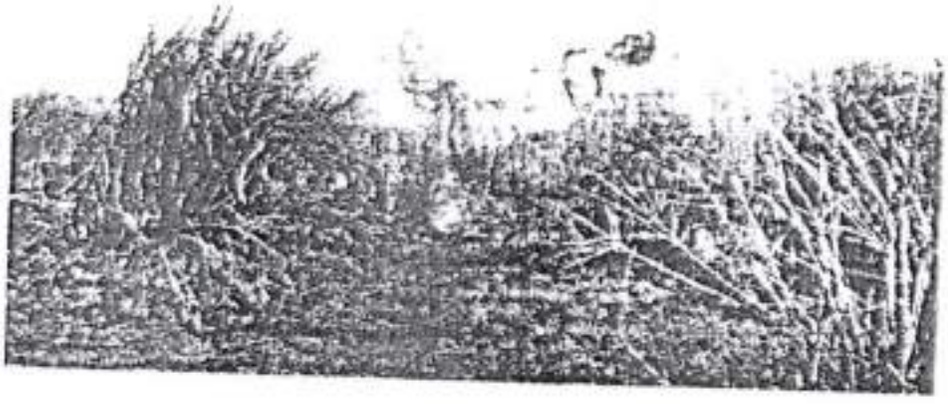
- All the enumerators started recording / counting at the same time i.e. 6: AM and completed the exercise between 12.00 and 1.30 PM moving through the pre-determined route. Enumerators of nearby compartments were in touch via wireless sets to avoid double counting.

Points to ponder:

- Successful exercise requires good visibility among many other things. Visibility in this case determined by the area cleared by annual prescribed burning. For example, in 2018 most of the tall grass lands could not be burnt due to adverse climatic condition coupled by 4 waves of floods thereby submergence of tall grasslands lingering to November last. So population



Strip drying of grass in low lying area



In 2022 special efforts like cut and burn strip drying in low lying areas to assist burning were taken and hence there was considerable improvement of visibility over the 2018 count

- However during the count in 2022 inclement weather coupled with rain and drizzle was not conducive for field exercise on 25th and 26th of March. It is to be noted that the weather was clear on 28th March i.e the day of sample survey recounting. It is further on record that some of the enumerating party could not even start the exercise up to 11.30 am due to incessant rain or drizzle.
- For the first time, Drones were used on 27th March as a tool of recount. It was found that Drones are very effective & useful for ascertaining the numbers though it was not very useful for determination of AGE & SEX class.

Compilation:

In recounted compartments both the number is tabled to observe the differences

-If the difference is more than double, larger number is taken

-If the number is not more than double, average is taken

So entire exercise is done in adherence to the SOP with Kaziranga specific improvement in the methods. I can vouch the motivation and dedication of the persons associated with the entire exercise.

Realistic count of Rhinos in different Ranges

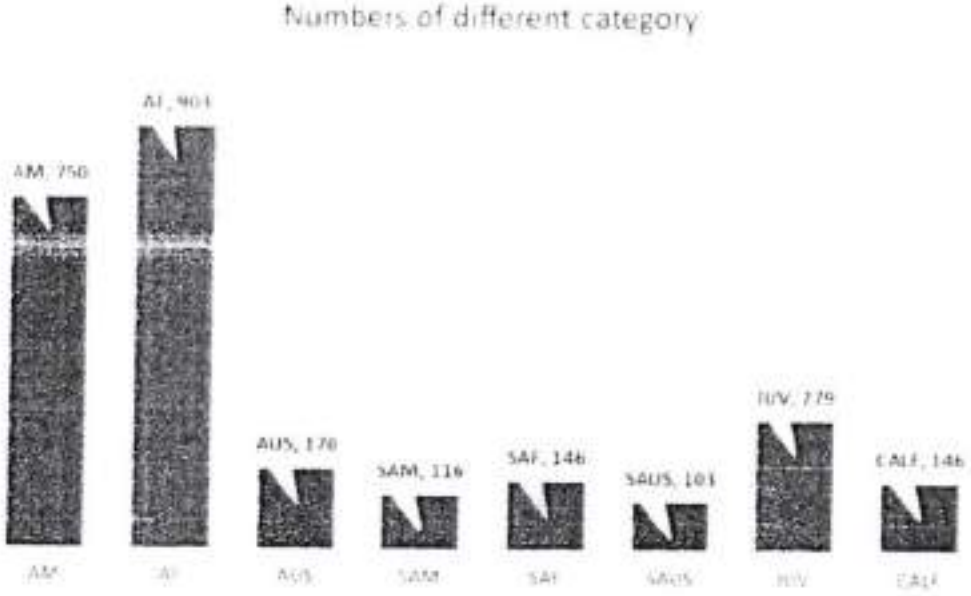
Range	AM	AF	AUS	SAM	SAF	SAUS	JUV	CALF	TOTAL
ER	138	126	41	8	12	11	23	11	370
KR	227	360	81	43	51	51	109	59	1040
WR	290	340	54	66	81	34	138	64	1067
BPR	44	52	0	3	4	0	6	7	116
BKT	0	1	0	0	0	0	0	0	1
BWLD	21	35	4	1	3	10	3	5	82
TOTAL	770	923	180	121	151	106	279	146	2676

Note: For restricted use

AM Adult Male, AF Adult Female, AUS Adult Unsexed, SAM Sub-adult Male, SAF Sub-adult Female, SAUS Sub-adult Unsexed, JUV Juvenile, BWLD Biswanath Wildlife Division

Accepted Rhino numbers after analysis:

31 randomly selected compartments were recounted on third day (28th March,2023). If recounted number is more than double for a given compartment then larger number was accepted. If difference is less than double, then average is taken for that given compartment. So, total number is reduced to 2613.



It is to be noted that in the Rhino Vision 2020, Population modelling workshop held in 2014 opined that by **the year 2020, Kaziranga population will be roughly 2602.**

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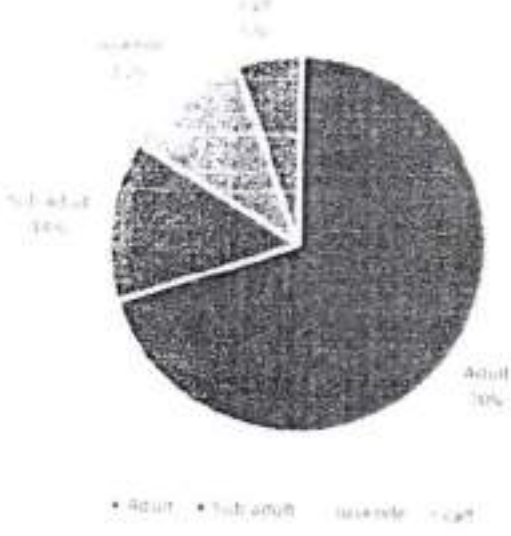
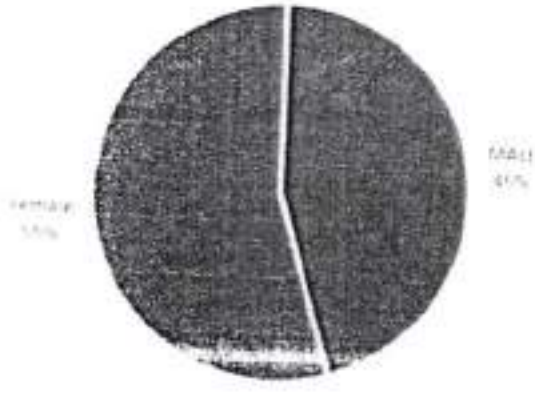
Percentage population



Adult male and adult female



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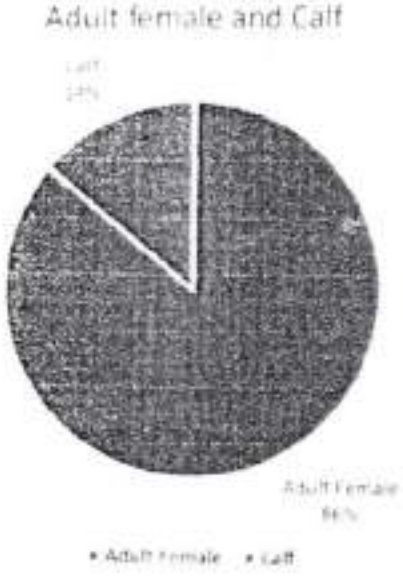
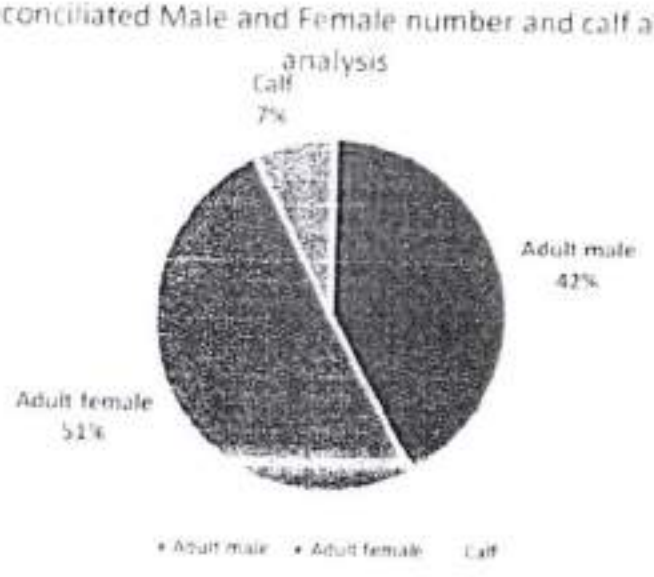
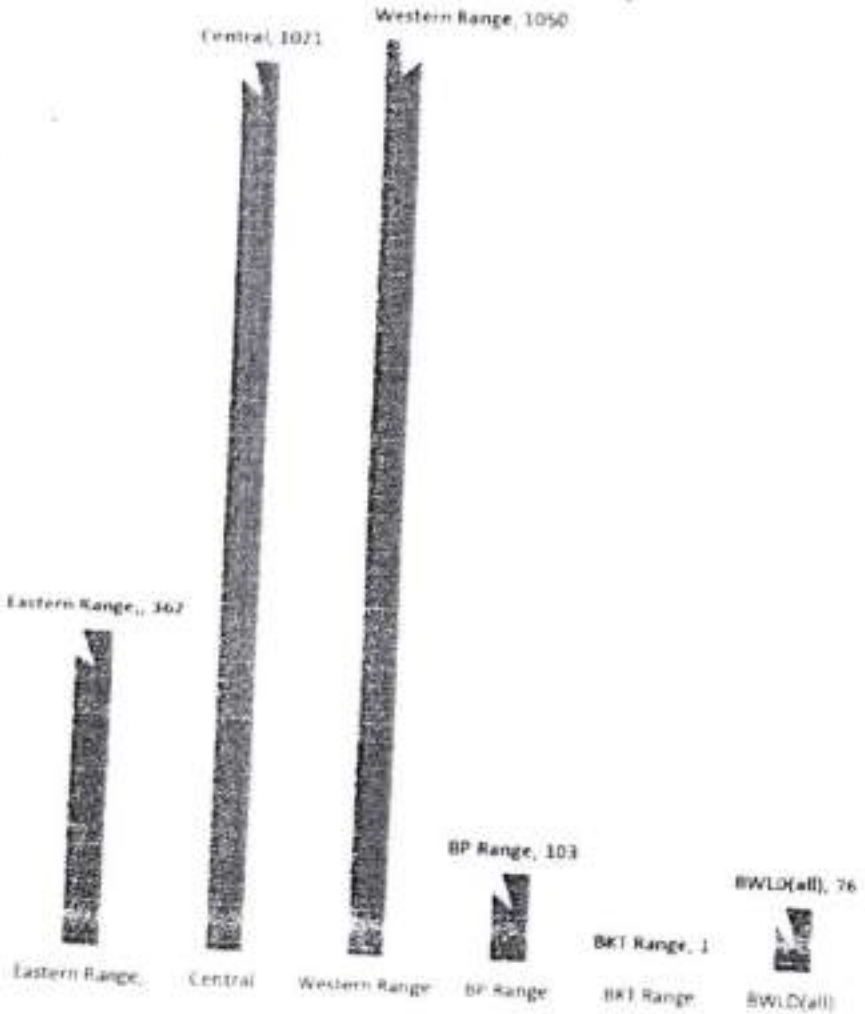




Range	Total
ER	362
KR	1021
WR	1050
BPR	103
BKT	1
BWLD (All Ranges)	76
Total	2613

Range-wise population



Year	Poaching	Natural Death	Total
2018	4	58	62
2019	2	96	98
2020	2	89	91
2021	1	76	77
2022	1	16	17
Total	10	335	345

Total increase is 2613-2413=200 in 48 month (from 2018 March to 2022 March)

Yearly average net increase = 50

Yearly average death rate = 86.25

Yearly average birth rate = 136.25

Rhino population over the years (Trend)

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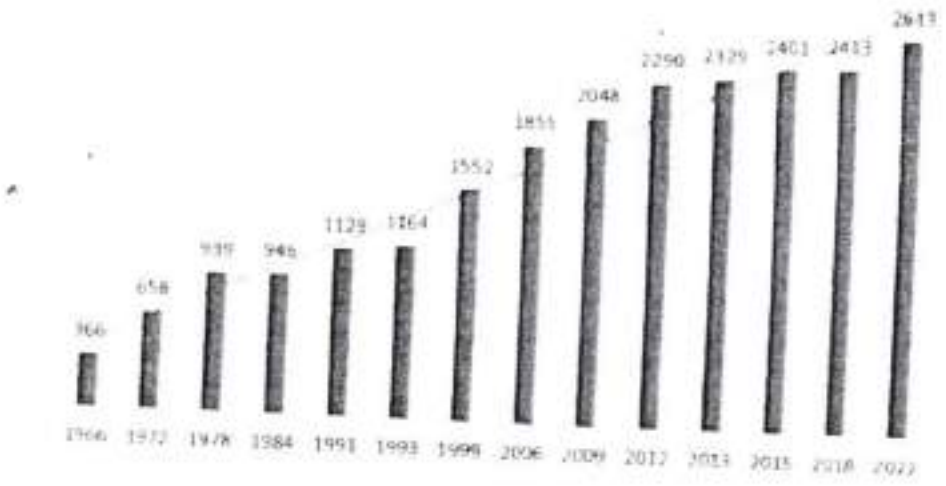

Important Note:

Conclusions for Kaziranga

(Page no 11 , last para of the work shop report)

The number arrived at 2613 in the year 2022 does not differ very much from that of the Work Shop calculation

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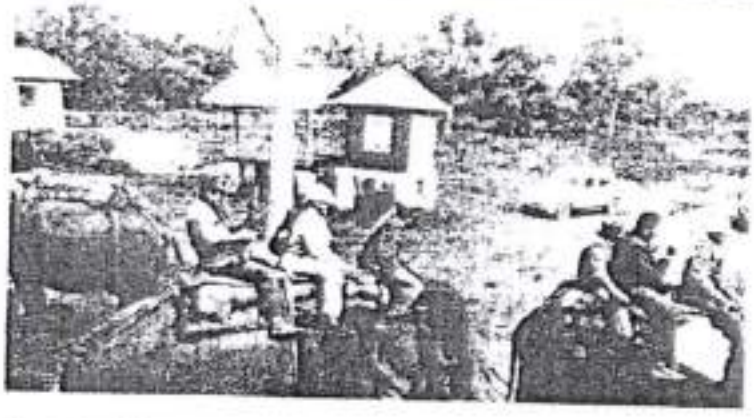

Many experienced and well known serving and retired Govt. officers participated in the exercise. Among them Dr. Anwaruddin Choudhury, retired Commissioner, Govt of Assam, IFS Bidyut Bhojgen Talukdar, IFS Gupta, retired officers of the Govt of Assam, Kaushik Baruah, Honorary Wildlife Warden, Guwahati etc. may be noted. Rhino counting exercise needs good experience of the methodologies, rhino behaviour and be able to appreciate the climatic and terrain conditions.

Note: Compiled data from 2006 has already been provided to you on **pen drive** during your visit to this office on 15.02.2023.

This is for favour of your information and necessary action.

Yours faithfully,

Gajendra Samui, IFS (CCF)
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam 785612

Copy to:

1. The Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for favour of kind information and necessary action.
2. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat for his information.

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam 785612

Annexure - XIII

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

Email ID: hoff-assam@gov.in

No. FG.26/hoff-office/wildlife,

Date: 11/04/2023

To,

The Additional Director General of Forests (Wildlife) &
Director, Wildlife Preservation,
Ministry of Environment, Forests & Climate Change,
Govt. of India, New Delhi

Sub: Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park, Assam; Request for Institution an Inquiry-reg.

Ref: (1) Letter F. No. 1-3/2008-NTCA, dtd. 10.02.2023.
(2) Letter F. No. WL-8/25/2023 WL dtd. 19.02.2023.
(3) Letter F. No. WL-8/25/2023 WL dtd. 23.03.2023.

Sir,

With reference to the subject and letters cited above, I would like to submit herewith my humble reply and factual status on the letters received from the MoEF & CC and copies thereof:-

Firstly,

(1) MoEF & CC letter F. No. 1-3/2008-NTCA, dtd. 10.02.2023 with a copy of the allegation letter dtd. 27.01.2023 of one Sri Rohit Choudhury of Golaghat, Assam enclosed on the subject was received in the office of the PCCF (WL) & CWLW on 14.02.2023. Another letter No F. No. WL-8/25/2023 WL dated 19.02.2023 was received on 22.02.2023 and letter F. No. WL-8/25/2023 WL dtd. 23.03.2023 on the same subject was received in the office of the PCCF (WL) & CWLW on the same day i.e. 23.03.2023.

(2) It may be noted here that most of the communication mentioned above have been received in the O/o the PCCF (WL) & CWLW, Assam when the undersigned was on leave due to demise of my father on the 10th Feb/2023. None of the communications mentioned above carry my endorsement on the body of the letter other than the communication at sl.no.3 above, and accordingly action was initiated for detailed report.

I was intermittently on leave till 19th March/2023. Therefore, the allegation of Sri Rohit Choudhury that no factual report has been received from the CWLW, Assam is ill placed in view of the personnel tragedy that I went through and submission of the report was delayed.

Secondly,

(3) Now coming to the reply to the complaint of "*Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park, Assam, request for instituting an Inquiry*" reg vide his letter dtd. 27.01.2023 communicated vide Ministry letter dtd. 10.02.2023 the following is submitted point wise herewith:

A (1) No Comments.

A (2) As alleged by Sri Rohit Choudhury, it is not "actual counting of rhino" but "counting of rhinos sighted" on 26/27 March, 2023.

A (3) On the 28.03.2023 i.e. on 3rd day there was also recount where full count could not be achieved on the first day. In total, 33 compartments were revisited, recounted using elephant based, and drone based enumerations. This included sample counts as well.

A (4) No Comment.

A (5) No Comment.

B, C, D As per the SoP for "Monitoring of Greater One Horned Rhinoceros Population" issued by MoEF & CC, Govt. of India, "*depending on the resources and manpower availability double count in the same area is also practiced to minimize errors*". Further, in the said SoP, "*It is advised that a combination of the total count with some suitable sampling procedures like annual birth & death records, regular monitoring records etc. is necessary to diminish error to find actual count*". By convention and hit & trial in the early part in conservation of wildlife in Assam, Block Count method has evolved as a successful method not only for estimation of the population of the wild animals but also their demography. This method also assumes that animals do not change their locations for a long distance within a period of 3-4 days. The Block Count method has been successfully deployed for estimation of wild population of rhinos, elephants, swamp deer and wild buffalo in Assam with suitable modifications for each species.

The two main issues that are encountered in the Block Count are namely-

(i) Over cast skies, Chill, rain and other such weather conditions that cause undercount of the population; and local habitat conditions.

(ii) There is no possibility of estimating any error in Block Count, if there is no double count atleast in some blocks.

Therefore, the Block Count with double count on the next day has been suggested and this is also the part of SoP of MoEF & CC as mentioned in para above.

Further, in case of Kaziranga there are more than 80 blocks spread over more than 800 Sq. Km of area of the Park. Since the rhino estimation involves large no. of elephants, enumerators and staff, independent observers and media observers in addition to supporting Park staff, it is very difficult to sustain the enumeration operation on the 3rd day. However, on trial basis system of sample count/recount was introduced in 2015 by the undersigned. The methodology entails - if the recounted compartment has less than twice of the either count, then average of two counts is taken as final tally, and if the difference is more than twice of one over the other, the lower count is rejected as undercount and the higher count is retained as final tally. This is how undercounting is avoided to some extent and accuracy of the system is improved. However, the counts are subject to weather conditions and may change dramatically on change of weather.

Therefore, the allegation of Sri Rohit Choudhury at C & D are false and misleading as no deletion of any record happened. On the other hand both the day counts are the part of the master sheet from where final population was deduced.

Now coming to the para E, the following is submitted:-

E-1: The para is misleading and false. The SoP has been misread by Sri Rohit Choudhury.

E-2: **While Sri Rohit Choudhury made ruckus of the Kaziranga Rhino Census 2022, and defamed the Park by falsely creating propaganda without understanding the procedure and methodology of the estimation exercise, he has willfully ignored the fact that in 2022 there was full re-counting in Orang, Pobitora and Manas on the 2nd day. Further, in case of Manas, he has mentioned that "*for Manas, the SoP laid down by the MoEF & CC was meticulously followed*".** Perhaps, he willfully wishes to keep silent knowing full well that on the 1st day 28 rhinos were counted due to bad weather and the enumeration had to be abandoned and on the 2nd day weather improved and enumeration team could count 40 rhinos only. However, in line with the provision of the SoP that other means i.e. birth & death record could also be used to minimize errors and accordingly, the rhino population of Manas was declared as 50. If one goes by the logic of Sri Rohit Choudhury the rhino population of Manas would be 28 against estimated population of 50, as there is no provision of recount/sample survey in the SoP according to him.

Therefore, **calling the Kaziranga rhino population estimation 2022 as "strange procedural deviation" by Sri Rohit Choudhury speaks itself of his malafide intentions against Kaziranga National Park & his comment on the estimation process is highly lamentable and condemnable.**

E: 3: The allegation that in blocks where population was nil no sample survey was carried out on 28.03.2022 is totally wrong. The example is compartment no. 33 and 35 where

1st day count was zero but on recount 2 + 3 =5 rhinos were enumerated. Further in compartment 30, the tally remained "0" on both the days. Therefore, the allegation that the sampling was not random and "statistically unsound" as claimed by Sri Rohit Choudhury is falsified by the above data.

E 4: The allegation of Sri Rohit Choudhury that in all the compartments where sample survey was conducted, there was no decrease in any of those compartments. Further, he alleges that sample count of rhino number was increased by more than double in these compartments. However, the data has completely different narration. In the following compartments, the 2nd day counts are found to be reduced

Compartment No.	Day-1 count	Day-2 count
2C	5	1
23 A	30	23
23 C	77	24

Further, in the following compartments there was only marginal increase

Compartment No.	Day-1 count	Day-2 count
6 B	4	9
8 B	13	21
21 C	19	23
28	20	25
29	7	9
31	7	11
37	1	3

Drones were also used in 4 compartments and substantial increase found in 3 out of 4 compartments.

Compartment	Day-1 count	Day-2 count
4 C	12	53
6 A	5	34
6 B	4	9
10	14	48

Further, enumeration could not continue in at least 4 of the blocks due to ill-health, rhino chase and elephant troubles, namely 15 A, 18 A, 23 C, 26 C on the 1st day. Such Blocks were also recounted on 2nd day. However no change was found in one of the compartment on 2nd day, and in one the number got drastically reduced.

Compartment	Day-1 count	Day-2 count
15 A	44	44
18 A	33	70
23 C	77	24
26 C	21	99

Therefore as alleged by Sri Rohit Choudhury, that the sample count was all manipulated, is totally false and baseless.

E 5: Rhino enumeration on elephant back is highly challenging and exhausting job and after two days of enumeration most outside participants left but some of the forest staff and officials continued. Out of two independent observers on the 3rd day one opted to become enumerator and at least one media observer was present. Therefore, the allegation of Sri Rohit Choudhury that independent and media observers were not present is factually incorrect.

Also computation of the data happened on the 3rd day, but detailed entries of demography of estimation are done on all days of counting. Computations involved only checking of twice of each day of count and retaining the higher count and in case of less than twice of either count finding of mean & standard error of the counts.

E 6: Sri Rohit Choudhury alleged that the Director, Kaziranga National Park demanded return of the information obtained by him. It may be noted here that the rhino data of Kaziranga is very sensitive as the Park is prone to poaching involving national and international gangs of poachers. **This is the 1st time in the history of Kaziranga National Park that compartment wise data has been made public and he has taken liberty, despite restraint by the Park Director, to publish the same in media. This way Sri Rohit Choudhury has posed serious threat to the Park security.**

In view of the facts placed above, the allegation of Sri Rohit Choudhury are found to be totally false. **Publication of "Kaziranga Rhino Population Estimation, 2022" report repeatedly in media by Sri Rohit Choudhury has caused an irreparable damage to the security of the Park. He also has brought uncountable disrepute tothe 64 enumerators, 12 independent observers, 49 media observers, 6 Compilators, other officials and staff of the Department involved in the Rhino Population Estimation, 2022.** The rebuttal submitted by the Forest Department against the allegation made by Sri Rohit Choudhury was also published in the esteemed news paper "The Hindu" in its issue of 15th February, 2023, under caption "***Rhino count not manipulated: Kaziranga Director***"(copy enclosed).

The MoEF & CC may take suitable action against Sri Rohit Choudhury for such acts as that have brought disrepute to Kaziranga National Park and also posed a threat to the security of the Park.

Thanking You,

Yours faithfully,

Enclo: As stated above

(M.K. Yadava, IFS)
Principal Chief Conservator of Forests
& Head of Forest Force, Assam.

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Copy for information and necessary action to:

1. The Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Assam, Panjabari, Guwahati-37.
2. The Field Director, Kaziranga National Park & Tiger Reserve, Bokakhat. He is also requested to circulate the copy of the letter to all concerned Enumerator, Independent Observers, Media Observer and compilator of Rhino Population Estimation 2022.
3. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat.

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

Copy for information to:

1. The Chief Secretary to the Govt. of Assam, Dispur, Guwahati-06.
2. The Director General of Police, Assam, Ulubari, Guwahati.
3. The Additional Chief Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-06.
4. The Additional Director General of Forests and Member Secretary, NTCA, MoEF & CC, Govt. of India, New Delhi.
5. The Principal Secretary to the Hon'ble Chief Minister, Assam, Dispur, Guwahati-06.
6. The Deputy Inspector General of Police and Special Rhino Task Force, Assam.
7. The PS to the Hon'ble Minister, Environment & Forest Department, Dispur, Guwahati-06.

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

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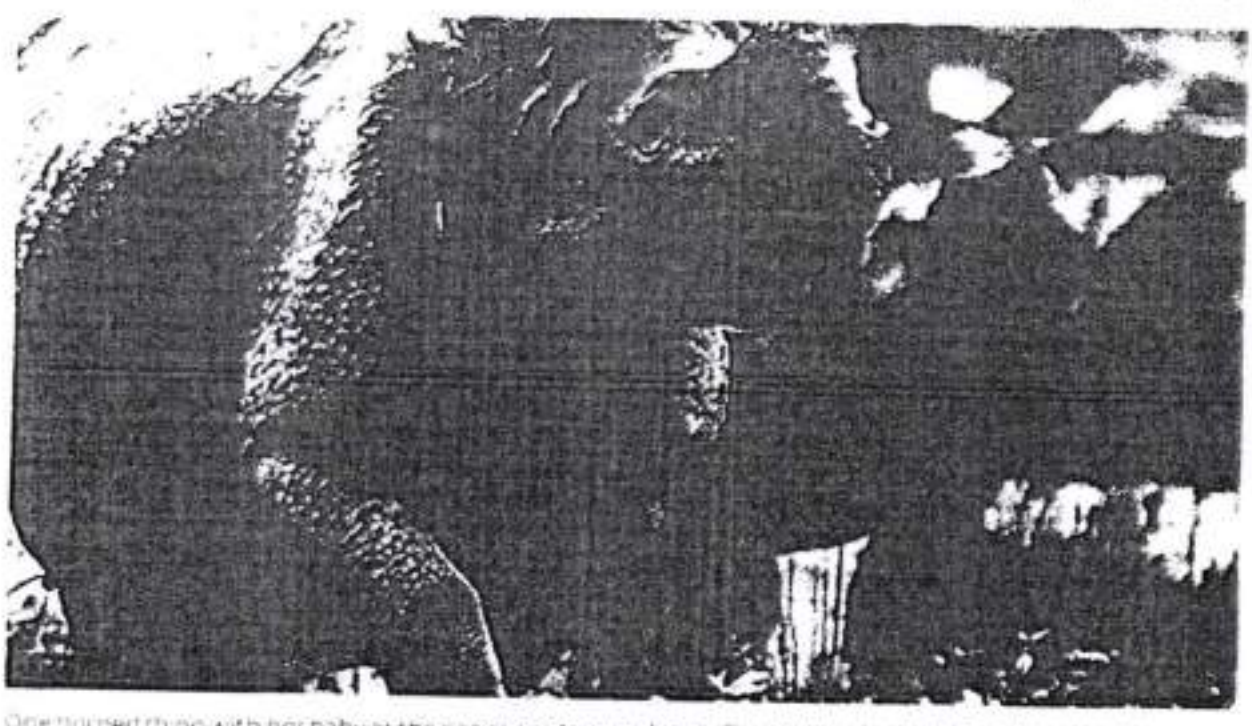
Rhino count not manipulated: Kaziranga Director

Without a clear understanding of the methodology of rhino estimation, an activist misrepresented facts to tarnish the image of the national park, the official said

February 15, 2023 01:51 pm | Updated 05:07 pm IST - GUWAHATI

THE HINDU BUREAU

COMMENTS SHARE READ LATER



One-horned rhino with her baby at the Kaziranga National park. File | Photo Credit: RITU RAJ KONWAR

GUWAHATI

The rhino estimation of 2022 was not manipulated and was consistent with the animal's average annual growth rate of 2.7% in the Kaziranga National Park and Tiger Reserve, officials said, refuting allegations by an Assam-based environment activist.

The Hindu published the content of a letter activist Rohit Choudhury had written on February 27 to the Union Minister of Environment, Forest and Climate Change (MoEFCC), citing data received under the Right to Information Act to claim the number of rhinos after the 2022 census in the wildlife habitat was inflated.

Kaziranga, a UNESCO World Heritage Site, houses the bulk of the Greater Indian One-Horned Rhinoceros (*Rhinoceros unicornis*). The 2022 census estimated the animal's population in the tiger reserve to be 2,613, exactly 200 more than the figure arrived at during the 2018 census.

"The complainant [Mr. Choudhury] does not have a clear understanding of the methodology and objective of conducting rhino estimation in Assam. Allegation raised by the complainant is a complete misrepresentation of facts and intended to tarnish the image of Kaziranga National Park and Tiger Reserve," Kaziranga's Director, Jatindra Sarma, said in a statement.

He said the 2022 estimation from March 25-28 was conducted following the system in practice since 1966. The method is widely used for large mammals such as the rhino and elephant even though it has its own limitation as highlighted by scientists from time to time, he said.

'Ministry SOP adhered to'

As usual, the standard operating procedure (SOP) on one-horned rhino population estimation released by the MoEFCC was adhered to during the 2022 exercise.

The SOP allows the double count of rhinos to minimise error depending on the availability of resources and manpower, Mr. Sarma said.

The SOP also says "it is advised that a combination of the total count with some suitable sampling procedures like annual birth and death records, regular monitoring of records, etc., is necessary to diminish error to find actual count". Mr. Sarma pointed out.

"Locally, over more than a decade, it has been experienced that bad weather conditions and improper grass burning may lead to erroneous counting, resulting in the necessity of repeated counting to minimise error. The 10% random block count was followed for the first time in 2015 under the direct or block count system," he said.

The population of the rhino in 2015 was estimated to be 2,401 ± 100. The block count method was repeated in 2018 and 2022.

"The 2022 rhino census revealed a total population of 2,613 individuals, which is the best possible number achieved for the park through the efforts of all the enumerators involved in the conduct of the actual count under very challenging and difficult conditions due to the terrain as well as weather," Mr. Sarma said.

The enumeration team took more than six hours to complete the count in some of the blocks.

'Rhino growth consistent'

An analysis of the estimation exercise over the years since 1991 points to a steady growth of the rhino population in Kaziranga, wildlife officials said.

From 1991 to 2022, Kaziranga recorded an average annual growth of 2.7% in the rhino population. During this period, a total of 714 rhinos died; 663 died of natural causes and 51 were killed by poachers, wildlife officials said.

The area of the Kaziranga National Park has increased from 858.98 sq. km. in 2015 to 889.51 sq. km. in 2022 (the tiger reserve area is about 1,300 sq. km.). This shows that the density of rhinos according to the 2022 count is 2.9 per sq. km., officials said.

-358-(1)

To
The Hon'ble Minister
Ministry of Environment, Forest and Climate Change
Government of India
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj
New Delhi 110003

Dated: 27/01/2023

Sub: Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park,Assam; Request for Instituting an Inquiry.

Respected Sir,

In connection with the subject cited above, I would like to bring the following facts to your kind notice for favour of necessary action:

A) The 14th Rhino Population Estimation / Census was conducted from 25th March to 28th March 2022 in Kaziranga National Park. As per the press release signed by Shri Jatindra Sarma, Director, Kaziranga National Park (**Annexure I**), the chronology of the 14th Rhino Population Estimation 2022 is as follows:

1. On 25th March 2022, a training-cum-briefing session was conducted for the enumerators by the experts.
2. Following the same, actual counting of Rhinos was done from 26th to 27th March 2022 by the enumerators.
3. On 28th March, 2022, a sample survey was conducted in 26 randomly selected compartments (out of the 84 compartments spread over the Kaziranga National Park, its addition areas and civil areas).
4. Computation of the data was carried out on 28th March 2022 by a committee notified by the PCCF & HoFF, Assam (**Annexure II**), and 2,613 was the total number of Rhinos arrived at in the computation.
5. Altogether 64 enumerators, 12 independent observers and 49 media observers have participated in the entire exercise.

B) To check the authenticity of the data as mentioned by the Director, Kaziranga National Park & Tiger Reserve in the press note, RTI applications (**Annexure III & IV**) were filed in the office of the Director, Kaziranga National Park & Tiger Reserve and in the office of the Divisional Forest Officer, Eastern Assam Wildlife

Rohit Choudhury
27.01.2023

Division, Bokakhat. Initially, the RTI applications were not met with any positive response.

C) Eventually, upon receiving the information from the SPIO, Eastern Assam Wildlife Division in response to a direction from the State Chief Information Commissioner, Assam (**Annexure V**), and after carefully analysing the said information, it was found that the data sheets submitted by the enumerators on 26th & 27th had the actual count of Rhinos in Kaziranga as only 2,042.

D) The information furnished by the SPIO, Eastern Assam Wildlife Division showed that a 'sample survey' was conducted on 28th March, 2022 in 22 randomly selected compartments / blocks, and it showed a total count of 1,064 as against 472 counted by the enumerators on 26th & 27th March 2022 in the very same blocks. It is seen that in the final computation, the enumerators' data of 26th & 27th March 2022 pertaining to these 22 blocks was deleted, and the increased numbers of the 'sample survey' of 28th March, 2022 were substituted, to jack up the total count from 2,042 to 2,634. (**Annexure VI**)

E) There are several interesting facts to the so called 'sample survey' conducted on 28th March 2022 by the Director, Kaziranga National Park, which are as follows:

1. There is no procedure such as 'sample survey' in the Block Count Method, which is one of the three methods prescribed for Rhino Population Estimation in the Standard Operating Procedure (SOP) (**Annexure VII**). Such being the case, deleting the actual count figures of the enumerators, and substituting the same by the 'sample survey' figures is a significant deviation from the set procedure that casts serious doubts upon the credibility of 14th Rhino Population Estimation, 2022 carried out in the Kaziranga National Park.

2. **Even within Assam, the other Rhino bearing areas such as the Manas National Park have meticulously followed the SOP laid down by the MoEF&CC in counting the Rhinos in 2022**, and made the resultant data public by hosting the same on their website. The strange procedural deviation was made only in the case of the Kaziranga National Park.

3. In blocks where the original count by the enumerators on 26th & 27th revealed 'NIL' Rhinos, no 'sample survey' was carried out on 28th March 2022. Thus, it is clear that it was not a 'random sample survey' as is being claimed, and turns out to be statistically unsound,

4. In all the 22 compartments / blocks where the 'sample survey' was conducted, there was an increase in Rhino numbers, so much so, that the 'sample survey' numbers were more than double of the enumerators'

Rohit Choudhury
27.01.2023

-360-
(3)

actual count. None of the 22 compartments where the 'sample survey' supposedly took place had actually recorded any decrease in Rhino count.

5 No independent observers or media observers were present during the sample survey on 28th March 2022, or during the final computation of the data.

6 The furnishing of information by the SPIO, Eastern Assam Wildlife Division, Bokakhat under directions of the Chief Information Commissioner, Assam was soon followed by letters from the Director, Kaziranga dated 07th December 2022 and 28th December 2022 to the undersigned, demanding the return of the information obtained. The intent of these letters appeared to be to browbeat the undersigned not to disclose the anomalies in the data to anyone. (**Annexure VIII & IX**)

The above facts clearly show that the Rhino numbers of the 14th Rhino Population Estimation 2022 in the Kaziranga National Park were seriously compromised by the Computation Committee notified by the PCCF & HoFF, Assam along with the Director, Kaziranga National Park & Tiger Reserve and Chief Wildlife Warden, Assam.

In light of the above, I request your esteemed self to cause an inquiry into the grave anomalies noticed in the 14th Rhino Population Estimation 2022 and recommend for necessary action against the officials involved, including against Shri Jatindra Sarma, IFS (Director, Kaziranga National Park) for misleading the Government and public on the actual numbers of the rhinoceros in the Kaziranga National Park, which is also a National Park, UNESCO World Heritage Site and a place of international importance for the single one horned rhinoceros.

Action taken in this regard may be communicated.

Thank you,

Sincerely,

Rohit Choudhury
27.01.2023

(Rohit Choudhury)
Village: Gormur, P.O: Lokhujan
Bokakhat: 785612, Dist: Golaghat, Assam
Email: rohitskaziranga@gmail.com

Copy for kind information and necessary action to:

1. The Hon'ble Chief Minister, Government of Assam and Chairperson, State Board for Wildlife, Assam Janata Bhawan, Dispur, Guwahati, Assam.

2. The Hon'ble Chairman, Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change, Rajya Sabha, New Delhi.
3. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
4. The Chief Secretary, Government of Assam, Janata Bhawan, Guwahati.
5. The Director General of Forest (DGF), Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
6. The Director General of Police, Government of Assam, Assam Police Headquarters, Guwahati, Assam.
7. The ADGF (Project Tiger) & Member Secretary, National Tiger Conservation Authority, New Delhi.
8. The Director, Wildlife Institute of India, Dehradun, Uttarakhand.
9. The Principal Chief Conservator of Forests & Head of Forest Force cum Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
10. The Principal Chief Conservator of Forests (Wildlife), Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
11. The Director, Kaziranga National Park & Tiger Reserve, Bokakhat, Assam.
12. The Superintendent of Police, Golaghat, Assam.
13. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat, Assam.
14. The Range Forest Officer, Burapahar Range / Bagori Range / Kohora Range / Agoratoli Range & Bokakhat Range of Kaziranga National Park.
15. The Officer-in-Charge, Bokakhat Police Station, Bokakhat, Dist-Golaghat, Assam.

Rohit Chaudhury
27.01.2023

27.01.2023

National Tiger Conservation Authority
Ministry of Environment, Forest & Climate Change
5-1 Wing, 7th Floor,
Pt. Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road, New Delhi-110003

-362-

To
The Hon'ble Minister
Ministry of Environment, Forest and Climate Change
Government of India
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi 110003

Dated: 01.04.2023

Sub: Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park, Assam; Request for Instituting an Inquiry.

Respected sir,

1. Kind attention is invited to my letter dated 27th January 2023, whereby I sought to place before your esteemed self certain anomalies of serious nature in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park and prayed for instituting an inquiry into the same. **(Annexure I)**

2. The National Tiger Conservation Authority was kind enough to respond to the contents of my letter by way of addressing a communication, F.No.1-3/2008-NTCA dated 10th February 2023, to the Chief Wildlife Warden, Assam, seeking factual status in the matter. **(Annexure II)**

3. The Wildlife Division of your esteemed ministry was also kind enough to respond to the contents of my letter by way of addressing a letter, F.No.WL-8/25/2023WI dated 19 February 2023, to the Chief Wildlife Warden, Assam, seeking a factual report in the matter. **(Annexure III)**

4. However, I was astonished to know through the information furnished by the C.P.I.O. of your esteemed ministry vide letter F.No.25-1/2023 WI dated 23rd March 2023, that no factual report was furnished by the Chief Wildlife Warden, Assam even after elapse of reasonable time to the Wildlife Wing of the MoEF&CC in response to the latter's communication. **(Annexure IV)**

Rohit Choudhury
01.04.2023

Also, the response uploaded on to the 'RTI Online' portal of Government of India shows that the National Tiger Conservation Authority too is not in receipt of any factual report from the Chief Wildlife Warden, Assam in response to its communication. **(Annexure V)**

I therefore request your esteemed self to direct the concerned to insist on a timely reply from the Chief Wildlife Warden, Assam so that such high-handed behaviour is firmly dealt with and prestige of the Union Government is held high.

Yours faithfully,

Rohit Choudhury
01/04/2023

(Rohit Choudhury)

Village: Gormur, P.O.: Lokhurjan
Bokakhat 785612, District: Golaghat
Assam
Email: rohitskaziranga@gmail.com

Copy for information & necessary action to:

1. The Hon'ble Chief Minister, Government of Assam and Chairperson, State Board for Wildlife, Assam, Janata Bhawan, Dispur, Guwahati, Assam.
2. The Hon'ble Chairman, Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change, Rajya Sabha, New Delhi.
3. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
4. The Chief Secretary, Government of Assam, Janata Bhawan, Guwahati.
5. The Additional Chief Secretary, Department of Environment & Forests, Government of Assam, Janata Bhawan, Guwahati, Assam.
6. The Director General of Forest (DGF), Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
7. The Principal Chief Conservator of Forests & Head of Forest Force cum Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
8. The ADGF (Project Tiger) & Member Secretary, National Tiger Conservation Authority, New Delhi.
9. The ADGF (Wildlife), Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
10. The Principal Chief Conservator of Forests (Wildlife), Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
11. The Director, Kaziranga National Park & Tiger Reserve, Bokakhat, Assam.
12. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat, Assam.

Annexure- IV

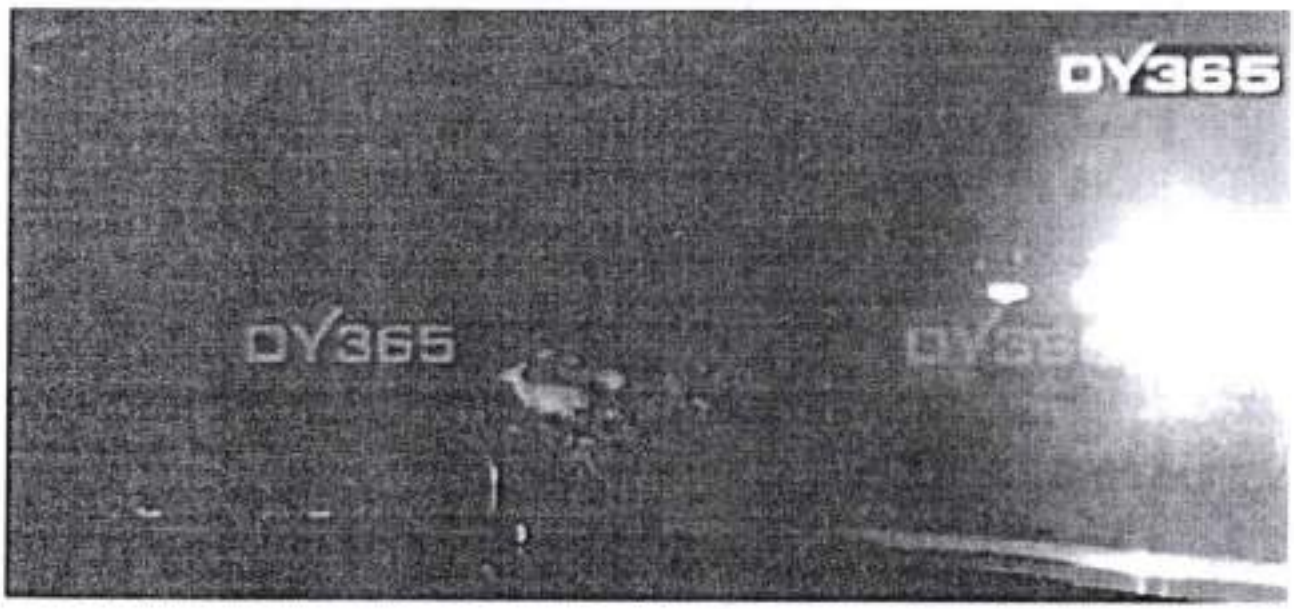
- 364 -

Rohit Choudhury

PCCF & HOFF and PCCF (Wildlife) cum CWLW Assam must resign along with Director [illegible] should be held responsible for the death of wildlife on NH-37 by speeding vehicles as the sensor cameras are kept inactive on corridors. [illegible]

DY365 @DY365 Jun 18

অতিৰিক্ত ব্যস্ত ৰাজহুৱা বন্যপ্ৰাণী চলাচলৰ পথ গুলিই আছিল বন্যজন্তু আৰু মানুহৰ বাবে কিশোৱ কুমাৰ অভয়াৰণ্যৰ পথৰ দৰে। DY365ৰ সংবেদনশীলতাৰ কেমেৰাত ধৰা পৰিছে এনে দৃশ্য

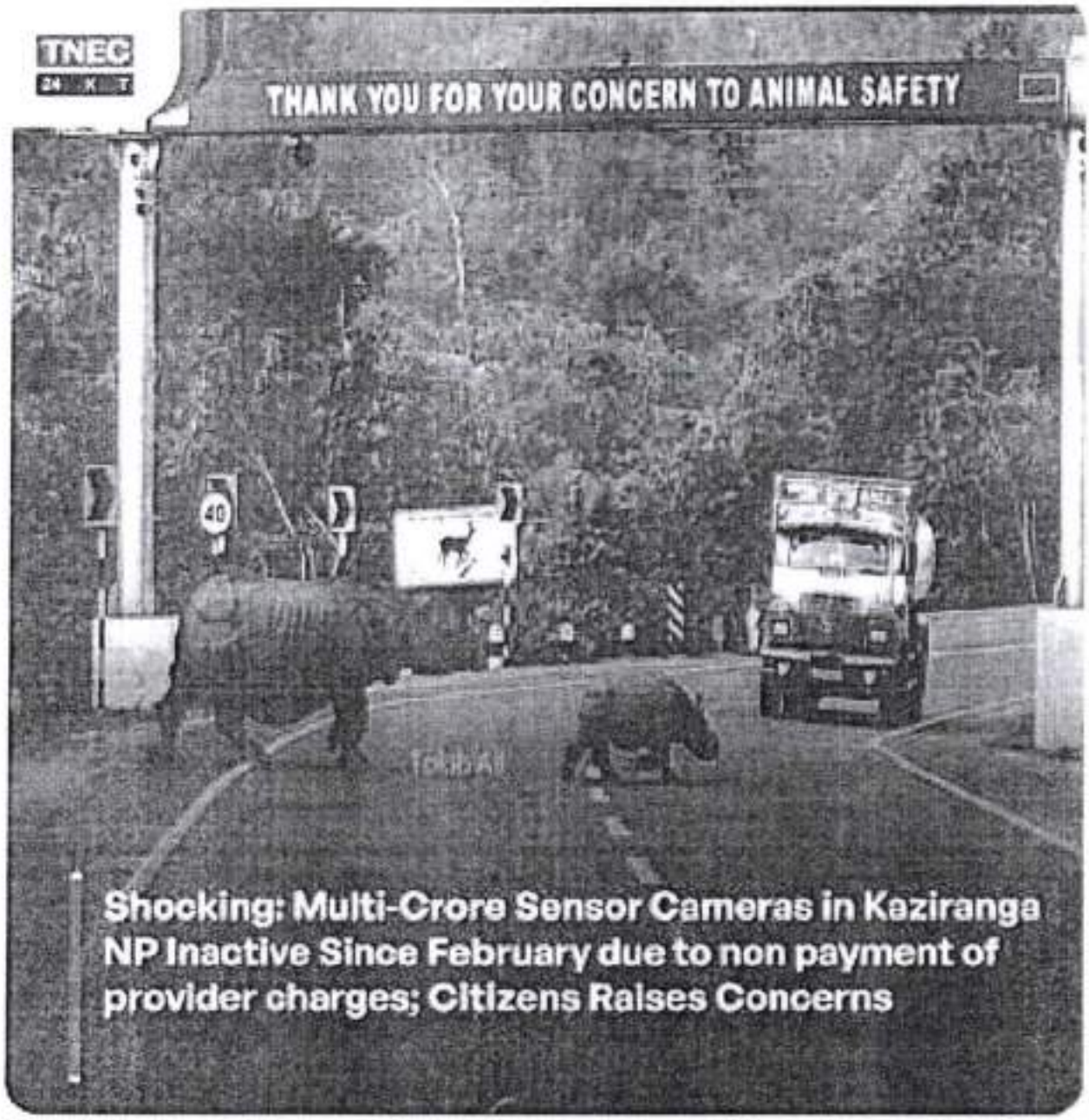


113

5:29 PM · Jun 19, 2021 · 220 Views

-365-

Rohit Choudhury



SDO CIVIL BOKAKHAT and 9 others

Rohit Choudhury [illegible] says actual counting of rhinos was done on 26th & 27th of March 2022 and same e count in 26 compartments on 28th March 2022. But WWF above says 'ecounting was done in 33 compartments on 25th March. Who is speaking truth? [illegible]

Result of 14th Rhino Population Census/Estimation

KAZIRANGA NATIONAL PARK

14th RHINO POPULATION ESTIMATION 2022

Press Release

The 14th Rhino Population Estimation / Census in Kaziranga National Park was conducted from the 25th to 28th March, 2022. Actual counting of rhinos was done from 26th to 27th March 2022.

On the 25th March 2022 a training cum briefing was imparted to the enumerators by the experts. On 28th March 2022 sample survey was conducted in 26 Nos. of compartments randomly selected. All together 64 enumerators, 12 independent observers, 40 media observers have participated in the entire exercise. There are 50 Nos. of elephants were deployed to cover all the compartments spread over the Kaziranga National Park, its adjoin areas and civil areas. Further, 250 Nos. of frontline staff were directly involved in the exercise.

GPS and Binoculars were provided to the enumerators for better observation. For the first time drone technology was also used for sample recheck. Computation of the data was carried out on 28th March, 2022 by a committee notified by the PCCF & HoFF, Assam.

The results of the exercise is as given below:

ADULT (Above 6 yr)			SUB ADULT (3 to 6 yr)			JUVENILE (1 to 3 yr)	CALF (0 to 1 yr)	TOTAL
M	F	UD	M	F	UD			
750	871	121	119	544	120	276	141	2972

(Satendra Singh, IFS)
Director, Kaziranga National Park

National Tiger Conservation Authority and 6 others

-367-

Rohit Choudhury @Ronitswargiari · Apr 6 ...

The government of Rhino Utsav 2022 of Swargiari. What was tampered with there? The following compilation is based on the information obtained under RTI Act [illegible]

[illegible]

#VyGov #assam and 7 others

5 526

-368-

Rohit Choudhury @RohitKaziranga · Mar 24 ...

As usual, the rules are thrown to the wind by Director @kaziranga_. A cardinal offence is committed, the violated. Funds meant for conservation getwings. Profiteering in the garb of Presidents visit. @UNOffice4DRR @...

KNP authorities accused of misusing over Rs 1 cr from tiger conservation fund

ABHIJAN BORAH

[illegible]

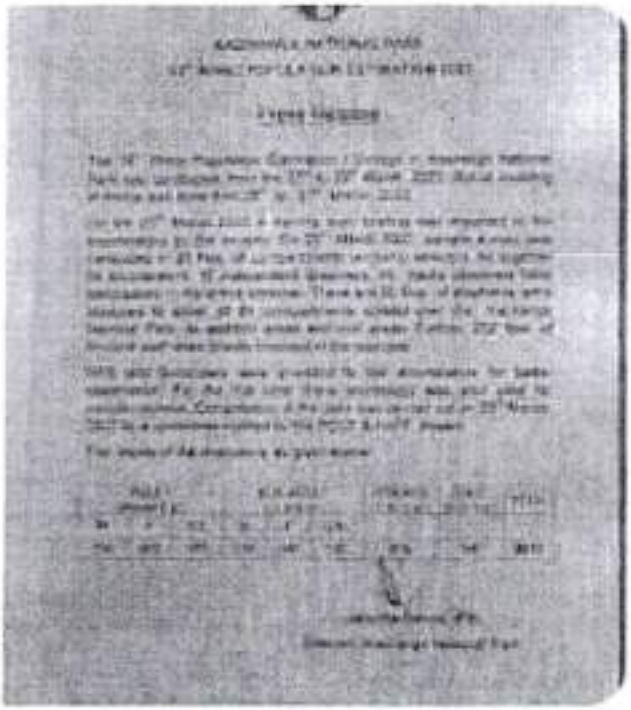
[illegible]

[illegible]

- 369 -

Rohit Choudhury @Rohitswachangs · Feb 27 ...

Director [illegible] says 49 media observers participated in the 14th Rhino Population Estimation, 2022, but shares only 18 names under the RTI Act. The remaining 31 were phantasms? @RameshPandeyIFS @Jayant_IFS @Dr_Sandeep_IFS @[illegible]



Deputy Commissioner, Golaghat and 3 others

1 4 22 2,283

-370-

Rohit Choudhury @Rohitkaziranga · Jul 27, 2022 ···

I humbly request Director @kazirangatiger to also disclose the audited accounts of Kaziranga Tiger Conservation Foundation funds since 2014-15 to 2021-22. KTCF funds is not only for spending on Mutton, Butter Chicken, Watermelon & Cold drinks @PMOIndia @BJP4India @AmitShah @sarbanandsonwal

> Kaziranga National Park & Tiger Rese... @kaziran... · Jul 26, 2022
> Exciting news coming up this 🐅 🐘
> Share, Retweet and Invite all your family & friends to celebrate #GlobalTigerDay with Kaziranga National Park & Tiger Reserve on Twitter.
> Prizes worth Rs.35000 up for grabs. Mark the date- 29 July 2022
> #AzadikaAmritMahotsavv inKNPTR #Contest

2 3

- 371 -

Rohit Choudhury @Ro[illegible] Jun 24, 2022 ...

Printing & Stationery of 4th Rhino Population Estimation / Census 2022 held at [illegible] But unfortunately No report on Rhino Census! @[illegible] @easternzonest @RameshKumarGogoi

4 10 35

- 372 -

Rohit Choudhury [illegible] ...

[illegible] was conducted from the 25th to 28th March 2022 but the Project continued till 29.03.2022. But WHY the Final census report was not received till date?? [illegible]

SUPPLIERS

TAX INVOICE

[illegible]

Annexure - XV

Azadi ka Amrit Mahotsav

-373-

GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM:785612

(E-mail ID:dir.kazirangnp@gmail.com)

Letter No. KNP/FG.733/Sensor/NH-37 *Dated: 11/04/2023*

To

The Chief Wildlife Warden, Assam,
Aranya Bhawan, Panjabari
Guwahati

Sub: Animal Sensor Systems in Kaziranga National Park -reg.

Ref This office letter 1) No. KNP/FG.733/Sensor/NH-37, dtd.06-03-2023
2) No. KNP/FG.733/Sensor/NH-37, dtd.21-02-2023
3) No.KNP/FG.733/Sensor/NH-37, dtd.07-12-2022.

Sir,

With reference to the subject cited above, I have the honour to report you regarding the present status of the Animal Sensors in Kaziranga National Park which require immediate restoration / repair / maintenance.

As per AEDCL's letter dated 10.11.2022 and 16.11.2022, the following details were noted :

1. The Animal Sensor are not fully functional as per their report.
2. Various back end technologies are not functional as per the requirement.

It may kindly be appreciated that the sensor systems require regular monitoring and maintenance to keep the same in full working condition to avert any kind of eventuality to animals moving through the corridor area.

I would, therefore, **request you to kindly look into the matter and take up with the Assam Electronics Development Corporation Ltd (AEDCL) for repair / maintenance of the Sensor Systems before onset of monsoon**. I would also like to put on record that one of the Systems had already collapsed due to hit by heavy truck during last part of Dec, 2022 in Kanchanjuri Corridor Area (Maloni Camp).

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

Yours faithfully,

11/4/23

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat,Assam:785612

Copy to:

1. The Principal Chief Conservator of Forests & Head of Forest Force, Assam, Araynya Bhawan, Panjabari, Guwahati-37 for favour of kind information.
2. The Managing Director, Assam Electronics Developement Corporation Ltd for favour of information and necessary action.
3. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat for information and necessary action.

11/4/23

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat:Assam:785612

ANNEXURE-6

-374-

DUNE, GUWAHATI — STATE — MONDAY, FEBRUARY 21, 2022

Construction works damaging Kanchanjuri animal corridor

UJIT PATOWARY

The State Chief Secretary has been urged to initiate urgent measures for freeing the government land adjoining the boundary of the Kaziranga National Park and Tiger Reserve (KNPTR) and the animal corridors connecting the National Park and Karbi Anglong Forests from encroachment.

In a four-page letter dispatched to the Chief Secretary recently, RTI-cum environment activist Bonti Choudhury said that encroachment on government land adjoining the National Park boundary and the animal corridors connecting the Kaziranga Park and the Karbi Anglong forests have been posing serious problems to the wild animals in their to and fro movements between the Park and the forests, necessitating urgent steps to free them from the clutch of the encroachers.

In this respect, Choudhury referred to his earlier plea made with the Chief Secretary through his letter dated October 20, 2021.

Quoting extensively from the Comptroller and Auditor General (CAG) Report 3 of 2014, titled *Performance Audit on Kaziranga National Park – Issues and Challenges* of Government of Assam, which was tabled in the State Assembly on March 31, 2015, Choudhury said "all the government land in the periphery of the KNP falling under the Kathalbari Revenue Circle stands encroached."

Moreover, he said, in Bokakhat Revenue Circle, 20 resettlements have been operating for periods ranging up to 40 years from the plots of land located within a distance of two to three kilometres of the KNP boundary. The majority of these establishments are not agricultural land. While some of them have got the category of (land) plots of land changed to commercial (and again) the process of changing the category of the plots belonging to

some others is on.

Again, four of the resorts are set up on government land. And some of these establishments are constructed on huge plots, measuring nearly 20 bighas. There have been

shortcomings on the KNP authorities in their part in under land use change by constructing such establishments, which include the resorts, dhabas and parking sites, among others, between Jakhalabandha and Kathkhati on the one hand and Kohora and Bagori on the other.

Choudhury also referred to the CAG report, as they have revealed in "severe barriers" between the feeding plains of Kaziranga and the high grounds in Karbi Anglong district. Moreover, the sub-committee of the Kaziranga Biodiversity Conservation and Development Committee also observed in its Division 6, 2016 meeting, "... before giving permission for any construction related to hospitality sector, eg., hotels, dhabas, resorts, etc, under Town Act/ NOC from the District, RNP should be obtained..."

The CAG has rightly highlighted the potential threat posed by the encroachment/development to the flora and fauna species of this important biodiversity area. But, the State government has to proceed without on the crucial issues of encroachments put on the paths of the wild animals, disturbing them to and fro movements between KNP and Karbi Anglong forests, by some considerations which are not in public interest, Choudhury alleged.

Besides, the National Tiger Conservation Authority has claimed that the KNP tigers also migrate to the forests of Nagaland, Arunachal Pradesh and Manipur, besides the forests of Karbi Anglong, he said.

The State government, with its silence on the issue, has also violated the April 14, 2015 order of the Supreme Court of India, which said, "The new construction shall be permitted on private lands which form part of the eco-sensitive areas/zones" of the KNP Contrary to the apex court's directive, the government is issuing new licenses/permissions for establishing new hotels, dhabas, resorts, guest houses, etcetera, etc, at newer sites, without any consent from the KNP Director. Gradually, the extent of the encroachment in areas adjacent to the KNP boundary and the animal corridors has been increasing, Choudhury alleged.

Besides, the National Tiger Conservation Authority has claimed that the KNP tigers also migrate to the forests of Nagaland, Arunachal Pradesh and Manipur, besides the forests of Karbi Anglong, he said.

ANNEXURE-6A

-375-

CM slams forest dept for green cover degradation

Advocates six-monthly drone survey of all forest areas

STAFF REPORTER

GUWAHATI, July 17: Chief Minister Himanta Biswa Sarma on Sunday blamed laxity of forest department for continuous green cover degradation in the State and directed a six-monthly drone survey to prevent fresh encroachment in protected areas.

Inaugurating the Chief Minister's Institutional Plantation Programme, Sarma said the forest department was too Kaziranga-centric and has turned away from the core problems of deforestation and encroachment.

"Our forest department is too much preoccupied with Kaziranga. They do not see any other things and has been completely silent on issues like degradation of the reserve forests and earth cutting in Guwahati. We are creating a psyche and projecting Kaziranga as a success story. But what about Manas, Orang or Raimona? We need to remodel our focus and only devote 20 per cent of our energy to Kaziranga," Sarma said.

Chief Minister Himanta Biswa Sarma plants a sapling during ceremonial launch of Institutional Plantation Programme on the premises of Janata Bhawan at Dispur in Guwahati on Sunday. – UB Photos

Asserting that deforestation and hill cutting have been continuing unabated, the Chief Minister rubbished the notion that floods were linked to dams in rivers. In fact, he said, floods were a fallout of deforestation. "Had the hills around Guwahati been covered with forests, there would have been no flooding in the city," he insisted.

Asking the forest department to ensure that the 30 per cent of the forest cover in the State remains intact, the Chief Minister also was critical of the forest department's role in monitoring the protected areas.

» SEE PAGE 2

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CM slams forest dept ...

(Contd from page 1)

"Do we analyse data sheets every month. Do we conduct drone surveys of the forest areas and compared those with previous ones? Once people build a house inside a forest it is difficult to demolish it. We need to prevent them constructing the house at the first instance," he said ruing that even though he had directed drone survey of the Guwahati forests six months back, the reports were not coming.

He said drawing government salary "without doing anything" was a "moral hazard" for forest officers, as he suggested several ways to reclaim the lost forest covers.

While some settlements can be confined to specific limits within a forest, others can be translocated providing alternative land, he said, suggesting involvement of NGOs in the exercise. However, the forest department should have zero tolerance towards encroachment, he said.

The Chief Minister also advocated for transforming the nursery business to an industry.

Under the plantation initiative, at least 75 saplings will be planted in each of the 80,000 government offices, schools and colleges in the State by August 15.

-377-

ANNEXURE-6B

Rohit Choudhury
@Rohitskaziranga

Heartiest Congratulations to @assamforest. Such flop & hopeless performance would have been not possible without the continued flop leadership of present PCCF & HoFF cum Chief Wildlife Warden,Assam. May Maa Kamakhya protect the wildlife of Assam🙏🙏

: fails to secure Central gra dlife habitat development

THAKUR

15. At a time when ... in the State has ... conservation, ... ly failed to secure ... tions for integra... habitat ... up contrast to the ... to neighbouring ... with Arunachal ... Meghalaya. Man... managing to obtain ... ial funding for the ... ors.

Only 7 for Assam ... were missing out ... 00 per cent Cen... t from recurring ... cur for recurring ... and not been able ... ared action plans ... against the funds.

"The forest department is responsible for submitting the proposals to the Union Ministry of Environment, Forest and Climate Change (MoEF&CC), which has several plans and programmes aimed at development of wildlife and habitat, including for 22 critically-endangered species," sources said.

File photo: Dead vultures

"Since we are ... penalty, fund is eli... (biotic because th... need of habitat ... invasion, wildlife ... loss of human-an... sources added.

Official data th... 11 vis-à-vis th... annual Integrate... Wildlife Habitat... that Assam did ... in the latest fi... 2021. In 2014-1... never any amou...

In contrast, Ar... rapur, Meghalaya, ... land have been ... Central fund an... these years with...

to obtain any funding despite the fact that several of the critically-endangered species – Gangetic river dolphin, vulture, rhino, wild buffalo, Bengal florican and clouded leopard – for which the project is meant, occur in Assam.

Since 2008-09 to 2020-21, eight states have received a total of Rs 2,979.28 lakh for vulture conservation. Assam, which often hits the headlines for largescale vulture deaths due to poisoning and train-hits, does not figure as a beneficiary.

As per MoEF&CC guidelines, out of 22 species identified for the Species Recovery Programme, financial assistance has been provided for nine species as per requests received from the states and Union territories.

"That Assam has drawn a blank makes it clear that the Forest department has not submitted any plan for the purpose despite vultures facing a real threat of extinction in the State," sources added. As for funds for rhino recovery, West Bengal and Uttarakhand – the only two states other than Assam to have rhinos – have procured a total amount of Rs 469.55 lakh from 2017-18 to 2019-20.

"Assam could have obtained funds under the project which is aimed at facilitating recovery programmes for saving critically endangered species and their habitats. Assam has ideal rhino bearing areas in Dibru Saikhowa National Park but security concerns and habitat degradation have prevented rhino relocation there. Barbachapori Laokhowa Wildlife Sanctuary too is grappling with similar concerns over rhino relocation," sources said.

1:48 AM · Sep 17, 2022

ANNEXURE-6C

-378-

CM slams forest dept for green cover degradation

Advocates six-monthly drone survey of all forest areas

STAFF REPORTER

GUWAHATI, July 17: Chief Minister Himanta Biswa Sarma on Sunday blamed laxity of forest department for continuous green cover degradation in the State and directed a six-monthly drone survey to prevent fresh encroachment in protected areas.

Inaugurating the Chief Minister's Institutional Plantation Programme, Sarma said the forest department was too Kaziranga-centric and has turned away from the core problems of deforestation and encroachment.

"Our forest department is too much preoccupied with Kaziranga. They do not see any other things and has been completely silent on issues like degradation of the reserve forests and earth cutting in Guwahati. We are creating a psyche and projecting Kaziranga as a success story. But what about Manas, Orang or Raimona? We need to remodel our focus and only devote 20 per cent of our energy to Kaziranga," Sarma said.

Chief Minister Himanta Biswa Sarma plants a sapling during ceremonial launch of Institutional Plantation Programme on the premises of Janata Bhawan at Dispur in Guwahati on Sunday – UB Photos

Asserting that deforestation and hill cutting have been continuing unabated, the Chief Minister rubbished the notion that floods were linked to dams in rivers. In fact, he said, floods were a fallout of deforestation. "Had the hills around Guwahati been covered with forests, there would have been no flooding in the city," he insisted.

Asking the forest department to ensure that the 30 per cent of the forest cover in the State remains intact, the Chief Minister also was critical of the forest department's role in monitoring the protected areas.

» SEE PAGE 2

Rohit Choudhury
@Rohitskaziranga

"Drawing government salary "without doing anything" was a "moral hazard" for forest officers". If a CM is forced to say such words then "May good sense prevail over PCCF & HOFF cum PCCF(Wildlife) cum Chief Wildlife Warden of [illegible]"

3:18 PM · Jul 18, 2022

4 Retweets 1 Quote 17 Likes

- 379 -

Assam fails to ...

(Contd from page 1)

In the Species Recovery Programme too, Assam has failed to obtain any funding despite the fact that several of the critically-endangered species – Gangetic river dolphin, vulture, rhino, wild buffalo, Bengal florican and clouded leopard – for which the project is meant, occur in Assam.

Since 2008-09 to 2020-21, eight states have received a total of Rs 2,079.28 lakh for vulture conservation. Assam, which often hits the headlines for largescale vulture deaths due to poisoning and train-hits, does not figure as a beneficiary.

As per MoEF&CC guidelines, out of 22 species identified for the Species Recovery Programme, financial assistance has been provided for nine species as per requests received from the states and Union territories.

"That Assam has drawn a blank makes it clear that the Forest department has not submitted any plan for the purpose despite vultures facing a real threat of extinction in the State," sources added. As for funds for rhino recovery, West Bengal and Uttarakhand – the only two states other than Assam to have rhinos – have procured a total amount of Rs 469.55 lakh from 2017-18 to 2019-20.

"Assam could have obtained funds under the project which is aimed at facilitating recovery programmes for saving critically endangered species and their habitats. Assam has ideal rhino bearing areas in Dibru Saikhowa National Park but security concerns and habitat degradation have prevented rhino relocation there. Burhachapori Laokhowa Wildlife Sanctuary too is grappling with similar concerns over rhino relocation," sources said.

Bengal florican and clouded leopard are two other species (both have a small population in Assam) for which the State could have secured Central funds, but the inertia of the Forest department has prevented such a possibility. Arunachal and Meghalaya have managed to get funds for the two species during 2020-21.

ANNEXURE-6D

NORTHEAST NOW

-380-

Assam

Assam's elephants "smuggled" to Gujarat using fake NOCs, reveal Odisha forest officials

by NE NOW NEWS
June 19, 2022 7:03 pm

Guwahati: In a shocking revelation, top forest officials of Odisha have said that elephants from Assam are being "smuggled" to Gujarat with false NOCs that were obtained by using forged signatures.

According to a **report**, the Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden (CWLW) have alerted their Assam counterpart and the Wildlife Crime Control Bureau (WCCB) regarding this.

At least, eight such cases have come to the fore in the last month, where attempts were allegedly made by racketeers to fake NOCs by using forged signatures to smuggle elephants from Assam, *New Indian Express* reported.

Seven of these cases saw attempt made to transport elephants to Radhe Krishna Temple at Jamnagar in Gujarat.

e Radhe Krishna Temple Elephant Welfare Trust (RKTEWT), an organisation based in Moti Khavdi illage in Jamnagar, Gujarat is supported by Reliance Industries Limited (RIL). - 381 -

The first case related to the trafficking of a jumbo to Odisha from Assam.

Interestingly, the Odisha CWLW office had earlier received an application for transportation of a captive jumbo from Assam to the Koraput district.

Upon verification by the divisional forest officer, it was found that the requisites were not met and the application was rejected, the report mentioned.

When a fake NOC reached the Assam CWLW, it sought clarification from its Odisha counterpart and the first case was detected.

However, the CWLW office was perplexed when it received queries from its Gujarat counterpart about seven NOCs allegedly issued by the former for the transportation of captive elephants.

All the seven NOCs were identical – from applicant to destination. Only the description of the jumbos was different.

The applicant purportedly was one Mukeswar Konwar from the Sivasagar district. In all, the signatures were reportedly forged to generate the NOCs.

Suspecting a racket, the Odisha CWLW office wrote to all states as well as WCCB.

"It seems that a big racket is operating in illegal trafficking. As this illegal operation is having inter-state ramifications, it is requested to examine the matter and issue an advisory from the Ministry to all CWLWs to closely scrutinize all the cases/applications of transportation of elephants and to check the authenticity of the documents relating to such transfers from the issuing authorities/states," the letter mentioned.

Recently, the volunteers of the Adi students' union had stopped trucks at Pasighat in Arunachal Pradesh transporting the 10 "domestic elephants", suspecting illegal animal trafficking.

However, the police and forest authorities in East Siang district of Arunachal Pradesh cleared the transportation of the elephants after the drivers of the trucks produced valid documents, including a permit from the chief wildlife wardens of Arunachal Pradesh and Gujarat.

The 10 "domestic elephants" were 'bought' by the Radhe Krishna temple elephant welfare trust from different owners in Namsai district of Arunachal Pradesh.

unachal Pradesh Abotani Community Consideration has raised suspicion over transportation of the elephants demanding arrest of "those involved in the illegal transportation and smuggling of elephants from our state to other state".

The Centre for Research on Animal Rights (CRAR) also wrote to the forest departments of Gujarat, Arunachal Pradesh and Assam over the transportation the elephants to Gujarat's Jamnagar from Arunachal Pradesh.

The CRAR dubbed the transportation of the elephants as suspicious and sought a probe into it.

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ANNEXURE-6E

-383-

7:28 4G

Rohit Choudhury
1,722 Tweets

Follow

Tweets Replies Media Likes

CID Assam and 9 others

3 232

Rohit Choudhury @Rohitskaziranga · 3d

Only God knows that it's a loss of 29 lakhs to @mygovassam or profit of officials of @assamforest ..?? If possible the matter may be kindly investigated by @DIR_VAC_ASSAM..! Kind attention @himantabiswa @CMOfficeAssam @cmpatowary @gpsinghips @surendrakr_ips @byadavbjp @dgovcbic

nent of uniforms, acc Procurement .
t dept under scanne

(Contd from page 1)
contracts of all items to one su
deprived of the opportunity to b
ss violation of terms and condi
audit noted, recommending tha
e award of the contract is not pr
h the Assam Public Procureme
l for financial sanction of the c
"fit for consideration".

Paban Kumar Borthakur and 3 others

3 9 505

Rohit Choudhury @Rohitskaziranga · 6d

Van Mahotsava, 2023...Sorry its flood preparation of @kaziranga_ 2023..!!
@cmpatowary @assamforest @mygovassam @CMOfficeAssam @bivashranjan2 @SPYadavIFS @ntca @moefcc

ANNEXURE-6F

- 384 -

Rohit Choudhury @Rohitskaziranga · Dec 13, 2022

Lampooning of laws is all but expected of MK Yadava and his lackeys. Director seems to be a domain specialist in fudging data,tampering with information,writing letters without application of mind and giving lectures on safety of @kaziranga_ while facilitating things like this.

Ramesh Kumar Gogoi and 4 others

2 6

ANNEXURE-7

Log in Use app -385-

@CMOfficeAssam
@cmpatowary

8:15 pm · 13 Mar 2023 · **169** Views

1 Retweet **9** Likes

Rohit Choudhury @Rohitskaziranga · 45m

Replying to @assamforest, @CMOfficeAssam and @cmpatowary

So at the fag end of financial year he has woken up for revenue augmentation..?? i am sure he might have promised government for revenue of more than 1000 crores but might have not collected (officially 😉 😉)
even 50% of it.

1

ANNEXURE-7A

-386-

Rohit Choudhury on ...
twitter.com

Tweet

Rohit Choudhury
@Rohitskaziranga

Huge funds for lavish renovation of room of PCCF & HOFF @assamforest is available but no funds available for the payment of sensor cameras for safety of wildlife of @kaziranga_ ..??
@byadavbjp @SPYadavIFS
@himantabiswa @cmpatowary @BorthakurPaban
@moefcc

timesofindia.indiatimes.com
Defunct Speed-check Cameras Pose Threat To Kaziranga Animals | Guwahati News - Times of India

11:40 AM · Jun 20, 2023 · **434** Views

5 Retweets **15** Likes **1** Bookmark

ANNEXURE-8

-387-

Computer No. : E- 29034
भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण
National Tiger Conservation Authority
***

F. No. 1-3/2008-NTCA

Dated: 10th February 2023

To,

Chief Wildlife Warden
Government of Assam
Guwahati

Sub: Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park, Assam: Request for Institution an Inquiry - reg.

Sir,

I am directed to forward herewith a copy of letter dated 27.01.2023 received from Mr. Rohit Choudhury Village Gormur, P.O. Lokhujan, Bokakhat, Distt. Golaghat (Assam) on the subject cited above.

In this context, furnishing of the factual status to this Authority and needful action is requested at the earliest.

This is issues with the approval of the Competent Authority.

Encl: As above.

Yours sincerely,

(Md. Sajid Sultan)
Asstt. Inspector General of Forests (NTCA)
Email: aig2-ntca@nic.in
Tel. (EPABX): + 91 11 24367837-39

Copy for kind information/necessary action to:

1. IGF (NTCA), Hqrs. New Delhi
2. The Field Director, Kaziranga Tiger Reserve
3. PS to ADG (Project Tiger) & MS (NTCA)
4. Mr. Rohit Choudhury, Village-Gormur, P.O- Lokhujan, Bokakhat-785612, Dist-Golaghat, Assam (Email: rohitskaziranga@gmail.com)

-388-

To
The Hon'ble Minister
Ministry of Environment, Forest and Climate Change
Government of India
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110003

Dated: 27/01/2023

Sub: - Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park,Assam; Request for Instituting an Inquiry.

Respected Sir,

In connection with the subject cited above, I would like to bring the following facts to your kind notice for favour of necessary action:

A) The 14th Rhino Population Estimation / Census was conducted from 25th March to 28th March 2022 in Kaziranga National Park. As per the press release signed by Shri Jatindra Sarma, Director, Kaziranga National Park (**Annexure I**), the chronology of the 14th Rhino Population Estimation 2022 is as follows:

1. On 25th March 2022, a training-cum-briefing session was conducted for the enumerators by the experts.

2. Following the same, actual counting of Rhinos was done from 26th to 27th March 2022 by the enumerators.

3. On 28th March, 2022, a sample survey was conducted in 26 randomly selected compartments (out of the 84 compartments spread over the Kaziranga National Park, its addition areas and civil areas).

4. Computation of the data was carried out on 28th March 2022 by a committee notified by the PCCF & HoFF, Assam (**Annexure II**), and 2,613 was the total number of Rhinos arrived at in the computation.

5. Altogether 64 enumerators, 12 independent observers and 49 media observers have participated in the entire exercise.

B) To check the authenticity of the data as mentioned by the Director, Kaziranga National Park & Tiger Reserve in the press note, RTI applications (**Annexure III & IV**) were filed in the office of the Director, Kaziranga National Park & Tiger Reserve and in the office of the Divisional Forest Officer, Eastern Assam Wildlife

Rohit Choudhury
27.01.2023

Division, Bokakhat. Initially, the RTI applications were not met with any positive response.

C) Eventually, upon receiving the information from the SPIO, Eastern Assam Wildlife Division in response to a direction from the State Chief Information Commissioner, Assam (**Annexure V**), and after carefully analysing the said information, it was found that the data sheets submitted by the enumerators on 26th & 27th had the actual count of Rhinos in Kaziranga as only 2,042.

D) The information furnished by the SPIO, Eastern Assam Wildlife Division showed that a 'sample survey' was conducted on 28th March, 2022 in 22 randomly selected compartments / blocks, and it showed a total count of 1,064 as against 472 counted by the enumerators on 26th & 27th March 2022 in the very same blocks. It is seen that in the final computation, the enumerators' data of 26th & 27th March 2022 pertaining to these 22 blocks was deleted, and the increased numbers of the 'sample survey' of 28th March, 2022 were substituted, to jack up the total count from 2,042 to 2,634. (**Annexure VI**)

E) There are several interesting facts to the so called 'sample survey' conducted on 28th March 2022 by the Director, Kaziranga National Park, which are as follows:

1. There is no procedure such as 'sample survey' in the Block Count Method, which is one of the three methods prescribed for Rhino Population Estimation in the Standard Operating Procedure (SOP) (**Annexure VII**). Such being the case, deleting the actual count figures of the enumerators, and substituting the same by the 'sample survey' figures is a significant deviation from the set procedure that casts serious doubts upon the credibility of 14th Rhino Population Estimation, 2022 carried out in the Kaziranga National Park.

2. Even within Assam, the other Rhino bearing areas such as the Manas National Park have meticulously followed the SOP laid down by the MoEF&CC in counting the Rhinos in 2022, and made the resultant data public by hosting the same on their website. The strange procedural deviation was made only in the case of the Kaziranga National Park.

3. In blocks where the original count by the enumerators on 26th & 27th revealed 'NIL' Rhinos, no 'sample survey' was carried out on 28th March 2022. Thus, it is clear that it was not a 'random sample survey' as is being claimed, and turns out to be statistically unsound.

4. In all the 22 compartments / blocks where the 'sample survey' was conducted, there was an increase in Rhino numbers, so much so, that the 'sample survey' numbers were more than double of the enumerators'

Rohit Choudhury
27.01.2023

actual count. None of the 22 compartments where the 'sample survey' supposedly took place had actually recorded any decrease in Rhino count.

5. No independent observers or media observers were present during the 'sample survey' on 28th March 2022, or during the final computation of the data.

6. The furnishing of information by the SPIO, Eastern Assam Wildlife Division, BokaKhat under directions of the Chief Information Commissioner, Assam was soon followed by letters from the Director, Kaziranga dated 07th December 2022 and 28th December 2022 to the undersigned, demanding the return of the information obtained. The intent of these letters appeared to be to browbeat the undersigned not to disclose the anomalies in the data to anyone. (**Annexure VIII & IX**)

The above facts clearly show that the Rhino numbers of the 14th Rhino Population Estimation 2022 in the Kaziranga National Park were seriously compromised by the Computation Committee notified by the PCCF & HoFF, Assam along with the Director, Kaziranga National Park & Tiger Reserve and Chief Wildlife Warden, Assam.

In light of the above, I request your esteemed self to cause an inquiry into the grave anomalies noticed in the 14th Rhino Population Estimation 2022 and recommend for necessary action against the officials involved, including against Shri Jatindra Sarma, IFS (Director, Kaziranga National Park) for misleading the Government and public on the actual numbers of the rhinoceros in the Kaziranga National Park, which is also a National Park, UNESCO World Heritage Site and a place of international importance for the single one horned rhinoceros.

Action taken in this regard may be communicated

Thank you,

Sincerely,
Rohit Choudhury
27/01/2023

(Rohit Choudhury)
Village: Gormur, P.O: Lokhujan
Bokakhat: 785612, Dist: Golaghat, Assam
Email: rohitskaziranga@gmail.com

Copy for kind information and necessary action to:

1. The Hon'ble Chief Minister, Government of Assam and Chairperson, State Board for Wildlife, Assam, Janata Bhawan, Dispur, Guwahati, Assam.

2. The Hon'ble Chairman, Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change, Rajya Sabha, New Delhi.
3. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
4. The Chief Secretary, Government of Assam, Janata Bhawan, Guwahati.
5. The Director General of Forest (DGF), Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
6. The Director General of Police, Government of Assam, Assam Police Headquarters, Guwahati, Assam.
7. The ADGF (Project Tiger) & Member Secretary, National Tiger Conservation Authority, New Delhi.
8. The Director, Wildlife Institute of India, Dehradun, Uttarakhand.
9. The Principal Chief Conservator of Forests & Head of Forest Force cum Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
10. The Principal Chief Conservator of Forests (Wildlife), Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
11. The Director, Kaziranga National Park & Tiger Reserve, Bokakhat, Assam.
12. The Superintendent of Police, Golaghat, Assam.
13. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat, Assam.
14. The Range Forest Officer, Burapahar Range / Bagori Range / Kohora Range / Agoratoli Range & Bokakhat Range of Kaziranga National Park.
15. The Officer-in-Charge, Bokakhat Police Station, Bokakhat, Dist-Golaghat, Assam.

Rahul Choudhury
27 01 2023

WL-8/25/2023-WL

-392-

F. No WL-8/25/2023WL
Government of India
Ministry of Environment, Forest and Climate Change
Wildlife Division

6th Floor, Vayu Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110003.

Dated: 19th February 2023

The Chief Wild Life Warden,
Government of Assam,
Guwahati.

Sub: Representation received from Shri Rohit Choudhury, Bokakhat, Assam regarding anomalies in 14th Rhino population enumeration in Kaziranga National Park, Assam

Sir,

Kindly find enclosed a copy of the representation received fromShri Rohit Choudhury, Bokakhat, Assam regarding anomalies in 14th Rhino population enumeration in Kaziranga National Park, Assam. The contents of the enclosed matter is self explanatory.

In this context, the undersigned is directed to request that a factual report on the matter may kindly be forwarded to this Ministry **URGENTLY**.

Yours faithfully,
Signed by Rakesh Kumar Jagenia
Date: 19-02-2023 18:27:24

(Rakesh Kumar Jagenia)
Deputy Inspector General of Forests (WL)
E.mail: digwl-mefcc@gov.in

Encl: As above.

Copy to: Sr. PPS to Addl. DGF(WL) & Director, Wild Life Preservation/ PPS to IGF(WL), MoEFCC/PPS to JD(WL), MoEFCC.

ANNEXURE-8A

Email

Bhupender Yadav

-393-

Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park,Assam; Request for Instituting an Inquiry.

From : rohitskaziranga@gmail.com Fri, Jan 27, 2023 11:17 AM

Subject : Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park,Assam; Request for Instituting an Inquiry.

10 attachments

To : Bhupender Yadav <mefcc@gov.in>, office@bhupenderyadav.in

Cc : CMO Assam <cm@assam.gov.in>, jairam54@gmail.com, Ms Leena Nandan <secy-moef@nic.in>, PABAN KUMAR BORTHAKUR, IAS <cs-assam@nic.in>, Shri Chandra Prakash Goyal <dgfindia@nic.in>, DGP Assam Police <dgp@assampolice.gov.in>, Dr. S. P. Yadav <ms-ntca@nic.in>, wii@wii.gov.in, Shri Mahendra Kumar Yadava, IFS <hoff-assam@gov.in>, cwlw assam <cwlw.assam@gmail.com>, pccf wl assam <pccf.wl.assam@gmail.com>, dir kaziranganp <dir.kaziranganp@gmail.com>, Ms Ramandeep Kaur, IPS <sp-golaghat@assampolice.gov.in>, dfo eawl <dfo.eawl@gmail.com>, burapaharrange@gmail.com,

bagorirange@gmail.com, kazirangarange@gmail.com, easternrange@gmail.com, bokakhatbeat@gmail.com, principalsecretarytocm@gmail.com, Samir K. Sinha <principalsecy-cmo@assam.gov.in>, staffofficer2cs@gmail.com, acs envforest <acs.envforest@gmail.com>, envtforest2016@gmail.com, BIVASH RANJAN <adgwl-mef@nic.in>, Rohit Tiwari <igfwl-mef@nic.in>

-394-

Respected Sir,

I am enclosing herewith a letter dated: 27.01.2023 (Sub: Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park, Assam; Request for Instituting an Inquiry.)

The receipt of this email and attached letter may kindly be acknowledged.

Thanking you,

Rohit Choudhury
Village-Gormur, P.O- Lokhujan
Bokakhat-785612, Dist-Golaghat
Assam
Email: rohitskaziranga@gmail.com

- **1.Letter.Rhino Estimation.KNP.27.01.2023.pdf**
  12 MB
- **2.Annexure I.pdf**
  175 KB
- **3.Annexure II.pdf**
  684 KB
- **4.Annexure III.pdf**
  309 KB

- 395 -

- **5.Annexure IV.pdf**
  396 KB
- **6.Annexure V.pdf**
  259 KB
- **7.Annexure VI.pdf**
  1 MB
- **8.Annexure VII.pdf**
  395 KB
- **9.Annexure VIII.pdf**
  555 KB
- **10.Annexure IX.pdf**
  406 KB

To
The Hon'ble Minister
Ministry of Environment, Forest and Climate Change
Government of India
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110003

Dated: 27/01/2023

Sub: - Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park,Assam; Request for Instituting an Inquiry.

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5. Altogether 64 enumerators, 12 independent observers and 49 media observers have participated in the entire exercise.

B) To check the authenticity of the data as mentioned by the Director, Kaziranga National Park & Tiger Reserve in the press note, RTI applications (**Annexure III & IV**) were filed in the office of the Director, Kaziranga National Park & Tiger Reserve and in the office of the Divisional Forest Officer, Eastern Assam Wildlife

Rohit Choudhury
27.01.2023

Division, Bokakhat. Initially, the RTI applications were not met with any positive response.

C) Eventually, upon receiving the information from the SPIO, Eastern Assam Wildlife Division in response to a direction from the State Chief Information Commissioner, Assam (**Annexure V**), and after carefully analysing the said information, it was found that the data sheets submitted by the enumerators on 26th & 27th had the actual count of Rhinos in Kaziranga as only 2,042.

D) The information furnished by the SPIO, Eastern Assam Wildlife Division showed that a 'sample survey' was conducted on 28th March, 2022 in 22 randomly selected compartments / blocks, and it showed a total count of 1,064 as against 472 counted by the enumerators on 26th & 27th March 2022 in the very same blocks. It is seen that in the final computation, the enumerators' data of 26th & 27th March 2022 pertaining to these 22 blocks was deleted, and the increased numbers of the 'sample survey' of 28th March, 2022 were substituted, to jack up the total count from 2,042 to 2,634. (**Annexure VI**)

E) There are several interesting facts to the so called 'sample survey' conducted on 28th March 2022 by the Director, Kaziranga National Park, which are as follows:

1. There is no procedure such as 'sample survey' in the Block Count Method, which is one of the three methods prescribed for Rhino Population Estimation in the Standard Operating Procedure (SOP) (**Annexure VII**). Such being the case, deleting the actual count figures of the enumerators, and substituting the same by the 'sample survey' figures is a significant deviation from the set procedure that casts serious doubts upon the credibility of 14th Rhino Population Estimation, 2022 carried out in the Kaziranga National Park.

2. Even within Assam, the other Rhino bearing areas such as the Manas National Park have meticulously followed the SOP laid down by the MoEF&CC in counting the Rhinos in 2022, and made the resultant data public by hosting the same on their website. The strange procedural deviation was made only in the case of the Kaziranga National Park.

3. In blocks where the original count by the enumerators on 26th & 27th revealed 'NIL' Rhinos, no 'sample survey' was carried out on 28th March 2022. Thus, it is clear that it was not a 'random sample survey' as is being claimed, and turns out to be statistically unsound.

4. In all the 22 compartments / blocks where the 'sample survey' was conducted, there was an increase in Rhino numbers, so much so, that the 'sample survey' numbers were more than double of the enumerators'

Rohit Choudhury
27.01.2023

actual count. None of the 22 compartments where the 'sample survey' supposedly took place had actually recorded any decrease in Rhino count.

5. No independent observers or media observers were present during the 'sample survey' on 28th March 2022, or during the final computation of the data.

6. The furnishing of information by the SPIO, Eastern Assam Wildlife Division, BokaKhat under directions of the Chief Information Commissioner, Assam was soon followed by letters from the Director, Kaziranga dated 07th December 2022 and 28th December 2022 to the undersigned, demanding the return of the information obtained. The intent of these letters appeared to be to browbeat the undersigned not to disclose the anomalies in the data to anyone. (**Annexure VIII & IX**)

The above facts clearly show that the Rhino numbers of the 14th Rhino Population Estimation 2022 in the Kaziranga National Park were seriously compromised by the Computation Committee notified by the PCCF & HoFF, Assam along with the Director, Kaziranga National Park & Tiger Reserve and Chief Wildlife Warden, Assam.

In light of the above, I request your esteemed self to cause an inquiry into the grave anomalies noticed in the 14th Rhino Population Estimation 2022 and recommend for necessary action against the officials involved, including against Shri Jatindra Sarma, IFS (Director, Kaziranga National Park) for misleading the Government and public on the actual numbers of the rhinoceros in the Kaziranga National Park, which is also a National Park, UNESCO World Heritage Site and a place of international importance for the single one horned rhinoceros.

Action taken in this regard may be communicated

Thank you,

Sincerely,

Rohit Choudhury
27.01.2023

(Rohit Choudhury)
Village: Gormur, P.O: Lokhujan
Bokakhat: 785612, Dist: Golaghat, Assam
Email: rohitskaziranga@gmail.com

Copy for kind information and necessary action to:

1. The Hon'ble Chief Minister, Government of Assam and Chairperson, State Board for Wildlife, Assam. Janata Bhawan, Dispur, Guwahati, Assam.

2. The Hon'ble Chairman, Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change, Rajya Sabha, New Delhi.
3. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
4. The Chief Secretary, Government of Assam, Janata Bhawan, Guwahati.
5. The Director General of Forest (DGF), Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
6. The Director General of Police, Government of Assam, Assam Police Headquarters, Guwahati, Assam.
7. The ADGF (Project Tiger) & Member Secretary, National Tiger Conservation Authority, New Delhi.
8. The Director, Wildlife Institute of India, Dehradun, Uttarakhand.
9. The Principal Chief Conservator of Forests & Head of Forest Force cum Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
10. The Principal Chief Conservator of Forests (Wildlife), Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
11. The Director, Kaziranga National Park & Tiger Reserve, Bokakhat, Assam.
12. The Superintendent of Police, Golaghat, Assam.
13. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat, Assam.
14. The Range Forest Officer, Burapahar Range / Bagori Range / Kohora Range / Agoratoli Range & Bokakhat Range of Kaziranga National Park.
15. The Officer-in-Charge, Bokakhat Police Station, Bokakhat, Dist-Golaghat, Assam.

Rohit Choudhury
27.01.2023

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KAZIRANGA NATIONAL PARK

14th RHINO POPULATION ESTIMATION 2022

Press Release

The 14th Rhino Population Estimation / Census in Kaziranga National Park was conducted from the 25th to 28th March, 2022. Actual counting of rhinos was done from 26th to 27th March, 2022.

On the 25th March 2022 a training cum briefing was imparted to the enumerators by the experts. On 28th March 2022, sample survey was conducted in 26 Nos. of compartments randomly selected. All together 64 enumerators, 12 independent observers, 49 media observers have participated in the entire exercise. There are 50 Nos. of elephants were deployed to cover all 84 compartments spread over the Kaziranga National Park, its addition areas and civil areas. Further, 252 Nos. of frontline staff were directly involved in the exercise.

GPS and Binoculars were provided to the enumerators for better observation. For the first time drone technology was also used for sample recheck. Computation of the data was carried out on 28th March, 2022 by a committee notified by the PCCF & HoFF, Assam.

The results of the exercise is as given below:

ADULT (Above 6 yr)			SUB ADULT (3 to 6 yr)			JUVENILE (1 to 3 yr)	CALF (0 to 1 yr)	TOTAL
M	F	US	M	F	US			
750	903	170	118	148	103	279	148	2613

(Jatindra Sarma, IFS)

Director, Kaziranga National Park

ANNEXURE - E

-401-

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE) AND CHIEF WILDLIFE WARDEN, ASSAM :: PANJABARI :: GUWAHATI-37

E-mail ID: [illegible]

No. WL/RG/5-14/RHINO CENSUS/2015-16/2022 Dated: - 14/03/2022

To

The Divisional Forest Officer,
Eastern Assam Wildlife Division, Bokakhat

Sub: Forest officers proposed for compilation of results of 14th Rhino population estimation 2022.

Sir,

With reference to the subject cited above, I am directed to inform you that the committee for compilation of results of 14th Rhino population estimation 2022, constituted by you has been approved by the Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden, Assam.

Therefore, you are requested to go ahead with the proposed schedule of work programme pertaining to the 14th Rhino population estimation 2022.

This for your information and necessary action.

Yours faithfully,

(K. S. Das, IFS)
Senior Wildlife Warden
O/o the PCCF, WL & CWLW, Assam
Aranya Bhawan, Panjabari, Guwahati-37

Copy for information to:

1. The Addl. Chief Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-06.
2. The Principal Chief Conservator of Forest & Head of Forest Force, Assam, Aranya Bhawan, Panjabari, Guwahati-37.
3. The Field Director, Kaziranga National Park & Tiger Reserve, Bokakhat.

Senior Wildlife Warden
O/o the PCCF, WL & CWLW, Assam
Aranya Bhawan, Panjabari, Guwahati-37

certified to be true copy
(Adv Com Spcl)

Dr. P. J. Kr.
For the DFO, Diphu
Bokakhat

-402-

GOVERNMENT OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER::EASTERN ASSAM WILDLIFE DIVISION
KAZIRANGA NATIONAL PARK::BOKAKHAT

Letter No. A/WUS/Rhino Estimation/ 2022/ [illegible] Date: [illegible]

To

The Principal Chief Conservator of Forests (Wildlife) &
Chief Wildlife Warden, Assam,
Aranya Bhawan, Panjabari
Guwahati-37

Sub: List of officers proposed for compilation of results of 14th Rhino population estimation 2022

Ref: Your letter No. WL/FC.35 (14)/ Rhino Census/2015-16-22 Dated 9th March, 2022.

Sir,

With reference to the subject cited above, I have the honour to propose the names of following officers for compilation of results of 14th Rhino population estimation 2022.

1. Md. Mazidul Hussain IFS, CF, O/o the PCCF (Wildlife) & CWLW, Assam- Chairman.
2. Shri. Arun Vignesh C S, IFS, DFO, Sonitpur East Division- Member.
3. Shri. Pankaj Sharma AFS, DFO, Western Assam Wildlife Division- Member.
4. Shri. Charge Singh Dekaraja AFS, DCF, O/o the Field Director, KNP & TR.
5. Shri. Rabindra Sharma, WLIO, EAWL Division- Member.
6. Shri. Kutu Raban Borah AFS, ACF, Golaghat Division-Member.

In this regard, you are requested to approve the compilation committee for the same.

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

Yours faithfully

(Ramesh Kumar Gogoi AFS)
Divisional Forest Officer
Eastern Assam Wildlife Division
Bokakhat

Copy to the Director, Kaziranga National Park & Tiger Reserve, Bokakhat for favour of kind information.

[illegible]

(Ramesh Kumar Gogoi AFS)
Divisional Forest Officer
Eastern Assam Wildlife Division
Bokakhat

-403-

RTI Matter

To,
The State Public Information Officer (SPIO)
O/o the Director
Kaziranga National Park & Tiger Reserve
Bokakhat- 785612, Dist-Golaghat, Assam

Dated: 05/04/2022

Sub: Request for information under RTI Act, 2005.

Sir,

This is in refrence to the 14th Rhino Population Estimation / Census in Kaziranga National Park conducted from 25th to 28th March, 2022. **Actual counting of rhinos was done from 26th to 27th March, 2022**. In view of the same, I request you to provide me the following information:

1. Provide me the copies of all recording / observation sheets submitted by the enumerators after counting of Rhinos on 26th and 27th March, 2022 in the "14th Rhino Population Estimation 2022".

The application fee of Rs.10/- by cash is deposited herewith.

Sincerely,

Rohit Choudhury
05/04/2022

(Rohit Choudhury)
Village: Gormur Gaon
P.O: Lokhujan, Bokakhat: 785612
District: Golaghat, Assam

Bokakhat Assam

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RTI Matter

To,
The State Public Information Officer (SPIO)
O/o the Director
Kaziranga National Park & Tiger Reserve
Bokakhat, Dist: Golaghat, Assam

Dated: 09/05/2022

Sub: Requirement of Information under RTI Act, 2005.

Sir,

This is in refrence to the 14th Rhino Population Estimation / Census in Kaziranga National Park conducted from 25th to 28th March, 2022. Actual counting of rhinos was done from 26th to 27th March, 2022. In view of the same, I request you to provide me the following information:

1. Provide me the details of the total amount of funds / amount spent by Kaziranga National Park authority / Assam Forest Department on the 14th Rhino Population Estimation / Census in Kaziranga National Park conducted from 25th to 28th March, 2022.
2. Provide me the total break-up along with all supporting bills / vouchers of the above mentioned funds / amount spent by Kaziranga National Park authority / Assam Forest Department on the 14th Rhino Population Estimation / Census in Kaziranga National Park.
3. Provide me the name of the enumerators, who were part of actual counting of rhinos on 26th and 27th March, 2022 along with the details of the total number of count made by each enumerator.
4. Provide me the name of the 64 enumerators, 12 independent observers and 49 media observers who were part of the entire exercise of 14th Rhino Population Estimation / Census in Kaziranga National Park conducted from 25th to 28th March, 2022.
5. Provide me the details with the copy of the committee notified by the PCCF & HoFF, Assam for computation of the data, which was carried out on 28th March, 2022.

The application fee of Rs 10/- by cash is deposited herewith.

Sincerely,

Rohit Choudhury
09/05/2022

(Rohit Choudhury)
Village: Gormur, P.O: Lokhujan
Bokakhat: 785612, District: Golaghat, Assam

Received
9/5/22

Office Of The Director
Kaziranga National Park
Govt. of Assam

RIGHT TO INFORMATION

OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone: (0361) 2340754, 2337900, 2331193 Fax: 2337704 email: secretary.siccam@gmail.com

-405-

Case No.	:SIC/GLT 21 /2022
Complainant/ Appellant	: Shri Rohit Choudhury
Respondent	: The SPIO, SPIO, O/o the Divisional Forest Officer, Eastern Assam Wildlife Division, Kaziranga National Park, Bokakhat, Assam 785612
Date of Hearing	: 23/11/2022
Complaint/ Second Appeal heard by	: Dr. A.P.Rout, State Chief Information Commissioner, Assam

O R D E R

23/11/2022

1. In continuation of earlier order dated 28.10.2022, the matter was taken up for hearing.
2. The petitioner Shri Rohit Choudhury is present.
3. The Public Authority is represented by Sri Nayangjoti Rajbongshi, SPIO, O/o. the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat, Kaziranga National Park.
4. As pointed out by the Commission in earlier order dated 28.10.2022 the SPIO Sri Nayanjoti Rajbongshi could not explain how the detailment order of 22.10.2022 was attached with the letter 21.10.2022. Though the SPIO made vague and unacceptable claim that the office people are at fault, but his signature on the letter dated on 21.10.2022 shows his culpability.
5. At the hearing the petitioner said that instead of making a general negative comment that the names of occupants are not available, the forest department could have made some arrangement in getting the same from the hotels as the bills are paid by the forest department.

   The Commission directs the authorised department to take necessary steps in this regard.
6. In response to question no.2, the compiled list of payment to various enumerators is submitted by the SPIO but the petitioner said that the corresponding vouchers are not given. The Commission orders the SPIO to fix a convenient date for inspection of the relevant vouchers.
7. In response to question no.3 of the RTI petition, though SPIO has taken recourse to Section 8(1)(a) in exempting to furnish the information, the SPIO when asked to specify under what heading he has taken the exemption, he mentioned that it is security of the state, as it was GPS fitted compartmentalised survey.

   To this the petitioner said that this is unacceptable as Manas Tiger Reserve which is contiguous to Royal Bhutan Tiger Reserve at international border has provided similar information. The petitioner has produced a copy of such information. So the Commission directs the SPIO to provide the information.
8. In response to question no.4 of the RTI petition, the SPIO mentioned that he has furnished the information about 64 enumerators and list of 49 media observers is given today.

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6. The case is disposed off.
Authenticated copies to be given to all concerned.

Sd/-
(Dr. A.P. Rao)

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/GLT. 21/2022 **Dtd. 23.11.2022**

Copy to:

1. The SPIO, O/o the Divisional Forest Officer, Eastern Wildlife Division, Kaziranga National Park, Bokakhat, Assam for information and necessary action.
2. The petitioner Ronit Choudhury, Vill. Gormur Gaon, P.O. Lekhajan, Bokakhat, Dist. Golaghat, Assam 785612for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission

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14th Rhino Population Estimation 2022

Kaziranga National Park, 25th to 28th March, 2022

SN	Block	Range	Date of the Actual Count of Rhinos	Name of the Enumerator who conducted 'Actual Count' of Rhinos	Actual Count Total	Name of the person who conducted 'Sample Survey' of Rhinos on 28.03.2022	'Sample Survey' Count Total	Net Increase of Rhinos (Sample Survey Count - Actual Count)
1	1 (A)	Agoratoli Range (ER)	27.03.2022	Dr.Rathin Barman	21	[illegible]	[illegible]	[illegible]
2	1 (B)	Agoratoli Range (ER)	27.03.2022	Mr.Arun Vignesh	34		34	0
3	1 (C)	Agoratoli Range (ER)	27.03.2022	Mr.Pralsoodan	19	[illegible]	[illegible]	[illegible]
4	2 (A)	Agoratoli Range (ER)	27.03.2022	Dr.PriyasaSaikia	12	[illegible]	[illegible]	[illegible]
5	2 (B)	Agoratoli Range (ER)	27.03.2022	Ms.Sonali Ghosh	5	[illegible]	[illegible]	[illegible]
6	2 (C)	Agoratoli Range (ER)	27.03.2022	Mr.Biswa Jyoti Das	5	[illegible]	[illegible]	[illegible]
7	3	Agoratoli Range (ER)	27.03.2022	Dr.Samrat Sengupta	25		25	0
8	4(A)	Kaziranga Range (CR)	27.03.2022	Mr.RituPaban Borah	29		29	0
9	4(B)	Kaziranga Range (CR)	27.03.2022	Mr. TC Ranjit Ram	16		16	0
10	4(C)	Kaziranga Range (CR)	27.03.2022	Mr.Champak Deka	12		12	0
11	5(A)	Agoratoli Range (ER)	27.03.2022	Mr.Jyotish Ranjan Deka	26		26	0
12	5(B)	Agoratoli Range (ER)	27.03.2022	Mr.Sasanka Dhaval Saikia	14		14	0
13	6(A)	Agoratoli Range (ER)	27.03.2022	Mr.B.V.Sandeep	5	[illegible]	[illegible]	[illegible]
14	6(B)	Agoratoli Range (ER)	27.03.2022	Mr.Mujahid	4	[illegible]	[illegible]	[illegible]
15	7(A)	Agoratoli Range (ER)	27.03.2022	Mr.DebasishBuragohain	48		48	0
16	7(B)	Agoratoli Range (ER)	27.03.2022	Mr.BibhutiMazumder	42		42	0
17	8(A)	Agoratoli Range (ER)	27.03.2022	Mr.RajuSaikia	28		28	0
18	8(B)	Kaziranga Range (CR)	27.03.2022	Ms.Rashmi Das	11	[illegible]	[illegible]	[illegible]
19	9(A)	Kaziranga Range (CR)	27.03.2022	Mr.Pranjal Baruah	12		12	0
20	9(B)	Kaziranga Range (CR)	27.03.2022	Mr.Rajib Hazarika	25		25	0
21	10	Kaziranga Range (CR)	26.03.2022	Mr. TC Ranjit Ram	14	[illegible]	[illegible]	[illegible]
22	11(A)	Kaziranga Range (CR)	26.03.2022	Mr.Diwar Hussain	23		23	0
23	11(B)	Kaziranga Range (CR)	26.03.2022	Mr.RituPaban Borah	12		12	0

Rakhi Choudhury
27.01.2023

24	12(A)	Kaziranga Range (CR)	26.03.2022	Mr.Papul Rabha	37		37	
25	12(B)	Kaziranga Range (CR)	26.03.2022	Mr.Pralsoodan	20		20	
26	13(A)	Kaziranga Range (CR)	26.03.2022	Mr.Mriganka Borah	40		40	
27	13(B)	Kaziranga Range (CR)	26.03.2022	Mr.B.V.Sandeep	16		16	
28	13(C)	Kaziranga Range (CR)	26.03.2022	Mr.K.K.Deuri	15			
29	14(A)	Kaziranga Range (CR)	26.03.2022	Dr.Samrat Sengupta	33		33	
30	14(B)	Kaziranga Range (CR)	26.03.2022	Mr.Biswa Jyoti Das	29		29	
31	15(A)	Kaziranga Range (CR)	26.03.2022	Dr.Anwaraddin Choudhury	44		44	
32	15(B)	Kaziranga Range (CR)	26.03.2022	Mr.Rajib Hazarika	97		97	
33	16(A)	Bagori Range (WR)	26.03.2022	Mr.Champak Deka	119		119	
34	16(B)	Kaziranga Range (CR)	26.03.2022	Mr.K.S.Dekaraja	68			
35	17(A)	Bagori Range (WR)	26.03.2022	Dr.Biswajit Boruah	18			
36	17(B)	Kaziranga Range (CR)	26.03.2022	Mr.RajeevBasumatary	51			
37	18(A)	Kaziranga Range (CR)	26.03.2022	Mr.Raju Saikia	33			
38	18(B)	Kaziranga Range (CR)	26.03.2022	Mr.Asif Hussain	11		11	
39	19(A)	Kaziranga Range (CR)	27.03.2022	Ms.Priyanka Borah	18		18	
40	19(B)	Kaziranga Range (CR)	27.03.2022	Mr.RajeevBasumatary	25		25	
41	20(A)	Kaziranga Range (CR)	27.03.2022	Mr.BitupanKolong	43		43	
42	20(B)	Kaziranga Range (CR)	27.03.2022	Mr.Pranab Jyoti Dutta	20		20	
43	21(A)	Bagori Range (WR)	27.03.2022	Mr.Umar Saeed	15		15	
44	21(B)	Bagori Range (WR)	27.03.2022	Mr.Mukut Chandra Das	10		10	
45	21(C)	Kaziranga Range (CR)	27.03.2022	Dr.Biswajit Borah	19			
46	22(A)	Bagori Range (WR)	26.03.2022	Mr.DabenKalita	22			
47	22(B)	Bagori Range (WR)	26.03.2022	Mr.Jayanta Deka	2		2	
48	22(C)	Bagori Range (WR)	26.03.2022	Mr.Azizul Islam	22		22	
49	23(A)	Bagori Range (WR)	26.03.2022	Mr.Mujahid Ahmed	30		30	
50	23(B)	Bagori Range (WR)	26.03.2022	Mr.Kausik Barua	128		128	
51	23(C)	Bagori Range (WR)	26.03.2022	Mr.DebasishBuragohain	77		77	
52	23(D)	Bagori Range (WR)	26.03.2022	Mr.Manoj Goswami	40		40	
53	24(A)	Bagori Range (WR)	26.03.2022	Mr.P.K.Dev Goswami	50			
54	24(B)	Bagori Range (WR)	27.03.2022	Mr.ParikshitKakati	86		86	

Rokib Choudhury
27-01-2023

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55	25(A)	Bagori Range (WR)	26.03.2022	Mr.Pranjal Baruah	27		27	0
56	25(B)	Bagori Range (WR)	26.03.2022	Mr.BibhutMazumder	65		65	0
57	26(A)	Bagori Range (WR)	26.03.2022	Dr.PriyasaSaikia	45		45	0
58	26(B)	Bagori Range (WR)	[illegible]	Mr.PuspadharBorgohain	81		81	0
59	26(C)	Bagori Range (WR)	26.03.2022	Ms.IndreniBorgohain	21	[illegible]	[illegible]	[illegible]
60	26(D)	Bagori Range (WR)	26.03.2022	Mr.ArjunVighnesh	12	[illegible]	[illegible]	[illegible]
61	27	Burapahar Range	26.03.2022	Ms.Sonali Ghosh	38	[illegible]	[illegible]	[illegible]
62	TBR-27	Burapahar Range	26.03.2022	Mr.Medini Gogoi	21		21	0
63	TBR-28	Burapahar Range	27.03.2022	Mr.P.K.Dev Goswami	20	[illegible]	[illegible]	[illegible]
64	29	Burapahar Range	26.03.2022	Mr.Jukti Bora	7	[illegible]	[illegible]	[illegible]
65	30	Kaziranga Range (CR)	26.03.2022	Ms.Rashmi Das	Nil		Nil	0
66	KR/03	Kaziranga Range (CR)	26.03.2022	Mr.Champak Rabha	Nil		Nil	0
67	KR/01	Kaziranga Range (CR)	26.03.2022	Liom Angle	Nil		Nil	0
68	KR/05	Kaziranga Range (CR)	26.03.2022	Mr.Rajib Sonowal	Nil		Nil	0
69	KR/02	Kaziranga Range (CR)	26.03.2022	Mr.Prabhat Hazarika	Nil		Nil	0
70	BKT 1	Bokakhat Range	26.03.2022	Mr.Pramud Deka	1		1	0
71	BKT 2	Bokakhat Range	26.03.2022	Mr.Jehiruddin Ahmed	Nil		Nil	0
72	BKT 3	Bokakhat Range	26.03.2022	Mr.Dulumram Mondol	Nil		Nil	0
73	BKT 4	Bokakhat Range	26.03.2022	Mr.Shasanka Saikia	Nil		Nil	0
74	BKT 5	Bokakhat Range	26.03.2022	Mr.Rajen Panika	Nil		Nil	0
75	7th Addition	Burapahar Range	26.03.2022	Mr.Ratul Borah	Nil		Nil	0
76	8th Addition	Bagori Range (WR)	26.03.2022	Mr.Jadumoni Goswami	22		22	0
					2042		2039	592

Rabin Chaudhury
27.01.2023

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Difference between Actual Count & Sample Survey Count of Rhinos in 22 Blocks

SN	Block	Range	Date of the Actual Count of Rhinos	Name of the Enumerator who conducted 'Actual Count' of Rhinos	Actual Count Total	Name of the person who conducted 'Sample Survey' of Rhinos on 28.03.2022	'Sample Survey' Count Total	Net Increase of Rhinos (Sample Survey Count – Actual Count)
1	1 (A)	Agoratoli Range (ER)	27.03.2022	Dr.Rathin Barman	21			
2	1 (C)	Agoratoli Range (ER)	27.03.2022	Mr.Piraisoodan	19			
3	2 (A)	Agoratoli Range (ER)	27.03.2022	Dr.PriyasaSaikia	12			
4	2 (B)	Agoratoli Range (ER)	27.03.2022	Ms.Sonali Ghosh	5			
5	2 (C)	Agoratoli Range (ER)	27.03.2022	Mr.Biswa Jyoti Das	5			
6	6(A)	Agoratoli Range (ER)	27.03.2022	Mr.B.V.Sandeep	5			
7	6(B)	Agoratoli Range (ER)	27.03.2022	Mr.Mujahid	4			
8	8(B)	Kaziranga Range(CR)	27.03.2022	Ms.Rashmi Das	13			
9	10	Kaziranga Range(CR)	26.03.2022	Mr. TC Ranjit Ram	14			
10	13(C)	Kaziranga Range(CR)	26.03.2022	Mr.K.K.Deuri	15			
11	16(B)	Kaziranga Range(CR)	26.03.2022	Mr.K.S.Dekaraja	68			
12	17(A)	Bagori Range (WR)	26.03.2022	Dr.Biswajit Boruah	18			
13	17(B)	Kaziranga Range (CR)	26.03.2022	Mr.RajeevBasumatary	51			
14	18(A)	Kaziranga Range (CR)	26.03.2022	Mr.RajuSaikia	33			
15	21(C)	Kaziranga Range (CR)	27.03.2022	Dr.Biswajit Borah	19			
16	22(A)	Bagori Range (WR)	26.03.2022	Mr.DabenKalita	22			
17	24(A)	Bagori Range (WR)	26.03.2022	Mr.P.K.Dev Goswami	50			
18	26(C)	Bagori Range (WR)	26.03.2022	Ms.Indrani Borgohain	21			
19	26(D)	Bagori Range (WR)	26.03.2022	Mr.Arun Vighnesh	12			
20	27	Burapahar Range	26.03.2022	Ms.Sonali Ghosh	38			
21	TBR-28	Burapahar Range	27.03.2022	Mr.P.K.Dev Goswami	20			
22	29	Burapahar Range	26.03.2022	Mr.Jukti Bora	7			
					472		1064	

Rokt Choudhury
27.01.2023

By speed post / Mail

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GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM-785612
(E-mail ID: *dir.kazirangapa@gmail.com*)

Letter No. KNP/FG/RTI/Rohit Choudhury *Dated 07/12/2022*

To

Sri Rohit Choudhury
Vill: Cormar
P.O. Lokhujan, Bokakhat-785612
Dist: Golaghat, Assam

Sub: RTI reply regarding 14th Rhino Estimation report and Enumerator sheets- Reg.

Kindly refer to letter No.B/WL/GRTI/2022/9530 dated 28.11.2022 and letter No.B/WL/GRTI/2022/9529 dated 28.11.2022 of the Office of the Divisional Forest Officer, Eastern Assam Wildlife Division that were issued in response to your RTI dated 09.05.2022 and 23.06.2022 respectively. I am to bring to your kind notice that the documents shared with you are secret / confidential in nature and sent erroneously to you by the First Appellate Authority & SPIO of O/o the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat.

Since these documents i.e 14th Rhino Estimation Report as well as the Enumerator Sheets created during the estimation exercise in March, 2022 contain sensitive information with regard to the Rhino density and their spatial distribution including the GPS locations of the Rhinos in the Kaziranga National Park, which under no circumstances should be made public. This information may lead to incitement of Rhino poaching and put the Greater One-Horned Rhinoceros (a flag bearing species of the prestigious world heritage site i.e. Kaziranga National Park) population at risk and thereby jeopardize the anti-poaching efforts of the Government of Assam and the Nation at large. It will also put the management of Kaziranga National Park under tremendous risk and may invite threat to the lives of frontline staff who are patrolling the Park 24*7*365.

Therefore, I request you to return the hard copies of the documents forwith furnished to you as the RTI reply and also any copies you might have made of the same. You are also to submit a written statement stating the names & contact details of the persons with whom you might have shared the above information. Further, an undertaking to the effect that no copies of the documents are lying with you either in physical hard copies or electronic forms with you or anyone with whom you would have shared. Any leakage of information or publishing of information in any form and on any platform, other than what has been published officially by the Kaziranga National Park authority and released to the public, may result in an untoward incident of poaching including attempts of poaching that would make you liable for prosecution under abetting to commit a crime.

Treat this as **MOST URGENT**

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat: Assam 785612

Copy to

1. The Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for kind information.
2. The Registrar, Assam Information Commissioner, Panjabari, Guwahati-37 for kind information.
3. The Superintendent of Police, Golaghat for information.
4. The Divisional Forest Officer cum Deputy Director, Eastern Assam Wildlife Division, Bokakhat for information.
5. Guard file.

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam 785612

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SPEED POST

REMINDER

GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM-785612

(E-mail ID:dir.kaziranga@gmail.com)

Letter No. KNP/FG/RTI/Rohit Choudhury *Dated* 28/12/2022

To

Sri Rohit Choudhury
Vill: Gamar
P.O. Lokhujan, Bokakhat-785612
Dist: Golaghat: Assam

Sub: RTI reply regarding 14th Rhino Estimation report and Enumerator sheets-reg.

Ref: This office letter No: KNP/FG/RTI/Rohit Choudhury dated 07/12/2022- reg.

Please refer to this office letter dated 07-12-2022, under reference, by which you were asked to return the documents and share the requisite information if any, leaked to any person regarding the Hard copies of 14th Rhino Estimation Report and Enumerator Sheets furnished by Office of the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat on 28th November 2022 as quoted in the above letter.

I hereby reiterate that, the documents are highly sensitive in nature and may result into high attempts of poaching and any such untoward incident would make you liable for prosecution under abetting to commit a crime, as the confidential material exists only in your possession among general public, which was erroneously furnished by the Divisional Forest officer. Thus, I request you to act on the reminder immediately and furnish and return all information sought by the letter quoted in the reference. Retention of the above documents will be at your own risk and cost.

Treat this as **MOST URGENT**

(Jatindra Sarma, IFS) CCF
Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat: Assam: 785612

Copy to:

1. The Chief Wildlife Warder, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for kind information.
2. The Registrar, Assam Information Commissioner, Panjabari, Guwahati-37 for kind information
3. The Superintendent of Police, Golaghat for information
4. The Divisional Forest Officer cum Deputy Director, Eastern Assam Wildlife Division, Bokakhat for information
5. Guard file

28/12/22

Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat: Assam: 785612

ANNEXURE-9

- 413 -

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

Email ID: hoff-assam@gov.in

No. FG.26/hoff-office/wildlife.

Date 11/04/2023

To,

The Additional Director General of Forests (Wildlife) &
Director, Wildlife Preservation,
Ministry of Environment, Forests & Climate Change
Govt. of India, New Delhi

Sub: Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park, Assam. Request for Institution an Inquiry-reg.

Ref: (1) Letter. F. No. 1-3/2008-NTCA. dtd. 10.02.2023.
(2) Letter F. No. WL-8/25/2023 WL dtd. 19.02.2023
(3) Letter F. No. WL-8/25/2023 WL dtd. 23.03.2023

Sir,

With reference to the subject and letters cited above, I would like to submit herewith my humble reply and factual status on the letters received from the MoEF & CC and stated thereto.

Firstly,

(1) MoEF & CC letter F. No. 1-3/2008-NTCA dtd. 10.02.2023 with a copy of the complaint dtd. 27.01.2023 of one Sri Rohit Choudhury of Golaghat, Assam enclosed on the subject was received in the office of the PCCF (WL) & CWLW on 14.02.2023. Another letter No. F. No. WL-8/25/2023 WL dated 19.02.2023 was received on 22.02.2023 and letter F. No. WL-8/25/2023 WL dtd. 23.03.2023 on the same subject was received in the office of the PCCF (WL) & CWLW on the same day i.e. 23.03.2023.

(2) It may be noted here that most of the communication mentioned above have been addressed to the O/o the PCCF (WL) & CWLW, Assam when the undersigned was on leave due to demise of my father on the 10th Feb/2023. None of the communications mentioned above carry any endorsement on the body of the letter other than the communication at sl.no.3 above and accordingly action was initiated for detailed report.

I was intermittently on leave till 19th March/2023. Therefore, the allegation of Sri Rohit Choudhury that no factual report has been received from the CWLW, Assam is ill-founded. In view of the personnel tragedy that I went through and submission of the report was delayed.

Secondly,

(3) Now coming to the reply to the complaint of "*Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park, Assam*" request for instituting an Inquiry reg vide his letter dtd. 27.01.2023 communicated vide Ministry letter dtd. 10.02.2023 the following is submitted point wise herewith:

A (1): No Comments.

A (2): As alleged by Sri Rohit Choudhury, it is not "actual counting of rhinos" but "counting of rhinos sighted" on 26-27 March, 2023.

A (3): On the 28.03.2023 i.e. on 3rd day there was also recount where full count could not be achieved on the first day. In total, 33 compartments were revisited, recounted using elephant based, and drone based enumerations. This included sample counts as well.

A (4) No Comment.

A (5) No Comment.

B, C, D: As per the SoP for "Monitoring of Greater One Horned Rhinoceros Population" issued by MoEF & CC, Govt. of India, "*depending on the resources and manpower availability double count in the same area is also practiced to minimize errors*". Further, in the said SoP, "*It is advised that a combination of the total count with some other sampling procedures like annual birth & death records, regular monitoring records etc. necessary to diminish error to find actual count*". By convention and hit & trial in the past part in conservation of wildlife in Assam, Block Count method has evolved as a successful method not only for estimation of the population of the wild animals but also their demography. This method also assumes that animals do not change their locations for a long distance within a period of 3-4 days. The Block Count method has been successfully deployed for estimation of wild population of rhinos, elephants, swamp deer and wild buffalo in Assam with suitable modifications for each species.

The two main issues that are encountered in the Block Count are namely-

(i) Over cast skies, Chill, rain and other such weather conditions that cause undercounting of the population and local habitat conditions.

(ii) There is no possibility of estimating any error in Block Count, if there is no double count atleast in some blocks.

Therefore, the Block Count with double count on the next day has been adopted and this is also the part of SoP of MoEF & CC as mentioned in para above.

Further, in case of Kaziranga there are more than 80 blocks spread over more than 800 Sq. Km of area of the Park. Since the rhino estimation involves large no. of elephants, enumerators and staff, independent observers and media observers in addition to supporting Park staff, it is very difficult to sustain the enumeration operation on the 3rd day. However, on trial basis system of sample count/recount was introduced in 2015 by the undersigned. The methodology entails - if the recounted compartment has less than twice of the either count, then average of two counts is taken as final tally, and if the difference is more than twice of one over the other, the lower count is rejected as undercount and the higher count is retained as final tally. This is how undercounting is avoided to some extent and accuracy of the system is improved. However, the counts are subject to weather conditions and may change dramatically on change of weather.

Therefore, the allegation of Sri Rohit Choudhury at C & D are false and misleading as no deletion of any record happened. On the other hand both the day counts are the part of the master sheet from where final population was deduced.

Now coming to the para E, the following is submitted -

E-1: The para is misleading and false. The SoP has been misread by Sri Rohit Choudhury.

E 2: While Sri Rohit Choudhury made rackus of the Kaziranga Rhino Census 2022 and defamed the Park by falsely creating propaganda without understanding the procedure and methodology of the estimation exercise, he has willfully ignored the fact that in 2022 there was full re-counting in Orang, Pobitora and Manas on the 2nd day. Further, in case of Manas, he has mentioned that *"for Manas, the SoP laid down by the MoEF & CC was meticulously followed"*. Perhaps, he willfully wishes to keep silent knowing full well that on the 1st day 28 rhinos were counted due to bad weather and the enumeration had to be abandoned and on the 2nd day weather improved and enumeration team could count 40 rhinos only. However, in line with the provision of the SoP that other means i.e. birth & death record could also be used to minimize errors and accordingly, the rhino population of Manas was declared as 50. If one goes by the logic of Sri Rohit Choudhury the rhino population of Manas would be 28 against estimated population of 50, as there is no provision of recount/sample survey in the SoP according to him.

Therefore, calling the Kaziranga rhino population estimation 2022 as "riddled with procedural deviation" by Sri Rohit Choudhury speaks itself of his malafide intentions against Kaziranga National Park & his comment on the estimation process is highly lamentable and condemnable.

E: 3: The allegation that in blocks where population was nil no sample survey was carried out on 28.03.2022 is totally wrong. The example is compartment no. 33 and 35 where

1st day count was zero but on recount 2 – 3 –5 rhinos were enumerated. Further in compartment 30, the tally remained "0" on both the days. Therefore, the allegation that the sampling was not random and "statistically unsound" as claimed by Sri Rohit Choudhury is falsified by the above data

E 4: The allegation of Sri Rohit Choudhury that in all the compartments where sample survey was conducted, there was no decrease in any of these compartments. Further, he alleges that sample count of rhino number was increased by more than double in these compartments. However, the data has completely different narration. In the following compartments, the 2nd day counts are found to be reduced.

Compartment No.	Day-1 count	Day-2 count
2C	5	1
23 A	30	23
23 C	77	24

Further, in the following compartments there was only marginal increase

Compartment No.	Day-1 count	Day-2 count
6 B	4	9
8 B	13	21
21 C	19	23
28	20	25
29	7	9
31	7	13
37	1	3

Drones were also used in 4 compartments and substantial increase found in 3 out of 4 compartments.

Compartment	Day-1 count	Day-2 count
4 C	12	53
6 A	5	34
6 B	4	9
10	14	48

Further, enumeration could not continue in at least 4 of the blocks due to ill-health, rhino chase and elephant troubles, namely 15 A, 18 A, 23 C, 26 C on the 1st day. Such blocks were also recounted on 2nd day. However no change was found in one of the compartments on 2nd day, and in one the number got drastically reduced.

Compartment	Day-1 count	Day-2 count
15 A	44	24
18 A	33	70
23 C	77	24
26 C	21	99

Therefore, as alleged by Sri Rohit Choudhury, that the sample count was manipulated, is totally false and baseless.

E 5: Rhino enumeration on elephant back is highly challenging and exhausting job and after two days of enumeration most outside participants left but some of the forest staff and officials continued. Out of two independent observers on the 3rd day one opted to become enumerator and at least one media observer was present. Therefore, the allegation of Sri Rohit Choudhury that independent and media observers were not present is factually incorrect.

Also computation of the data happened on the 3rd day, but detailed entries on demography of estimation are done on all days of counting. Computations involved cross checking of twice of each day of count and retaining the higher count and in case of less than twice of either count finding of mean & standard error of the counts.

E 6: Sri Rohit Choudhury alleged that the Director, Kaziranga National Park demanded details of the information obtained by him. It may be noted here that the rhino data of Kaziranga is very sensitive as the Park is prone to poaching involving national and international gangs of poachers. This is the 1st time in the history of Kaziranga National Park that compartment wise data has been made public and he has taken liberty, despite restraint by the Park Director, to publish the same in media. This way Sri Rohit Choudhury has posed serious threat to the Park security.

In view of the facts placed above, the allegation of Sri Rohit Choudhury are found to be totally false. Publication of "Kaziranga Rhino Population Estimation, 2022" report repeatedly in media by Sri Rohit Choudhury has caused an irreparable damage to the security of the Park. He also has brought uncountable disrepute to the 64 enumerators, 12 independent observers, 6 media observers, 6 Compilators, other officials and staff of the Department involved in the Rhino Population Estimation, 2022. The rebuttal submitted by the Forest Department against the allegation made by Sri Rohit Choudhury was also published in the esteemed news paper "The Hindu" In its issue of 15th February, 2023, under caption "***Rhino count not manipulated: Kaziranga Director***"(copy enclosed).

The MoEF & CC may take suitable action against Sri Rohit Choudhury for such acts as that have brought disrepute to Kaziranga National Park and also posed a threat to the security of the Park.

Thanking You,

Yours faithfully,

Encls: As stated above

(M.K. Yadava, IFS)
Principal Chief Conservator of Forests
& Head of Forest Force, Assam

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Copy for information and necessary action to:

1. The Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Assam, Panjabari, Guwahati-37.
2. The Field Director, Kaziranga National Park & Tiger Reserve, Bokakhat. He is also requested to circulate the copy of the letter to all concerned Enumerator, Independent Observers, Media Observer and compilation of Rhino Population Estimation 2022.
3. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat.

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

Copy for information to:

1. The Chief Secretary to the Govt. of Assam, Dispur, Guwahati-06.
2. The Director General of Police, Assam, Hubari, Guwahati.
3. The Additional Chief Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-06.
4. The Additional Director General of Forests and Member Secretary, NTCA, MoEF & CC, Govt. of India, New Delhi.
5. The Principal Secretary to the Hon'ble Chief Minister, Assam, Dispur, Guwahati-06.
6. The Deputy Inspector General of Police and Special Rhino Task Force, Assam.
7. The PS to the Hon'ble Minister, Environment & Forest Department, Dispur, Guwahati-06.

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

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Rhino count not manipulated: Kaziranga Director

Without a clear understanding of the methodology of rhino estimation, an activist misrepresented facts to tarnish the image of the national park, the official said

February 15, 2023 01:51 pm | Updated 05:07 pm IST - GUWAHATI

THE HINDU BUREAU

COMMENTS SHARE READ

One horned rhino with her baby at the Kaziranga National park. File | Photo Credit: RITU RAJ KONWAR

GUWAHATI

The rhino estimation of 2022 was not manipulated and was consistent with the animal's average annual growth rate of 2.7% in the Kaziranga National Park and Tiger Reserve, officials said, refuting allegations by an Assam-based environment activist

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The Hindu published the content of a letter activist Rohit Choudhury had written on February 27 to the Union Minister of Environment, Forest and Climate Change (MoEFCC), citing data received under the Right to Information Act to claim the number of rhinos after the 2022 census in the wildlife habitat was inflated.

Kaziranga, a UNESCO World Heritage Site, houses the bulk of the Greater Indian One-Horned Rhinoceros (*Rhinoceros unicornis*). The 2022 census estimated the animal's population in the tiger reserve to be 2,613, exactly 200 more than the figure arrived at during the 2018 census.

"The complainant [Mr. Choudhury] does not have a clear understanding of the methodology and objective of conducting rhino estimation in Assam. Allegation raised by the complainant is a complete misrepresentation of facts and intended to tarnish the image of Kaziranga National Park and Tiger Reserve," Kaziranga's Director, Jarindra Sarma, said in a statement.

He said the 2022 estimation from March 25-28 was conducted following the system in practice since 1966. The method is widely used for large mammals such as the rhino and elephant even though it has its own limitation as highlighted by scientists from time to time, he said.

'Ministry SOP adhered to'

As usual, the standard operating procedure (SOP) on one-horned rhino population estimation released by the MoEFCC was adhered to during the 2022 exercise.

The SOP allows the double count of rhinos to minimise error depending on the availability of resources and manpower, Mr. Sarma said.

The SOP also says "It is advised that a combination of the total count with some suitable sampling procedures like annual birth and death records, regular monitoring of records, etc., is necessary to diminish error to find actual count", Mr. Sarma pointed out.

"Locally, over more than a decade, it has been experienced that bad weather conditions and improper grass burning may lead to erroneous counting, resulting in the necessity of repeated counting to minimise error. The 10% random block count was followed for the first time in 2015 under the direct or block count system," he said.

The population of the rhino in 2015 was estimated to be 2,401 ± 100. The block count method was repeated in 2018 and 2022.

"The 2022 rhino census revealed a total population of 2,613 individuals, which is the best possible number achieved for the park through the efforts of all the enumerators involved in the conduct of the actual count under very challenging and difficult conditions due to the terrain as well as weather," Mr. Sarma said.

The enumeration team took more than six hours to complete the count in some of the blocks.

'Rhino growth consistent'

An analysis of the estimation exercise over the years since 1991 points to a steady growth of the rhino population in Kaziranga, wildlife officials said.

From 1991 to 2022, Kaziranga recorded an average annual growth of 2.7% in the rhino population. During this period, a total of 714 rhinos died; 663 died of natural causes and 51 were killed by poachers, wildlife officials said.

The area of the Kaziranga National Park has increased from 858.98 sq. km. in 2015 to 889.51 sq. km. in 2022 (the tiger reserve area is about 1,300 sq. km.). This shows that the density of rhinos according to the 2022 count is 2.9 per sq. km., officials said.

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To
The Hon'ble Minister
Ministry of Environment, Forest and Climate Change
Government of India
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi 110003

Dated: 27/01/2022

Sub: - Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park,Assam; Request for Instituting an Inquiry.

Respected Sir,

In connection with the subject cited above, I would like to bring the following facts to your kind notice for favour of necessary action:

A) The 14th Rhino Population Estimation / Census was conducted from 25th March to 28th March 2022 in Kaziranga National Park. As per the press release signed by Shri Jatindra Sarma, Director, Kaziranga National Park (**Annexure I**), the chronology of the 14th Rhino Population Estimation 2022 is as follows:

1. On 25th March 2022, a training-cum-briefing session was conducted for the enumerators by the experts.
2. Following the same, actual counting of Rhinos was done from 26th to 27th March 2022 by the enumerators.
3. On 28th March, 2022, a sample survey was conducted in 26 randomly selected compartments (out of the 84 compartments spread over the Kaziranga National Park, its addition areas and civil areas).
4. Computation of the data was carried out on 28th March 2022 by a committee notified by the PCCF & HoFF, Assam (**Annexure II**), and 2,613 was the total number of Rhinos arrived at in the computation.
5. Altogether 64 enumerators, 12 independent observers and 49 media observers have participated in the entire exercise.

B) To check the authenticity of the data as mentioned by the Director, Kaziranga National Park & Tiger Reserve in the press note, RTI applications (**Annexure III & IV**) were filed in the office of the Director, Kaziranga National Park & Tiger Reserve and in the office of the Divisional Forest Officer, Eastern Assam Wildlife

Rohit Choudhury
27.01.2022

Divisional Secretariat (Urban), the RTI applications were not filed with any Gram Panchayat.

C) Eventually, upon receiving the information from the SPIO, Eastern Assam Wildlife Division in response to a direction from the State Chief Information Commissioner, Assam (**Annexure V**), and after carefully analysing the said information, it was found that the data sheets submitted by the enumerators on 26th & 27th March, the actual count of Rhinos in Kaziranga as only 2,042.

D) The information furnished by the SPIO, Eastern Assam Wildlife Division showed that a 'sample survey' was conducted on 28th March, 2022 in 22 randomly selected compartments / blocks, and it showed a total count of 1,064 as against 592 counted by the enumerators on 26th & 27th March 2022 in the very same blocks. It is seen that in the final computation, the enumerators' data of 26th & 27th March 2022 pertaining to these 22 blocks was deleted, and the increased numbers of the 'sample survey' of 28th March, 2022 were substituted, to jack up the total count from 2,042 to 2,634. (**Annexure VI**)

E) There are several interesting facts to the so called 'sample survey' conducted on 28th March 2022 by the Director, Kaziranga National Park, which are as follows:

1. There is no procedure such as 'sample survey' in the Block Count Method which is one of the three methods prescribed for Rhino Population Estimation in the Standard Operating Procedure (SOP) (**Annexure VII**). Such being the case, deleting the actual count figures of the enumerators, and substituting the same by the 'sample survey' figures is a significant deviation from the set procedure that casts serious doubts upon the credibility of 14th Rhino Population Estimation, 2022 carried out in the Kaziranga National Park.

2. Even within Assam, the other Rhino bearing areas such as the Manas National Park have meticulously followed the SOP laid down by the MoEF&CC i. counting the Rhinos in 2022, and made the resultant data public by hosting the same on their website. The strange procedural deviation was made only in the case of the Kaziranga National Park.

3. In blocks where the original count by the enumerators on 26th & 27th revealed 'NIL' Rhinos, no 'sample survey' was carried out on 28th March 2022. Thus it is clear that it was not a 'random sample survey' as is being claimed, and turns out to be statistically unsound.

4. In all the 22 compartments / blocks where the 'sample survey' was conducted, there was an increase in Rhino numbers, so much so, that the 'sample survey' numbers were more than double of the enumerators'.

Kabi Choudhury
27.01.23

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actual count. None of the 22 compartments where the sample survey supposedly took place had actually recorded any decrease in Rhino count.

5. No independent observers or media observers were present during the sample survey on 28th March 2022 or during the final computation of the data.

6. The furnishing of information by the SPIO, Eastern Assam Wildlife Division, Bokakhat under directions of the Chief Information Commissioner, Assam was soon followed by letters from the Director Kaziranga dated 07th December 2022 and 28th December 2022 to the undersigned demanding the return of the information obtained. The intent of these letters appeared to be to browbeat the undersigned not to disclose the anomalies in the data to anyone. (**Annexure VIII & IX**)

The above facts clearly show that the Rhino numbers of the 14th Rhino Population Estimation 2022 in the Kaziranga National Park were seriously compromised by the Computation Committee notified by the PCCF & HoFF, Assam along with the Director Kaziranga National Park & Tiger Reserve and Chief Wildlife Warden, Assam.

In light of the above, I request your esteemed self to cause an inquiry into the grave anomalies noticed in the 14th Rhino Population Estimation 2022 and recommend for necessary action against the officials involved, including against Shri Jatindra Sarma, IFS (Director, Kaziranga National Park) for misleading the Government and public on the actual numbers of the rhinoceros in the Kaziranga National Park, which is also a National Park, UNESCO World Heritage Site and a place of international importance for the single one horned rhinoceros.

Action taken in this regard may be communicated.

Thank you.

Sincerely,

Rohit Choudhury
27.01.2023

(Rohit Choudhury)
Village: Gormur, P.O: Lokhujan
Bokakhat: 785612, Dist: Golaghat, Assam
email: rohitskaziranga@gmail.com

Copy for kind information and necessary action to:

1. The Hon'ble Chief Minister, Government of Assam and Chairperson, State Board for Wildlife, Assam, Janata Bhawan, Dispur, Guwahati, Assam.

-425-

2. The Hon'ble Chairman, Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change, Rajya Sabha, New Delhi.
3. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
4. The Chief Secretary, Government of Assam, Janata Bhawan, Guwahati.
5. The Director General of Forest (DGF), Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
6. The Director General of Police, Government of Assam, Assam Police Headquarters, Guwahati, Assam.
7. The ADGF (Project Tiger) & Member Secretary, National Tiger Conservation Authority, New Delhi.
8. The Director, Wildlife Institute of India, Dehradun, Uttarakhand.
9. The Principal Chief Conservator of Forests & Head of Forest Force cum Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
10. The Principal Chief Conservator of Forests (Wildlife), Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
11. The Director, Kaziranga National Park & Tiger Reserve, Bokakhat, Assam.
12. The Superintendent of Police, Golaghat, Assam.
13. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat, Assam.
14. The Range Forest Officer, Burapahar Range / Bagori Range / Kohora Range / Agoratoli Range & Bokakhat Range of Kaziranga National Park.
15. The Officer-in-Charge, Bokakhat Police Station, Bokakhat, Dist-Golaghat, Assam.

Rohit Chaudhury
27.01.2023

National Tiger Conservation Authority
Ministry of Environment, Forest & Climate Change
3rd Wing, 7th Floor
Pt. Deendayal Antyodaya Bhawan
CGO Complex, Lodhi Road, New Delhi-110003

-426-

The Hon'ble Minister
Ministry of Environment, Forest and Climate Change
Government of India
Indira Paryavaran Bhavan
Jor Bagh Road, Aliganj
New Delhi-110003

Dated: 07.04.2023

Sub: Serious anomalies in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park, Assam; Request for Instituting an Inquiry.

Respected sir,

1. Kind attention is invited to my letter dated 27th January 2023, whereby I sought to place before your esteemed self certain anomalies of serious nature in the 14th Rhino Population Estimation 2022 in the Kaziranga National Park and prayed for instituting an inquiry into the same. **(Annexure I)**

2. The National Tiger Conservation Authority was kind enough to respond to the contents of my letter by way of addressing a communication, F.No.1-3/2006-NTCA dated 10th February 2023, to the Chief Wildlife Warden, Assam, seeking factual status in the matter. **(Annexure II)**

3. The Wildlife Division of your esteemed ministry was also kind enough to respond to the contents of my letter by way of addressing a letter, F.No.WL-8/25/2023WL dated 19 February 2023, to the Chief Wildlife Warden, Assam seeking a factual report in the matter. **(Annexure III)**

4. However, I was astonished to know through the information furnished by the C.P.I.O. of your esteemed ministry vide letter F.No.25-1/2023-W dated 23rd March 2023, that no factual report was furnished by the Chief Wildlife Warden, Assam even after elapse of reasonable time to the Wildlife Wing of the MoEP&CC in response to the latter's communication. **(Annexure IV)**

Rohit Choudhury
07.04.2023

4. Also, the response uploaded on to the RTI Online portal of Government of India shows that the National Tiger Conservation Authority has not till the receipt of any factual report from the Chief Wildlife Warden, Assam in response to its communication. **(Annexure V)**

I therefore request your esteemed self to direct the concerned to assist in timely reply from the Chief Wildlife Warden, Assam so that such high handed behaviour is firmly dealt with and prestige of the Union Government is kept high.

Yours faithfully,

Ronit Choudhury 02.04.2023

(Ronit Choudhury)

Village: Gormur, P.O : Lakhujan
Bokakhat 785612, District: Golaghat
Assam
Email: ronitkaziranga@gmail.com

Copy for information & necessary action to:

1. The Hon'ble Chief Minister, Government of Assam and Chairperson, State Board for Wildlife, Assam, Janata Bhawan, Dispur, Guwahati, Assam.
2. The Hon'ble Chairman, Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change, Rajya Sabha, New Delhi.
3. The Secretary, Ministry of Environment, Forest and Climate Change Government of India, Indira Paryavaran Bhawan, New Delhi.
4. The Chief Secretary, Government of Assam, Janata Bhawan, Guwahati.
5. The Additional Chief Secretary, Department of Environment & Forests, Government of Assam, Janata Bhawan, Guwahati, Assam.
6. The Director General of Forest (DGF), Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
7. The Principal Chief Conservator of Forests & Head of Forest Force cum Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati, Assam.
8. The ADGF (Project Tiger) & Member Secretary, National Tiger Conservation Authority, New Delhi
9. The ADGF (Wildlife), Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, New Delhi.
10. The Principal Chief Conservator of Forests (Wildlife), Assam, Aranya bhawan Panjabari, Guwahati, Assam.
11. The Director, Kaziranga National Park & Tiger Reserve, Bokakhat, Assam
12. The Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat Assam

ANNEXURE-10

-428-

Rohit Choudhury
@Rohitskaziranga

Apr 12
Director
@kaziranga_
says actual counting of rhinos was done on 26th & 27th of March 2022, and sample count in 26 compartments on 28th March, 2022. Shri M.K.Yadava says recounting was done in 33 compartments on 28th March. Who is speaking truth?"
@byadavbjp

@moefcc

@SPYadavIFS

12:00 PM

Rohit Choudhury
@Rohitskaziranga

Apr 12
Credentials of Shri MK Yadava are impeccable, firstly as
@kaziranga_
Director in whose 25 month tenure 44 rhinos were poached, secondly as the CWLW who announced cooked-up rhino numbers. Perhaps he thought it is a way to compensate.
@byadavbjp

@SPYadavIFS

@rameshpandeyifs

@moefcc

12:00 PM

ANNEXURE-10A

-429-

Kaziranga rhino estimation in 2022 doctored, says activist

Documents obtained under the RTI Act showed that the total count of the flagship animal was jacked up from 2,042 to 2,634, claims activist

February 14, 2023 02:24 am | Updated 02:24 am IST - GUWAHATI

THE HINDU BUREAU

COMMENTS SHARE READ LATER

One-horned rhino seen at the Kaziranga National Park. File | Photo Credit: ANI

The Hindu Group Monsoon Sale

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The rhino population estimation in the Kaziranga National Park and Tiger Reserve in 2022 was inflated by manipulating survey data sheets, an Assam-based environmental activist said, citing documents obtained under the Right to Information Act.

The population of rhinos in Kaziranga a year ago was estimated at 2,613, which was 200 more than the 2,413 estimated in 2018.

In a letter to the Ministry of Environment, Forest and Climate Change on January 27, Rohit Choudhury said the survey data sheets were doctored to "mislead the government and the public on the actual number of rhinos" in the national park, also a UNESCO World Heritage Site.

The rhino census was conducted from March 25-28, 2022, in Kaziranga. The enumerators carried out the actual counting on March 26 and 27.

Out of the 84 compartments across the national park, its additional and civil areas, a sample survey was conducted in 26 randomly selected compartments on March 28, the day when a committee also computed the data.

The committee, notified by Assam's Principal Chief Conservator of Forest and Head of Forest Force arrived at 2,613 as the total number of rhinos in the park.

Mr Choudhury wrote that he filed RTI applications to check the authenticity of the data mentioned by the park's field director. The park authorities did not entertain the

application until they were nudged by the State's Chief Information Commissioner, he said.

A careful analysis of the documents showed that the data sheets submitted by the enumerators on March 26 and 27 had the actual count of rhinos in Kaziranga as 2,042. But the 'sample survey' conducted in 22 randomly selected compartments or blocks on March 28 showed a total count of 1,064 rhinos against 472 counted by the enumerators on the previous two days.

"It is seen that in the final computation, the enumerators' data pertaining to these 22 blocks were deleted" and substituted with the increased numbers of the sample survey to "jack up the total count from 2,042 to 2,634", Mr Choudhury said.

The eventual figure publicised was 2,613.

The activist also pointed out that "there is a procedure such as a sample survey in block count", one of the three methods prescribed for Rhino Population Estimation in the Standard Operating Procedure.

As such, substituting the actual count figures of the enumerators with the sample survey figures "is a significant deviation from the set procedure that casts serious doubts upon the credibility of the rhino population estimation in 2022, he wrote, seeking action against the officials involved in providing misleading information about the one-horned rhinoceros in its best known home on earth.

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COMMENTS SHARE

ANNEXURE-10B

-432-

The Hindu
@the_hindu

The rhino population estimation in the Kaziranga National Park and Tiger Reserve in 2022 was inflated by manipulating survey data sheets, an Assam-based environmental activist said, citing documents obtained under the Right to Information Act

thehindu.com
Kaziranga rhino estimation in 2022 doctored, says activist
Documents obtained under the RTI Act showed that the total count of the flagship animal was jacked up from 2,042 to 2,634, claims activist

ANNEXURE-10C

-433-

Rohit Choudhury
@Rohitskaziranga

When we have a flop & failed officer as PCCF & CWLW,Assam, what more could be expected rather than destruction of @kaziranga_ ..?? @assamforest @mygovassam @Dr_RajeshGopal @SPYadavIFS @IfsSivakumar @RameshKumarGog1 @nagaondfo @dc_nagaon @UNESCO @UNBiodiversity @UNDP_CF @UNFCCC

BLANK, GUWAHATI — STATE — MONDAY, FEBRUARY 21, 2022

Construction works damaging Kanchanjuri animal corridor

Bidyut Bikash Borah and 6 others

ANNEXURE-10D

-434-

Rohit Choudhury
@Rohitskaziranga

Heartiest Congratulations to @assamforest. Such flop & hopeless performance would have been not possible without the continued flop leadership of present PCCF & HoFF cum Chief Wildlife Warden,Assam. May Maa Kamakhya protect the wildlife of Assam🙏🙏🐘🐘

...fails to secure Central grant for wildlife habitat development

...ISAKER

...15 At a time when ...st in the State has ...t to conservation, ...ly failed to secure ...unds for integrated ...habitat ...ship construct in the ...ter neighbouring ...s, with Arunachal ...Meghalaya, Mani... ...managing to obtain ...ial funding for the ...ters.

...told *The Assam* ... was missing out ...00 per cent. Cen... ...were recurring ...ble for receiving ...and not been able ...ired action plans ...against the funds.

"The forest department is responsible for submitting the proposals to the Union Ministry of Environment, Forest and Climate Change (MoEF&CC), which has several plans and programmes aimed at development of wildlife and habitat, including for 22 critically-endangered species," sources said.

File photo: Dead vultures

"Since we are penalty, fund is ...ficult because ...d need of habitat ... season, wildlife ... loss of human-... sources added.

Official data in ... 21 ... the annual Integrated Wildlife Habitat ... that Assam did ... in the latest ... 2021. In 2016-17, ... more any amount ...

In contrast, Arunachal, Meghalaya, ... have been ... Central fund ... three years while ... to obtain any funding despite the fact that several of the critically-endangered species – Gangetic river dolphin, vulture, rhino, wild buffalo, Bengal florican and clouded leopard – for which the project is meant, occur in Assam.

Since 2008-09 to 2020-21, eight states have received a total of Rs 2,079.28 lakh for vulture conservation. Assam, which often hits the headlines for largescale vulture deaths due to poisoning and train-hits, does not figure as a beneficiary.

As per MoEF&CC guidelines, out of 22 species identified for the Species Recovery Programme, financial assistance has been provided for nine species as per requests received from the states and Union territories.

"That Assam has drawn a blank makes it clear that the Forest department has not submitted any plan for the purpose despite vultures facing a real threat of extinction in the State," sources added. As for funds for rhino recovery, West Bengal and Uttarakhand – the only two states other than Assam to have rhinos – have procured a total amount of Rs 469.56 lakh from 2017-18 to 2019-20.

"Assam could have obtained funds under the project which is aimed at facilitating recovery programmes for saving critically endangered species and their habitats. Assam has ideal rhino bearing areas in Dibru Saikhowa National Park but security concerns and habitat degradation have prevented rhino relocation there. Burhachapori Laokhowa Wildlife Sanctuary too is grappling with similar concerns over rhino relocation," sources said.

...Forest Services and elected forums are two other species

1:48 AM · Sep 17, 2022

ANNEXURE-10E

-435-

Rohit Choudhury @Rohitskaziranga · Sep 11, 2022

In case of @assamforest Hon'ble Shri Shri M.K.Yadava Sahab may kindly make it public, the total number of Elephants sent from Assam to other states during his tenure as Chief Wildlife Warden,Assam..?? Will he dare to do it..?? 😂😂

'Joymala' and the Law

● Abhishek Chakravarty

9 15

ANNEXURE-10F

-436-

Rohit Choudhury
@Rohitskaziranga

Oct 5, 2020
Respected
@ParimalSuklaba1
Sir, in CAMPA meeting you & Hon'ble
@CMOfficeAssam
Sir were speaking about Elephant & food for Wildlife..?? But it seems Mr.M.K.Yadava, CWLW don't even listen to you..!!
@pradyutbordoloi

Rohit Choudhury
@Rohitskaziranga

Oct 1, 2020
Respected
@CMOfficeAssam
Sir, I request you to kindly save
@kaziranga_
for the future generations to come 🙏🙏 Mr.M.K.Yadava will destroy the entire wildlife of our Assam. Please appoint a competent person as Chief Wildlife Warden, Assam
@mygovassam

@ParimalSuklaba1

@moefcc

12:00 PM

ANNEXURE-10G

-437-

Rohit Choudhury
@Rohitskaziranga

Dec 19, 2022
Disoriented department, clueless about managing man-elephant conflicts, continues to believe in adhocism under the delusional leadership of the present CWLW
@assamforest
!!
@moefcc

@byadavbjp

@rameshpandeyifs

@ntca_india

@mygovassam

@cmpatowary

12:00 PM

Rohit Choudhury
@Rohitskaziranga

Dec 13, 2022
Lampooning of laws is all but expected of MK Yadava and his lackeys. Director seems to be a domain specialist in fudging data,tampering with information,writing letters without application of mind and giving lectures on safety of
@kaziranga_
while facilitating things like this.

12:00 PM

ANNEXURE-10H

-438-

Rohit Choudhury
@Rohitskaziranga

Jan 14
Waiting for His Highness, Shri MK Yadava's Pravachan on allowing hordes of people into
@kaziranga_
for mass fishing. Now what is the hidden agenda to defame Kaziranga....?? Mockery of Wildlife (Protection) Act, 1972..!
@byadavbjp

@assamforest

@cmpatowary

@ntca_india

@samirsinha69

12:00 PM

ANNEXURE-101

-439-

7:28 4G

Rohit Choudhury
1,722 Tweets

Follow

Tweets Replies Media Likes

Chief Minister Assam and 9 others

3 6 384

Rohit Choudhury @Rohitskaziranga · 2d

Respected @BorthakurPaban Sir, I request you to kindly see if this matter of uniform tender of @assamforest as mentioned in @assamtribuneoff could be investigated or not?? 🙏🙏 @assampolice @gpsinghips @DGPAssamPolice @surendrakr_ips @DIR_VAC_ASSAM @GuwahatiPol @HardiSpeaks

nent of uniforms, acc t dept under scanne

Procurement .

(Contd from page 1)

contracts of all items to one su
deprived of the opportunity to b
as violation of terms and condi
audit noted, recommending tha
e award of the contract is not pr
h the Assam Public Procuremer
l for financial sanction of the c
"fit for consideration".

CID Assam and 9 others

3 232

Rohit Choudhury @Rohitskaziranga · 3d

Only God knows that it's a loss of 29 la
to @mygovassam or profit of officials o
@assamforest ..?? If possible the matter

ANNEXURE-10J

-440-

@Rohitskaziranga

Jan 14
Respected
@byadavbjp
Sir, Is this the way how
@kaziranga_
is being exploited..?? Where is Section 27 & 29 of Wildlife (Protection) Act, 1972,if mass fishing is allowed? Present CWLW
@assamforest
is the biggest threat to the Wildlife of Assam
@CMOfficeAssam

@cmpatowary

@SPYadavIFS

12:00 PM

Rohit Choudhury
@Rohitskaziranga

Apr 3
Not only Shri Shri MK YADAVA should be removed as CWLW
@assamforest

but Director
@kaziranga_
also should be removed
@mygovassam

@cmpatowary

@moefcc

@ntca_india

12:00 PM

ANNEXURE-10K

-441-

Rohit Choudhury
@Rohitskaziranga

Sep 17, 2022
Heartiest Congratulations to
@assamforest
. Such flop & hopeless performance would have been not possible without the continued flop leadership of present PCCF & HoFF cum Chief Wildlife Warden,Assam. May Maa Kamakhya protect the wildlife of Assam🙏 12:00 PM

ANNEXURE-10L

-442-

Rohit Choudhury
@Rohitskaziranga

Sep 14, 2022
The high level team of
@assamforest
which went to Tamil Nadu to bring back Joymala (Elephant) to Assam had no access to it & is not aware of its health.
@mygovassam
is dependent on media reports. Now CWLW, Assam may receive Guard of Honour in Tamil Nadu & enjoy Masala Dosa.

12:00 PM

Rohit Choudhury
@Rohitskaziranga

Sep 11, 2022
In case of
@assamforest
Hon'ble Shri Shri M.K.Yadava Sahab may kindly make it public, the total number of Elephants sent from Assam to other states during his tenure as Chief Wildlife Warden,Assam..?? Will he dare to do it..?? 😂😂

12:00 PM

ANNEXURE-10M

-443-

Rohit Choudhury
@Rohitskaziranga

Sep 15, 2022
Chief Wildlife Warden
@assamforest
totally flop in protection of elephant and its habitat in Assam. This destruction (earth cutting) at Amchang would have been prevented, if forest department was serious in protecting the elephants..??
@pallavGJha1

ANNEXURE-10N

-444-

Rohit Choudhury
@Rohitskaziranga
"Drawing government salary "without doing anything" was a "moral hazard" for forest officers". If a CM is forced to say such words then "May good sense prevail over PCCF & HOFF cum PCCF(Wildlife) cum Chief Wildlife Warden of
@assamforest
"
@kaziranga_
3:48 PM · Jul 18, 2022

12:00 PM

Rohit Choudhury
@Rohitskaziranga
.
Aug 2, 2022
Under the leadership of present PCCF & HOFF cum PCCF(Wildlife) cum Chief Wildlife Warden of
@assamforest
Shri Shri M.K.Yadava Sir, Encroachment of Forest Land will break all records and it will grow from 13% to 23% to 33%.
Congratulations
@assamforest

12:00 PM

ANNEXURE-10 O

-445-

Rohit Choudhury
@Rohitskaziranga

Jun 19, 2022
One should have the gracious & kind blessings of Chief Wildlife Warden for doing such illegal activity, then the sky is the limit..!!
Its be like "Saiyan bhaye kotwal to dar kahe ka"
@assamforest

@moefcc

@ntca_india

@pradyutbordoloi

@DsaikiaOfficial

12:00 PM

ANNEXURE-10P

-446-

Rohit Choudhury
@Rohitskaziranga

Mar 15, 2022
How could one protect wildlife of
@kaziranga_
when the Chief Wildlife Warden of the state provides false & fabricated report to defend its political masters.?
@assamforest

@ntca_india

@moefcc

@SPYadavIFS

@amit62sahai

@Jairam_Ramesh

@byadavbjp

12:00 PM

ANNEXURE-10 Q

-447-

Rohit Choudhury
@Rohitskaziranga

Follow

Nero fiddles while Rome burns. His Highness throws procurement procedures to wind and lavishly spends on his office renovation, while the @assamforest lies in tatters. True to his style..!!

22:48 · 10 Jun 23 · **254** Views

2 Likes

Discover more

Sourced from across Twitter

Rohit Choudhury @Rohitskaziranga · 2d
Very much appreciate 🙏🙏

> **Pradyut Bordoloi** @pradyutbor... · 2d
> My letter to Assam CM @himantabiswa regarding 300+ casual employees in Kaziranga National Park - these workers form the backbone of conservation efforts and their economic & social welf...

PRADYUT BORDOLOI
MEMBER OF PARLIAMENT (LOK SABHA)

ANNEXURE-11

-448-

7:28 4G

← **Rohit Choudhury**
1,722 Tweets

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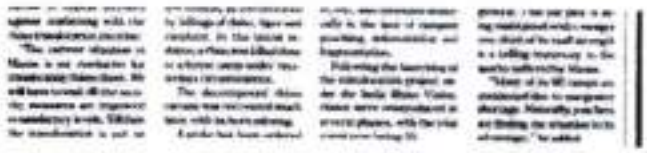
Tweets Replies Media Likes

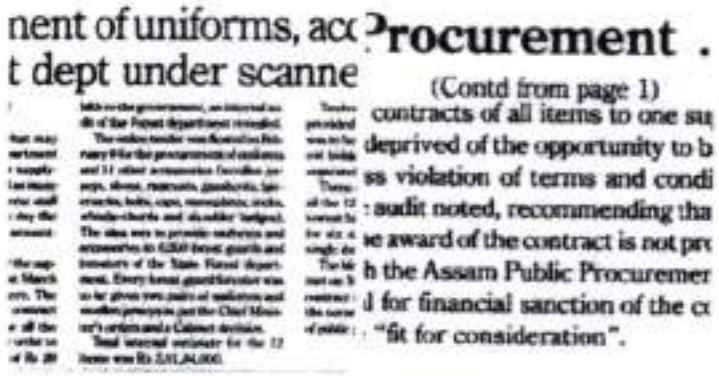


Chief Minister Assam and 9 others

3 6 384

Rohit Choudhury @Rohitskaziranga · 2d

Respected @BorthakurPaban Sir, I request you to kindly see if this matter of uniform tender of @assamforest as mentioned in @assamtribuneoff could be investigated or not??🙏🙏 @assampolice @gpsinghips @DGPAssamPolice @surendrakr_ips @DIR_VAC_ASSAM @GuwahatiPol @HardiSpeaks



nent of uniforms, acc Procurement .
t dept under scanne

(Contd from page 1)
contracts of all items to one su
deprived of the opportunity to b
ss violation of terms and condi
audit noted, recommending tha
e award of the contract is not pr
h the Assam Public Procureme
d for financial sanction of the c
"fit for consideration".

CID Assam and 9 others

3 232

Rohit Choudhury @Rohitskaziranga · 3d

Only God knows that it's a loss of 29 la
to @mygovassam or profit of officials
@assamforest ..?? If possible the matter

ANNEXURE-12

-449-

19:01 73%

← Tweet

Rohit Choudhury
@Rohitskaziranga

Follow

Someone made both Aranya Bhawan and AMTRON his personal fiefdom.
@assamforest @Amtron_AEDCL

Assam Electronics Development Corporation Ltd
(A Govt. of Assam Undertaking)

Tweet your reply

ANNEXURE-13

-450-

RTI Matter

To,
The State Public Information Officer (SPIO)
O/o the Director
Kaziranga National Park & Tiger Reserve
Bokakhat- 785612, Dist-Golaghat, Assam

Dated: 02/09/2020

Sub: Request for information under RTI Act, 2005.

Sir,

I request you to kindly provide me the following information:

1. Provide me the details of date of joining & relieving (tenure) of Mr. M.K.Yadava, IFS as Director, Kaziranga National Park & Tiger Reserve.

2. Provide me the details of the total number of Rhino poaching reported / Rhinos killed in Kaziranga National Park & Tiger Reserve during the tenure of Mr. M.K.Yadava, IFS as Director, Kaziranga National Park & Tiger Reserve.

3. The information may be provided by email at rohitskaziranga@gmail.com

The application fee of Rs.10/- by **IPO No.47F-270409** is deposited herewith.

Sincerely,

Rohit Choudhury
02/09/20

(Rohit Choudhury)
Village- Gormur, P.O- Lokhujan,
Bokakhat-785612, Dist-Golaghat,Assam
Email: rohitskaziranga@gmail.com

ANNEXURE-13A

-451-

Rohit Choudhury @Rohitskaziranga · Sep 27, 2022

Sri M.K.Yadava, the person who has the dubious distinction of presiding over 44 Rhino poachings in @kaziranga_ during his 25 month tenure as the Director, KNP, is now giving pravachan on Kaziranga. Short term memory loss @byadavbjp @SPYadavIFS @mygovassam @assamforest @cmpatowary

Ramesh Kumar Gogoi and 9 others

8 9 42

-452-

@Rohitskaziranga

Mar 2, 2021
Certificate of Excellence of present CWLW Assam. 44 Rhinos killed in 25 months during his tenure as Director @kaziranga_
n now he is the Chief Wildlife Warden, Assam. What a flop show @mygovindia

@mygovassam

@moefcc

@PrakashJavdekar

@Unitedfortigers

@ntca_india
Wildlife Bachao

12:00 PM

ANNEXURE-13B

-453-

← Tweet

Rohit Choudhury
@Rohitkaziranga

Credentials of Shri MK Yadava are impeccable, firstly as @kaziranga Director in whose 25 month tenure 44 rhinos were poached, secondly as the CWLW who announced cooked-up rhino numbers. Perhaps he thought it is a way to compensate. @byadavbjp @SPYadavIFS @rameshpandeyifs @moefcc

Information under RTI Act,2005

Q.1 [illegible]

Reply:

Date of joining: 19/02/2014

Date of relieving: 08/03/2016

Q.2 [illegible]

Reply:

Period	Total Rhino killed/Poached
19/02/2014 to 31/12/2014	23
2015	17
01/01/2016 to 07/03/2016	4
Total	44

Submitted

(K.N. Dekaraja, ATS/ DCF)
Asst. Public Information Officer
O/o the Director,
Kaziranga National Park & Tiger Reserve
Bokakhat Assam, 785612

ANNEXURE-14

Annexure I (14)
-454-

RTI Matter

To,
The State Public Information Officer (SPIO)
O/o the Director
Kaziranga National Park & Tiger Reserve
Bokakhat- 785612, Dist-Golaghat, Assam

Dated: 18/05/2022

Sub: Request for information under RTI Act, 2005.

Sir,

I request you to kindly provide me the following information:

1. Provide me the details of the total amount of funds being sanctioned and spent from the Kaziranga Tiger Conservation Foundation (KTCF) funds on the visit of Hon'ble President of India to Kaziranga National Park in the month of February, 2022.

2. Provide me the details of the total amount of funds provided by the Government of Assam & National Tiger Conservation Authority to the Kaziranga National Park authority for the visit of Hon'ble President of India to Kaziranga National Park in the month of February, 2022.

3. Provide me the details of the total expenses incurred by the Kaziranga National Park authority on the visit of Hon'ble President of India to Kaziranga National Park in the month of February, 2022.

The application fee of Rs.10/- by cash is deposited herewith.

Sincerely,
Rohit Choudhury
18/05/2022
(Rohit Choudhury)
Village: Gormur Gaon
P.O: Lokhujan, Bokakhat: 785612
District: Golaghat, Assam
Email: rohitskaziranga@gmail.com

Received
on
18-5-2022

Office Of The Director
Govt. Of Assam
Kaziranga National Park

ANNEXURE-14A

Azadi Ka Amrit Mahotsav

-455-

GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM-785612

(E-mail ID:*dir.kaziranganp@gmail.com*)

Letter No. KNP/FG/RTI/Rohit Choudhury ***Dated*** 30/11/2022

To

Sri Rohit Choudhury
Vill: Gormur
P.O: Lokhujan, Bokakhat-785612
Dist: Golaghat, Assam.

Sub: Regarding RTI information.

Ref: Your RTI application dated 18-05-2022 regarding fund spent on the visit of Hon'ble President of India to Kaziranga National Park.

With reference to the above, I am to furnish herewith information under RTI Act, 2005 as sought for, vide your letter mentioned under reference as following.

1. Provide me the details of the total amount of funds being sanctioned and spent from the Kaziranga Tiger Conservation Foundation (KTCF) funds on the visit of Hon'ble President of India to Kaziranga National Park in the month of February, 2022

Reply: Total amount of spent from Kaziranga Tiger Conservation Foundation is **Rs.1,12,60,397.00** (Rupees One Crore Twelve Lakh Sixty Thousand Three Hundred Ninety Seven) only. Details as enclosed in **Annexure-A.**

2. Provide me the details of the total amount of funds provided by the Government of Assam & National Tiger Conservation Authority to the Kaziranga National Park authority for the visit of Hon'ble President of India to Kaziranga National Park in the month of February, 2022.

Reply: Total amount of funds provided by the Office of the Principal Chief Conservator of Forests & Chief Wildlife Warden, Assam, Guwahati- 37 for the visit of Hon'ble President of India to Kaziranga National Park is **Rs. 51,97,581.00** (Rupees Fifty One Lakh Ninety Seven Thousand Five Hundred Eighty One) only, with an unspent balance of **Rs. 41,653.80.** Details as enclosed in **Annexure-B.**

3. Provide me the details of the total expenses incurred by the Kaziranga National Park authority on the visit of Hon'ble President of India to Kaziranga National Park in the month of February, 2022

Reply: Total expenses incurred by the Kaziranga National Park authority on the visit of Hon'ble President of India to Kaziranga National Park is **Rs. 1,64,16,324.20** (Rupees One Crore Sixty Four Lakh Sixteen Thousand Three Hundred Twenty Four) only Details as enclosed as **Annexure- A & Annexure - C.**

State Public Information Officer
O/o the Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat:Assam:785612

Copy to the Registrar, Assam Information Commissioner, Panjabari, Guwahati-37 for kind information.

Issue on 30-11-2022

State Public Information Officer
O/o the Field Director,
Kaziranga National Park & Tiger Reserve
Bokakhat:Assam:785612

Annexure - A

-456-

GOVERNMENT OF ASSAM
OFFICE OF THE FIELD DIRECTOR: KAZIRANGA NATIONAL PARK & TIGER RESERVE
BOKAKHAT: ASSAM-785612

O.O.No. 518 Dated: 01 -10-2022

An amount of **Rs. 1,12,60,397/- (Rupees One Crore Twelve Lakh Sixty Thousand Three Hundred Ninety Seven) only** is sanctioned as per provision of the Rule 25(B)(12) of the Assam Tiger Conservation Foundation Rules,2010 from the fund of Kaziranga Tiger Conservation Foundation to the Divisional Forest Officer cum Deputy Director, Eastern Assam Wildlife Division, Kaziranga Tiger Reserve being payment for arrangement of visit of Hon'ble President of India in Kaziranga National Park on 26th & 27th Feb.2022 as **Grant in Aid**.

The DFO cum Deputy Director, Eastern Assam Wildlife Division, Kaziranga Tiger Reserve, Bokakhat is requested to submit the Accounts along with Utilization Certificate in due course.

(Jatindra Sarma, IFS) CCF
Chairman
Executive Committee
Kaziranga Tiger Conservation Foundation
Bokakhat:Assam:785612

Memo No.KNP/KTCF/Grant/2022-23 **Dated: 01 -10-2022**

Copy to:-

1. The Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Assam and Member Secretary of the Governing Body of Kaziranga Tiger Conservation Foundation, Panjabari, Guwahati-37 for favour of his kind information and necessary action.
2. The Divisional Forest Officer cum Deputy Director, Eastern Assam Wildlife Division, Kaziranga Tiger Reserve, Bokakhat for information and necessary action. This has a reference to his letter No. A-WLG/21-22/President Programme/2022/3767, dtd.08-09-2022. He is requested to collect the Cheque **No.** 565776 **dtd. 01 -10-2022** from the office of the undersigned.

Member Secretary
Executive Committee
Kaziranga Tiger Conservation Foundation
Bokakhat:Assam:785612

Memo No.KNP/KTCF/Grant/2022-23 **Dated: 01 -10-2022**

Copy to:-

1. Accounts Branch, O/O the Director, KNP, Bokakhat for information and necessary action.
2. O.O. Book
3. Office Copy

ISSUE on 01-10-22

Office of the Director Kaziranga National Park
Issue
Date

Member Secretary
Executive Committee
Kaziranga Tiger Conservation Foundation
Bokakhat:Assam:785612

1119

Bills regarding arrangement of visit of Hon'ble President of India in Kaziranga National Park on 26th and 27th Feb, 2022

Sl.N.	Purpose of expenditure	Name of Range	Biller	Bill No.	Amount
1	Providing Break fast, Lunch, Dinner on 20.02.2022	R.O Kohora	JB's Resort,Kohora	Bill No.1453, Dated 26/02/2022	243768.00
2	Providing Lunch on 21.02.2022	R.O Kohora	JB's Resort,Kohora	Bill No.1454, Dated 01/03/2022	13720.00
3	Providing tea on 26.02.2022	R.O Kohora	IORA, Kohora	Bill No.7488 Date:26/02/2022	49560.00
4	Providing Tent at Bagori	R.O Kohora	IORA, Kohora	Bill No.IH/21-22/0156 dated 27/02/2022	20836.00
5	Purchase of Air purifier	R.O Kohora	Dayananda Saikia	Invoice No: GST/0025 Date: 12/03/2022	97960.00
6	Renovation of IB Bagori	Bagori	M/S G.R Suppliers	Invoice No. 330,331,332 Date:11.03.2022	1254979.55
7	Renovation of Donga, APC	Bagori	Gobind Singh	Invoice No. 041 ,042 Date:11.03.2022	1830984.76
8	Providing Lunch, Break fast on 22nd and 23rd Feb, 2022	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A05 Date:10/03/2022	288300.00
9	Providing Lunch, Break fast on 25th and 26th Feb, 2022	Bagori	Teezen Bhuyan	Invice No. SS/Bkt/2021-22/A06 Date:10/03/2022	253900.00
10	Providing Lunch, Break fast on 26th, 27th and 28th Feb, 2022	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A07 Date:10/03/2022	358000.00
11	Providing tent & bamboo partition	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A09 Date:10/03/2022	27000.00
12	Providing manpower for clearing tourist road	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A10 Date:10/03/2022	194650.00
13	Fabrication & Welding works at Mihimukh	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A11 Date:10/03/2022	54000.00
14	Supply electrical items	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A12 Date:10/03/2022	28100.00
15	Providing manpower for clearing of Jungle	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A14 Date:10/03/2022	54750.00
16	Providing panpower for clearing of Hall	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A15 Date:10/03/2022	40000.00
17	Painting works at Kohora	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A16 Date:10/03/2022	76500.00
18	Painting & renovation of Bagori Doormentry	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A167 Date:10/03/2022	201716.00
19	Providing Accommodation	Kohora	Borgos	Invice No. Date:28/02/2022	96751.00
20	Installation of iron removal filter, motor pump set at Mihimukh	Kohora	Jibon Baruah	Invice No. Date:28/02/2022	228156.00

	Purpose of expenditure	Name of Range	Biller	Bill No.	Amount
21	Maintenance of vehicles		M/s Puspar Automobiles	Invice No.PA/2021-22/056 Date:03/03/2022	516433.50
22	Renovation of IB, Bagori	Bagori	Mr Prabhat Kr Nimodia	Invice No.PKN/16 Date:03/03/2022	1052436.00
23	Supply of Interior items at Bagori	Bagori	Sri Mohan Lal Sahu	Invice No.PKN/17 Date:03/03/2022	325000.00
24	Renovation of Convention Hall, Kohora	Kohora	Mr Prabhat Kr Nimodia	Invice No.PKN/DFO/14 Date:03/03/2022	1611637.00
25	Supply of venous items at Kohora	Kohora	Shree Shyam Enterprise	Invice No.PKN/CR/015 Date:03/03/2022	1219770.00
26	Supply of Carpet	Kohora	Canecraft Khanapara	CC/21-22/B2C/346 Date:07/03/2022	69000.00
27	Repairing of furniture	Kohora	Home Interiors, Jakhalabandha	HI/21-22/RD/179 Date: 07/03/2022	22420.00
28	Painting of Kohora IB	Kohora	Kailash Patwary	SS/Bkt/2021-22/A18 Date:10.03.2022	188800.00
29	Providing Breakfast on 15th, 16th, & 17th February, 2022	Kohora	Kailash Patwary	SS/Bkt/2021-22/708 Date:17.03.2022	195000.00
30	Printing of flex	Kohora	Kailash Patwary	SS/Bkt/2021-22/71 Date:17.03.2022	19750.00
31	Retroreflective board, President memento & Horai etc	Kohora	DHITI Logic Pvt. Ltd	Invice No. Date:	626540.00
		TOTAL			11260397.81

Submitted By

Divisional Forest Officer
Eastern Assam Wildlife Division
Bokakhat

Office of The Director Kaziranga National Park
Issue
Date. 30-11-22

Annexure - B

-459-

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS, WILDLIFE & CHIEF WILDLIFE WARDEN, ASSAM, ARANYA BHAWAN, GUWAHATI-37.

Email ID: pccf.wl.assam@gmail.com

No. WL/FA.1/President Visit/2022 Date: 24/05/2022

To,

The Field Director,
Kaziranga National Park
& Tiger Reserve, Bokakhat.

Sub: Bills regarding arrangement of visit of Hon'ble President of India in Kaziranga National Park on 26th & 27th February/ 2022.

Ref: DFO. EAWL Division's letter No. A-WLG/21-22/President Programme, dtd. 15/03/2022.

With the subject & reference cited above, I am to inform you that out of total expenditure of Rs. 1,60,16,050/- (*Rupees one crore sixty lakhs sixteen thousand fifty*) only an amount of Rs. 51,97,581/- (*Rupees fifty one lakhs ninety seven thousand five hundred eighty one*) only can be paid from this end. The balance amount of Rs. 1,08,18,469/- (*Rupees one crore eight lakhs eighteen thousand four hundred sixty nine*) only maybe paid from the Kaziranga Tiger Conservation Foundation.

Principal Chief Conservator of Forests,
Wildlife & Chief Wildlife Warden, Assam,
Aranya Bhawan, Guwahati- 37

Copy to the Divisional Forest Officer, Eastern Assam Wildlife Division for information and necessary action.

Principal Chief Conservator of Forests,
Wildlife & Chief Wildlife Warden, Assam,
Aranya Bhawan, Guwahati- 37

O/C

Office of The Director Kaziranga National Park
Issue
Date. 30-11

1122

Bills regarding arrangement of visit of Hon'ble President of India in Kaziranga National Park on 26th and 27th Feb, 2022
Payment from CORPUS

M. Sl. No	Sl.N.	Purpose of expenditure	Name of Range	Biller	Bill No.	Amount
5	2	Providing Accommodation	R.O Kohora	JB's Resort,Kohora	Bill No.1321 dated 08/03/2022	261960.00
6	3	Providing meal	R.O Kohora	JB's Resort,Kohora	Bill No.1455 dated 11/03/2023	11200.00
7	4	Providing accommodation	R.O Kohora	Jonaki Kareng, Kohora	Bill No.150 Dated 28/02/2022	72012.00
9	5	Providing flower pot	R.O Kohora	Md. Sujib Khan	Invoice No: 404 Date: 03/03/2022	40000.00
10	6	Hiring JCB for 2 days	R.O Kohora	Toni Gogoi	Invoice No: Date: 05/03/2022	12000.00
12	7	Wooden railing making	Kohora	Genuine Engineering works, Bokakhat	Bill No. 235 Dated:04/03/2022	388692.00
14	8	Pupply of Sand gravel	Kohora	Nezo Quest LLP	Bill No.	440140.00
15	9	Supply of Jeepy tyre	Kohora	Gear Box	Bill No.	97587.20
16	10	Providing Tea, Lunch ang arrangement at Bagori	Bagori	Gobind Singh	Invoice No. 040 Date:11.03.2022	288015.00
19	11	Repairing & Painting work at Mihimukh	Kohora	Toni Gogoi	Date: 08/03/2022	1236800.00
20	12	Hiring JCB for 2 days	Kohora	Toni Gogoi	Date: 05/03/2022	12000.00
21	13	Supply of Signage	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A01 Date:10/03/2022	114800.00
22	14	Printing of Map & Signage	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A02 Date:10/03/2022	97300.00
23	15	Supply of flower pot	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A03 Date:10/03/2022	60000.00
24	16	Supply of Pat Kapur, Gamusa etc	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A04 Date:10/03/2022	256400.00
28	17	Hiring JCB for 2 days	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A08 Date:10/03/2022	72000.00
33	19	Supply kitchen items	Kohora	Kailash Patwary	Invice No. SS/Bkt/2021-22/A13 Date:10/03/2022	56550.00
39	20	Repairing & renovation of water supply system at Convention center Kohora	Kohora	Jibon Baruah	Invice No. Date:28/02/2022	285507.00
40	21	Repairing & renovation of water supply system at IB Kohora	Kohora	Jibon Baruah	Invice No. Date:28/02/2022	90098.00
45	22	Renovation of IB, Kohora	Kohora	Mr Prabhat Kr Nimodia	Invice No.PKN/DFO/13 Date:03/03/2022	1046866.00
52	23	Fitting and fixing of solar street light	Kohora	Greetek Venture	GV/2021-22/77	216000.00
			TOTAL			**5155927.20**

Office of The Director Kaziranga Reserve Division
Issue
Date 30-11-2022

Rs 1.1 crore Kaziranga tiger fund used for ex-President Ram Nath Kovind's visit: RTI

Krishnendu Mukherjee / TNN / Updated: Mar 28, 2023, 08:42 IST

203 PTS SHARE AA

YOU'RE READING

Rs 1.1 crore Kaziranga tiger fund used for ex-President Ram Nath Kovind's visit: RTI

Rishabh Pant and Mahima Chaudhry's mysterious #SecondBirthDate...

Myanmar junta may have a

KOLKATA: Around Rs 1.1 crore from a corpus meant for tiger conservation in Assam's Kaziranga National Park was used to pay for food, tents, carpets and mementoes, among other things, during former President Ram Nath Kovind's visit to the sanctuary in February 2022, an official reply to an RTI query has revealed.

revealed.

In its response to Assam-based RTI activist Rohit Choudhury's petition, the Kaziranga field director's office mentioned that the Rs 1.1 lakh allegedly diverted from the Kaziranga Tiger Conservation Foundation was spent on various heads such as breakfast, lunch and dinner; renovation of the convention hall, painting, tented accommodation and various purchases that included an air purifier.

Choudhury wrote to the state chief secretary about the alleged diversion of funds last month, citing the Kaziranga field director's November 30, 2022, reply to the RTI petition he had filed on May 18. Besides the 1.1 crore that was spent from the tiger foundation's corpus on the presidential visit, another Rs 51 lakh was diverted from a general wildlife fund, he said.

State forest minister Chandra Mohan Patowari said his department was "looking into" the alleged misuse of funds for conservation since he came to know about it. "If needed, we will start an inquiry and come out with a report," he told TOI.

1124

While Kaziranga is famous as the abode of the endangered one-horned rhino, its tiger population — 121, according to the last census — is no less significant.

Rule 25 of the Assam Tiger Conservation Foundation Rules, 2010, states 90% of funding should be used to strengthen eco-development and village-level committees located in and around the reserve; formation of squads to curb man-animal conflict and support training of field staff, among other objectives. The remaining 10% is to be kept in fixed deposits as a "society fund".

"The field director's reply shows that funds under KTCF have been misappropriated for purposes that are not even remotely connected to the objectives of the foundation. This is a serious violation of Rule 25 of the Assam Tiger Conservation Rules, 2010," Choudhury said. Field director Jatindra Sharma said he was transferred to Kaziranga in March 2022, a month after ex-President Kovind's visit. "An inquiry is on, and I shouldn't comment on it. The DFO is the official concerned who can make a statement." DFO (eastern Assam) Ramesh Gogoi said he wasn't authorised to speak to the media.

ANNEXURE-14B

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Rohit Choudhury @Rohitskaziranga · Mar 24

As usual, all rules are thrown to the wind by Director @kaziranga_ . All cannons of financial propriety are violated. Funds meant for conservation get wings. Profiteering in the garb of President's visit? @CMOfficeAssam @mygovassam @cmpatowary @SPYadavIFS @Dr_RajeshGopal

KNP authorities accused of misusing over Rs 1 cr from tiger conservation fund

AJIT PATOWARY

The Kaziranga National Park (KNP) authorities have been accused of misusing over Rs 1 crore from the Tiger Conservation Foundation (TCF) fund in connection with the then President of India Ram Nath Kovind's visit to the Park in February last year.

The allegation has been levelled by RTI-cum-environment activist Rohit Choudhury. He has lodged a complaint with the State Chief Secretary with this allegation, pleading for a probe into the matter on priority basis and also for reimbursement of the TCF funds thus spent to the KTCF.

When contacted, KNP director Jatindra Sarma, who is also the chairman of the KNP TCF executive committee, told this correspondent that the matter is under inspection and at this stage no comments could be made on it.

In his letter to the Chief Secretary, Choudhury has said that he has come to know, from the replies of the State Public Information Officer (SPIO) concerned to his RTI queries, that an amount of Rs 1,12,60,398 (Rupees one crore, twelve lakh, sixty thousand, three hundred and ninety eight) was spent from the fund of the Kaziranga TCF on the President's KNP visit last year. Another amount of Rs 31,50,927 was spent from the corpus fund of the National Park on the same visit, he said, citing the above replies to his queries.

Elaborating his point, Choudhury said it became evident that the expenditures made for the President's visit to KNP were met without paying any heed to the provisions of Rule 25 of the Assam Tiger Conservation Foundation Rules, 2010, while the spirit of Section 38X of the Wildlife (Protection) Act, 1972 was also ignored.

Rule 25 of the Assam Tiger Conservation Foundation Rules, 2010, states that the funds of the TCF would be utilised after due approval of work plan by the governing body. It also states that the funds released by the National Tiger Conservation Authority (NTCA) and other funding agencies would be utilised for the specific purpose they are meant for.

Moreover, 90 per cent of the funds generated through tourist entry fee and other charges, etc, would be utilised for the activities like strengthening eco-development and village-level committee/hamlet situated in and around the tiger reserves, undertaking eco-development activities in such villages, assisting the adjoining territorial divisions in strengthening their forest protection and anti-poaching efforts, in formation of anti-depredation squads to analyse man-animal conflict and conducting wildlife and environmental education programmes in areas around the tiger reserves, preferably by enlisting the support of NGOs active in this field, among others.

It also specifies that 10 per cent of the TCF funds should be kept in fixed deposit as society fund.

On condition of anonymity, some KNP sources maintained that there was a blunder in the computation of the entire TCF fund money, which was shown as spent on meeting the expenditures of the President's visit to the National Park last year.

MoEF&CC and 9 others

2 15 22 5,396

ANNEXURE - X

-465-

together to nullify the huge efforts of the State of Assam for protecting the ILRF and in the same breath these two entities have simply ignored the destruction of forest and encroachment taking place in ILRF from Mizoram side.

On the basis of above facts, the deponent herein begs to submit that the conspiracy angle against the State of Assam, proposed by the deponent herein in the foregoing paragraphs of this affidavit, against the applicant herein and the news portal is now appearing to be getting complete. The collusion between the applicant herein and the news portal itself demonstrates that the applicant has no interest in protecting the ILRF, but rather stopping the efforts of Government of Assam in establishing the Commando Battalion infrastructure so that the State of Assam is not able to protect its border area forests. If it so happens then, Assam would lose not only its geographical integrity but also the rich natural resources. The applicant is all set to oppose protection of the ILRF forest for which State of Assam recruited and trained about 800 armed Assam Police Commando personnel which is very much the need of the hour.

Principal Chief Conservator of Forest & Head of Forest Force Assam

15. That, as regards to the statements made in paragraph 12 of the application the deponent herein begs to categorically deny the same. As stated earlier, the applicant herein is neither a local resident of the area to be fully aware about the happenings in the ILRF as is apparent from the perusal of his application, nor he has any first hand information about the happenings in the Inner Line Reserved Forest, located at Assam-Mizoram border, which is apparent from his own submission on oath that the contents of

NOTARY ASEEM CHETIA Kamrup (M) Regd. No.-13514 GOVT. OF INDIA

the present Interlocutory Application, are true to the best of his knowledge and belief only. Further, the applicant failed to submit or produce anything in the present application which has been derived from records. Even the photographs that has been annexed along with the Interlocutory Application are appears to have been collected from the media house itself (North East Now) as all the photographs were taken on the same date, i.e. 20-02-2024 and around the same time , i.e. between 2-30 to 3-00 pm.

Rajpal Singh
Principal Chief Conservator of Forest &
Head of Forest Force, Assam

It, is therefore, humbly submitted that such coincidences are only indicative of the fact that a vested interested circle is working with sole motive to foil the desperate attempt of the State of Assam to save and protect the Inner Line Reserved Forest from the encroachers. Accordingly, it is submitted that the present application be dismissed *in liminie*.

The reality is that only 11.5 hectares of land have been earmarked for construction and the remaining 32.5 hectares, which is almost three times of the area of construction, is to be kept as green area for outdoor training activities of the armed personnel. The Department has also taken a traverse of the area under construction, which delineates the exact boundary on the ground, a copy of which is enclosed in **Annexure-V** for kind perusal of the Hon'ble Tribunal and to reiterate that the State of Assam has nothing to hide.

Copy of traverse of the area in concern is annexed herewith and marked as **Annexure-V**.

NOTARY
ASEEMA CHETIA
Kamrup (M)
Regd. No.-13514
GOVERNMENT OF INDIA

It is also pertinent to mention about a FIR dated 19-04-2023, filed by the CBI, in a matter in which the - "The main allegation is that Ritwick Dutta received Rs. 41 lac as foreign contributions in 2013-14 and thereafter he created LIFE Proprietorship which received Rs. 22 crore from Earth Justice USA as professional receipt and it is alleged that LIFE and EJ are in the process of stalling coal projects in India. It is further alleged that EJ and Sandler Foundation are trying to take down India's existing or proposed coal projects and ECF (European Climate) is routing $ 120,000 via EJ to LIFE for litigation. They further alleged that the association has transferred Foreign Contribution to NGOs which is violation of section 7 of FCRA, 2010" read with "3. Suspicious payments to large number of individuals from FCRA bank account of LIFE trust" read with "3.2 On analysis of FCRA account of LIFE Trust, name of some of the individuals who received funds from it are employees of LIFE Trust or LIFE LLP. However, there are many other individuals as well which needs to be verified, list of some such individuals is produced below" read with Sl no. 5 of the table that ensues which reads "Rohit Choudhury" and the table ends with 32 names in all; read with "3.3 Analysis of activities of few individuals from email of Ritwick Dutta revealed that they are involved in filing RTI, monitoring of cases, preparation of compliance report which appeared to be related to activities of Earth Justice. It is to be noted that the funds from Earth Justice are received by Ritwick Dutta in proprietorship account instead of bank account of LIFE Trust. Individuals other than employees of LIFE Trust have also received funds from FCRA account of LIFE Trust. The purpose of transfer of funds to these individuals needs

Rajpal Singh
Principal Chief Conservator of Forest &
Head of Forest Force, Assam

NOTARY
ASEEMA CHETIA
Kamrup (M)
Regd. No.-13514
GOVT OF INDIA

to be investigated and nature of services/goods provided by them need to be verified."; read with "4.1.6 In view of the detailed discussion, it appears that funds were received by Sri Ritwick Dutta in his proprietorship concern as part of 'funding plan' rather than providing professional services. It is without any delivery of goods and services to Earth Justice. Earth Justice does not appear to have any business concern in N=India as per its website. Payments made by Earth Justice are in the garb of professional receipts to fund litigation activities in India. It is revealed that grant is not case specific but rather on lump sum basis. Hence, such funds from Earth Justice to Sri Ritwick Dutta ought to have been received only after FCRA clearance. The concerned officer may also necessarily action under section 35 of FCRA after due verification and investigation..."

Rajpal Singh
Principal Chief Conservator of Forest &
Head of Forest Force, Assam

Copy of the FIR dated 19-04-2023 filed by CBI, is annexed herewith and marked as **Annexure-VI**.

The evidence above clearly indicates that not only the applicant herein, who is well known to an old associate of Sri Ritwick Dutta (and have filed many a applications in the Hon'ble Tribunal in the past along with Sri Dutta) is appearing to be a beneficiary of foreign funding which are meant to stall projects of national importance in India by indulging in litigation activism in the garb of pseudo environmentalism, false cases of forest conservation. The instant case in which the applicant is attempting to implead himself may only be another such attempt, this time, to stall a major security and forest protection infrastructure on flimsy

NOTARY
ASEEMA CHETIA
Kamrup (M)
Regd. No.-13514
GOVT. OF INDIA

ground by being in cahoots with like minded agencies, news portals and moles in the Government departments in the State and in the Central Government.

It is submitted that the whole gamut of affairs from news portals to tweets to the present application is a part of an well orchestrated and well camouflaged scheme to weaken the State of Assam's internal protection mechanism so that Assam loses its integrity, forests on the border come under armed aggression from the neighboring states and lawlessness prevails in the State which shall ultimately hamper the investment environment in the State, and Assam becomes internationally known for being anti Forest (Conservation) Act. The deponent herein would also like to pray this Hon'ble Tribunal issue a direction to an appropriate investigating agency to enquiry into this matter and furnish a report in this regards.

Rajpal Singh
Principal Chief Conservator of Forest &
Head of Forest Force, Assam

16. That, as regards to the statements made in paragraph 13 of the application the deponent herein begs to deny the statement that the instant application has been made bonafide in the interest of justice.

17. That, as regards to the statements made in paragraph 14 of the application the deponent herein has no comments to offer.

18. That, in view of the statements and submissions made in the foregoing paragraphs of this affidavit the deponent herein begs to submit that the prayers made in this application are not tenable and accordingly this application is liable to be dismissed.

NOTARY
ASEEMA CHETIA
Kamrup (M)
Regd. No.-13514
GOVT. OF INDIA

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ANNEXURE - VI

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FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

1. **District:** Delhi **PS:** EO-II Delhi
Year: 2023
FIR No: RC2202023E0013 **Date:** 19/04/2023

2. **Acts & Sections:**

Acts	Sections	R/W Section
Foreign Contribution (Regulation) Act, 2010	35	7,8,12(4)(vi),37 & 39

3. **Suspected offences:**

(a) **Occurrence of offence:**
Day: **Time Period:**
From Date: 2013 **To Date:** 2022

(b) **Information Received at PS:**
Date:

(c) **General Diary Reference:**
Entry No.: 04
Date: 19/04/2023 **Time:** 17:18:37

4. **Type of Information:** Others

5. **Place of Occurrence:** New delhi

(a) **Direction &distance from PS:**
Beat No.:

(b) **Address:**
Plot No.: **Area:**
City: **Pin:**
State: **District:**

(c) **In case, outside the limit of this Police Station, then**
Name of PS: **District:**

6. **Complainant / Informant:**
Complainant 1

(a) **Name:** Mr. Jeetendar Chadha
(b) **Father's/Husband's Name:**
(c) **Date/Year of Birth:**
(d) **Nationality:** INDIAN
(e) **Passport:**

Passport No.	Date Of Issue	Place Of Issue

(f) **Occupation:** Director (MU)
(g) **Address:**

Plot No	Area	City	State	District	Pin
Major Dhyan Chand National Stadium,	India Gate Circle,		NCT Of Delhi		110001

7. **Details of known/suspected/unknown accused with full particulars:**
Accused 1
Name: Mr.Ritwick Dutta
Address:

Accused 2
Name: Legal Initiate For Forest And Environment (LIFE)
Address:
N-71 Lower Ground Floor,, Greater Kailash-1, NCT Of Delhi

8. **Reasons for delay in reporting by the complainant/informant:**

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No delay

9. **Particulars of properties stolen:**

Item Name	Age of Property	Estimated Value (In INR)

10. **Total value of property stolen:**

11. **Inquest Report/U.D. Case No., if any:**

12. **First information contents:**

As communication dated 21.03.2023 has been received from Ms. Jeetender Chadha, Director (MU), MHA, Delhi through Policy Division regarding violations of various provisions of The FCRA, 2010 by Legal Initiative for Forest and Environment (LIFE), Delhi and its office bearer.

The main allegation is that Ritwick Dutta received Rs. 41 lac as Foreign Contribution in 2013-14 and thereafter he created LIFE Proprietorship which received Rs. 22 crore from Earth Justice USA as professional receipt and it is alleged that LIFE and EJ are in the process of stalling coal projects in India. It is further alleged that EJ and Sandler Foundation are trying to take down India's existing or proposed coal projects and ECF (European Climate) is routing $120,000 via EJ to Life for litigation. They have further alleged that the association has transferred Foreign Contribution to NGO's which is violation of the Section 7 of FCRA, 2010.

Therefore, Regular Case may be registered against M/s LIFE and its proprietor Sh. Ritwick Dutta, u/s 7, 8, 12 (4) (vi), 35, 37 & 39 of Foreign Contribution (Regulation) Act, 2010.

13. **Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item No.2:**

(1) **Registered the case and took up the investigation:** Yes

OR

(2) **Directed**

Name of IO: AJAY KUMAR TIWARI
Rank: INSPECTOR (EO-II Delhi)
No: 97420
to take the investigation

OR

(3) **Refused investigation due to:**

OR

(4) **Transfered To PS:** **District:**
on point of jurisdiction.

Attached documents:
Document name
Complaint

FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.
R.O.A.C.

14. **Signature/Thumb Impression of the complainant/informant**

Signature of Officer In-charge Police Station
Name: Nipun Gupta
Rank: SUPDT. OF POLICE (EO-II Delhi)

15. **Date and time of dispatch to the Court:**

निपुण गुप्ता/NIPUN GUPTA
पुलिस अधीक्षक/Supdt. of Police
केन्द्रीय अन्वे. ब्यू. ई.-II, नई दिल्ली
CBI, EO-II, New Delhi

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Dy. No. 22o2o23o321/0001
Dtd. 24/03/2023
Dy. No. 308

E-mail:
aiccc.cell@cbi.gov.in
Website:
www.cbi.gov.in
Phone: 011-24362700
Ext No. 4126

केंद्रीय अन्वेषण ब्यूरो
CENTRAL BUREAU OF INVESTIGATION

शिकायत एवं समन्वय प्रकोष्ठ,
नीति प्रभाग,10वीं मंजिल
सी.बी.आई.मुख्यालय
लोधी रोड, नई दिल्ली-110003
Complaint & Coordination Cell,
Policy Division,10th floor,
CBI Headquarters, LodhiRoad,
New Delhi-110003

Confidential/Urgent

Subject: Investigations u/s 43 of The Foreign Contribution (Regulation) Act, 2010 (FCRA, 2010) for violations of various provisions of The FCRA, 2010 by the Legal Initiative For Forest And Environment (LIFE), Delhi (FCRA Registration no. 231661342R) and its office bearers-reg.

Please find enclosed herewith a references no. II/21022/58(88)/2023-FCRA (MU) dated 21.03.2023, received from Shri Jeetendar Chadha, Director (MU), Foreigners-II Division, MHA, New Delhi, on the subject cited above for necessary action at your end.

2. This office may please be provided with action taken on the reference.

(T.P.Singh)
AIG(Complaint & Coord.),
Policy Division, CBI,
New Delhi.

Encl: As above.

HoZ, EO-I Zone, CBI, New Delhi.
CBI ID No. 30/10(MHA)/2023/PD(218)/1125

Dated: 23.03.2023

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F.No. II/21022/58(88)/2023-FCRA (MU)
Government of India/Bharat Sarkar
Ministry of Home Affairs/ Grih Mantralay
(Foreigners-II Division)

Office of the Director
CBI New Delhi
Dy. No. 1372-CGO
Dated 23/03/2023

Major Dhyan Chand National Stadium,
India Gate Circle, New Delhi-110001.
Dated, the 21st March, 2023

Office of JD(P)/CBI
Dy. No. 805 ..../CGO
Dated 23/03/23

DIRECTOR CBI 23/3/23

HOZ/JD (Policy) Floorth

To

The Director,
Central Bureau of Investigation,
Plot No. 5-B, CGO Complex,
Lodhi Road,
NEW DELHI-110003

Subject: Investigations under section 43 of The Foreign Contribution (Regulation) Act, 2010 (FCRA, 2010) for violations of various provisions of The FCRA, 2010 by the Legal Initiative For Forest And Environment (LIFE), Delhi (FCRA Registration no. 231661342R) and its office bearers-regarding.

Sir,

I am directed to say that the LIFE is an association registered under the FCRA, 2010 on 18/06/2012 for social activity having its office address at N-71 Lower Ground Floor, Greater Kailash-I, New Delhi. (Details of the association enclosed)

2. This Ministry has received a report bringing out the following:-

i. Ritwick Dutta received Rs. 41 Lakh in foreign contribution (FC) in FY 13 & 14 from EJ (Earth Justice USA). He created LIFE Proprietorship, which subsequently received Rs. 22 crore from EJ during FY 16-21, as 'professional receipt'. (EJ is an American NGO that funds legal professionals in various countries to litigate against coal projects.) Funds continued to flow from EJ to Dutta, with objective to litigate

ii. EJ and LIFE were complicit in bringing FC into India to target and stall coal projects, which is an FCRA violation and it impacts economic security of India. Receipts by LIFE from EJ, masked as 'professional receipts', was actually funding for targeting and stalling development projects. LIFE was not offering legal advice to EJ for financial consideration, but being paid foreign funds to stall development projects. In none of the Cases was EJ a litigant, while in all, LIFE was the litigant. In FY 20-21, agreement between LIFE and EJ, USA shows that EJ funded LIFE for litigation in Indian Courts, more in the form of grants to litigate but not in EJ's name.

iii. EJ proposed a 5-point strategy "to put pressure on the relevant Government and/or the project proponent" and asked Dutta to suggest a project as case study for an international session (April 2017) "to study the application of international strategies to a case in India".

iv. EJ and Sandler Foundation, USA were proposing to fund legal activism and take-down India's existing or proposed coal projects, a violation of FCRA. These funds were meant to harm India's national economic security. ECF (most likely European Climate) is routing $120,000 via EJ to LIFE for litigation. The cases on which LIFE was the litigant, were actually funded by EJ or ECF, both of which were not litigants.

3- It is also reported that the association has transferred FC to the NGOs in violation o. ,ection 7 of the Act. It has been further intimated that the association is receiving and utilising FC for purposes other than that for which it is registered and the association is utilising FC for undesirable purposes in violation of section 8 of the Act and conditions of registration under section 12(4)(a)(vi) of the Act. It has been also intimated that the activities of the association are likely to affect prejudicially the economic security of the state in violation of section 12(4)(i)(ii) of the Act.

4. Therefore, in terms of the provisions of section 43 of The FCRA, 2010 and the Govt. of India's notification No. S.O. 2446 (E) dated 27th October, 2011, the matter is entrusted to the CBI for further investigation as per law. It is further requested that if during the course of the investigation, it comes to the notice of the CBI that violations of other specific statutes like The Income Tax Act, The Prevention of Money Laundering Act (PMLA), etc. have also taken place, the CBI may send suitable references to the competent authorities administering those relevant Acts for appropriate follow up action.

5. This issues with the approval of the competent authority.

Encl: as above

Yours faithfully

(Jeetendar Chadha)
Director (MU)
Ph. No:- 011&23077504

List of enclosed documents

1. The CBDT's OM no. 289/MHA/66/2022-IT (MU-II) Dated 9.11.2022.

SECRET

F.No.289/MHA/66/2022-IT(Inv.II)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

Room No. 155A, North Block,
New Delhi, the 9th November, 2022

OFFICE MEMORANDUM

Sub: Sharing of information in the case of Legal Initiative for Forest and Environment (LIFE) by Income Tax Department - reg.

Kind reference is invited to the above.

2. In this regard, a survey operation u/s 133A of the Income Tax Act, 1961 was conducted on 07.09.2022 by the Income Tax Department in the case of six (6) Entities, including in the case of Legal Initiative for Forest and Environment (LIFE).

3. In the above context, kindly find enclosed copy of note (**Annexure A**) encapsulating the relevant evidences/findings emanating out of the aforementioned survey operation regarding apparent **FCRA violations**, which may have a bearing under the relevant statutes administered by the Ministry of Home Affairs. The aforementioned note is shared for your kind information and necessary action, as deemed appropriate.

4. This issues with the approval of the Chairman and Member (Inv.), CBDT.

Yours faithfully,

(Rajesh Kumar Kedia)
Commissioner (Inv.), CBDT
Telefax: 23092177

Encl.: As above.

To
Shri Ajay Kumar Bhalla
The Home Secretary,
Ministry of Home Affairs,
North Block
New Delhi - 110001

— 476.

ANNEXURE A 30

CONFIDENTIAL

Legal Initiative for Forest and Environment (Life)

PAN	AAATL8409L
DATE OF INCORPORATION	20-05-2008
ADDRESS	N-71 Lower Ground Floor Greater Kailash - I Delhi 110048
JURISDICTION	WARD EXEMPTION 1(4), DELHI

1 Background and profile of entity

1.1 Legal Initiative for Forest and Environment (LIFE) claims itself to be a national level public interest environmental law group in domain of law, science and advocacy to protect environment. LIFE is also registered under FCRA.

1.2 The contribution received from LIFE under FCRA is for "Social" purposes however, it is being utilized for Environmental Research Work which is a deviation from FCRA rules. The publications of LIFE, also available on its website, are related to environmental works.

1.3 Income tax profile of LIFE trust as per ITR is provided below:

AY		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Voluntary Contribution	Corpus Fund Donation	0	0	0	0	0	0
	Other Than Corpus Fund Donation	1,00,000	16,25,000	16,60,000	6,39,000	12,00,000	11,00,000
Foreign Contribution		1,03,21,285	38,63,345	1,02,91,754	1,06,63,125	1,24,34,426	97,83,029
Total Receipts		1,11,54,926	61,58,259	1,27,62,826	1,16,03,938	1,40,07,526	1,11,90,930
Application of income for charitable or religious purposes or for the stated objects of the trust/institution	Amount applied during the previous year - Revenue Account	89,18,049	64,21,803	84,02,069	85,73,060	1,23,73,453	1,16,87,599
	Amount applied during the previous year-Capital Account	0	67,300	18,400	1,14,306	81,324	62,070

1.4 Shri. Ritwick Dutta is a legal professional. Professional services ought to be in

context of provision of legal services to his client. Legal service will be representation of case where client is also a party. Professional service will not entail:

- Drawing five-year program
- Tracking approval and thereafter obstructing process
- Garnering anti-public opinion across the board project approved/processed in terms of environmental laws.
- Drawing up strategies to exert pressure on central government or state government or project proponent.

1.5 Report available on public domain (https://www.cepf.net/sites/default/files/finalreport_life_westernghatsconservation.pdf) on Western Ghats shows that Earth Justice has donated funds to LIFE Trust for carrying out projects. It also indicates that funds are given by Earth Justice in form of donations/contributions rather than in form of professional fees.

36. Provide details of any additional funding that supported this project and any funding secured for the project, organization, or the region, as a result of CEPF investment

LIFE/ERC has secured funding to take forward the ERC work.

Donor	Type of Funding*	Amount	Notes
Duleep Mathai Nature Conservation Fund	Grant	USD 20,000	
Earth Justice	Grant	USD 20,000	

* Categorize the type of funding as:

1.6 Analysis of FC-4 form of LIFE trust for PY 2014-15 shows that Earth Justice was also donor to LIFE Trust during 2015-16. It also indicates that nature of funds given by Earth Justice are in the form of donations rather than any professional fees. Relevant part of form FC-4 of Life Trust is provided below:

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CONFIDENTIAL
Legal Initiative for Forest & Environment (LIFE)

Form FC-4
[See rule 17(1)]

The Secretary to the Government of India,
Ministry of Home Affairs,
Foreigners Division-II(FRA Wing)
"First Floor NDCC-II Building"
I.M SINGH Road
New Delhi - 110001

Subject: Account of Foreign Contribution for the year ending on the 31st March, 2015

1. Association FCRA registration number and name

(i). Number : 231661342
(ii). Name : Legal Initiative for Forest and Environment

2. Details of receipt and utilization of foreign contribution :

i. Foreign Contribution received in cash/kind(value):

a) Brought forward foreign contribution at the beginning of the year(Rs.)	6433318.00000
b) Interest or other receipts during the year	85277.00000
c) Foreign Contribution received during the financial year	
i) Directly from a foreign source	5156605.00000
ii) as transfer from a local source	3032500.00000
d) Total Foreign Contribution (a+b+c) (Rs.)	14609500.00000

*i.e. interest accrued on foreign contribution, or any other income derived from foreign contribution, e.g. sale proceeds from assets created from contribution, or interest thereon during the year

ii (a). Donor wise detail of foreign contribution received in excess of rupees 20,000:

Sl.No	Name of donors	Institutional/Individual	Detail of the donor(official Address; Email address; website address)	Purposes for which received	Amount (Rs.)
1	International Rivers	Institutional	2054 University Ave,Suite 300, Berkeley, CA 94704 , United States of America, Email Id: contact@internationalrivers.org, Website Address: http://www.internationalrivers.org	Social	446627.00
2	Earthjustice	Institutional	705, Second Avenue, Suit 203, Seattle, WA 98104 , United States of America, Email Id: mike@earthjustice.org, Website Address : http://www.earthjustice.org	Social	1195185.00

1.7 Shri. Ritwick Dutta: Shri. Ritwick Dutta is a founder of LIFE Trust and currently heads the organization as managing Trustee. He is involved in litigation before the National Green Tribunal and other environmental litigations before High Court and Supreme Court. Shri. Ritwick Dutta is also associated with following major entities:

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Sr. No.	Name of Entity	Address	Nature of Association
	Legal Initiative for Forest and environment (Life Trust)	N-73, Greater Kailash-1, New Delhi	Trustee
	Life Legal Services LLP	N-73, Greater Kailash-1, New Delhi	Designated partner
	Lawyers Initiative for Forest and Environment (LIFE Proprietorship)	N-73, Greater Kailash-1, New Delhi	Sole proprietor
	M/s Earth Justice	USA	Claims to provide Professional Services

1.8 **ITR profile of Ritwick Dutta.**

AY	Proprietor's capital	GROSS RECEIPTS	Profits and gains from business or profession	Income from other sources	Other income	Other expenses	Total income
2015-16	37,42,987	67,88,022	21,71,290	11,628	11,568	2,10,445	20,23,070
2016-17	9,43,293	1,41,59,346	48,40,135	2,17,781	2,23,579	6,86,191	46,97,920
2017-18	83,60,374	1,76,67,025	81,65,345	32,250	2,53,701	7,95,744	80,37,600
2018-19	2,54,13,922	3,15,26,055	2,00,09,700	9,297	2,76,601	9,00,699	1,96,42,050
2019-20	3,79,55,878	4,45,80,817	2,57,59,306	38,439	1,66,735	12,19,809	2,55,36,600
2020-21	3,01,14,315	4,99,56,656	2,63,59,225	2,31,597	2,63,495	42,91,149	2,64,09,080

1.9 Lawyers Initiative for forest and environment (Life Proprietorship) is a proprietorship entity where Legal Initiative for forest and environment is formed as trust. It may be noted that Ritwick Dutta is engaged with two entities with same acronym as LIFE. Followings are the key persons and trustees of LIFE Trust:

Sr. No.	Name	PAN	Address	Mobile No.
1	Shri. Ritwick Dutta	AHPPD3929F	C 106, Sector 40, Noida, Uttar Pradesh	9810044660

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2	Shri. Rahul Choudhary	AEMPC2026E	A-303, Amba G, Residency, Ahinsa Khand 2, Indirapuram, Near Shanti Gopal Hospital, Ghaziabad, Uttar Pradesh	9312407881
3.	Rajesh Kumar Singh	AODPS9529K	G – 600, Gama II, Gautam Budh Nagar, Greater Noida	9873788159

1.10 Shri. Rahul Choudhary: Shri. Rahul Choudhary is also one of founder member of LIFE as one of Trustees. He is involved in litigation issues related to environment before different forms including National Green Tribunal, High Court and Supreme Court. Shri. Rahul Choudhary is also associated with Life Legal Services LLP as consultant.

1.11 Rakesh Kumar Singh: Rakesh Kumar Singh is a Trustee of LIFE and is in-charge of Research Division. He is involved in research & training related to environmental and wild life issues and has worked with WWF-India.

1.12 **Foreign contribution received by LIFE Trust from Foreign Entities (F.Y.2015-16 to 2020-21) is provided below:**

Sr. No.	Name of donors	Address of the donor:	Purposes for which received
1.	The NGO Ship Breaking Platform Secretariat	Brussels, Belgium	Social
2.	Critical Ecosystem Partnership Fund	United State of America	Social
3.	International River	United State of America	Social
4.	Global Greengrants Fund	United State of America	Social
5.	World Resources Institute	United State of America	Social
6.	American Jewish World Service	United State of America	Social

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7.	Oak Foundation	Switzerland	Social
8..	Environmental Law Alliance Worldwide	United State of America	Social
9.	Konrad Adenauer Stiftung	Singapore	Social
10.	Asia Foundation	New Delhi, India	Social
11.	Shakti Sustainable Energy Foundation	New Delhi, India	Social
12.	Key Stone Foundation	Tamilnadu, India	Social

1.13 Though, the purpose for which funds are stated to have been received is declared as social for FCRA purposes. However, evidences shows that funds have been utilized for litigation on environment represented by Shri. Ritwick Dutta.

1.14 Brief background of Earth Justice: As per information available in public domain, Earthjustice claims itself to be a non-profit public interest organization based in the United States. It is dedicated to litigating environmental issues. It has its headquartered in San Francisco. It has 14 regional offices across the United States only. Information in public domain does not show any presence in India. List of important persons of Earth Justice are as follows:

S.No	Name	Designation
1.	Abigail Dillen	President
2.	Sambhav Sankar	Senior Vice President of Programs
3.	Drew Caputo	Vice President of Litigation for Lands, Wildlife & Oceans
4.	Patrice Simms	Vice President, Healthy Communities
5.	Todd D. True	Senior attorney at Earthjustice

1.15 Todd D. True is senior attorney at Earth Justice. It appears from the email communication of Shri. Ritwick Dutta Mr. Todd was in direct contact with Shri. Ritwick Dutta for activities and direction related to litigation and stalling of thermal power plants. Some of such communication has been discussed in later sections of this documents.

1.16 Growald and Hewlett: Few email communications had been found which give reference to Growald and Hewlett. Growald most probably refers to "Gorwald

Climate Fund, USA" and Hewlett most probably refers to "Hewlett Foundation, USA". As per email communications, some of their funds had been transferred as grants to Shri. Ritwick Dutta through Earth Justice.

1.17 Information about Shri. Ritwick Dutta as per public domain: As per information available in Public Domain, it appears that Shri. Ritwick Dutta is involved in criticizing Government Policy and making allegation against Government of India though public media. He appears to be involved in agitating local farmer against industrialist and industrial policy of Government.

1.18 As per information available in Public Domain, Kheti Vikas Seva Trust is involved in filing Public Interest Ligation against Government of Gujarat and Adani Enterprieses in Gujrarat. Shri. Ritwick Dutta appeared on behalf of Kheti Vikas Seva Trust (based in Gujaraj formed by local farmers). On analysis of information available on public domain, it appears that Shri. Ritwick Dutta is involved in agitating local farmers against government policy in Gujarat. Kheti Vikas Seva Trust Vs. Adani Enterprises Ltd

2 Activities of Ritwick Dutta from funds received from Earth Justice

2.1 During the course of survey proceedings, it was observed that Mr. Shri. Ritwick Dutta (Managing Trustee in M/s Legal Initiative for Forest & Environment) was earlier running a proprietorship concern in the name of M/s Lawyers Initiative for Forest & Environment in which he has received Rs. 22 Cr of professional receipts from M/s Earth Justice, USA during past 5 years. This proprietorship was later converted into LLP. It is to be noted that majority of the funds received in it are from Earth Justice, USA. Details of amount received from M/s Earth Justice by Mr Shri. Ritwick Dutta are as under:

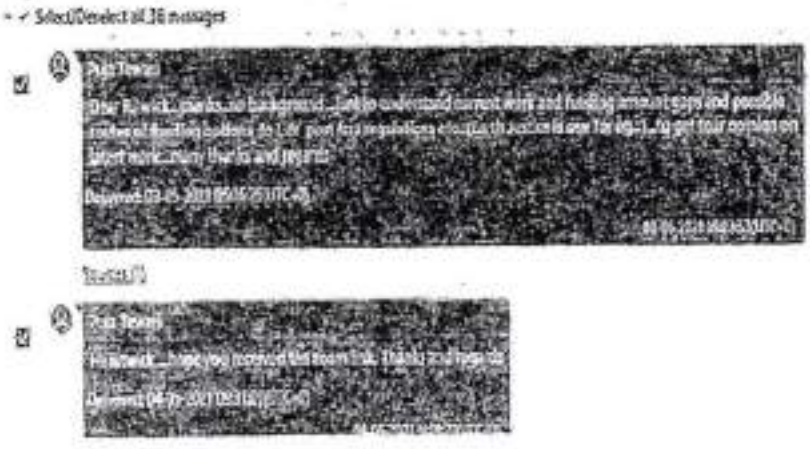
FY	Amount Received by Shri. Ritwick Dutta
2015-16	1,12,15,501
2016-17	1,58,90,241
2017-18	2,80,46,775
2018-19	4,42,73,631
2019-20	4,95,99,542

2020-21	7,17,24,139
Total	22,07,49,829

2.2 M/s Earth Justice does not appear to have any presence in India. The same was confronted to Shri. Ritwick Dutta while recording of his statement during post survey proceedings for which he had given evasive reply. As per Website of Earth Justice, it does not have any presence in India which was also confronted to Shri. Ritwick Dutta. The relevant part of the statement is attached below:

Q.35	I am showing you print of the information available on the website of Earth Justice marked as Exhibit-I, 09 pages. As per the information, it is revealed that Earth Justice is a US based organisation and has its presence in the US only.
Ans	I have seen the Exhibit-I and signed over it as token of seen. The organisation may be physically based in US but its focus is on global environmental issues and to the best of my knowledge as professional tie ups with lawyers in other countries also. It has full fledge international program.

2.3 A chat with Puja Tewari dated 03-05-2021 was been found in phone of Shri. Ritwick Dutta where she was discussing about routes of funding after FCRA regulations. She has also mentioned "...(Earth Justice is one for eg...)...". It shows that funds from Earth Justice are kind of donations from foreign entities rather than any professional receipts. Therefore, funds should had been received



2.4 On analysis of the e-mail sent by Mr Todd True (Well known attorney in USA and managing attorney for Earth justice) on 16.09.2016, to Mr Shri. Ritwick Dutta and another person related. It is revealed that there is a five-year funding plan for LIFE for which Shri. Ritwick Dutta proposed a blue print. Earth Justice is transferring

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funds for LIFE for funding Litigation of the coal related litigation through Shri. Ritwick Dutta. Such transfer cannot be regarded as transfer for cost in lieu of goods or services rendered by Shri. Ritwick Dutta because in none of the litigation case 'Earth Justice' is a litigant (petitioner or respondent). Therefore, it cannot be construed that Shri. Ritwick Dutta was providing professional services to his client. The relevant portion of the e-mail is produced below:

From: [redacted]
Sent: [redacted]
To: [redacted]
Subject: [redacted]

Ritwick, Abby, Martin & Sameer – Let's schedule our skype call for our initial discussion of a five-year funding plan for LIFE on coal phase/coal mine related work next week for the morning of Wednesday, December 9 at 6:30 a.m. US time/8:00 p.m. India time.

The plan will be for us brainstorm and discuss Ritwick's initial ideas on a five year plan and develop next steps for moving towards a written plan/proposal.

Ritwick – we will call you once we are all assembled here.

Look forward to getting your message.

Best,

Todd

Todd D. Tyne
Managing Attorney
Earthjustice
705 Second Ave., Suite 203

2.5 In view of evidences gathered during survey proceedings and post-survey proceedings, following inferences can be drawn about funds received by Shri. Ritwick Dutta in proprietorship concern in the name of M/s Lawyers Initiative for Forest & Environment.

- Transfer of funds by foreign source: M/s Earth Justice to Ritwick Dutta

- Transfer was not done for the cost in lieu of goods or services rendered by Shri. Ritwick Dutta in the ordinary course of business, trade or commerce. Ritwick Dutta did not appear to have provided any professional service to Earth Justice.

2.6 During the post survey investigation, statement of Shri. Ritwick Dutta was recorded on oath u/s 131(1A) of the Income Tax Act, 1961 and Shri. Ritwick Dutta was asked to furnish the details of clients. It appeared that funds were received for some other purpose under the guise of consultancy. Relevant part of statement recorded under oath on 08.09.2022 is produced as under.

Ques. 19 Please give details of communication address and contact number of clients of M/s Life Legal Services LLP.

Ans. List of clients of M/s Life Legal Services LLP with their communication details is as below.

S.N	Name of Clients	Address	Contact No.
1	Vimit Kumar No 2549 of 2022	UP	9368483200
2	Aravalli Bachao Citizens Movement OA 362 of 2022	Gurgaon	Neelam Ahluwalia-9910133281
3	Saigalli Manivardhan Reddy APL No 48-2022	H-02-27 Chittamu Village, Markal Telangana	
4	Gitl Gagan Khoeina OA 49/2022	Maharashtra	Sarang- 9822099851
5	K V Kanthimathi AO 189/2017	Karnataka	Vijay Kumar
6	Syamantak Trust OA 45/2021	Maharashtra	Mobil -9405633848
7	Ootla Sridevi	AP	
8	Jyothiprakash	USA	

2.7 One of the clients mentioned in above screenshot at S.No. 2 (Aravalli Bachao Citizens Movement) appears to be engaged in protests as per information available in public domain. During post-survey investigation Shri. Ritwick Dutta was again asked about the activities undertaken by him in LIFE Legal Services LLP. He replied that he had given environmental consultancy on various issues related to

environment to various clients abroad which is contradictory with the list of domestic clients submitted during the course of survey as discussed above. Relevant part of post-survey investigation is provided below:

Q.28	Please provide list of activities undertaken by your proprietor concern (LIFE Legal Services, LLP) for Earth Justice.
Ans	My proprietor concernol LIFE Legal Service, LLP, Delhi has given legal opinions/advise/comments on issues related to environmental law to the various clients abroad, in which Earth Justice is the major. My proprietor concern delivered illustrative 57 such opinions/comments over the last two years. I am submitting list of such opinions as Annexure-I (4 Pages) to this statement.

2.8 Earth Justice is not a litigant and agreement related to case showing client-service provider relationship was not produced. Bills were not raised on case basis. Shri. Ritwick Dutta was not providing consultancy services to Earth Justice. He is only providing update of status of litigation related to thermal power plants. Earth Justice was continuously following up the litigation cases related to coal in India. Most of the litigation matters which Shri. Ritwick Dutta handles are the litigation related to coal excavation/mines and coal plants. He got funding on the basis of his handling cases in coal matters. A number of e-mails of Shri. Ritwick Dutta with Representatives of Earth justice have been found which evident that he regularly updates them about the stage of litigation, one of such e-mail is produced below:

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2426 LIFE Coal Cases Update 10-07-16.docx

PhysicalDrive2 Seagate Expansion HDD SCSI Disk Device (1.82 TB)

PREVIEW

RD

LIFE COAL CASES – October up-date

Coal Plant Cases –

Yadadri TPP – Sent expert report on hydrogeology through Lisa in mid-August. Shannon sent a memo on air quality issues. This TPP was before EAC at the end of August. The EIA has been sent back for further work as many issues and project is on hold. LIFE is holding our reports for use later before the EAC or in an appeal if EC is approved.

**Ramagundam TPP – Sent notes from Shannon on the company's reply. Lisa and Shannon sent notes on EIA. Lisa and Shannon sent notes on rejoinder to reply of project proponent. Suresh will send copy of draft reply for further input if there is time. Reply is due end of October. No construction has begun at site. LIFE is waiting for the replies of other parties but does not expect them to be very substantive. Suresh has filed an RTI seeking Air Quality modelling files for this project but no response as yet. If he gets a response, he will send it to us.

Meningitu TPP (illegal construction) – Sent notes from Khushi, Shannon and Lisa on this one. LIFE submitted comments to the EAC which we have. LIFE is holding material from us for an appeal if EC is issued. Subcommittee of EAC made site visit at end of August and recommended proceeding with appraisal. Expect the project to come up for EAC review soon and is likely will be approved. LIFE will likely file an appeal.

Koradi TPP – EAC has said FGD is required but still before EAC. LIFE monitoring to see what happens and whether EC is granted.

Singh & Dotia v NTPC TPP – Enforcement case against existing TPP. No current activity.

Korba East West – Enforcement case against existing TPP for failure to utilize fly ash. Reports on fly ash utilization are due to NGT end of September. No current activity.

Kommarada TPP – Case won before NGT in first round; new EC issued. New appeal admitted; replies forthcoming; no construction so no hurry. We sent hydrologist report some time ago and Shannon sent comments. None of the parties has filed a reply yet. The Hydrologist report is very good and will be useful for us for rejoinder as well as for arguments. LIFE will send copies of replies as they come in but project proponent appears to have run out of funds and project is stalled so no need to press litigation forward quickly.

Ali Hussain (Sindhya TPP near Chennai) – Still awaiting a final decision. No construction so no hurry. NGT has ordered production of state coastal zone management report (which was the alleged basis for a decision to allow construction in coastal zone) but the report may not exist, i.e., claim of reliance on it may be false so state appears to be stalling.

Stan

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Ali Hussain (Sindya TPP near Chennai) – Still awaiting a final decision. No construction so no hurry. NGT has ordered production of state coastal zone management report (which was the alleged basis for a decision to allow construction in coastal zone) but the report may not exist, i.e., claim of reliance on it may be false so state appears to be stalling.

**APGENCO TPP Stage II expansion – We sent memo in August 2015 and Shannon sent comments on appeal in December. LIFE has received reply of project proponent and has forwarded to us for review and comment as part of preparing their rejoinder. What is due date for rejoinder? When do we need to send comments?

Petition re all TPPs in Rajasthan re failure to comply with fly ash notification – Case pending in Jodhpur. Sanjeet handling. No clear up-date on to this case from Todd's notes.

Bhupender Singh's case – From an earlier up-date from Sanjeet: "In this case the Original Application filed to challenge the illegal installed capacity of 12 Captive Thermal Power Plants in District Raipur, Chhattisgarh on the ground of illegal production in excess to the permissible limit as provided for in their respective consent to establish under Air Act and Water Act. In this case fresh notices were issued for service on respondent no. 5 & 6. Other respondents have sought time to reply. The next date of hearing on 06.09.2016." We have received a copy of the appeal LIFE filed. NGT has issued directions to respondents (we do not have a copy of the order). I believe LIFE may file an amended appeal.

Sunil Dahiya v Union of India. Petition re compliance with air noise standards for three TPPs – Comments on draft petition from Shannon. Petition has been filed on behalf of a member of Greenpeace. We have from Sanjeet a copy of the petition. MOEFCC has not filed a reply yet. LIFE will send to us for review when they do.

**Rajan Coal Washery – The project proponent has filed a reply and LIFE is preparing a rejoinder. We have been sent the reply and two compliance reports. We should review these and get any comments back to LIFE. When is the rejoinder due?

Mundra TPP expansion – Rejected at EAC. Adani told to find new site. May come back up at some point

Tangedco TPP Tamil Nadu – Petition drafted but not filed. Cases filed by several local plaintiffs. LIFE is likely to intervene or be impleaded into these proceedings rather than file a separate appeal. Working w Shweta. Could be helpful to get copy of draft petition

New Coal Plant Case – Petition recently filed for violations of EC by TPP in Chennai. Total of six cases filed. We do not have original application or any materials on this case yet

Coal Mine Cases:

**Talabira – HINDALCO has filed a reply and LIFE has sent it to us for review and comment. LIFE has prepared a draft rejoinder but we have not seen a copy. When is the rejoinder due?

**Kamamuda expansion – LIFE has just received the reply from Project Proponent and has sent to us. We should review and get any comments back to LIFE. What is rejoinder due?

Chhal Original Application (Thoothi) – Case filed: notices issued: replies sought. Latest from Sameer: "In this case some amendment is made in the prayer clause of the Original

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Chief Original Application (Tripathi) – Case filed; notices issued; replies sought. Latest from Srajeet: "In this case some amendment is made in the prayer clause of the Original application on our behalf and the same has been allowed by the tribunal. The State has filed status report in the matter. The Next date of hearing in this case is 10.08.2016." We have received from LIFE a copy of the appeal. The NGT has ordered a detailed reply to the appeal from the project proponent (PP says there is no overburden problem and they have planted greenbelt across the river.) LIFE will provide up-dates on status and reply as they occur.

PEKB Coal Block (Adani) – LIFE won a challenge to this mine before the NGT and Adani appealed to the Supreme Court of India. LIFE will be filing a reply (or has filed one) but the case is moving slowly and there is no reason to move it quickly as Adani cannot proceed with mine development. We have a copy of a draft reply.

New Coal Mine Case – preparing or possibly recently filed case against NTPC mine for major non-compliance. We do not have any materials on this case.

Other Matters:

Biodiversity Petition – Has generated a great deal of public attention; establishment of committees will put many areas off limits for coal development (and other development). We have a copy of the petition. Thirteen states have filed replies. There is nothing for us to review at this time.

Go No-go petition re coal mining areas – Still working on petition with Nandikesh at Greenpeace; not yet filed.

Environmental Supplemental Plan draft notification – Dead for now based on public controversy

CAMPA (funding for replanting forests) – Ritwick's friend who we met a Jim Corbett Park has been named to head this effort. Ritwick does not see it as a serious threat to local authority.

Waterkeeper Water Quality Monitoring Project – No contact from Waterkeepers so far

2.9 On analysis of the e-mail dated 29-03-2017 from Martin Wagner to Shri. Ritwick Dutta, it is revealed that Shri. Ritwick Dutta in association with Earth Justice is discussing strategies to put pressure on Indian or state governments or project proponent. It was in reference to international session at a workshop. They were identifying case in India for application of international strategies which will be discussed in a workshop. The strategies discussed are:

- Engaging in international treaty body
- Applying an international human rights strategy such as engaging one or more UN special rapporteurs
- Using one of the compliant processes under international finance institutions
- Pressuring private banks or investors
- Strategies to bring pressure from foreign governments

2.10 Further in the same email, they were also discussing projects of Indian entities in foreign jurisdictions which can be challenged there. They mentioned the example of activities of Adani in Australia. It appears from this that they were planning to target Indian entities undertaking projects outside India. Such litigations lead to delay in projects impacting public interest by denying energy security to citizens of the nation. Further, it is also impacting economic interests of nation outside geographical boundaries of India.

2.11 It appears that above strategies were meant to create litigation in India and stalling thermal power plants. The relevant part of the e-mail is produced below:

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Ritwick Dutta <ritwickdutta@gmail.com>, "Ritwick Dutta (ritwick@lifeindia.net.in)" <ritwick@lifeindia.net.in>

RVD

From: [redacted]
Sent: [redacted]
To: [redacted]
Subject: Session 10 for Apr Workshop - Planet Core session
Attachments: [redacted]

Hi Ritwick:

It was great to see you in New York. I hope the rest of your stay was good and your return was uneventful (or maybe you haven't returned – are you in New Orleans?)

In preparation for the international session at the workshop next month, you were going to send me some ideas about a case we might want to use to study the application of international strategies to a case in India. (Alternatively, you could put me in touch with one of the workshop participants I could collaborate with on this – I think you were maybe going to talk with Nandikesh or Debi Goenka about this.)

To remind you, ideally we would discuss a case where as many of these strategies as possible might be relevant ways to put pressure on the relevant Indian or state government and or the project proponent:

- engaging an international treaty body (like the World Heritage Committee or the secretariat of the Ramsar wetlands convention)
- applying an international human rights strategy such as engaging one or more of the UN special rapporteurs
- using one of the complaint processes under the international financial institutions
- pressuring private banks or investors
- strategies to bring pressure from foreign governments (such as cases challenging US funding of projects in India or a petition to invoke the threat of US trade sanctions for activities that undermine the effectiveness of international environmental agreements)
- etc.

Do you have a good case in mind that we could use to discuss the possible application of these strategies? And/or is there someone you would suggest I contact to discuss this and who could present the case at the workshop?

Also, if we use Adani as the example for studying how we can challenge how India's (and Indians') activities outside India threaten the environment, do you have a suggestion about how we should introduce that? Should we talk about Adani's activities in Australia?

If you'd like to discuss this by phone or Skype (especially if you're in New Orleans right now), let me know. Otherwise, we can discuss by email.

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2.12 On analysis of the one more e-mail sent by Mr Todd True on 12.12.2017, to Mr Shri. Ritwick Dutta, the email discussed following points:

- What LIFE can do to address coal plants
- How LIFE has affected and is impacting decisions to shelve proposed plants either directly or indirectly
- Capacity building of LIFE and allocatiobn o resources between private firm and LIFE
- Sandler to be a potential key funder for LIFE in future
- Building some financial reserves for LIFE in case other funders optout unexpectedly

2.13 The above discussion reveals planning of allocation of fund between between LIFE trust and private firm (most probably proprietorship of Ritwick Dutta). It appears from this discussion that funds received in proprietorship were not professional receipts. The email did not talk about any professional service to be given by Ritwick Dutta to Earth Justice. The relevant e-mails are produced below: -

From [illegible]
Sent [illegible]
To [illegible]
CC [illegible]
Subject [illegible]

Great. We look forward to talking then.

On Dec 13, 2017, at 6:31 PM, Ritwick Dutta <> wrote

Hi Todd,

Thanks for your email. And Thanks a lot for all the effort you and EJ are putting in to ensure the sustainability of LIFE.

Thursday is perfect for me. In the meanwhile I will go through the issues which you have highlighted in your email.

With regards

Ritwick

On Tue, Dec 12, 2017 at 2:14 AM, Todd True <> wrote:

Ritwick - Thanks for the response to my note. Abbie, Marna, Suzanne and I would like to schedule a skype call with you this Thursday morning at the usual time: 7:30 a.m. US / 5:00 p.m. IST. I hope that will work. Please let me know.

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[illegible]

On Thu, Dec 12, 2013 at 2:14 AM, Asad Rais <[illegible]> wrote:

Ritwick - Thanks for the response to my note. Abhijit, Manish, Soumya and I just had a call and would like to schedule a skype call with you this Thursday morning on the usual time: 7:00 a.m. US/8:30 p.m. IST. Hope that will work. Please let me know.

For background, we have a meeting with Sergio Koreissi of the Sandler Foundation Thursday afternoon (US time) and he is the source of the questions I have asked to you. We are very familiar with this foundation and have a strong relationship with them. They are very smart and once they decide to invest in an organization, they are also very steadfast and reliable. Abhijit and Soumya may want to add more.

For the skype, what we hope to do is go over your responses in somewhat more detail in two ways: we would like to get a clearer picture of what you think LIFE can do to address the coal plants in the multi-colored bar on the left of the graph I sent you (i.e., plants that are in construction, permitted or in pre-approval). I have some thoughts on that issue on the spreadsheet we have been working on and I will send those along before our skype call.

We would like to talk about a broader narrative about how LIFE has affected and is impacting the decisions to delay proposed plants either directly or indirectly, and how it may affect plants that have already been built, e.g., through enforcement actions.

Finally, we will want to talk more about the build out of LIFE's capacity, the allocation of resources between the NGO and the private firm and the questions I have at the end of the note I sent you.

Let me just emphasize that we think it is very much worth taking the time to respond to Sergio's questions. Sandler has the potential to be a key funder for LIFE going forward and may be willing to consider funding to build some financial reserves for LIFE in case other funders unexpectedly drop out which could give your operations added financial security.

Let me know if a skype Thursday for above an hour will work and whether you have any additional questions before that.

Thanks,

Todd

2.14 Therefore, funds of Earth Justice to India appears to be facilitating litigation against coal power plants in India through Shri. Ritwick Dutta. Such activity cannot be considered as professional service by Shri. Ritwick Dutta to Earth Justice.

2.15 During post survey investigation, Shri. Ritwick Dutta was specifically asked about reason for formation of Life Legal Services LLP when LIFE Trust doing similar nature of work-related environment existed. Shri. Ritwick Dutta replied that he formed Life Legal Service LLP to receive foreign fund as professional receipts from Earth Justice since the same was not allowed in LIFE Trust under FCRA. This appears to be a modus-operandi to bring foreign funds in India to avoid scrutiny undertaken under FCRA. Shri. Ritwick Dutta has claimed that he was providing professional consultancy to Earth Justice in form of legal opinion. The relevant part of the statement of Shri. Ritwick Dutta is attached below:

Q.32	Since the activities conducted in in the Legal Initiatives For Environment (LIFE Trust) and LIFE Legal Services, LLP are the same, please state reason, why the funds have been taken in the LIFE Legal Services, LLP instead of Legal Initiatives For Environment, Trust.
Ans	Foreign Contribution Regulation Act specifically prohibits acceptance of professional fees as contribution. Since the nature of contract is in the form of service agreement for rendering professional services as lawyer the same can not be accepted as contribution under FCRA, further since there is profit component the same can not be termed as charitable work.

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2.16 One e-mail dated 16.06.2017sent by Mr Todd True to Shri. Ritwick Dutta revealed that the Earth Justice received funds from other agencies for Shri. Ritwick Dutta. The email exposes that:

6. Vikas/ECF had approved $120,000 for Lawyers Initiative for attached scope of work. Lawyers Initiative refers to proprietorship concern of Shri. Ritwick Dutta.
7. Earth Justice would tell Shri. Ritwick Dutta to raise invoices once they have received funds from donor organization.

2.17 Vikas in the email most probably refers to Vikas Mehta who had worked at "Growald Fund" as per information in public domain. The mail also revealed that invoices raised by Ritwick Dutta was the part of planned structure to bring funds in India once they had received funds from other donor organizations. It appears from this communication that Earth Justice brought different fund houses closer to fund Shri. Ritwick Dutta in his proprietorship. Therefore, claim of Shri. Ritwick Dutta that he had given professional consultancy to Earth Justice is not acceptable. The relevant e-mail is produced below: -

"ritwickdutta@gmail.com" <ritwickdutta@gmail.com>, "Ritwick Dutta (ritwick@lifeindia.net.in)" <ritwick@lifeindia.net.in>, Abigail Dillen <adillen@earthjustice.org>, Susanna Beck <sbeck@earthjustice.org>
Todd True <ttrue@earthjustice.org>
16-06-2017 19:32:12

Vikas-Growald-ECF -- Good news!

Ritwick – As the email below indicates – and as you may already know – Vikas/ECF have approved $120,000 (5 forms installments) of work by the Lawyers Initiative. This is excellent news!

As I think you also know, they would like Earthjustice to receive these funds and disburse them to the Lawyers Initiative in the same way we have been handling other support. We may need to prepare a short addendum or amendment to the contract with the Lawyers Initiative to handle this. I will check and let you know.

The difficulty with this support is the reporting requirements that ECF will expect of us. They are fairly detailed so we will need LIFE to basically prepare what we ECF requires so that we can't not get it to them.

Susanna can send you the details on these reporting requirements and be sure we have Aparna familiar with them.

We will let you know once we receive the funds so that you can begin to disburse it for expenses as needed.

Let me know if you have any questions.

2.18 Earth Justice does not appear to have any presence in India. The same was confronted to Shri. Ritwick Dutta while recording of his statement during post

survey proceedings for which he had given evasive reply. It also acts as evidence that professional consultancy given by Shri. Ritwick Dutta is just a structure to bring funds in India to carry out litigation activities, thereby, impacting the public interest. The relevant part of the statement is attached below:

Q.35	I am showing you print of the information available on the website of Earth Justice marked as Exhibit-1, 09 pages. As per the information, it is revealed that Earth Justice is a US based organisation and has its presence in the US only.
Ans	I have seen the Exhibit-1 and signed over it as token of seen. The organisation may be physically based in US but its focus is on global environmental issues and to the best of my knowledge as professional tie ups with lawyers in other countries also. It has full fledge international program.

2.19 The suspicion that funds received in LIFE LLP from Earth Justice was a method to avoid FCRA is further strengthened from the fact that employees of LIFE LLP was working from office of LIFE Trust. Employees working in the office of LIFE Trust situated at N-71, LGF, Greater Kailash-1, New Delhi were drawing salary from firm M/s Life Legal Services LLP. Shri. Ritwick Dutta was asked to explain this fact during the recording of his post survey statement, however, unsatisfactory reply was given by him. The relevant portion of his statement is produced below: -

Ques. 31	It is noticed from the list of employees of LIFE Trust provided by trustee of LIFE Trust, Mr. Rahul Choudhary, that most of them are working from Kolkata. Further, it is observed that employees sitting in various cabins at office of LIFE Trust situated at N-71, LGF, Greater Kailash-1, Delhi are drawing salary from the law firm M/s Life Legal Services LLP. Explain the reason same.
Ans	The reason for that the chamber blocks are made on that side. It is a temporary arrangement. As per organizational plan of our law firm, we were supposed to move away from this set-up to a corporate office by hiring an appropriate floor in an office complex at Noida. Unfortunately, due to COVID there was reduction in staff strength and reluctance of people to work in the office with most preferring to work-from-home.

2.20 During post survey investigation while recording statement of Shri. Ritwick Dutta, he was asked to provide agreement of Lawyers Initiative for Forest & Environment with Earth Justice before FY 2020-21. In reply, he stated that he will provide the agreement in due course. Further, summon dated 20.09.2022 was issued to Shri. Ritwick Dutta asking him to provide agreements of his proprietorship – "Lawyers Initiative for Forest and Environment" with Earth Justice. However, he had not submitted the copy of the agreements prior to FY 2020-21 yet. This raises suspicion

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on the nature of relationship between Shri. Ritwick Dutta and Earth Justice because huge amounts of funds have been received by Shri. Ritwick Dutta from Earth Justice without having any agreement for the same prior to FY 2020-21.

Ques. 17	Please provide the copy of professional service agreement for the years prior to FY 2020-21 signed by your proprietorship concern M/s Lawyers Initiative for Forest & Environment with M/s Earthjustice. Please provide the copy of all the reports submitted by you.
Ans.	I will provide all such documents in due course of time.

2.21 During the survey proceedings at the office premise of LIFE, it was further noticed that, employees of LIFE Trust were not aware of cases in which Earth Justice was their client. They also appeared to be unaware whether Earth Justice was their client or customer. During the course of survey proceedings one of the longtime employees namely Saurabh Sharma in the office of Legal Initiative for Forest And Environment (LIFE), whose statement was recorded on oath, he was asked about association of Life Legal Services, LLP with M/s Earth Justice for which he expressed his ignorance that whether it was their client. Relevant part of statement of Saurabh Sharma Recorded on oath on 08.09.2022 is produced as under:

Ques. 23	What do you know about the M/s Earth Justice? Is it one of your client/customer? And explain the nature of services provided by M/s Earth Justice to Life Legal Services LLP.
Ans.	As per my knowledge, Earth Justice is a NGO based in USA which is working on the issues of environment protection. I am not aware whether it is our client or customer. I have not done any case or litigation in which Earth Justice is involved as a client/customer. However, I have noticed that Earth Justice keep sharing various scientific/research findings, publications, articles and international court judgments/guidelines/standards wherever required by the Life Legal Services LLP.

2.22 On analysis of Professional Service Agreement between M/s Earth Justice and Lawyer Initiative for Forest and Environment (LIFE), (7-page agreement submitted by Shri. Ritwick Dutta as annexure to the statement during the Survey Proceedings) (full agreement is attached as Annexure 1 to this document), following points have been identified from the agreement:

- Earth Justice is a United States based non-governmental and tax-exempt charity organization.

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- Funds received from M/s Earth Justice are to be utilized for litigation in India, filing of RTI and information sharing with Earth Justice, USA. Screen shot of relevant part of agreement is produced as under:

EARTHJUSTICE

Professional Service Agreement

Service Purchaser:	Earthjustice
Address:	50 California Street, Suite 500, San Francisco, California
Project Contact:	Todd Tuso
Phone:	303-996-9629
Email:	ttuso@earthjustice.org
Service Provider:	Lawyers Initiative for Forests and the Environment
Address:	N-77 LGF Greater Kailash-I, New Delhi-110048
Project Contact:	Ritwick Dutta, Chairman
Phone:	+91-11-46537754, 49536586, 9810041761
Email:	ritwick.bilet@gmail.com
Contract Cap:	$[illegible]
Contract Period:	September 1, 2020 to August 31, 2021
Contract Number:	FY21-02

Earthjustice agrees to purchase certain professional services to be provided by Lawyers Initiative for Forests and the Environment (LIFE) on the terms and conditions in this Agreement.

Earthjustice is a United States non-governmental organization and tax-exempt charity with all necessary authority and legal capacity to enter into this agreement, and with headquarters at 50 California Street, Suite 500, San Francisco, California.

LIFE is a Proprietorship Law Firm existing under the Laws of India with all necessary authority and legal capacity to enter into this Agreement, and with offices at N-77 LGF Greater Kailash-I New Delhi 110048 India.

Earthjustice and LIFE agree to the following terms and conditions:

1. Effective Date and Term

This Agreement shall be effective from the first day of the Contract Period once signed by both parties for a period of one year.

2. Scope of Services Provided by LIFE

LIFE will undertake a variety of projects designed to address air pollution issues or tasks. These projects will include:

- Preparing one or more policy briefs on the implementation and efficacy of the National Clean Air Programme (2019) and the Air (Prevention and Control of Pollution) Act.

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(PM), with attention to human health as well as environmental effects and including collection and analysis of air pollution and other relevant information;

- Tracking important decisions of courts and tribunals related to air pollution and preparing summary reports;
- Preparing and maintaining a list of subject experts on air pollution issues;
- Developing and hosting air pollution workshops for civil society organizations, the media and others in Delhi, Kolkata, Pune, and Bangalore to inform the public and media about air pollution issues, the status of the National Clean Air Programme and the operation and implementation of the Air (Prevention and Control of Pollution) Act;
- Filing Right to Information (RTI) requests to obtain information about the government's implementation of policies intended to mitigate air pollution in both the national capital region and across the country, including response to revitalization cities, Dust Mitigation Notification, CEMS operation, funding of government programs intended to address air pollution, and other pertinent issues;
- Analyzing data contained in responses to RTI requests and preparing reports on the same; and
- Preparing a critique of air monitoring stations, monitoring procedures and other actions proposed under the National Clean Air Programme and Air (Prevention and Control of Pollution) Act and addressing any effort to dilute or change them.

2.23 Similar agreement was also submitted by Ritwick Dutta for FY 2021-22. It is revealed that work of Shri. Ritwick Dutta under the agreement are related to litigation in India, filing of RTI, and information sharing. Activities mentioned in the agreement are very generic which appears to be guidelines. Earth Justice is also not a party to any case as per the agreement. The evidences do not appear to be sufficient to prove client-service provider relationship which is the underlying principle for professional receipts. Ritwick Dutta has also failed to provide agreements with Earth Justice for period prior to FY 2020-21.

2.24 The above analysis also shows that payments without rendering any professional

are being transferred to Shri. Ritwick Dutta for supporting his litigation activities. Such funds cannot be regarded as professional receipt but actually it appears to be a grant. This appears to be a modus-operandi to bring foreign funds in India to avoid scrutiny undertaken under FCRA.

2.25 The activities mentioned in the above agreements aims to create litigation in India undermining public interest. Such activities might also impact energy security of India. Further, transfer of funds from Earth Justice to LIFE proprietorship and later in Life Legal Services LLP in garb of professional receipt is a method to avoid scrutiny under FCRA and its related compliance.

3 Suspicious payments to large number of individuals from FCRA bank account of LIFE trust.

3.1 During the survey proceedings, statement of Shri. Rahul Choudhary (one of trustees and key associate of Shri. Ritwick Dutta) was recorded on oath and he was asked about the details of employees working in LIFE Trust and office premises related to LIFE Trust. In reply Shri. Rahul Choudhary provided the list of employees working in LIFE Trust. The work profile of the employees as mentioned in the submission was very generic. Relevant part of his statement and list of employees provided by him are produced as under: -

Ques 9	Furnish the details of employees working in LIFE Trust and also provide the details of office premises related to LIFE Trust. Please state where the books of accounts of M/s Legal Initiative for Forest and Environment are maintained.
	As per my knowledge, there are 12-13 employees of trust whose details are available with my Admin Office. I am providing you the copy of same as Submission-1. There is one more office in AC-160, Sector-I, Salt Lake, Kolkata other than this office. All the books of accounts of Trust are maintained at N-71, LGF, Greater Kailash-I, and Delhi. In facts books of accounts of Life Legal Services LLP are also maintained at this premise.

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CONFIDENTIAL
Legal Initiative for Forest & Environment (LIFE)

46

Legal Initiative for Forest and environment

S.no	Name	Designation	Work Experience	Salary	Work Location
1					
2					
3					
4					
5					
6					
7					
8					
9					

7/9/22

3.2 On analysis of FCRA account of LIFE Trust, name of some of the individuals who received fund from it are employees of LIFE Trust or LIFE LLP. However, there are many other individuals as well which needs to be verified, list of some such individuals is produced below: -

Sr.	Name
1	Kankana Das
2	Mridu Tandon
3	Kankana Das
4	Arunita Bose
5	Rohit Choudhury

6	Arunita Bose
7	Udita
8	Amar Singh Bisht
9	Sudiep Shrivastava
10	Pushp Jain
11	Sreeja Chakraborty
12	Manas Ranjan Ray
13	Meera Gopal
14	Vikrant Tongad
15	Shweta Tarayan
16	Shri. Rahul Choudhary
17	Rakesh Kr Singh
18	Om Prakash
19	Sobhan Singh
20	Saurabh Sharma
21	Sanjay Giri
22	Amita Dutta
23	Soban Singh Rawat
24	Rajim
25	Gitanjali Sreedhar
26	Ms Kritika
27	Sayantan Haldar
28	Abhiti Kant
29	Asankar
30	Niharika Awasthi
31	Subhrajit Goswami
32	Neha Sinha

3.3 Analysis of activities of few individuals from email of Ritwick Dutta revealed that they are involved in filing RTI, monitoring of cases, preparation of compliance report which appeared to be related to activities of Earth Justice. It is to be noted that funds from Earth Justice are received by Ritwick Dutta in proprietorship

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account instead of bank account of LIFE trust. Individuals other than employees of LIFE Trust have also received funds form FCRA Account of LIFE Trust. The purpose of transfer of funds to these individuals need to be investigated and nature of services/goods provided by them need to be verified.

3.4 As per data available on website of LIFE following persons are Team Member/employees of LIFE.

Sl	Name	Designation
1	Kankana Das	Analyst
2	Subhrajit Goswami	Associate Analyst
3	Tanvi Sharma	Associate Analyst
4	Tanima Pal	Associate Analyst
5	Susmita Khan	Associate Analyst
6	Susmita Sarkar	Associate Analyst

3.5 On analysis of FCRA Account of LIFE Trust and ITR of Kankana Das (APDPD2312L) (as tabulated below), it is evident that Kankana Das received more funds from FCRA account of LIFE than salary which needs to be investigated. Further, there is cash withdrawal of amount of Rs 3 Lakhs during the FY 2017-18 from the account of Kankana Das: -

A.Y.	Payment made through FCRA Account of Legal Initiative for Forest and Environment	Salary or other income received from Legal Initiative for Forest and Environment declared as per ITR/Insight Portal.
2018-19	7,39,859	6,05,000
2019-20	9,03,089	7,09,500
2020-21	8,83,487	8,46,000

3.6 One more employee of LIFE, namely Saurabh Sharma [AYJPS0024K], whose statement was also recorded on oath during the survey proceedings, also got the

following payments from FCRA Account of LIFE:

A.Y.	Payment made through FCRA Account	Salary or other income received from Legal Initiative for Forest and Environment declared in ITR.
2018-19	3,67,983	NIL (no data available on TDS return of LIFE as per insight portal)
2019-20	7,25,760	NIL (no data available on TDS return of LIFE as per insight portal)

3.7 During the course of Survey proceedings Statement of Saurabh Sharma was recorded on oath and in which he did not disclosed of earning any income form LIFE Trust. Relevant part of his statement is produced as under:

Ques. 7	Please provide source of your income from all sources.
Ans.	At present, I am associated with Life Legal Services LLP as a Consultant. I do cases given to me by the said LLP as and when required. My source of income is my professional fees received from said LLP.

3.7.1 The above analysis also shows that payments without plausible reasons are being transferred to related persons of Shri. Ritwick Dutta which need to be investigated.

4 Implications under FCRA

4.1.1 **Receipt of contribution by Ritwick Dutta from foreign source without registration under FCRA**

4.1.2 The detailed discussion of funds received from Earth Justice and activities done by Ritwick Dutta from such fund is given in Section 2 of this chapter. FCRA regulates the inflow of foreign contributions or aid to country. FCRA aims to prevent foreign

organisations from influencing social, political, economic, and/or religious discussions in the country. Therefore, foreign contribution is not allowed in activities like political activism, proselytism, and advocacy.

4.1.3 It appears that to bypass this provision, a foreign donor enters into a commercial transaction with the key official of the NGO or his associates or family and friends. This loophole is due to Explanation 3 of Section 2(1)(h) of the Act.

4.1.4 Section 2(h) of FCRA defines foreign contribution as "donation, delivery or transfer made by any foreign source". It includes transfer of any article not for personal use, currency or any security. Further Explanation 3 of Section 2(h) of FCRA excludes payments received by any person from foreign source by way of fee or cost in lieu of goods or services rendered in ordinary course of business, trade or commerce. Section 2(h) of FCRA is provided below:

> (h) "foreign contribution" means the donation, delivery or transfer made by any foreign source
>
> (i) of any article, not being an article given in a person as a gift for his personal use, if the market value, in India, of such article, on the date of such gift, is not more than such sum as may be specified from time to time, by the Central Government by the rules made by it in this behalf;
>
> (ii) of any currency, whether Indian or foreign,
>
> (iii) of any security as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 and includes any foreign security as defined in clause (n) of section 2 of the Foreign Exchange Management Act, 1999.

4.1.5 Explanation 3 to Section 2(h) of FCRA is provided below:

> Explanation 3.—Any amount received by any person from any foreign source in India, by way of fee (including fees charged by an educational institution in India from foreign students) or towards cost in lieu of goods or services rendered by such person in the ordinary course of his business, trade or commerce whether within India or outside India or any contribution received from an agent of a foreign source towards such fee or cost shall be excluded from the definition of foreign contribution within the meaning of this clause.

4.1.6 In view of the detailed discussion, it appears that funds were received by Shri. Ritwick Dutta in his proprietorship concern as part of 'funding plan' rather than providing professional services. It is without any delivery of goods or services to Earth Justice. Earth Justice does not appear to have any business concern in India as per its website. Payments made by Earth Justice are in the garb of professional receipts to fund litigation activities in India. It is revealed that grant is not case

specific but rather on lump sum basis. Hence, such funds from Earth Justice to Shri. Ritwick Dutta ought to have been received only after FCRA clearance. The concerned officer may also necessarily action u/s 35 of FCRA after due verification and investigation. Relevant section of FCRA is quoted as follows:

> 35. Whoever accepts, or abets any person, political party or organisation in accepting, any foreign contribution or any currency or security from a foreign source, in contravention of any provision of this Act or any rule or order made thereunder, shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both.

4.1.7 In view of above discussion, it appears that Shri. Ritwick Dutta has violated FCRA and accepted contribution from foreign source without having necessary FCRA approval. Investigating officer is advised to necessary investigation under FCRA for receipt foreign contribution without having FCRA registration.

4.2 **Administrative expenditure in excess of 20% after September 2020**

4.2.1 **Rule 5 of FCRR, 2011 defines that administrative expenses constitute the following-**

- Salaries, wages, travel expenses or any remuneration realized by the Members of the Executive Committee or Governing Council of the person;
- All expenses towards hiring of personnel for management of the activities of the person and salaries, wages or any kind of remuneration paid, including cost of travel, to such personnel.
- All expenses related to consumables like electricity and water charges, telephone charges, postal charges, repairs to premise(s) from where the organization or Association is functioning, stationery and printing charges, transport and travel charges by the Members of the Executive Committee or Governing Council and expenditure on office equipment.
- Cost of accounting for and administering funds
- Expenses towards running and maintenance of vehicles
- Cost of writing and filing reports.
- Legal and professional charges; and
- Rent of premises, repairs to premises and expenses on other utilities;

4.2.2 Total foreign contribution received during **FY 2021-22 is Rs. 96,89,293.** The total administrative expenditure as per Rule 5 for FY 2021-22 as per books of account after taking into account salary, administrative expense as per ITR and travel expenditure as per details for workshops which amounts to Rs. 20,89,335. This is in excess of 20% of total foreign contribution received by Life trust. 20% of foreign contribution received during FY 2021-22 is Rs. 19,93,858. Total Administrative expenditure is excess by Rs. 95,477.

4.2.3 **Administrative expenditure as per ITR is provided below:**

1	[illegible]	1	[illegible]
2	[illegible]	2	[illegible]
3	[illegible]	3	[illegible]
4	[illegible]	4	[illegible]
5	[illegible]	5	[illegible]
6	[illegible]	6	[illegible]
7	[illegible]	7	[illegible]
8	[illegible]	8	[illegible]
9	[illegible]	9	[illegible]
10	[illegible]	10	[illegible]
11	[illegible]	11	[illegible]
12	[illegible]	12	[illegible]
13	[illegible]	13	[illegible]

4.2.4 Salary expenditure as per TDS data available on Insight is Rs. 7,53,448 and total travel expenditure after taking into account workshop related travel expenditure and travel expenditure filled in ITR is Rs. 20,89,335 which is excess by Rs. 95,447. Total electricity and office expense as reported in ITR is Rs. 7510 which is added then make the administrative expense higher Rs. 1,02,987.

4.2.5 In view of the above discussion the concerned officer is advised to analyse the total administrative expenditure

4.2.6 **Subgrant to NGOs by collaborating with them and direct payments to vendors.**

4.2.7 LIFE Trust collaborate with NGO for capacity building. LIFE Trust makes payments to vendors required in capacity building such as hotel, travel agents etc. During recording of statement in post-survey proceedings, Ritwick Dutta has stated that workshops and training programs were done in collaboration with local groups. These local groups identify participants and make necessary arrangements with respect to venue. LIFE share cost for organizing the workshop. LIFE Trust also makes payments directly to vendors for such workshops. This arrangement also appears to avoid FCRA and at the same time giving benefits to NGOs by bearing

the cost of workshops. The relevant part of his statement is as below:

Q.12	Please provide details of the services given free of cost to different organisation/entities and also state reason for the same.
Ans.	All the workshops and training programs were funded by donor agencies and the workshops were organized in collaboration with local groups, who would identify the participants and make arrangements with respect to the venue. The cost for organizing the workshop/trainings are shared between LIFE and the local NGOs. LIFE makes direct payment to the vendors i.e. Hotels for Boarding and Lodging and other associated cost.

4.2.8 Ritwick Dutta was asked about nature of activities carried out with partner NGO. It appears from his reply that activity carried out is capacity building for most of the NGOs.

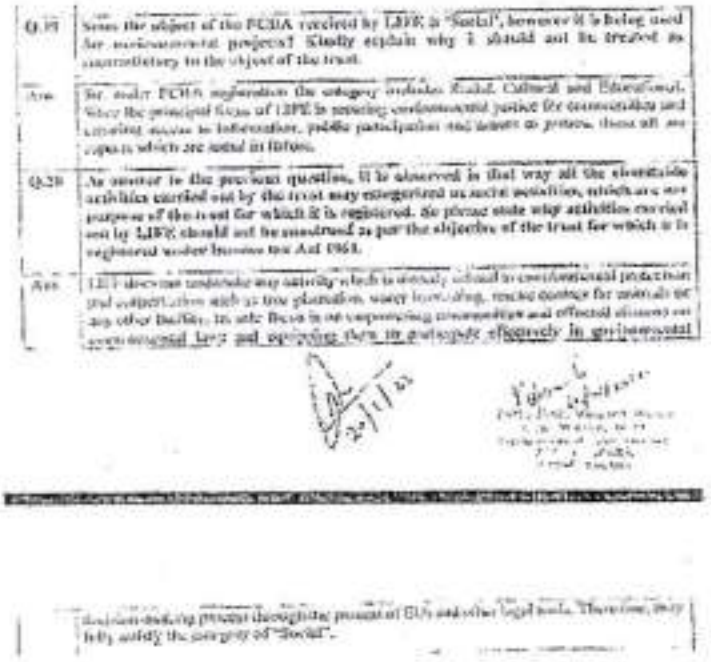
Q.9	Please state nature of activities carried out with the organisation answered in the previous question.
Ans	The nature of activities carried out with the organisations answered in previous answer is as follows:- 1. WWF India-Capacity Building for Advocacy 2. Wildlife trust of India-Advice on wildlife law 3. Kalpavriksh- Capacity Building and Research 4. Sarvatn- Capacity Building 5. Environics Trust- Capacity Building 6. World Resources Institute, USA-Research 7. Hindhara Collective-Research 8. Akhil Bhartiya Vanvasi Kalyan Ashram-Research 9. Dakshin Banga Mesyajivi forum- Capacity Building 10. Bombay Natural History Society- Capacity Building 11. Conservation Action Trust-Research 12. Prerna Foundation- Capacity Building 13. Sandrp-Research 14. Aamrayak-capacity Building

4.2.9 As discussed above, this arrangement appears to be a measure to bypass FCRA and at the same time giving benefits to NGOs who are not eligible for FCRA funds directly or indirectly. It led to subsidizing NGO by bearing the cost related to them. Although, Ritiwck Dutta has stated that capacity building is done for these partner NGO, however, he failed to provide necessary details related to workshops as discussed in Section 5.5 of this document. The NGOs with whom such partnership has been made by LIFE trust are being identified and cost for workshops borne by LIFE may be examined. Necessary action may be taken by the concerned officer after verification and investigation.

4.3 Difference in object of FCRA and application of fund by LIFE Trust

4.3.1 The object of donations received under FCRA for LIFE trust is "Social". However, the application of funds appears to be related to "Environment". During post-survey investigation, while recording the statement of Ritwick Dutta, it was confronted to him in reply Ritwick Dutta stated that environmental activities

undertaken by life are social in nature. Ritwick Dutta further added that tree plantation, water harvesting, rescue centers for animals or any other facility to be only related to environment. This appears to be very narrow interpretation of environmental activities. Activities related to environmental laws are also environmental activities. The relevant part of his statement is attached below:



Q.19	Since the object of the FCRA received by LIFE is "Social", however it is being used for environmental projects? Kindly explain why it should not be treated as contradictory to the object of the trust.
Ans	As under FCRA registration the category includes Social, Cultural and Educational. Since the principal focus of LIFE is ensuring environmental justice for communities and ensuring access to information, public participation and access to justice, these all are aspects which are social in nature.
Q.20	As answer to the previous question, it is observed is that way all the charitable activities carried out by the trust may categorized as social activities, which are not purpose of the trust for which it is registered. So please state why activities carried out by LIFE should not be considered as per the objective of the trust for which it is registered under Income tax Act 1961.
Ans	LIFE does not undertake any activity which is directly related to environmental protection and conservation such as tree plantation, water harvesting, rescue centres for animals or any other facility. As such focus is on empowering communities and effected citizens on environmental laws and equipping them to participate effectively in environmental decision-making process through the provisions of EIA and other legal tools. Therefore, they fully satisfy the category of "Social".

4.3.2 However, when he was specifically asked again about the domain of environmental activities, he gave evasive answer by stating water tight categorization is not possible. Therefore, it appears that activities of LIFE do not appear to be in concurrence with object of FCRA for which funds have been received. The concerned officer is advised to do necessary investigation and take necessary action for violation of FCRA.

Q.21	Please state does tree plantation, water harvesting, rescue centres for animals or any other facility only relates to environment protection. Also state whether activities related to environmental laws are better to be classified as environmental rather than social.
Ans	To the best of my knowledge (Subject to verification), there is no separate category for environmental in FCRA registration. However, I am of the belief that issues concerning public participation, information sharing, community health impacts are best categorized as- social, thou there is bound to be overlap between social environmental and legal. Therefore, it is impossible to categorized such issue into any water tight compartment.

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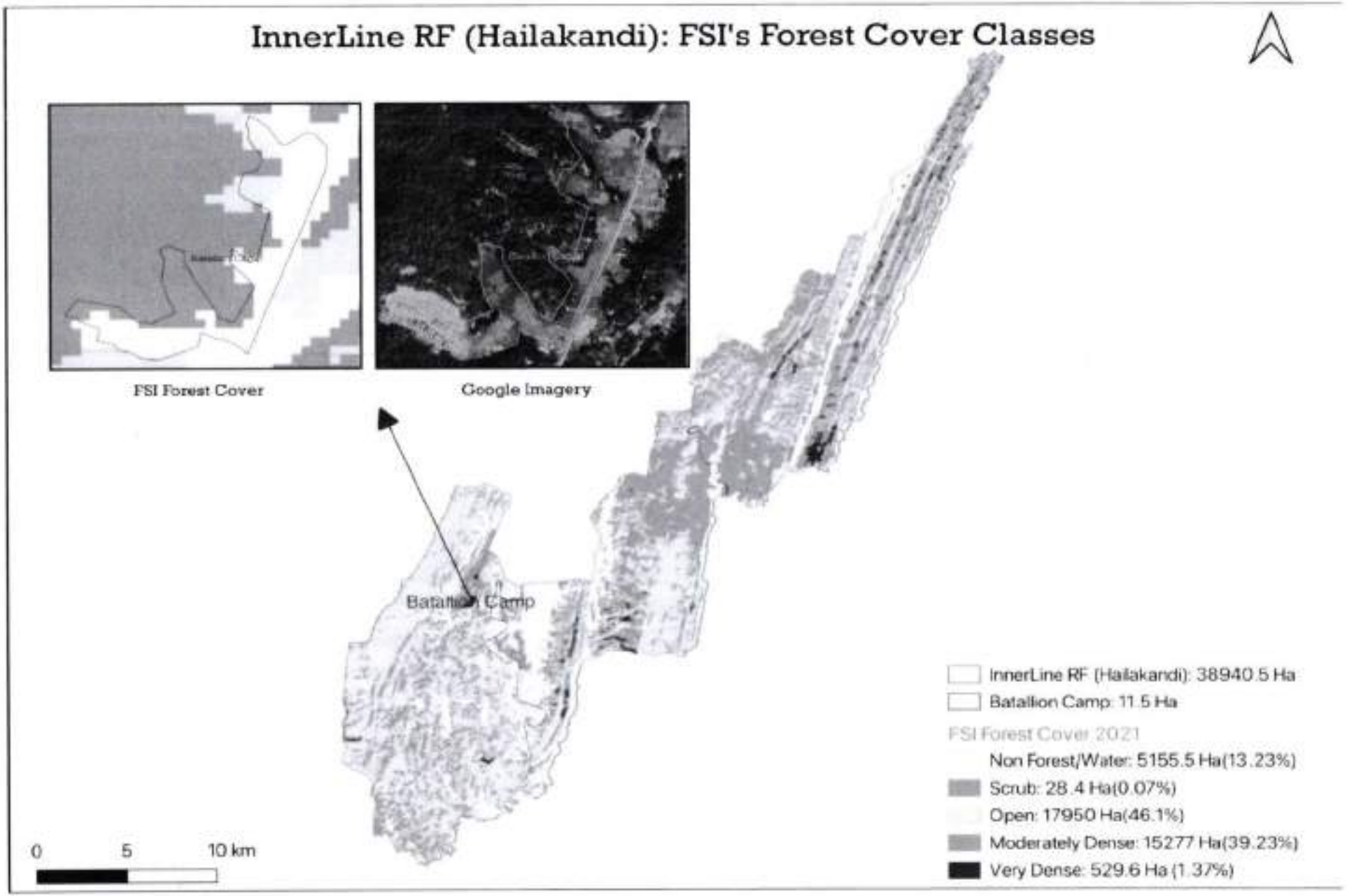

ANNEXURE - XII

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REPLY TO SL. NO.1 OF EDS RAISED BY MoEF&CC

EDS No.1: The State Govt. has maintained that there is no violation of the Adhiniyam in the said proposal. Therefore, reason for seeking ex- post facto approval of the Central Government is required.

Pointwise reply of the State Govt. to the above EDS is furnished below :-

A. **About the forest land used for battalion construction**:

The land allotted by the Forest Department for construction of the Commando battalion at Hailakandi was an encroached land. The encroachment is prior to 1985 as can be seen from the satellite image snapshots for the year 1985, 2011, 2013, 2014, 2015, 2017, 2020, 2022 & 2024 which are placed as **Annexure-I** which clearly shows that the area under question was encroached, and used for agricultural purpose for almost four decades. Therefore, in building the Commando Battalion no destruction of forest has taken place and not a single tree had to be felled. The low lying area was actually devoid of any forest cover. It was used only for agricultural purposes for almost four decades. This area alone has been used for the purpose of construction of the Battalion where not a single tree felling is involved. Therefore, there is no damage of any forest cover.

B. **The deforestation in ILRF**:

The forest land in the Inner Line Reserve Forest is subject to heavy encroachment with armed aggression from across the border. If one examines the tree cover loss of the ILRF from 2001- 2023 based on the Global Forest Watch Data, which is annexed in **Annexure II**, it is seen that gradually hundreds of hectares of forest have been lost. During this period, alone 6304 ha of area of forest is lost and the average area being lost per year is 274.08 ha. However, the area lost from 2018-2023 are 241, 372, 530, 672, 707 and 836 ha. This is an alarming rate of loss of forest cover which needs to be halted at any cost. The characteristic of the encroachment and deforestation is that not only trees are being felled and the areas encroached, the entire area is also slipping out of hand of the Govt. of Assam. Most areas are occupied by Mizoram within the ILRF which is a Reserve Forest within the borders of the State of Assam. Assam Forest is not able to enter into the area and carry out its duty of protection and management of the forest. Such is the truth about the ground realities in ILRF.

C. **The Ground situation of encroachment and armed aggression**:

The Inner Line RF(ILRF) has long been facing aggression from the other side of the interstate border of Assam and Mizoram in the form of encroachment, deforestation, *jhoom* and areca nut cultivation, unprovoked firing, IED explosion etc. The Forest Department officials along with Assam Police and the District Administration have been taking actions on and off which is evident from official records available in the office of District Commissioners of Hailakandi and Cachar. A copy of the same is attached **(Annexure-III)**. The annexure clearly demonstrates that, while the District Administration on

Assam side has been exercising restraint and attempted to resolve issues through cordial talks, but the miscreants from Mizoram side are supported by arms and ammunitions, and have resorted to firing on many occasions. However, the climax was reached on 26/07/2021, when the Mizoram Police and Mizo IR Battalion opened fire in which 6 Police personnel of Assam died on the spot. In addition to that Mizoram authorities also filed **FIR** against all the authorities of Govt. of Assam including the DFO.

The DFO, Hailakandi has reported and recorded that several offences were registered against the miscreants from Mizoram in the past. The list of such incidents of Mizo aggression in Hailakandi and Cachar District are given in **(Annexure-IV)** in chronological order. Further, it is to be noted that the Forest Department in Cachar and Hailakandi has been lodging FIRs, making seizures and drawing offences against miscreants from Mizoram from time to time which are listed in the following paragraphs:

a. An **FIR** was lodged by the Deputy Ranger of Gharmura Range vide letter no. GM/Border/31/21/45-47 dated 04-06-2021. On 03/06/2021, when near Betcherra some Mizo people constructed a house with heavy structure inside the Assam jurisdiction of ILRF. The field staff reported in the **FIR** that they could not dismantle the house as it was guarded by Mizo armed battalion. A copy of the FIR is enclosed in **Annexure V(A)**.

b. Another **FIR** was lodged by the Beat officer of Lailapur Beat in Cachar District vide letter no LP/14/Police Case/67-68 dated:03-07-2021, where it was reported that during a joint patrolling by staff of Lailapur Beat office, AFPF personnel and CRPF personnel at Dholaikhal on 02-07-2024, some Mizo public along with Mizo IR battalion prohibited the patrolling staff from further going ahead as according to Mizo Police, they had entered Mizoram territory without prior permission, whereas in reality the Assam Forest Officials and CRPF personnel were patrolling well within the territory of Assam. The party also has received information that at Rengti Tilla in the ILRF some Mizo miscreants illegally planted beetle nut tree where earlier the forest officials had removed an illegally hung nameplate from a tree trunk. As the staff visited the alleged spot, they observed that some Mizo IRBN were busy raising some tents within ILRF. The Mizo IRBN turned deaf ears to orders from the Assam Forest officials to dismantle and remove the illegally built tents within Assam. Later, few Mizo Police arrived and demanded the Assam Forest officials to immediately leave the place as they had entered Mizo territory without prior permission, which, similar to the earlier instance, was a territory of Assam within ILRF. A copy of the FIR is enclosed in **Annexure V(B).**

c. On 10/07/2021, the Beat Officer of Hawaithang Beat in Cachar District also filed an FIR in Dholai Police Station vide letter HT/15/Border/11 dated:10-07-2021 no for criminal trespass, illegal

encroachments, illegal construction of road inside the ILRF by the Mizoram Police deployed by the Mizoram Govt. and it was well within the jurisdiction of the Cachar Forest Division. It was reported that one Additional SP named David JB of Mizoram Police Service and another Additional SP named Bruce Kibby of Mizoram Police Service along with a mob crossed the border into Assam near Kulicherra and proceeded as much as 6.5 Km inside the Cachar border. Later, the Mizo authorities further proceeded 200 meters ahead and barricaded the area and did not allow entry of the Govt. of Assam officials. On the same day at about 3:00PM a loud explosion of suspected IED was heard in the forest of ILRF where Assam Police personnel were performing their duty. A copy of the FIR is enclosed in **Annexure V(C).**

d. On 14/07/2021, the Range Officer, Gharmura Range filed an FIR in the Ramnathpur Police Station vide letter no GM/Border/31/FIR/2021/89-91 dated:14-07-2021that in a joint visit to Assam Mizoram border at Betcherra near Kaza nala by Range Officer, Gharmura Range, CO, Katlicherra, O.C Ramnathpur Police Station and Beat Officer Ramnathpur Beat, it was observed a bamboo hut guarded heavily by Mizo forces. The surroundings presented a desolate look as the area was cleared of trees, shrubs, herbs etc. by the Mizo miscreants. A copy of the FIR is enclosed in **Annexure V(D)**.

e. Another **FIR** was lodged on 27/08/2021, by the DFO, Cachar to the SP, Cachar, vide letter no B/14/Border/4537 dated:27-08-2021, states that Mizo Police forcefully ejected Assam Forest staff of Hawaithang Range who were resting in ILRF after conducting patrolling duties, stating that the forest staff had entered disputed areas of Assam and Mizoram border and whereas they were patrolling well within the territory of Assam in ILRF. The Mizo Police forcefully took over the camping gears of thee Assam Forest staff threatened them to kill if they did not vacate the area immediately. The unarmed Assam Forest staff feeling threatened for life by Mizo Police armed with automatic weapons decided to leave the place immediately and reported the incident to the DFO, Cachar. A copy of the FIR is enclosed in **Annexure V(E).**

f. There is also a FIR lodged on 23/04/2022 at Ramnathpur P.S by Beat Officer, Ramnathpur Beat Office vide letter no. BR/Border/p.case/6/2022/2-3 dated:23-04-2022 regarding an encroachment incident in Sahebmara area in ILRF where it is stated that the Beat Officer, Ramnathpur Beat Office, detected one *kaccha* house at Sahebmara in ILRF. As they were about to dismantle the illegally built house, they were confronted by unruly Mizo mob who crossed the river along the Assam Mizoram border from the Mizoram side. A copy of the FIR is enclosed in **Annexure V(F).**

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g. In an offence report submitted by Range Officer Gharmura Range to the DFO, Hailakandi it was stated that during the course of regular patrolling on at Betcherra area in ILRF they were informed by locals that a Mizo individual named Pu John Halliday had built a house in Betcherra. As the staff reached the area where the house was illegally built, they found Pu John Halliday inside the house. Upon interrogation he admitted to build the house with the active support of administration of Mamit District. The staff of Gharmura Range also observed armed component of Mizo police in the area. Due to this illegal encroachment by Mizo miscreant in ILRF, Assam with the active support of Mizo police and district administration of Mamit, 22.5 bighas of forest land were lost. In this regard a seizure report had been submitted to the Divisional Forest Officer, Hailakandi Division and later an Offence Report was drawn against the offender u/s 24(a), (b) and 25 of the Assam Forest Rule 1891 (Amended in 1995), u/s 2(a) and 3(B) of the Forest (Conservation) Act, 1980 and violation of Hon'ble Supreme Court Order dated 12-12-1996 of WP(C) 202/1995. vide OR number GM/01 of 2021 dated 17-06-2021. A copy of the Offence Report is enclosed in **Annexure V(G).**

h. In another offence submitted by the Range Officer, Matijuri Range, it was stated that during the course of regular patrolling on 27-06-2021 at Kachurthol- Balicherra in ILRF, it was found that two Mizo individuals named Somiel and Roa cleared of 120 Ha of forest land for the cultivation of broom stick plant and raised a temporary shed. The area concerned was located 800mtr from the interstate border of Assam and Mizoram. In this regard a seizure report had been submitted to the Divisional Forest Officer, Hailakandi Division and later an Offence Report was drawn against the offender u/s 24(a), (b) and 25 of the Assam Forest Rule 1891 (Amended in 1995), u/s 2(a) and 3(B) of the Forest (Conservation) Act, 1980 violation of Hon'ble Supreme Court Order dated 12-12-1996 of WP(C) 202/1995 vide OR number MJR/01 of 2021-22 dated 30-06-2021. A copy of the Offence Report is enclosed in **Annexure V(H)**.

i. In another offence report submitted by the Range Officer, Matijuri Range Office, along with his staff, it was reported that during the regular course of patrolling on 01-07-2021 at Kachurthol-Balicherra in ILRF Mizo armed Police personnel constructed 3(three) nos. of tents at Kachurthol-Balicherra area. As soon as the illegally built tent was detected, it was dismantled and seized by the forest staff of Matijuri Range. However, in this regard, arrest could not be done as the Mizo Police were armed. The Forest staff, being larger in numbers, managed to bring the seized material to the safe custody of the Range. Later, when the staff of Matijuri Range revisited the area it was observed that about 80 Ha of area was encroached by the Mizo miscreants. In this regard a seizure

report had been submitted to the Divisional Forest Officer, Hailakandi Division and later an Offence Report was drawn against the offender u/s 24(a), (b) and 25 of Assam Forest Rule 1891 (Amended in 1995), u/s 2(a) and 3(B) of the Forest (Conservation) Act, 1980 violation of Hon'ble Supreme Court Order dated 12-12-1996 of WP(C) 202/1995 vide OR number MJR/02 of 2021-22 dated 03-07-2021. A copy of the Offence Report is enclosed in **Annexure V(I).**

D. **Internal Security threat**:

The above descriptions clearly indicate that it is not out of any greed of land by Assam Forest or Assam Police or any diversion for commercial purposes of Forest land that the Battalion has been allowed to set up. The battalion has been set up in conditions which cannot be mitigated by any other means by the State Govt. as already stated in the previous paras, land is a sate subject and Govt. of Assam through its two Department namely Assam Forest and Assam Police have done best possible for protection of the Forest and maintaining the integrity of the State. It needs to be appreciated that situation in ILRF, like other border forest in the State, is not only precarious but extra ordinarily bad. In this regard the ground realities are further summed up as given below: -

i. Inner Line RF (ILRF) having an area of 814 sq. km and making 142 km of the border between Assam & Mizoram, notified in 1933 has been subject to merciless infiltration, encroachment, tree felling, deforestation, settlement of villages and semi urban infrastructure from across the border since 1990s. As of now about 10000 Ha area is under encroachment from Mizoram side, and roughly 3 to 7 km from the border, the forest land has become inaccessible to Assam Forest. On 26th July, 2021, the skirmishes across the border escalated so much that Mizoram Police and Mizo IR Battalion carried out heavy firing from the newly occupied areas in ILRF and opened fire with rocket launchers in which the SP Cachar was badly injured, and six constables. of Assam Police were killed. Two IFS DFOs and IAS DC had a narrow escape. The list of such incidents from across the border in the ILRF has already been submitted, and hence, the same is not repeated here for sake brevity.

ii. The ILRF has also suffered influx of Rohingiyas from across the border. The area is also sensitive in terms of arms trafficking, drugs smuggling and other nefarious and antinational activities. Such sensitive operations would not be possible to be carried out by Forest, as the matter concerns internal security of the State and its sovereign existence. Such nefarious activities naturally would hamper free movement of forest force, and in the event of an encounter, action of Police alone would be justifiable. The action of Police would also protect the forest and conserve flora and fauna of the RF.

E. **The working of Assam Forest and Assam Police**:

The Forest Department and the Assam Police have a long history of working together from 1986 when the Assam Forest Protection Force Act 1986 was

introduced. In brief, about how Assam Forest & Assam Police work together in the Border Area protection is given below:

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i. It would be not out of place to reiterate here once again that it is a unique case of Assam Forest that they work in union with Assam Police at all levels starting from SHO/ Range Officer, SP/DFO, DIG/IG/CF/CCF, DGP/ADGP/HoFF/APCCF. They work together at all levels and also undertake joint patrolling and joint operations for forest protection and conservation of wildlife. In addition, the Assam Forest has raised three full scale battalions of their own which are fully armed with automatic weapons and are on pattern of Assam Police Armed Battalion with formations such as constable, naik/ lance naik, havildar, sub inspector, inspector, Dy. SP and Commandant. While Dy. SP and Commandants are deputed from Assam Police, rest of the force and their management include

ii. ng promotions/ pay/ discipline are done by PCCF & HoFF exactly on the lines of Assam Police. The Commandants are in the rank of SP, and directly report for all purposes, including administrative/ leave/ ACR etc. to the PCCF & HoFF. It is also pertinent to mention that in Assam, the recruitment of Forester and Forest Guards is done by the State Level Police Recruitment Board (SLPRB), and the front line staff is trained for free by the Assam Police on the lines of commandos and given full arms training. The Assam Forest front line is a fully armed establishment with weapons such as AK, Insas, Carbines and other automatic weapons. In addition, Assam Police has placed services of more than 500 well trained AP Commandos at the disposal of the PCCF & HoFF. Incidentally, the agency that is carrying out construction of the Police Battalion, i.e. the Assam Police Housing Corporation Ltd, is also involved in design and construction of the 3rd Assam Forest Protection Force. Therefore, the ecosystem of Assam Forest and Assam Police is quite different from other states in the country. Therefore, it is possible to construe for an outsider who is not familiar with this eco-system of the thick relationship between Assam Forest and Assam Police that the permission to allow the unit of Commando battalion is for exclusive use of Police, and hence a non forestry activity. The truth is far from this. The State has raised these battalions with the primary objective of protecting the border forests and also providing border security, which in times of war can become a strong hold for the State as well the country.

iii. The ground situation of Assam on its sensitive borders where as many as 72 reserved Forests are situated warrants of an EXTRAORDINARY situation which does not exist in any other State in the country with respect to rampant destruction of forests. The matter is not of illegal felling by timber smuggler or wildlife crime alone, which the Forest Department with its armed personnel and battalions are capable of handling, but the matter on the border extends to illegal settlements, large scale denudation, deforestation, setting of administrative units from across the border within the RF areas of the State, and large chunks of forest land going out of reach of the Forest Department, so much so that forest staff are not allowed to venture into the encroached areas. They can only venture to these territories only with large contingent of Police

Force and with proper intimation to authorities across the border. This destruction of forest tagged with security issues cannot be handled by Forest Department alone or cannot be effectively tackled by remote policing. A large battalion camp is required for sheer deterrence and to stop further advancement of migrants and encroachers from across the border. This raises a larger question of internal security and sovereignty of the State.

F. **Matters pertaining to the law points in the instant case**:

Having stated the ground situation and the circumstances in which the State Govt. set up the Commando battalion for Protection of the Forest.

i. As per the Para 11.8 of the Consolidated Guidelines and Clarifications, 2019, issued by MoEF & CC, the Guideline in case of large structures stipulates that "***But if structures are large and would impact on conservation, prior permission under the Forest (Conservation) Act, 1980 would be required***" In order to satisfy the condition two clauses namely "large structures" AND "impact on conservation" must be met. In the instant case, the structures in question are large, and hence the first condition is met. However, since no trees were felled as the areas was already broken, encroached, and used for agricultural purposes for four decades, and the Department after giving notices, evicted the encroachers based on the Hon'ble Gauhati High Court vide order dt. 9/5/2023 in WPC No. 8366/2022 had rejected the claim of the encroachers, and thereafter only the structure was allowed by the PCCF & HoFF. Further, **NO TREES WERE FELLED**, and hence, there would be no question of any adverse impact on conservation. If any tree felling would have been allowed, it could not have been done without prior permission of the Central Government. Hence the question of "impact on conservation" would not arise at all. Further, the set up was intended to aid in protection and conservation only. Therefore, the stipulated conditions of Para 11.8 prescribed by the MoEF & CC did not meet fully, and the PCCF & HoFF in his judgment assumed that prior permission was not needed. The guidelines of the Ministry in Para 11.8 with two conditions joined by "*AND*" clearly indicate that it is not sufficient for the structure to be large but also the structure should be negatively impacting on forest conservation, then only prior permission of Central Govt. is required. As already stated the site was already encroached and used for agricultural purposes since 1985 and no trees were felled. Therefore, the conditions of non forest activity stipulated by the Ministry in Para 11.8 are not met, and hence the activity in question should not be termed non forest.

ii. The inspection report of the Regional Office on the concluding pages 23 of the report in Sl. 21 admits towards the end. "*There is no dispute that presence of such combat force in the department will help the protection and conservation effort of the Division and State*" (Para xxi, page 23 of the report). Thus, it is

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clear that the Regional inspection report admits that the initiative will help the protection and conservation effort of the division and the State. However, in the paragraphs that follow the report talks of 30,000 sq. m. of built up in an area of 11.5 ha and concludes that an area of 11.5 ha does not appear to have much semblance to any of the activities mentioned in the explanation b of Section 2 of Forest (Conservation) Act 1980. The answering respondent begs to state that the observation of the inspection report which quantifies an area to be X ha and states that such X ha does not appear to have much semblance to any of the activities mentioned in the explanation b of Section 2 of the Act, but nowhere in any part of the Act or the Rules made therein or the Guidelines issued thereof has mention of X ha. of area or type of building or nature of construction for the activity to be non forestry. The Regional Office, as it appears voluntarily ignored the Para 11.8 of the guidelines, issued by the Ministry which also does not talk of any such quantification of area or built up space or type of building. Further in view of Guidelines Para 11.8, this observation in the inspection report becomes contradictory to the Guideline itself. Further, the inspection report is also oblivious of the fact that the Guidelines at Para 11.8 allow setting up of large structures for forest conservation and management, if they do not impact or conservation (there is no mention of size or area or type). Only one condition is needed for judging whether an activity having large structures is a non forest activity is to find out if it impacts adversely on conservation or not. As already stated many times, the area under question was encroached agricultural land for at least four decades and devoid of tree cover. No tree felling was resorted to while constructing the structures, the area in fact was recovered from encroachers by the direction of Hon'ble Gauhati High Court WP(C) 8366/2022 dtd:16/08/2023. Therefore, it is clear that the area was an agricultural land and there was a not a single tree at the site. Hence, there is no question of any adverse impact for conservation.

iii. It is brought to the notice that the approved Working Plan of the Hailakandi Division, approved vide RO, Shillong No. 12-2-41/98/RONE-AS/865-67 dt. 24/12/1998 prescribed setting up of a battalion with all possible sources of funding. [Page 62, Summary of Prescriptions, Administrative Prescriptions) **[Annexure VI]** after evaluating the criticality of protection of the forests against cross border encroachments, destructions and settlement of migrant populations from across the border. In this respect the description in the Working Plan at Para 2.5 (Page 9) INJURIES TO WHICH THE FOREST IS LIABLE, Para 4.6 (Page 14) AMEINITIES TO THE SATFF, Para 6.7 (Page 18) THE REANG REFUGEE ISSUE, Para 8.9 (Page 26) ASSAM FOREST PROTECTION FORCE, Para 19.2 (Page 58) ROADS AND BUILDINGS and (Page 62) SUMMARY OF PRESCRIPTIONS Point no 6 ADMINISTRATIVE PRESCRIPTIONS, may kindly be perused. Is it possible that the Forest Department misjudged the prescriptions of an approved Working Plan to be a gospel truth for forest protection? Now, is it the mistake of the Working Plan Officer that he could clearly foresee the future of ILRF in 1998 when he inspected the Forest of ILRF, and assessed the situation of

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Bhairabi Block and Mukam Block and prescribed for setting up of Armed Battalion and also went a step further and prescribed that such a project could be met from any source of fund [Can be clearly seen in the Working Plan of Hailakandi at page 62 SUMMARY OF PRESCRIPTIONS, Point no 6 Administrative Prescriptions: *"Raising of an additional AFPF Battalion for use in Barak Valley"* and *"Projects to be prepared and finances brought from various funding agencies"*. In absence of a new Working Plan, this Working Plan was valid until 10th April 2023 when the new plan got approved **[Annexure VII]**. Therefore, implementing the prescription of a Working Plan cannot be considered a non forestry activity. As per Rule 12(4) of the Rules 2023, it states that the "State Govt. or Union Territory Administration or its designated officer shall carry out the prescriptions of the Working Plan to which the approval has been accorded by the Regional office with respect to all or specific provision of the Working Plan and for the period for which the Working plan has been approved." While it can be argued that the approved period of the plan had expired, but can it be denied that the objective of protection in the plan remained unmet, and hence the prescribed activity would not become expired on expiry of the approved plan? If it would have been legal to construct a setup a battalion in ILRF as per the prescription of the approve Working Plan, until 10th April,2023, the same activity cannot suddenly become illegal on 11.04.2023. Therefore, acting in accordance with Working Plan cannot be construed as violation of Forest (Conservation) Act. It is clear that the Regional Office has not done the due diligence of going through the approved Working Plan and see if the activity was reflected either in letter or in spirit in the plans. The Regional Office was in a hurry to declare the activity a non forest without doing any due diligence and simply going through the statute, probably because an "Environment Activist" had complained and the news was flashed everywhere. From the above paragraph, it is also clear that given the pathetic state of the ILRF and the prescription of the Working plan way back in 1998 and which was very much valid prior to 10th April 2023, the activity cannot be termed non forest. Setting of a battalion is an extensive exercise which requires creation of a large number of posts, which is often 800 or more in case of Assam Police and Assam Forest Battalions, and areas which are as large or more than 20 ha in size, and infrastructure which costs almost 300 Cr. If the State Govt. could not fulfill a promise of a battalion in 1998, does it mean that it will not fulfill the promise of the Working Plan in 2023? The conditions of the ILRF like most other RF of the State on its border, have been deteriorating considerably in an extraordinary manner. As already reported by the Global Forest Watch as on date ILRF is losing 700 ha or more every year. The situation is very alarming. The Regional Office has completely overlooked the matter of loss of Forest Cover and encroachment in ILRF by miscreants from across the border and only concentrated on the fact that 11.5 ha does not appear to be anything similar to the activities stated in section 2 (b) of the Act. The State Govt has spent Rs.300 Cr. in infrastructure and Rupees 50 Cr. approximately per annum on running the battalions for forest protection. In which other State of India such on example exists?

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iv. It also needs to be mentioned that whereas the same Section 2 (b) mentions construction of "Dams" and interestingly the size of which is not mentioned. Does it not construe that if a dam were to be made as per Section 2 (b) of the Act for forest protection, and if the dam were to be made in a 500 ha area in ILRF in interest of forest conservation the same would definitely not be non forestry activity as per the Act. If this be the case, then why using 11.5 ha. or 43.99 ha for forest protection be treated as non forest activity? The makers of the law do not appear to have applied their full mind into what is forest protection and how to address the emerging challenges of forest protection which varies from state to state. The extraordinary conditions that surround the bordering forest of Assam which have no parallel in any forest area anywhere else in the country and as can be seen, the answering Ministry has failed to recognize the same and wrongly categorized forest protection activity of the State of Assam as non-forestry. Therefore, the entire subject is requested to be reviewed in view of the above submission.

v. The inspection report of the Regional Office has also grossly missed the point that Battalion infrastructure is meant to house 800 personnel with arms, ammunitions and sophisticated weapons which requires a very strong construction which cannot be easily overpowered by armed miscreants from across the border including members of the Mizoram Police and Mizo IR Battalion who already have been seen to be aiding these encroachments and protecting the encroachers and settling illegal migrants such as Rohingias inside the ILRF. It is to be stated that if 800 people were to be scattered in small structures or Forest check posts with sophisticated weapons, would they be able to withstand the armed aggression from the other side? This question needs to be answered first. In such a situation can only lead to a massacre of our forces and this cannot be allowed to happen. Therefore, the battalion camp which needs to house 800 armed constables needs adequate housing, residential area, parade area, exercise areas, shooting area etc. so that the battalion can remain comfortable and fit to stand up to any call of duty at any hour. Hence, it is submitted that the value of Forest Protection by the Battalion has been completely misjudged and undermined.

vi. That the Forest Department relied on a judgement of the Division Bench of the Hon'ble Karnataka High Court in the matter of WPC No. 22567/2016 in the matter of PS Mohan vs State of Karnataka filed to "Stop and close all the activities running illegally in the name of Jungle Lodges and Resorts Ltd in Dubaire Reserved Forest...". It may please be noted that the Jungle Lodges and Resorts Ltd. is a joint venture public sector undertaking of the Forest and Tourism departments of the Karnataka Government that runs resorts and lodges in all National Parks and Protected areas as well as reserved forests of the State. More details of this entity and their business operations can be had from https://www.junglelodges.com/. The Hon'ble Division bench opined in the order dt. 4th January, 2022 that "*Perusal of paragraph 28 of the judgment itself clearly goes to show that the reserve forest land was given to a private company without seeking prior approval of the Central Government. However, that is not the case in the present matter. We have already held that*

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no private player was involved in the Jungle Lodges and Resorts Limited which is totally a body created by the KSTDC and as such, we are of the considered view that the judgment relied on by learned counsel for the petitioners in support of his contention is not applicable to the present facts of the case." and also stated in the order that "*In view of the above, we are of the considered view that the writ petition has been filed without any material to support the contentions raised in the writ petition and it appears that it has been filed with deliberate ulterior motives in order to pressurize the respondents. The conduct of the petitioners, as such, is deprecated and for the purpose of wasting the precious time of the Court...*". (The order may please be seen at **Annexure VIII).** From the above it is clear that when there is no bar to open hotels and resorts by a Government company in a Tiger Reserve or a Reserved Forest, as amply clear in the order dt. 4th January, 2022, then it is not understood how structures raised for forest protection should be termed a non forest activity by the respondent Ministry. A perusal of the order above clearly shows that M/s Jungle Lodges & Resorts Ltd. also did not take any prior permission from the Central Government before establishing/opening hotels and resorts in the protected areas and reserved forests of Karnataka, and apparently no notice under the Forest (Conservation) Act, 1980 under 3A and 3B was issued by the MoEF&CC to the MD, JLR Ltd., Bengaluru. It is surprising that opening hotels and resorts within notified forests by the Government agencies is not an offence under the FC Act, but opening a battalion camp for forest protection is an offence. It is not also understood why opening of hotels and resorts shall be treated as forestry activity but opening of battalion camps for protection of the forest shall be treated as violation of the Act.

vii. It is further submitted that there is a major departure in respect of Section 2 (iv) (b) which now gets replaced by 2 (i) (iv) (b) with sub clause (i)-(viii) in the amended Van (Sanrakshan Evam Sambardhan) Adhiniyam, 1980 and the clause "*any other like purposes*" in the FC Act 1980, which was not qualified by any other phrase and was a standalone clause now has been modified to read as "*any other like purposes which the Central Govt. may by order specify*". This specific change of the phrase "*any other like purposes*" of the Forest (Conservation) Act, 1980 in its present form clearly indicates that there was no explicit authority to decide "*any other like purpose*" prior to 01.12.2023, so it could be either the State Govt. in case of land pertaining to State and Central Govt. in case of land pertaining to Central Govt. However, in the new amendment it is clear that the phrase "any other like purposes" is now qualified with "*which the Central Govt. may by order specify*". It clearly indicates that prior to the promulgation of the Van (Sanrakshan Evam Sambardhan) Adhiniyam, 1980 on 1st December 2023, the State Govt. was within it right to interpret the Clause "*any other like purposes*" on any forest land under its control and therefore, the State Govt. acted in accordance with the provisions of Section 2 (iv) (b) of the Forest Conservation Act and thus could not have acted in violation of the said provisions.

Now, therefore, the State Government requests MoEF&CC :

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1. To condone the inadvertent mistake, if any, of the PCCF & HoFF who acted on behalf of the State Govt. in the interest of the forest protection only and not otherwise.

2. To do away with the imposition of provisions of section 3A and 3B, as the diversion was resorted to by the Forest Department only for protection of forest, possibly to sacrifice 40 odd hectares of degraded land devoid of tree cover to save thousands of hectares of the remaining forests from undergoing further degradation, denudation, encroachment and settlements.

3. To do away with imposition of NPV and Penal NPV on the proposed diversion. However, the State Government has already made provisions to allocate 11.5 Hectares of Revenue land in lieu of the diversion of proposed forest land and afforest the same at its own cost.

4. To allow change of user agency from Forest Department to Police headquarters or their authorized agency in the application for diversion on Parivesh 2.0.

5. To accord early approval of the diversion so that construction can be completed. It is to be stated here that the force is already recruited by the State Government, but effective deployment in the area concerned cannot be done in absence of suitable accommodation of the force including security of the arms and ammunition.

Signed by
Neera Dahalagupi
Date: 06-08-2024 17:40:57

Annexure-I

Map of inner liner RF showing extent of encroachment in Damchera in 2014
Legend
2nd Commando Battalion camp, Damchera
Damchera
Google Earth

Map of Inner liner RF showing extent of encroachment in Damchera in 2024
Legend
2nd Commando Battalion camp, Damchera
Damchera
Google Earth

Map of Inner liner RF showing extent of encroachment in Damchera in 2020
Legend
2nd Commando Battalion camp, Damchera
Damchera
Google Earth
1km

1188

Map of Inner liner RF showing extent of encroachment in Damchera in 2022
Legend
Inner Line RF
Proposed site for 3rd Commando Battalion Camp
3rd Commando Battalion camp, Damchera
Damchera
Google Earth

Map of Inner liner RF showing extent of encroachment in Damchera in 2013
Legend
2nd Commando Battalion camp, Damchera
Damchera
Google Earth

Map of Inner liner RF showing extent of encroachment in Damchera in 2011
Legend
3rd Commando Battalion camp, Damchera
Proposed site for 3rd Commando Battalion Camp
3rd Commando Battalion camp, Damchera
Damchera
Google Earth
1 km

Map of Inner liner RF showing extent of encroachment in Damchera in 1985
Legend
2nd Commando Battalion camp Damchera
Damchera
Google Earth
1km

1191

Map of Inner liner RF showing extent of encroachment in Damchera in 2017
Legend
2nd Commando Battalion camp, Damchera
Damchera
Google Earth

1193

Map of Inner liner RF showing extent of encroachment in Damchera in 2015
Legend
Inner Line RF
Proposed site for 3rd Commando Battalion Camp
3rd Commando Battalion camp, Damchera
Damchera
Google Earth
1 km

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Annexure-II

A satellite imagery-based analysis of the Tree cover loss of the Inner Line Reserve Forest, Barak Valley, Assam

Year	Yearly Tree_cover_loss(ha)	Cumulative Tree_cover_loss(ha)
2001	185	185
2002	55	240
2003	79	319
2004	108	427
2005	74	501
2006	134	635
2007	126	761
2008	242	1003
2009	221	1224
2010	90	1314
2011	147	1461
2012	142	1603
2013	106	1710
2014	261	1971
2015	177	2148
2016	323	2471
2017	475	2946
2018	241	3187
2019	372	3559
2020	530	4089
2021	672	4761
2022	707	5468
2023	836	6304

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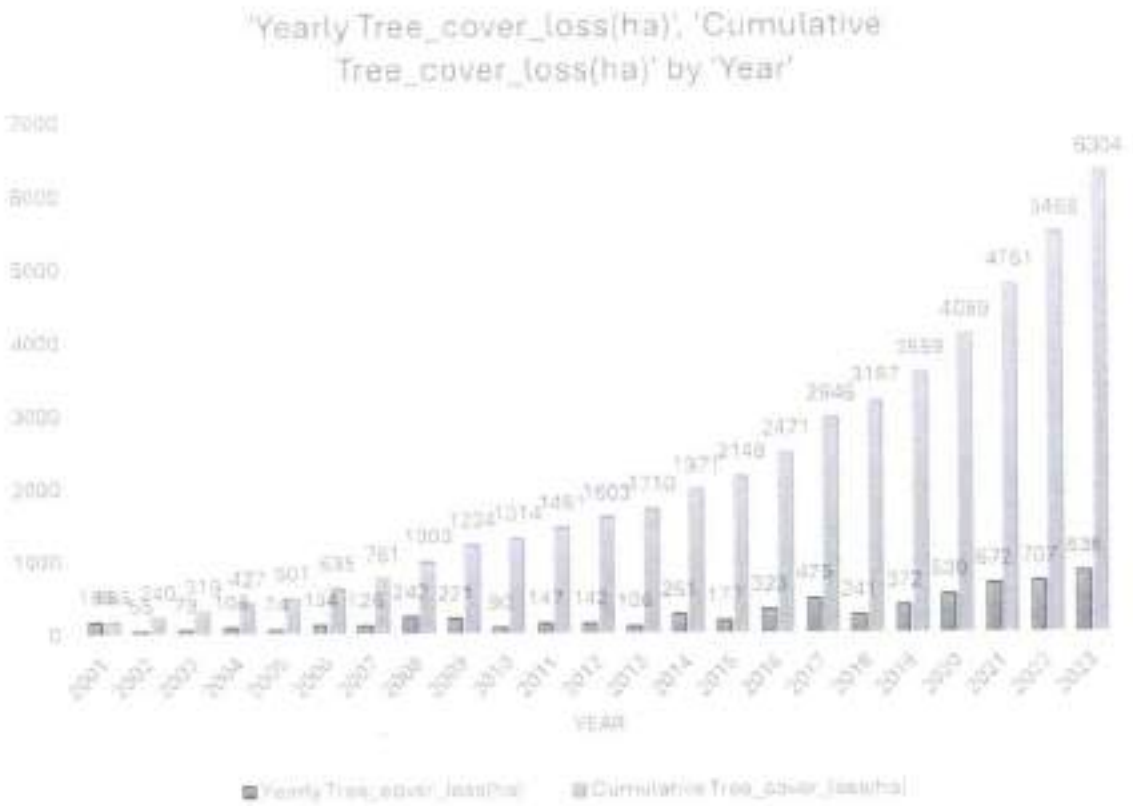
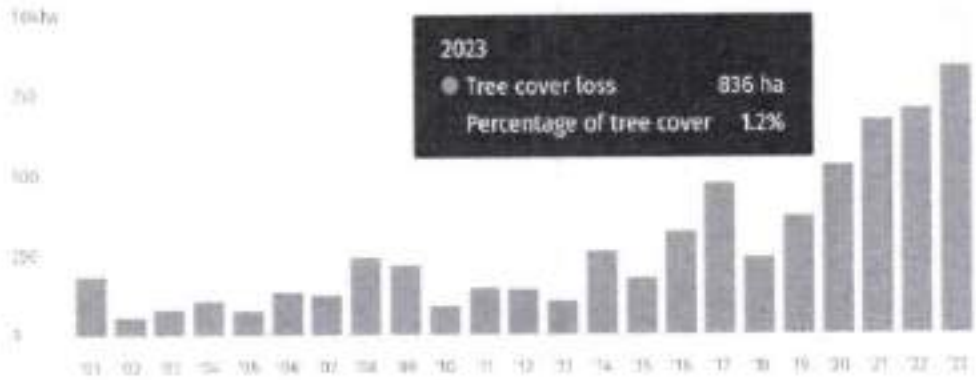
Year Wise Tree Cover Loss in ILRF from 2001 to 2023



From **2001** to **2023**, **ILRF** lost **6.30 kha** of tree cover, equivalent to a **9.3%** decrease in tree cover since **2000**.



Source: Global Forest Watch

Tree cover loss shown on images of 2 different time frames:

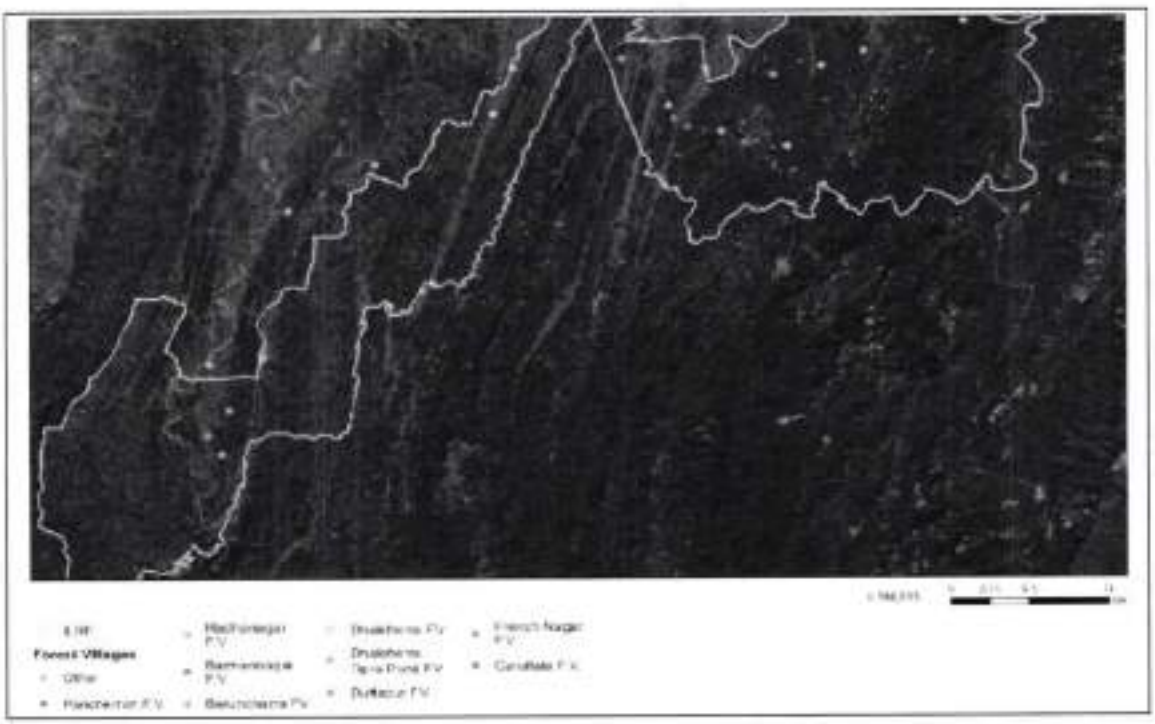


Image 1: Year 2013 Landsat 7. The pink patches in and around ILRF represent the tree loss area. Some patches are seen in the south-eastern part of ILRF.

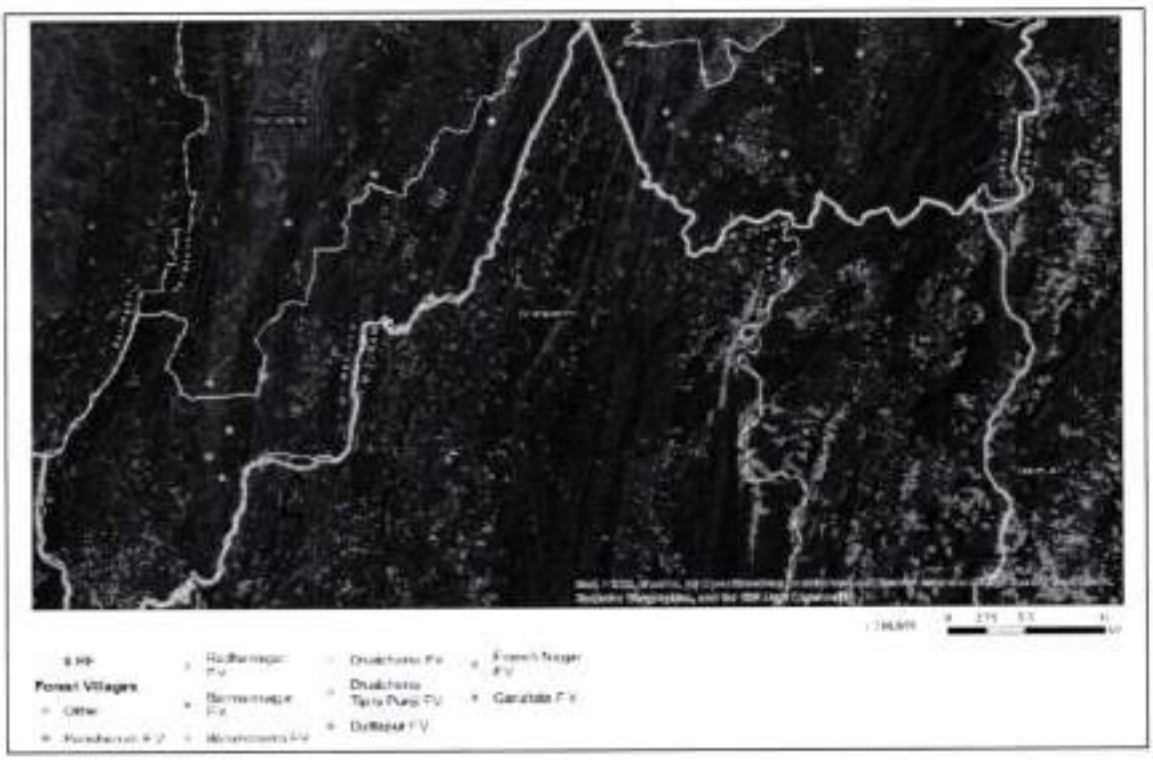


Image 2: Year 2024, Planet Imagery. The smaller pink patches in and around ILRF represent the tree loss area. The image shows lots of pink patches along the border of Mizoram.

Annexure-III

GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER::::::::::::::::::::::::::::::HAILAKANDI

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No.HCB.8/2014-17/189 Dated Hailakandi the 17th March, 2018.

To

The Chief Secretary to the Govt. of Assam,
Dispur, Guwahati-6.

Sub:- DETAILED REPORT ON ASSAM MIZORAM BORDER ISSUE IN HAILAKANDI.

Madam,

With reference to the subject cited above, I have the honour to submit herewith a detailed report on Assam Mizoram Border issues in the following two parts :

(1) **Part-A :** A brief chronological report, along with necessary, Annexures, on the incidents happened in the past.

(2) **Part-B:** A detailed report on the recent problem beginning with effect from 27th February, 2018.

Submitted for favour of your kind perusal.

Enclo:- As above.

Yours faithfully,

(Adil Khan, IAS)
Deputy Commissioner,
Hailakandi

Memo No.HCB.8/2014-17/189-A Dated Hailakandi the 17th March, 2018.

Copy for information and necessary action to:-

1. The Addl. Chief Secretary to the Govt. of Assam, Home, Political, Environment & Forest Department, Dispur, Guwahati-6.
2. The Director General of Police, Assam, Ulubari, Guwahati-7.
3. The Director General of Police (Border), Assam, Srimantapur, Guwahati-32.
4. The Spl. DGP(SB), Assam, Kahilipara, Guwahati-19.
5. The Principal Secretary to the Chief Minister, Assam, C.M's Secretariat, Dispur, Guwahati-6.
6. The Superintendent of Police, Hailakandi.

(Adil Khan, IAS)
Deputy Commissioner,
Hailakandi

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Part A

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ASSAM-MIZORAM BORDER ISSUE, HAILAKANDI

DETAILS OF INCIDENTS / MEETINGS / JOINT INSPECTIONS

(As per records available in the office of DC Hailakandi)

Sl. No	. Date	Incidents / Details of Meetings/Joint Inspections done
1	22-05-1995	Meeting was held between Deputy Commissioner, Aizawl and Deputy Commissioner,Hailakandi at Bhairabi (Kolasib District), Mizoram) in connection with boundary dispute at Kachurthal. Site inspection was also carried out by both the teams headed by the D.C.s It was also decided that as per survey of India map No 83 D/12, it was decided that the area between the Bhairabi Nulla(lui) and Tuikhurlui(nullah) was within Mizoram and the area on the western side of Bhairabi Nullah(Lui) is within Assam.The entire area on the eastern side of Bhairabi lui is within Mizoram and the western side of the river i.e. with Assam territory is localy known as Kochuthol. It was also decided that ground demarcation of the boundary needs to be done. And that both sides were at liberty to enforce the laws of their states within their jurisdiction.**(Minutes at Annexure"1").**
2	29-03-1996	Threatening of villagers namely Funul Haque, Sukur Ali, Abdul Jalil, Harish Ali and others of Kachurthal areas by some Mizos namely Fuiya Lushai and Famkima Lushai of Bhairabi area in Mizoram to leave the village within a week or they will set fire to their houses. Patrolling arranged in the area and information also sent to DEPCOM Aizawl to avoid any untoward incident. (Report at **Annexure-2")**
3	08-04-1996	6(Six) persons from Kachurthal namely (1) Haris Ali,(2) Abdul Haque, (3) Lalu Mia, (4) Kuti Mia, (5) Gias Uddin & (6) Sofiajan were taken to Bhairabi Police Station in Mizoram without informing local Police Station. After discussion with DC, Aizawl over phone, the 6(six) persons were released. Message from S.P, Hailakandi to IGP Border, at (**Annexure" 3**"). About 35 houses in Village Gutguti within Assam Territory set on fire by Mizo miscreants causing damage to house and property of Riang people inhabiting the village. Message sent to **DEPCOM Aizawl** soliciting kind intervention as the area falls under Katlicherra Constituency and there is

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		existing Polling Centre in the Village. G.R. distributed to the affected families by DC, Hailakandi (**At Annexure-4 (i) & 4 (ii)**
4	10-04-1996	Meeting between ADC, Hailakandi and SDO© Kolasib of Mizoram at Jamira IB of Haialkandi District in connection with incident at Gutguti of Hailakandi District on 08-04-1996 wherein 35 houses belonging to Riang people of the village were burnt down by people of neighbouring villages in Mizoram. The SDO Kolasib pointed out that the incident could be the outcome of a former incident of 8-4-96 where one Mizo and two non Mizo Muslims were forcibly taken away from their paddy fields in Mizoram and confined in Ghutguti. It was decided that there would be frequent patrolling by police personnel by both states in their respective jurisdiction and that Govt. of Mizoram would extend their cooperation in the speedy rehabilitation of the affected people by the Dist. Administration, Hailakandi. **(Minutes at Annexure"5")**
5	13-04-1996	7(Seven) houses belonging to non Mizos burnt in Mizoram and 8(eight) houses of non Mizos in Assam by Mizo miscreants after alleged gunshot fired by somebody from Assam side leading to the disappearance of one labourer Lallengvara employed by one C.Hmingthangi for loading bamboos in a Truck. Mizoram administration admitted to the setting of fire of eight houses in Assam side **(Report at Annexure 6 & 7).**
6.	02-09-1996	Some miscreants accompanied by 7(Seven) armed Mizo Police personnel entered Assam on 31-08-96 and 02-09-96 indulged intimidations and looting and firing two three rounds in the air. The police men were subsequently placed under suspension by Government of Mizoram (**Message at Annexure-8, 9 & 10)**
7	10-10-1996	Meeting between the Deputy Commissioner of Hailakandi and DC Aizawl of Mizoram at Jamira I.B (Hailakandi) regarding proposed side of BOP at Kachurthal area from Assam side. Mizoram Government had earlier raised objection to the construction of the BOP. The meeting also resolved to request the NEC to take up Hailakandi-Bhairabi road on priority basis and to curb trafficking of drugs and liquor along the Assam-Mizoram Border. The meeting also agreed for a joint inspection in first month of December'1996. **(Minutes at Annexure '11).**
8	16-12-1996	Some Mizo persons equipped with fire arms and accompanied with few police personnel of Bharabi PS came to Kachurthal village and forcibly took away the

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		paddy of few Muslims of Kachurthal area. Deputy Commissioner, Aizawl was requested to look into the matter.(**Annexure-12).** It later transpired that there was a mis-understanding of sharing of crops between Mizos of Bhairabi and Non Mizo Muslims of Kachurthal which eventually was the outcome of the non demarcation of the border. **(Annexure-13)**
9.	08-01-1997	One Lalkuma Mizo along with 10-11 others of Bhairabi came to Kachurthal and assaulted one Mozorof Ali of Kachurthal and also set fire to the house of one Saleh Ahmed. DC, Aizawl was requested to look into the matter. Report later received from the DC Aizawl stating that the complaint seems to be baseless but further investigation was being carried out (**Annexure-14 , 14(i), 14(ii)**
10	09.02.1997	Some labourers engaged by Mizo contractor namely Thanga Mizo of Binkonga, Aizwal were found digging earth and forest jungle at Kachurthal for construction of Police camp. In this connection, one case is Registered in Katlicherra P.S & 3 persons namely (1) Abdul Sukkur, (2) Yeasin Ali, (3) Tutiur Rahman. The DC, Aizawal was requested to look into the matter and the work removed from that area. Later report received from DC Aizawl that the site for construction of the police outpost was well within Mizoram side of the Inner Line. (**Annexure-at 15, 16 ,& 17(i) to 17(vi).**
11	10-02-1997	Some Mizo people from Mizoram area assaulted and set fire to the house of Siraj Uddin of Kachurthal and also destroyed three no. of houses and six hundred quintals of paddy and snatching away 13 no. of cattle. The D.C Aizawl was requested to maintain peace and tranquility in the area. **(Annexure at 18)**
12	13.02.1997	24 Mizo persons of Bhairabi are constructing Police Camp at Kachurthal under the guard of Bhairabi Police. The D.C, Aizawl was requested to see that this is not done and a Joint meeting was called for 19.02.1997.(**Annexure-19)**
13	19-02-1997	Joint Inspection by Circle Officer, Katlicherra and SDO(Civil), Kolasib on construction of Mizoram Out Post at Zophai (Kachurthal). The team decided that as there was controversy over the identity of the actual Bhairabi Nala and Tuikhurlui Nala ,where the location of Mizoram Police Out Post was being constructed, they agreed that as per meeting on 22.5.1995 ground demarcation be done early

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		(Annexure- 20).
14	10-03-1997	3(Three) houses belonging to Abdul Jalil, Sukkur Ali & Jamir Ali were set on fire in Kachurthal area by Mizo miscreants. The DC, Aizawl was requested to take action to prevent re-occurrence of such incidents. G.R distributed to the victims. **(Annexure-21, 22 & 22 (i))**
15	10-04-1997	Joint inspection of boundary in Kochurthol area between ADC, Hailakandi and ADC, Aizawl with help of Mizoram Survey Party in Kachurthal . The joint team was of the opinion that the point A marked in the trace map is the river Bhairabi reflected in the Survey of India shown dividing the two states of Assam and Mizoram. **(Minutes At Annexure-23).** The D.F.O, Hailakandi later opined that this could not be accepted as Assam Survey party was not involved in the inspection.(**Annexure-24).**
16	03.05.1997	Construction of Police Camp from Mizoram side Report received that some Mizo people have started construction of Police Out Post and Police Barrack at Kachurthal (Abdur Rouf Tilla). The DC, Aizawl was requested to stop the construction works.**(Annexure-25)**
17	21-06-1997	Meeting between Deputy Commissioner, Aizawl and Deputy Commissioner, Hailakandi at PWD IB at Bhairabi regarding construction of Police Out Post at Kachurthal by Mizoram. D.C, Hailakandi stated that the previous meeting between the ADCs of both sides on 10.04.1997 was not approved by him in view of objections raised by the Assam Forest Department.The DC, Aizawl stated that there are very clear about the boundary of the side of the present construction and that it was not possible to stop the present construction. However, he suggested that actual boundary identification be done in near future. **(Minutes at Annexure-26).**
18	25.08.1997	Wife and Son of one Md. Jalil Uddin of Gaglacherra arrested by Mizo Police from Assam without any intimation to local Police and taken over to Mizoram. Subsequently released on P.R Bond on intervention of DC, Aizawl. **(Annexure-27)**
19	04.03.1998	Looting and Arson of 175 houses in Gutguti and 13 houses in Riflemara by Armed Mizo miscreants.**(Annexure-28)**
20	06-03-1998	Looting and Arson of 10(ten) houses in Sahebmara and Manipuri Nala area by Mizo miscreants. One School building used as Polling Station was gutted in the fire. DC, Aizawl. **(Annexure-28)**
21	20-03-1998	Report received from DFO, Hailakandi that Mizo people

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		from Mizoram cleared Jungle and did alignment for construction of road upto Betchera inside Hailakandi District by bamboo peg marking "LALHUNMA W/A No.4 and L.H.MAWIA Colony No.4.**(Annexure-29)**
22	07-04-1998	Report from D.F.O, Hailakandi regarding illegal construction of APWD Road to Mizoram BOP at Kachurthal through Kachurthal area by Mizoram PWD.**(Annexure-30 &30 (i).** D.C Aizawl was requested to look into the matter and stop the construction works.**(Annexure-31).**
23	11.04.1998	Threat notice was given to Riang people by YMA of Saikhowtlir Basti of Mizoram in Gutguti area. Due to fear of Mizo people, 175 family taken shelter at Ramnathpur L.P School / Railway Station. Patrolling intensified in this area and D.C, Aizawl was requested to look into the matter and maintain peace in the Bordering areas. The DC, Aizawl informed that CRPF and Sr. Police Officials were deployed on his side. GR was also provided to the affected people by District Administration, Hailakandi.**(Annexure-32).** Later DEPCOM, Aizawl informed that the threat letter was a fabricated one & must have been originated with ill intension to cause communal disharmony.**(Annexure-33).**
24	07-06-2001 & 13.06.2001	Administrative Officer of Bhairabi Centre issued two letters to one Fakar Uddin Mazumder mentioning the address as "ZOPHAI, Bhairabi" instead of "Kachurthal" and requesting him to meet him failing which necessary action would be taken against him.**(Annexure-34, 34 (i), 34 (ii) & 34 (iii).**
25	29-12-2001	25 Houses at Sahebmara Riang Punji were set on fire by Mizo miscreants. The SP, Kolasib reported that 10(ten) persons of Suarhliap village of Mizoram who were involved in burning the houses at Sahebmara were arrested.(**Annexure-35 & 36**).
26	25.01.2002	Residents of Bhaichrra Chakma Punji, Nutun Basti, Saheb Mara near Ramnathpur were given notice by Mizos to vacate land by 27.01.2002 or face attack.**(Annexure-37).**
27	15.06.2002	A joint meeting with D.C, S.P & D.F.O Kolasib District of Mizoram & D.C, S.P, ADC & D.F.O, Hailakandi was held at Circuit House, Hailakandi . DC, Hailakandi opposed the officials constructions by Mizoram Government within the Territory of Assam and pointed out that this areas would be evicted within 3rd week of June'2002 as per orders of the Hon'ble Supreme Court of India. To this, the DC, Kolasib agreed to take up the matter with the higher authorities of Mizoram and requested to stop the proposed eviction in the disputed areas. The DC, Hailakandi agreed on the resolutions of the meeting held on 22.05.1995 but opposed

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		the concluding para of the minutes of the meeting of 21.06.1997. DC, Kolasib also agreed to this. It was further resolved to move Survey of India for permanent ground demarcation of the boundary. **(Minutes at Annexure- 38).**
28	05.09.2003	Some Police Personnel of Camp ZOPHAI of 1st IRBN, Mizoram near Kachurthal visited Gollacherra village and asked them to pay tax in the form of paddy or cash and took away hens, ducks and households articles. They threatened the villagers to vacate the village stating it was within the territory of Mizoram.(**Annexure-39).**
29.	06.08.2004	Some Mizo people of Vairengte P.S in Mizoram set fire to the house of one Jalal Uddin of village Chuta Jamira under Katlicherra P.S of Hailakandi District. (**Annexure-40).**
30.	23.09.2004	Mizoram Police led by one Dy.S.P from Kolasib District of Mizoram threatened the villagers of Gollacherra village under Katlichera P.S to vacate the village within 24 hours or obtain Inner Line Permit, failing which they will be forced to vacate. **(Annexure-41)** However, report received from DEPCOM, Kolasib that no police personnel entered into Gollacherra Village. **(Annexure-42).**
31	04.06.2005	A group of 10-12 unknown Mizos most probably YMA/ VCP members of Mizoram constructed a Rest House at Kachurthal in Assam side using wooden structure & tin roof. Also two nos. of sign boards with the words "R.L.ZOSANLIANA; D.S.P Police Hqrs. Pan No.BB/CAD/A-23 of 1995, area 10 (Ten) Bighas " have been pitched adjacent to the house of one Eklal Mia(Encroacher at Kachurthal. D.C, Kolasib informed to take steps for dismantling the house. **(Annexure-43 & 44).**
32	06.11.2005	Mizoram Agriculture Department constructed 2(two) temporary Rest Sheds for Agricultural Labour's Shed under IWDP -2005 at Kachurthal within the boundary of Inner Line Reserve Forest (ILRF) of Hailakandi. DC Kolasib asked to remove the illegal constructions.(**Annexure-45**).
33	07.11.2005	Removal of Assam Forest Sign Board by Mizo miscreants from the Kachurthal area inside ILRF.(**Annexure-51**).
34	01.12.2005	Threat by Police Constable of ZOPHAI Camp (BOP) of Mizoram to kidnap Range Officer of Gharmurah Forest Range for dismantling the Rest Shed.(**Annexure-46(i) & 46(ii).**
35	06.12.2005	Creation of Horticultural garden encroaching Kachurthal area in ILRF by one Mr.Marua, S/O Balbunga.(**Annexure-51).**

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36	09.12.2005	Some persons from Mizoram tried to blow up the watch tower of Forest Department situated in Kachurthal. They damaged the railing and staircase of the structure.(**Annexure-47)**
37	14.02.2006	Mizoram Administration trying to occupy the vacant battalion Rest Camp constructed at Gollacherra F.V by Assam Police.(**Annexure-48 (i) & 48 (ii).**
38.	13.04.2006	Illegal construction of Fishery by Mizo people at Kachurthal inside ILRF.
39	06.05.2006	PWD Kolasib Division, Mizoram illegally constructed a road in the Inner Line Reserve Forest stretching 9.3 kms towards Assam in Phaisen area from the illegally constructed RCC bridge on the Chhimluang Lui stream.(**Annexure-49).**
40.	14.05.2006	Six no. of Mizoram Police Armed Personnel along with two Mizo civilians apprehended one Fakar Uddin Mazumder of Kachurthal under Katlicherra Police Station of Hailakandi District for not paying annual taxes.(**Annexure-50**)
41	10.10.2006	Mizo people guarded by Mizoram police force cutting and felling trees at Kachurthal area inside ILRF .(**Annexure-52).**
42	27.06.2007	One JCB / Excavator seized and four persons of Mizoram were arrested for unauthorized activities like earth cutting in Kachurthal area of ILRF. 6(Six) Armed personnel of 1st IRMZ Battalion of Mizoram were guarding the earth cutting party and were detailed by O/C Bhairabi P.S on request of one Chalthan Jhuana S/O Late Ch.Chhunga (Ex-Chief Minister of Mizoram).(**Annexure-53)**
43	28.06.2007	Discussion in Bungalow Office of D.C, Hailakandi attended by SDO(C) Kolasib, Addl.S.P, Kolasib, Sector Officer, CID (SB), Kolasib. The DC, Hailakandi expressed concern over unauthorized activities in the form of earth cutting, earth leveling by engaging excavator / JCB inside ILRF. The SDO(S) Kolasib expressed that since the matter regarding boundary dispute needs to be taken up at the highest level, they were not in opinion of making any comment and requested DC, Hailakandi to release the arrested persons and JCB/ Excavators unconditionally. (**Minutes at Annexure "54")**
44	10.07.2007	Mizo miscreants from Mizoram again encroached the land at Kachurthal by engaging Bull Dodgers for earth cutting (**Annexure-55**).
45	05. 03.2009	As per report of DFO, Hailakandi, Mizoram Forest

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		Department installed 68 nos. of RCC Pillars at Dholcherra (Phaisen) Border under Matijuri Forest Range of Hailakandi Forest Division. (**Annexure-56**).
46	20.03.2009	Joint verification done by SDO(Sadar), Hailakandi, DFO, Hailakandi and D.S.P, Hailakandi along with SDO© Vairengte, Mizoram SDPO, B.D.O, Mizoram regarding minor irrigation works taken up by Government of Mizoram. The Mizoram Government was asked not to continue the works of minor irrigation but the Mizoram Counterpart was not ready to accept. (**Annexure-57**)
47	27.01.2011	Joint meeting between ADC Hailakandi, Addl. S.P, Hailakandi, DFO, Hailakandi, SP, Kolasib, SDM, Virengte, SDPO Virengte, Vice President, Village Council, Virengte regarding collection of Broom stick. An agreement was signed in presence of the officials of Mizoram (Kolasib District) and Assam of Hailakandi District that the collection of broom sticks cultivated in the Ram Prasad Tilla/ Chengkawllui Tlang(Disputed Area) would be done jointly under the supervision of both Assam and Mizoram Police and the parties concerned (cultivators) of Bhairengte and Bilaipur shall bring equal no. of labourers to collect the broom sticks.(**Annexure-58**).
48	11.02.2011 & 12.02.2011	Some officials of Govt. of Mizoram side came to the construction side at Kachurthal LP School and Muliwala LP School and instructed the SMCs to stop the construction work as the said land belongs to Government of Mizoram. Some miscreants destroyed the part of the newly constructed school buildings.(**Annexure-59**).
49	24.02.2011	Minister of Tourism, Government of Mizoram accompanied by 30 civilians visited the construction side of BOP at Bhaicherra Forest Village and threatened the laborers to stop the construction works. DC Kolasib was requested to hold joint meeting with DC, Hailakandi.(**Annexure-60**)
50	10.08.2011	Meeting of D.C, Kolasib and D.C, Hailakandi at PWD Staff Lodge, Kolasib wherein it was agreed to maintain status quo in the disputed area and to share reports on quarterly basis. And have periodic joint patrolling in the Border Areas. (**Minutes at Annexure-61**)
51	09.03.2013	Some miscreants blasted Muliwala L.P School in Bhaircherra ILRF near Kachurthal BOP in which the school building was destroyed. (**Annexure-62**).The DC, Kolasib(Mizoram) was submitted a report relating to the blast stasting no culprits / suspects has yet been apprehended.(**Annexure-63, 63(i), 63(ii), 63(iii)& 63(iv)**.
52	25.04.2014	Some Mizo people led by one Danga of Buchanag area of

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		Mizoram along with one Safik Uddin Mazumder of Dholai Part-V, PS Katlicherra encroached some forest land of Betlacherra claiming the land falls under Mizoram. Forest staff however evicted the illegal encroachment by breaking 4(four) bamboo huts.(**Annexure-64**).
53	29.04.2014	Explosion took place at Kachurthal L.P. School demolishing the school. DC, Kolasib(Mizoram) asked to prevent attempt of any violence. (**Annexure-65).**
54	30-04-2014	Meeting between the D.C, Hailakandi and D.C,Kolasib held in the Office chamber of D.C, Hailakandi wherein it was decided to maintain status quo as per last meeting of 2011. The issue was of encroachment in Hailakandi Forest Area by four no. of local persons and engage by one Sri Donga of Bhuchang, Mizoram by way of clearing and damaging forest land. It was decided that Joint survey would be conducted by DFOs of both side.(**Minutes at Annexure-"66)**
55	20.05.2014	Some miscreants from Mizoram along with Mizoram Police are giving threats to the villagers under Assam-Mizoram Border to leave the villages otherwise there would be danger to life and property. DC, Kolasib (Mizoram) was requested to expedite withdrawal of Mizoram Police at the earliest from the Border.(**Annexure-67**).
56	21.08.2014	One Sri C.Lalrim Chana from Koupin south village of Kolasib, Mizoram constructed one timber house inside ILRF within Assam Territory. He was asked to stopped constructional works and accordingly he did so.(**Annexure-68).**
57	19.01.2016	One Zakir Hussain Mazarbhuiya of Kachurthal ILRF constructed wooden house within Assam Territory on the plea that the location belongs to the Ex-Chief Minister, Mizoram. This house was ejected by the Forest Officials of Hailakandi and materials seized.(**Annexure-69**)
58	27.2.2018	Waiting Shed was illegally constructed at Kachurthal area by MZP (A Mizo Youth Organization) . The Shed was later dismantled by Hailakandi Police in presence of SDM, Katlicherra and materials seized.
59.	02.03.2018	Assam Police erected a Bunker at Kachurthal and the said bunker was found dismantled by unknown persons.

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Part B

Recent incident at Assam-Mizoram border at Kachurthal, Hailakandi

On 27.02.2018 a signboard was placed in the name of MZP (Mizo Zirlaw Pawl),Student Organization of Mizoram besides the NH-154 in Kachurtal area under Ramnathpur Police Station , District Hailakandi, Assam. The signboard also contained "Site for Zofate Chawibuk" (i.e. site for rest house) and beneath the signboard there was a makeshift bench on a wooden structure. The Ramnathpur P.S. Police party dismantled the signboard and bench. In the meantime, about 50 (fifty) people accompanied by Mizoram Police came to the spot and started screaming as to who had dismantled their signboard and bench. Then they started construction of a waiting shed beside the road. Assam Police personnel resisted them stating that the land belonged to the State of Assam and they should not construct a waiting shed like this in the territory of Assam. The Mizo people did not pay any heed to the repeated cautions of Assam Police and did not relent. The SDO, Katlicherra and the Police officials present had a long discussion with the Commandant, 1st Mizoram IR Bn, the SDO, Kolasib, Mizoram and the SDPO Kolasib, Mizoram to tackle the situation without any untoward incident. The Mizoram Officials stated that this was a political gimmick of the MZP before the election in Mizoram and started requesting our officials to allow the group to construct the waiting shed to avoid serious law and order situation at the moment with an assurance to dismantle the shed after the departure of the group from the area. In order to avoid serious law & order situation, our officials with the police personnel moved away for the time being. After constructing the wooden shed, the Mizo people left the place at dusk. The SDO Katlicherra with other officials and police personnel returned to the area after dusk and dismantled the waiting shed. The dismantled materials were seized by the Forest officials and brought to the Range Forest Office, Gharmurah.

The Beat Officer, Ramnathpur lodged an FIR with O.C. Ramnathpur P.S. Case No. 35/2018 U/S 143/447/427/506 IPC R/W Sec 5 of the Land Grabbing Act was registered, which is under investigation.

On 28.02.2018, the Superintendent of Police, Hailakandi visited the place and deployed two sections of Assam Police Bn. Personnel for patrolling etc. He also directed O.C. Ramnathpur P.S. to maintain sharp watch in the area.

On 02-03-2018, UBC-289 Kawsar Habib Mazumder of Ramnathpur PS lodged an FIR to the effect that one check post of Assam Police erected at Kachurtal was destroyed by some unknown miscreants of Mizoram at about 6.30 P.M. In this regard a Case No. 37/2018 U/S 143/447/427 IPC has been registered.

Similar types of incident were also reported in the area earlier. Last time there was an incident in the area in 2014. At that time, the then Deputy Commissioner, Hailakandi took up the matter with his counterpart in Kolasib, Mizoram and requested him to prevent such construction and they agreed to maintain the status quo. There was no significant incident from across the border in Kachurtal since 2014. It was also learnt that the MZP is contemplating to construct a shed at the same place on 08.03.2018.

On getting information about the proposed re-attempt of encroachment of land by MZP on 08.03.2018, the Deputy Commissioner- cum- District Magistrate, Hailakandi visited the

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spot on 06.03.2018. Immediately, verbal communications were made with DC and SP, Kolasib district of Mizoram with the request to maintain status quo and not to allow any individual or organization to take law in their hands until the issue is resolved lawfully in proper forum. The District Magistrate, Hailakandi also wrote a DO letter to DC, Kolasib District, Mizoram on the same day seeking co-operation of Kolasib district administration to check any attempt of encroachment, to maintain status quo and law & order. An invitation for discussion on the matter between two district administrations was also extended.

Apprehending intrusion by a large number of MZP volunteers in to the territory of Assam, Prohibitory Orders under Section 144 Cr.PC were promulgated by Deputy Commissioner, Hailakandi on 07.03.2018 prohibiting the following:

(i) Assembly of five or more persons in the Kachurtal area and other areas bordering Kolasib District of Mizoram under Ramnathpur Police Station of Hailakandi district.

(ii) Any kind of temporary and permanent construction activity in the forest area of Hailakandi district along Mizoram Border.

(iii) Carrying of arms or other lethal weapon like Dao, catapults, knife etc.

While D.C. Kolasib assured that he is trying to control the situation, he also admitted that MZP don't listen to the administration and expressed helplessness after a point of time.

On the morning of 8th March, 2018, adequate number of force was deployed, headed by Addl. S.P. (HQ)-cum-I/C S.P Hailakandi and Magistrate were also detailed. At about 10.00 AM, about 20 members of MZP reached the spot with two vehicles loaded with construction material and started downloading the materials. At this juncture, the Magistrate on duty requested them not to go ahead with such attempts in the territory of Assam. The MZP members remained adamant and started abusing and misbehaving with the officers and personnel on duty. The Magistrate tried to convince them that any difference over boundary may be discussed at proper official forum and that they should not take law in their hands. He told them that the people of both states are citizens of the same country and therefore, there is no need of fighting over the boundaries. Despite continuous persuasion, they remained adamant and therefore, Magistrate announced on loudspeaker that prohibitory orders U/S 144 Cr.PC has already been promulgated and that they should comply with law and disperse. Even then they remained adamant on construction at which the assembly was declared unlawful by the Magistrate on duty after which they were pushed back by about 200 meter by the police using bare minimum force. In this connection, a case has been registered at Ramnathpur PS vide case No.44/2018 U/S 147/148/149/447/336/294/353 IPC R/W Sec. 5 of Assam Land Grabbing Act.

Later about 60/70 more members of MZP joined the earlier group. Continuous appeals were made by our officers asking them to leave the spot and approach through their administration / Govt. for resolution. However, they camped at the spot declaring that they will not leave until they are able to construct a rest house there.

It may be noted here that despite several requests made by the District Magistrate, Hailakandi to Deputy Commissioner, Kolasib to restrain the MZP members from reaching the spot, they came unobstructed. There was no officer from the Kolasib District administration to

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ensure that the people coming from their side comply with the prohibitory orders promulgated by District Magistrate, Hailakandi and not to violate any law.

At about 8.00 PM on 08.03.2018, ADC Kolasib came to the spot and held discussion with the DIGP (SR), Assam, Silchar and the I/C SP, Hailakandi present on the spot. He was requested to convince their student body not to make any attempt of encroachment and abide by the law. He also informed that Govt. emissary from Aizwal is on the way to Kolasib to talk to the MZP members.

It may be added that if the MZP activities/ encroachers are not stopped by the administration of Mizoram and still try to go ahead with the said construction, the situation may worsen.

Further sequences and events are as follows:-

(i) At about 4.00 PM on 09/03/2018, the DC Hailakandi along with the DIGP(SR), Silchar held a meeting with the D.C/S.P and other officials of Kolasib District of Mizoram near the Border to discuss the ways to come to arrive at a mutually agreeable and amicable solution of the current impasse. It was again suggested to the D.C Kolasib that any differences on the border must be discussed and settled in an appropriate forum and no one should be allowed forcefully to encroach the Reserve Forest land and violate law. In return, the D.C Kolasib suggested that to resolve the present situation, the members of MZP may be allowed to construct a small structure which can be later on dismantled by Hailakandi District Administration after the MZP members left the spot. The offer was found to be not legal and legitimate and therefore, it was not agreed upon by us. Rather they were requested to convince their student's body to abide by law and withdraw from the spot and approach their Administration and Government since the offer of our discussion had already been extended by the Government of Assam. The Officers of Kolasib District Administration left after this with an assurance to respond back on the issue and to control the situation on their side. However, no response came from Kolasib District Administration and after that all the MZP members continued camping near the inter-state boundary. Our security forces continued to remain deployed in their position.

(ii) At about 7.00 P.M. on 09.03.2018, it was reported that a Mosque which is on the side of Border (Mizoram Side) is being planned to be demolished. The D.C/S.P Kolasib were immediately informed to give proper protection to the religious structures and to this security forces were deployed to safeguard the Mosque.

(iii) At about 11.00 P.M. on 09.03.2018, it was reported by the Magistrate and the Police Officials on duty at the Border that 2(two) nos. of abandoned houses at the problem site have been set on fire. The matter was immediately reported to the D.C/S.P Kolasib requesting them to immediately stop such kind of vandalism which would otherwise escalate the situation.

On 10th March/2018, since morning, Police officers on duty informed that more and more MZP volunteers are joining the camping side. It was also reported that they are equipped with Lathi, dao, catapult etc. Continuous telephonic communications were made with the D.C/S.P Kolasib with repeated requests to withdraw the MZP members from their side to

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maintain law & order within their jurisdiction. In return D.C & S.P Kolasib assured that the MZP members are withdrawing soon and there will not be any intrusion and violent activity.

However, while this was being discussed, about 100 MZP members armed with lathis, dao, knives, wooden materials, wooden planks, catapults etc. came marching all of a sudden towards our forces. They assaulted In-Charge S.P. Hailakandi and injured 15 police personnel of Assam viz (1) C/214 Sudip Sinha, (2) C/502 Safique Ahmed Talukder, (3) c/445 Rajesh Nath, (4) C/458 Asab Uddin, (5) C/194 Subrata Malakar, (6) C/654 Niranjan Sinha, (7) C/169 Sabbir Ahmed, (8) C/ 178 Biswajit Kairi, (9) C/272 Bahar Uddin, (10) c/ 116 .S. Dey, (11) C/20 Sultan Ahmed, (12) C/34 Babla Das, (13) WPC-89 Susmita Nath, (14) WPC-134 Mamata Sinha, (15) WPC-121 Rina Sinha, who were later shifted for medical treatment. Simultaneously, they also started construction by placing wooden poles. In this regard, a case vide Ramanthpur PS case no.45/2018 U/S 147/148/149/447/448/326/436/188/353 IPC R/W Sec. 5 of Assam Land Grabbing Act. has been registered.

Repeated appeals from the Magistrate on duty and the Police Officers were made to MZP volunteers/ encroachers to abide by the law, maintain peace and tranquility and law & order. Despite requests and persuasion, the MZP members were not at all ready to listen and were adamant to go ahead with the construction although the police on duty were maintaining extreme restraint.

At first, security forces receded 100 meters. However, when MZP members continued with the assault, they were pushed back using bare minimum force and the forces exercised maximum restraint as was instructed to them. When the MZP members continued assaulting security personnel on duty, finding no other alternative, to disperse the MZP members 5 (five) rubber bullets round and 2(two) rounds of INSAS Rifle were fired in the air by security personnel. With this use of bare minimum force, our security personnel were able to push back the MZP members.

The MZP members remained on the other side of the Border for some time and our forces continued to hold their position exercising maximum restraint. After some time, the MZP members went to Bhairabi Police Station where the District Administration of Kolasib, as reported, persuaded them to return to Aizawl.

At about 4.30 PM, on 10.03.2018, the D.C Kolasib informed D.C Hailakandi that they will not allow the MZP Members to return to the spot and assured that they would return to Aizawl.

Meanwhile, D.C/ S.P, Hailakandi are continuously in touch with the D.C/ S.P Kolasib to ensure that the common people of either side do not suffer any repercussions due to the present impasse on the border.

It may be mentioned here that area on which the encroachment was attempted by way of construction of Waiting Shed on 27.02.2018 and a Rest House during current incident, falls under Gharmurah Range of Inner Line Reserve Forest in Hailakandi District, notified in 1878. Necessary topographical maps of Survey of India notified in 1971 are available with the D.F.O, Hailakandi, copy of which is enclosed with this report. It may be reiterated that if the Kolasib District Administration does not restrict the free passage of MZP activities/ encroachers to reach to the spot, there may be further attempts to encroach the reserve forest. If the administration in Mizoram does not pro-actively take preventive measures, there is an apprehension of a backlash against the people of Assam residing/working in Mizoram.

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Annexure-IV—

Reserve Forest, situated under the jurisdiction of Cachar Division. This table serves as a detailed record, providing insights into the specific occurrences where individuals from the Mizo community have encroached upon the areas of the Inner Line Reserve Forest, enabling a clearer understanding of the scope and nature of these incursions.

Sl. No.	Name of Forest Division	Date on which illegalities by Mizo People in forest area have been noticed	Encroachment of forest land and illegal construction activities thereon			Distance from any easily identifiable mile stone like river/ stream BOP, village inter-state border building etc	Remarks
			Approx Area (Ha)	GPS Co-ordinate	Nature of illegal construction		
1		3	4	5	6	7	8
1	Cachar Forest Division, Silchar	Mizo Section Dt. 21-06-2013	300.0	N 24°28'49.42" E 92°47'14.07"	Road & bridge	Mizo Section F.V.	Boundary Pillar broken by Mizo People
2		Dholakhal Dt. 06-04-2020	200.0	N 24°28'51.90" E 92°47'33.78"	Road	Dholakhal F.V.	
3		Phainum Punjee Dt. 06-04-2020	300.0	N 24°28'26.22" E 92°47'22.38"	Road	Upper Phainum Punjee Village	
4		Bagkhal Dt. 06-04-2020	250.0	N 24°28'7.36" E 92°47'57.17"	Road	Bagkhal	
5		Mother Tilla Dt. 06-04-2020	350.0	N 24°24'45.0" E 92°51'33.3"	Road	Mother Tilla	
6		Old Auto Stand (both side) Dt. 08-11-2020	123.7	N 24°30'59.11" E 92°46'47.55"	Building, Huts & Road	On NH-54	
7		17-01-2021	1.0	N 24°25'28.30" E 92°52'48.67"	Construction of Road from Mizoram via Jabia (Assam Mizoram Border) to Patarkhal mukh 8.0 Km road has been constructed in Assam area by Mizo People in the east direction of Dholakhal & east direction of Sonai River and another road plan is going on from Lallapur to Thimakhal. This is also Assam area from	Dholakhal to Patarkhal mukh approx 4.0 Km in the east direction of Sonai River	

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					west to east direction of Sonai River.		
8	Cachar Forest Division, Silchar	Pagalcherra (French Nagar) Dt. 05-04-2021	125.0	N 24°30'19.43" E 92°46'46.39"	Mizo I.R.B.N. Camp	Boundary Pillar	
9		Aitang (Dholakhal) Dt. 22-07-2021	150.0	N 24°31'12.61" E 92°45'43.16"	Building & Huts	Aitang Nala	
10		Dt. 26-07-2021	-	N 24°30'59.74" E 92°46'46.51"	The Mizo Police and the IRBN personnel deployed by Mizoram Govt. started firing un-provokedly on the Assam Govt. officials, Forest and Police staff indiscriminately using sophisticated weapons, resulting death of 6 (six) Assam Police Personnel.	Lailapur Auto Stand on NH-54	
11		Dt. 26-09-2021	-	N 24°24'45.0" E 92°51'33.3"	Eviction of temporary patrolling camp set up by Forest Deptt.	Madar Tilla, ILRF	
12		Kalakhal (Pischakal) Dt. 03-04-2022	400.0.	N 24°27'10" E 92°53'29" N 24°27'10" E 92°53'30" N 24°27'10" E 92°53'29" N 24°27'10" E 92°53'30" N 24°27'10" E 92°53'14" N 24°27'10" E 92°53'29"	Road	Pancherra upstream newly construction of Road	
13		Rangi Tilla Dt. 22-07-2021	175.0	N 24°31'22.44" E 92°46'59.38"	Road, Huts & Horticulture crops	On NH-54	

 ANNEXURE XI -551-

BRIEF SUMMERY OF MIZO ACTIVITIES UNDER HAILAKANDI FOREST DIVISION

There is about 1000 Hectors area of land in Inner Line R.F under Hailakandi Forest Division which is encroached by Mizoram Govt. at the following locations:

Sl no	Name of Range	Name of RF	Location of Mizo Encroached Area	Total area encroached(ha)
1	Matijuri	Inner line R.F	Dhalchera	575
2	Gharmura		Kachurthal	425
			Birseema	
			Gollachera	
			Total	1000

In addition to that Mizoram Govt. people intended to encroach in the adjoining bordering area of Assam under Matijuri Range, Gharmurah Range and Kukicherra Range some of such incidences are shown below.

Date	Brief description
03-06-2021	Reporting of illegal construction of house in the adjoining area of boundary of Assam Mizoram by Mr. Pu John Hallyday at Birsima village within Inner Line R.F, under Gharmurah Range, Hailakandi District. And physical inspection of the illegal constructed house done on 03-06-2021. Area encroached 3.00 Hectors.
04-06-2021	Burning of 3(Three) huts of encroachers at Gollachera area within Inner Line R.F under Gharmurah Range and within territorial jurisdiction of Hailakandi district near interstate border boundary of Assam Mizoram.
27-06-2021	Mizo encroachment at Kochurthal –Balicheraa area under Dhalcherra BOP, Matijuri Range. On 27-06-2021 the Civil, Police and Forest authority of the district along with armed police personnel found a temporary shed constructed at Kachurthol (Balicherra) by the Mizoram Police.
29-06-2021	Dismantling of temporary shed constructed at Kachurthol (Balicherra) by the Mizoram Police and also recovered 120 Hectors Broom plantation done and occupied by Mizoram.
01-07-2021	On 01-07-2021 Mizoram Police tried to re-construct the temporary shed at Kachurthol-Balicherra area but the district Police/Civil and Forest authority have dismantle the constructional works and recovered encroached 80.00 Hectors Broom planted land.
13-08-2021	At Sahebmara - PakuaPunji EGS L.P. School under Gharmurah Range within Inner Line Reserved Forest low intensity blast has been made in night hours of 13-08-2021 by unknown miscream of Mizoram.
14-08-2021	On 14-08-2021 during field visit at Kachurthol- Balicherra area i/c Range officer, Matijuri and other forest staff have noticed that about 2.00 (Two) KM Kacha road (earthen road) constructed by the Mizoram Govt. in Inner Line Reserved Forest under Matijuri Range, Hailakandi District, Assam.
27-08-2021	On 27-08-2021 i/c Range Officer, Matijuri has visited the Kachurthal-Balicherra area within Inner Line Reserved Forest area under Matijuri Range, Hailakandi District and reported that Mizoram Police has installed 2(Two) nos. temporary Camps and one bunker near the boundary of 200 Hectors Block Plantation site .
01-09-2021	On 01-09-2021 it is reported that a road is started to construct by the Mizoram Govt. in Kachurithal-Balicherra area near 200 Hectors Mixed Teak Plantation Center within Inner Line Reserved Forest area under Matijuri Range, Hailakandi District. Necessary preventive steps have been adopted by the District Police and Civil authority along with Foresta.
02-09-2021	Another Temporary Camp alongwith 2Km road have been constructed by Mizoram Police at Kachurthal-Balicherra area within Inner Line Reserved Forest under Matijuri Range, Hailakandi District, Assam.
06-10-2021	Illegal construction of linkage road with Mizoram State by way of encroachment in Inner Line R.F in Hailakandi district extending the earlier constructed 2.00 Km road at Kacurthol – Balicherra area including a new duty post also done by the Mizoram Police.

Contd. ...2

Date	Brief description
26-10-2021	The Mizoram Govt. has again started re-construction of incomplete RCC culvert over Bhairabicherra under Gharmurah Range near Kachurthal at GPS Coordinates N -24.227, E - 92.548. But due to Intervention of district Civil and Police authority constructional work has been ceased.
21-11-2021	Illegal construction of a Road by Earth cutting at upstream of Haticherra area within ILRF under Kukicherra Range. The said road is about 2.00 KM (Aerial distance) inside Assam territory from the Inter State Border Boundary of Assam-Mizoram. A point of GPS Coordinates of the road is (24°21'15.5"N 92°38'23.6"E). The said road works has been stopped after joint enquiry done by the both Civil, Police, Forest authority of the counterpart district.
02-02-2022	About 3.00 Ha land encroached by Mizo miscreants at Gollacherra area by cutting/ clearing the bamboo etc. within I.L.R.F. under Gharmurah Range.
09-02-2022	DFO, Hailakandialong with Circle Officer, Katlicherra, Range Officer, Gharmurah, O.C. Ramnathpurand other staff visited the Gollacherra area within Inner LineReserved Forest under Gharmurah Range, Hailakandi district. During our visit it is seen that the earlier encroached area has been extended by cutting/clearing the bamboo etc. from the forest area, the total encroached area is about 3.00 Hectors.
26-02-2022	About2.0Km. away towards eastern direction from Gollacherra B.O.P Mizoram Govt. has illegally constructed new Road at Kala Pahar area within Inner Line Reserved Forest under Gharmurah Range, Hailakandi District.
11-03-2022	Illegal construction of 2(two) nos. temporary huts at Sahebmara area under Gharmurah Range within I.L.R.F.
30-03-2022	Mizoram Govt. is illegal digging pits for installation of electric post meant for power supply in Gollacherra area within I.L.R.F. under Gharmurah Range.
08-03-2023	According to information regarding Mizo encroachment at Birsima area within Inner Line Reserved Forest under Hailakandi District on 08-03-2023 the Beat Forest Officer, Bhairabi Beat, Ramnathpur and O/C Ramnathpur Police Station along with other staff proceeded to Birsima area and stopped the work. The area falls in the disputed border boundary area and also under status quo as per joint decision taken vide joint statement dated, 05-05-2021 of both State of Assam & Mizoram.
10-06-2023	Mizo Govt./ Mizo People have engaged in road works by earth cutting of an existing foot path at Gollachera are a in ILRF Assam near interstate border area. The matter has been informed to the D.C. and S.P, Hailakandi on 10-06-2023, accordingly D.C Hailakandi requested to the D.C, Kolasib Mizoram to stop the activities vide letter No. MJ-14/3/22-HM Dtd. 11-06-2023 and to maintain status-quo as per the joint statement issued by the Govt. of Assam and Mizoram in meeting dtd. 05-08-2021.
15-06-2023	On 15-06-2023 2(two) nos. of JCBs were working for widening of the path 300.0Mtrs. away from Gollacherra BOP in the border area of Gharmurah Range under Hailakandi Forest Division. In this regards District Commissioner, Hailakandi take up the matter with the counterpart of the Deputy Commissioner, Kolasib, Mizoram to maintain the decision adopted in the Minister level agreement dtd. 05-08-2021, 09-08-2022 and 17-11-2022.

Annexure-V(A)

Reg/Pondu/31/21/HC-167 dt 4/6/2021

To

The Officer Incharge
Assam Police Station
Ramkrishnapur

Sir,

Sub: F.I.R.

Ref: Joint visit dtd. 03/6/2021.

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With reference to the subject cited above, I have the honour to inform you that on 03/6/2021 I along with i) Sri Hemanta Kr. Hailakandi, Addl. S.P. and D.F.O Hailakandi alongwith the C.I, Personal Staff reached at (mizo) for on Patrolling duties.

On reaching the spot at the last chowki Near Thaikan Vill. some Mizo people have already constructed shades with bamboo structure inside the Assam jurisdiction. B(ILO.F) under Lalramuana Range.

The above activity leads to illegal transfer of land, Encroachment etc. and failed to dismantle the shades/houses. The houses were guarded by mizo armed battalion & resistance created by the mizo people.

Thus you are requested to register a case in this regard against the mizo people supported by Govt of Mizoram at your earliest.

Yours faithfully

(Ramesh Reang)
Dy. Ranger
Range Forest Officer
Chormun Range
Chormun

Copy to the Divisional Forest Officer for favour of his kind information and necessary action. This Office or Dy. Ranger will visit on 07/6/2021, he is requested to take up the matter with the police authority urgently.

Copy to the Circle Officer Hailakandi for kind information and necessary.

Copy to Addl. Hailakandi Magistrate for Asstt. Officer Ramkrishnapur for his information. He is directed to pursue the matter and file the complaint against the above without delay.

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Annexure-V(B)

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.

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

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

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

Annexure-V(C)

(39)

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

Dated: 10/07/2021

Letter No. HT/15/Border/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 Pheinum 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°47'36.46")
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)-Mizroam 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.

Yours faithfully,

Enclo: Photographs
Station: Hawaithang
Date: 10.07.2021

(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,

Annexure-V(D)

Office No: Cont/Border/21/FIR/2024/39-41 dt: 14.7.2024

To

The officer Incharge
Ramnathpur - Police - Station
Ramnathpur.

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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 Asst officer Patharkandi Ramnathpur and Police Battalion Personal, visited Assam and Mizoram Border at Bet chera area on Reaching spot " Kaya Mata Near up hill, found a hamboo hut Guarded by them in our jurisdiction of Assam LRF and they were despatched the herbs, Khanies, Liaman, and valuable from beside hut of avilaura and faura etc. heavy lost of forest Govt and using in construction materials

The above activity also Leads to Illegal trespass in R.F. and encroachment etc. LRF area under Cherawara Range we failed to disamantle the said hut as the same was guarded by fully equipped Armed force Govt of Mizoram on the spot

Therefore I request you kindly to take a case to this effect against the accused person whom is supported by the Govt of Mizoram from the other Point.

Copy to the Divisional forest officer Hailakandi for favour of his kind information this refers to our field visited on 14.7.2024 he is requested to take up to the matter with the Police authority urgently

Copy to Circle officer Katlicherra for favour of his kind information

Copy to the Asst Head Master Commander Bn Beat officer for information. He is directed to take step the matter to do needful action.

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Annexure-V(E)

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

Divisional Forest Officer
Cachar Division : Silchar

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Annexure-V(F)

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

To

The office incharge
Ramnathpur P.S

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 sahebmara 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 accrosing 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
Bhairobi Beat
Ramnathpur

(A.H MAZUMDER,Fr I)

Annexure-V(G)

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Assam Schedule-L (Part-1) Form32
FOREST DEPARTMENT ASSAM
Hailakandi Forest Division, Hailakandi
Application for Issue of processes

Letter No. GM/Border/Offence/31/21/52 Date- 17/06/2021

To

The Hon'ble Chief Judicial Magistrate
Hailakandi, Assam
(Through DFO, Hailakandi)
O.R No. GM/01 of 2021

1) Pu John Halliday c/o Dr Lalrosama, Deputy Commissioner, Mamit District, Mizoram	Sir, Whereas the marginally noted person committed an offence in the areas under this Range, an Offence Report of this Range accompanying of the station and where as the facts can be proved
2) Armed Component of Mizoram Police c/o Dr Lalrosama, Deputy Commissioner, Mamit District, Mizoram	by the evidence of the witness named herein. I have the honour to request that the Honourable Court will issue of process against the accused and initiate trial the case under relevent sections of the Indian Penal Code or under the Assam Forest Regulation, 1891 (as amended up to 1995) under Section 24(a), 24(b) and under Section 25 of the AFR, 1891

Yours Faithfully

Range Forest Officer,
Gharmurah Range,
Gharmurah

Copy to the Divisional Forest Officer, Hailakandi Division, Hailakandi for favour of his kind information and necessary action.

Range Forest Officer,
Gharmurah Range,
Gharmurah

No. HKD/Offence/1398
Dt. 17/06/2021
forwarded
17/6/2021
Hailakandi

d/c

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GOVERNMENT OF ASSAM

FOREST DEPARTMENT Hailakandi DIVISION -561-

OFFENCE REPORT NO. **GM/01/2021-22** Date **17 / 06/2021.**

REVENUE STATION : Gharmurah Range, Gharmurah.

RANGE/ BEAT : Gharmurah Range, Gharmurah.

NATURE OF OFFENCE

Destruction of forest cover and encroachment of 22.5 Bighas (3.00 Hectors) of land inside **Inner Line Reserved Forests** and illegal construction of building without authority falling under **Gharmurah Range** of Hailakandi Forest Division.

Date & Hours of Detection : 11.06.2021 at 3:39 P.M.
Place of Occurrence : Betcherra area within Inner Line Reserved Forest
By whom detected. : Sri Pranab Kalita, Deputy Ranger, i/c Range Forest Officer, Gharmurah Range, Gharmurah,
Reference of Section. : 24(a), (b), 25, of the Assam Forest Regulation 1891 (As amended up to 1995). Section 2(a) and 3(B) of FCA1980 (Amended)

Name of Accused

Sl. No.	Name	Father's Name	Address	P.S	District
1	Fu John Halliday c/o Dr Lalrozama, Deputy Commissioner, Mamit District, Mizoram	Not known	Betcherra area in Inner Line Reserved Forests	Ramnathpur	Hailakandi
2	Armed Component of Mizoram Police c/o Dr Lalrozama, Deputy Commissioner, Mamit District, Mizoram	Not known	Betcherra area in Inner Line Reserved Forests	Ramnathpur	Hailakandi

Name of Witness

Sl. No.	Name	Father's Name	Address	P.S	Dist.
1.	Pranab Kalita, Deputy Ranger		I/c Range Forest Officer, Gharmurah	Ramnathpur	Hailakandi
2	Kabir Hussain Mozumder, Forest Guard		Attached to Gharmurah Range	Ramnathpur	Hailakandi

Scanned with OKEN Scanner

Fact of the Case

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The fact of the case in brief is that on 11-06-2021, I, Sri Pranab Kalita, Deputy Ranger, I/c Gharmurah Range, Gharmurah along with my staff namely Sri Kabir Hussain Mazumder Forest Guard attached to Range Office, Gharmurah Range went for regular normal patrolling duty towards the border area Assam-Mizoram. While patrolling we came across some forest villagers in the Batcherra area falling in the **Innerline Researved Forests** under jurisdiction of Gharmurah Range. It was informed by the villagers, on casual interrogation, that a person namely one Sri Pu John Halliday, S/o. Unknown, address- unknown, hailing from Mizoram has very recently constructed a building in the Batcherra area. On verification of the spot we could discover that a building is constructed Sri Pu John Halliday and he was seen in the house. We had tried to interrogate him and he has confessed verbally that he has constructed the house for his use under active support of the civil and police administration to the Mammit district of Mizoram. Sri John refused, however, to record and sign his statement though he admitted of having constructed the building within the **Inner Line Reserved Forest** near constitutional Inter-state border boundary of Assam Mizoram falling under the jurisdiction of Hailakandi Forest Division. he also did not cooperate to receive the seizure memo as to the seizure of the property together with valuation statement. We also noticed one Armed Component of Mizoram Police, address-Unknown, loitering in the aforesaid are who allegedly were assisting Sri john, as admitted by Sri John Halliday, in clearance of forest areas, construction of building un-authorizedly and their very presence and entry in the **Inner Line Reserve Forest** is apparently illegal as were without any jurisdiction lacking bonafide authority. Presence on the part of the armed component of the Mizoram Police in the Inner Line Reserve Forest and their action of assisting Sri John amounts to abetment in commission of the offence by Sri John. It was also admitted by Sri Pu John Haliday that he has cleared an area of 22.5 Bighas (3 Hectare) of Forest Land causing damage to precious flora within the **Inner Line Reserve Forest** under the Jurisdiction of Gharmurah Range of Hailakandi Forest Division, Assam. Such activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area and construction of the building without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Honourable Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad VS Union of India and others.

Being fully satisfied that *Prima Facie* an offence has been committed by Sri Pu John Halliday under active support of a component of Mizoram Police, Government machinery of Mizorma State, therefore, I have seized the permanent structure as empowered under Section 49(1) of the AFR'1891 and thereafter have duly submitted the seizure report to the DFO, Hailakandi Division.

A copy of the seizure memo dated 11.06.2021 with valuation statement of the seized property and the cost of forest property, as damaged and destroyed, including the copy of the seizure report dated 12.06.2021 as submitted to the DFO, Hailakandi Division are annexed hereto and marked as **Exhibit-1 , Exhibit-2 and Exhibit-3**respectively.

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It is pertinent to mention here that **Inner Line Reserve Forest** was constituted and notified by the Government of Assam in the year 1933 where in rich floral and faunal diversity exists, broadly classified as ***Cachar Tropical Wet Evergreen Forests*** and ***Cachar Tropical Semi Evergreen Forest*** as per classification of Forests made by ***Champion and Seth*** with luxuriant growth of many rare and threatened species of flora with high economic, medicinal value comprising of interesting herbs. Shrubs, lianas and trees besides host of avifauna, fauna etc. etc. These very dense forests are green lungs to the human race for their survival and are carbon sinks for our healthy living.

The place of occurrence, Betcherra, inside the **Inner Line Reserve Forest** is geo referenced and is depicted in the Topo Sheet precisely indicating the constructed building supported with the visuals of the alleged accused Sri Pu John Halliday, the armed component of Mizoram Police.

The copy of the Government Notification dated **09-03-1933** whereby the **Inner Line Reserve Forest** was constituted is annexed hereto and marked as **Exhibit-4.** An extract copy of Topo Sheet map 83 D/8 is also annexed herewith as **Exhibit -5** showing the encroached area.

A copy of the map, photographs of the building, photographs of Sri Pu John Halliday are annexed hereto and marked as **Exhibits-6, 7** and **Exhibit-8** respectively.

Net Present Value (NPV) of the encroached forest area measuring 3.0hectare (22.5 Bighas) land for the other forest area under Semi Evergreen Forest –Eco- Value class stand Rs. 7.30Lac per hectare (w.e.f 28-03-2008 as per Forest Conservation Act. 1980 amended). So total NPV for 3.0Hectare Reserve Forest land appeared as Rs. 21,90,000.00.

Considering the magnitude of destruction of forest cover in the **Inner Line Reserve Forest** and there after encroachment of the said Reserve Forest land at Betcherra of the State of Assam by the inhabitant of Mizoram state supported by Government machinery it is found expedient to frame and draw up Offence Reports against the illegal doers being a very fit case trial in the Honourable Court of Law for prosecution according.

Description of seized property and estimated value:

1. Estimated Value of building under Seizure : Rs. 18,00,000/-
2. Net Present Value for 3.0Herctare R.F. land : Rs. 21,90,000/-

Submitted

(Pranab Kalita) Dy. R
I/c Range Forest Officer,
Gharmurah Range, Gharmurah

Enclosure:-

1. Seizure list dated 11.06.201 ..... Exhibits-1
2. Seizure Report dated 12.06.2021 ..... Exhibits-2
3. Valuation statement of building and damage to forest cover Exhibits-3
4. Notification dated 09-03-1933 Exhibits-4
5. An extract copy of Topo Sheet map 83 D/8 ..... Exhibit -5
6. Photographs Exhibits-6,7,8

Exhibit - 1

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Exhibit- 1

SEIZURE LIST

1. Date & Hours of Detection : 11.06.2021 at 3.39PM
2. Place of Occurrence : Bethcherra area (Inner Line Reserve Forest)
3. Name & address of accused : (i) Pu John Halliday
   c/o Dr Lalrozama,
   Deputy Commissioner,
   Mamit District, Mizoram
   (ii) Armed Component of Mizoram Police
   c/o Dr Lalrozama,
   Deputy Commissioner,
   Mamit District, Mizoram
4. By whom detected / seized : Pranab Kalita, Dy. Ranger i/c. Range Forest Officer, Gharmurah Range, Gharmurah
5. Reference of Section : Under Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area and construction of the building without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980.

I do hereby seized the following

1. Illegal Construction of permanent building
2. Quantity damage of forest cover in 22.5 Bighas land (3 Hectare).

Signature of Accused

(Signature of Seizing Officer)

(Pranab Kalita) Dy. R
i/c Range Forest Officer,
Gharmurah Range, Gharmurah

Signature of Witness

(1) Kabir Hussain Mazumder, Rgd.

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Exhibit - 2

Letter No. GM/Border/Offence/31/21/53

Date- 13/06/2021

To

The Divisional Forest Officer,
Hailakandi Division, Hailakandi

Sub. Seizure Report.

Sir,

With reference to the subject cited above, I have the honour to report you that in course of routine Border patrolling duty in Bethcherra area along with other staff near Assam and Mizoram border within Inner Line Reserve Forest on 11-06-2021 along with other staff, wherein it is seen that Sri Pu John Halliday and one Armed Component of Mizoram Police (Unknown resident of Mizoram) un-authorizedly constructed the permanent house at Bethcherra area with in Inner Line Reserved Forests (ILRF) under the jurisdiction of Gharmurah Range near boundary of Assam clearing 22.5Bighas of land.

As the activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area and construction of the building without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Honourable Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad VS Union of India and others.

The detailed seizure list along with valuation statement etc. are enclosed berewith for kind information and necessary action.

Enclo- As pecified.

Yours Faithfully

(P. Kalita, Dy. R)
i/C Range Forest Officer,
Gharmurah Range, Gharmurah

Copy to the Chief Judicial Magistrate, Hailakandi for kind information and necessary action.

i/C Range Forest Officer,
Gharmurah Range, Gharmurah

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Exhibit-3

Valuation Statement of seizure produce :

1. Illegal Constructed house assessed value : Rs. 18,00,000.00

2. Net Present Value for the 3.0Hectare (22.5Bighs)
Of forest land @ Rs. 7,30,000.00 per Hectare : Rs. 21,90,000.00

Total Rs. 39,90,000.00

Rupees (Thirty nine Lakhs ninety thousand) only

Submitted

(Pranab Kalita) Dy. R
i/c Range Forest Officer,
Gharmurah Range, Gharmurah

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Exhibit-4

(Copy)

Extract from - THE ASSAM GAZETTE - EXT-II -
Dated 15th March,1933.

Orders by the Governor in Council.
The 9th March, 1933.

Notified.

No.210GA.B.- In supersession of Government Notification No.9103A.B., dated the 28th August,1930, and in exercise of the powers conferred by Section 3 of the Bengal Eastern Frontier Regulation, 1873(V of 1873), as extended to the Lushai Hills District, the Governor in Council with the previous sanction of the Governor General in Council , is pleased to prescribe the line described below as the "Inner Line" of the Lushai Hills District :-

From the junction of the Kusanding with the Surak river, the Inner Line shall run up the midstream of the Sonar to where it receives the Longkuh Lui; thence up the midstream of that stream to its source, and crossing the range in a westerly direction down the right bank of small feeder flowing into the Tairangpuk stream; thence down the midstream of the latter to its junction with the Sonai river. From this point the Inner Lines shall run south-eastwards up the midstream of the Sonai river as far as its junction with the Surzalom Lui; thence up the midstream of the Surzalom Lui to its junction with the Dark Khel; thence up the midstream of the Dark Khel or Taisahan Lui to its junction with a large feeder that takes its rise near the deserted village of Kainum; thence up the midstream of this feeder to the summit of Longtrang range, and crossing that range down the midstream of the Tuidu Lui to its junction with Bukai river. Then a straight line running in a south-westerly direction from this junction to the Khelsherigs one furlong north of the 30th mile stone on the Aijal-Cherrabut road, this point is also the conjunction of the Kolkhandi Subdivision (District Cachar) with the Lushai Hills District; thence up the midstream of the Chalai river to its source, where , crossing the watershed it strikes the headwaters of the Chhimluang lui and down the midstream of this lui to its junction with the Buran Chara; thence down the midstream of the Buran Chara to its junction with the Vantirema lui (Tut); thence up the midstream of this lui to its source in the Khaiphi range thence crossing the Khaiphi range westwards to the source of the Khaiphi stream; thence down the midstream of the Khaiphi stream to its junction with the Thulawmpui or Tlang river; thence up the midstream of the Thulawmpui river

Contd....2/-

PM FAX 03611237088 TO TO CM 05 0412

to its junction with the Pakua river; thence up the midstream of the Pakua river to the second large tributary met with on its left bank; thence up the midstream of this tributary to its source; thence in a northerly direction along a range to Chatarchurra Peak (2071); thence due west in a straight line to the trijunction point of districts Sylhet, Lushai Hills (Assam) and Tripura state (Bengal) situated on the Langai river about 4th of a mile south-west of the confluence of the Medii Chera with that river (vide Notification No.3313P, dated the 4th October,1928); thence in a southerly direction up the midstream of the Langai river to its confluence with a small nameless tributary going west about 2¼ miles north-east of Batling Sib Peak height 3,023, thence in a south-westerly direction to Batling Sib Peak; thence in a southerly direction to Batling Peak height 2,234 which is the trijunction of district Lushai Hills (Assam), Tripura State and Chittagong Hills Tracts district (Bengal); thence in a south-easterly direction for about a mile to a tributary of the Tuilianpui river, thence down the midstream of this tributary to its confluence with the Tuilianpui river thence down the midstream of Tuilianpui river to a point about 2¼ miles south-east of its confluence with the Mar river, which is the junction of the Aijal Subdivision boundary; Lunglei

thence westwards in a straight line to the source of the Hatina river; thence down midstream of the Hatina river to its confluence with the Karnaphuli river; thence up the midstream of the Karnaphuli river to its confluence with the Tegha Khal; thence up the midstream of the Thega Khal to its junction with two other tributaries about 4½ miles south-east of height 2,096 and 5½ miles north-west of Waibung Taung, height 3,063; thence in a south-easterly direction up the slope for about 2 miles to the Waibung Taung range; thence in a westerly, southerly and easterly direction respectively along the range to Waibung Taung Peak height 3,083; thence in a southerly direction to Keokradong; which is the trijunction of Chittagong Hill Tract (Bengal), Lushai Hills (Assam) and Northern Arakan district (Burma); thence eastwards to Mapherutung or Rangtlang; thence to source of a small stream called the South Varanglut or Mraikchaung whose source lies due east of the Peak.

down the midstream of the Varanglut or Mraikchaung to its junction with the Sakul (Kola) or Kalet stream (where a boundary stone has been placed); thence up the midstream of the Sakul (Kola) or Kalet stream to the mouth of the Khawlang or Zyucha stream (where a boundary stone has been placed); thence up the midstream of the Khawlang or Zyucha to its source on the Saseng or Kulsan range; thence south wards along the Saseng or Kulsan range:

Contd.....3/-

to the source of the Samik or Kulcum stream (where a boundary stone has been placed); thence down the midstream of the Samik or Kulcum stream to its junction with the Kolodyne (Koladan) river; thence straight across the Kolodyne (Koladan) river to the mouth of the Khangat or Kulcum stream (where a boundary stone has been placed), (the mouths of these two streams are opposite one another); thence up the midstream of the Khangat or Kulcum stream to its source in the Kaisi rising (where a boundary stone has been placed); thence southwards to the source of the Kolu or Shuklaik stream; thence down the midstream of the Kolu or Shuklaik stream to its junction with the Sulia river; thence up the midstream of the Sulia river to its junction with the Kaukuna or Khinkem stream (where a boundary stone has been placed); thence up the midstream of the Kaikhau or Khinkem stream to its source on the Tachtan or Lakaey Klang; thence northwards along the Tachtan or Tahtay Klang to the source of the Iwa stream; thence down the midstream of the Iwa stream to its junction with the Mi (Tishi, Tuisi, or Wuhlimg) river; thence up the midstream of this river to its junction with the Khaimu stream; thence up the midstream of the Khaimu stream to its source on the Kaimin or Kaimin (Khaifa) Klang; thence south along the crest of the Kaimin or (Kaimin) Klang to the source of the Kaphu War; thence down the midstream of the Kaphu War to its junction with the Kaimukhalam) river; thence down the midstream of the Dutau (Kaladan) river to the junction with Tyao; thence up the midstream of the Tyao to its source on the Vaw Tlang; thence eastwards to the source of tributary of the Tuikum river; thence down the midstream of the Tuikum to its junction with the Tuisi; thence down the midstream of the Tuisi to its junction with the Tuivai river; thence down the midstream of the Tuivai river to its its junction with the Vangmun Lui; thence up the midstream of the Vangmun Lui to its source at Sukte Bawm on Sangkai where as a boundary pillar marked MI(1) has been erected; thence crossing to the west side of this saddle to the source of the Tuisi stream; thence down the midstream of the Tuisi stream to its junction with the Tuivai river; thence down the midstream of the Tuivai river to its junction with the Serak river; thence down the midstream of the Serak river to its junction with the Kusuding Lui, which is the trijunction of the Lushai Hills and Cachar Districts and Manipur State.

NOTE :-(1) The Inner Line falls in the following survey of India 1"=4 miles and 1" = 1 mile publications :-

North :- 83M,83D,83D/15, D/14, D/11 and D/7.
West :- 83-C/7,83-D, 84-A, 84-B and 84-C,
South & East :- 84-B, 84-C, 84-E, 84-F, 83-D and 83-H.

(2) The northern western southern and eastern boundaries of the Lushai Hills district are co-incident with the Inner Line of the Lushai Hills District.

Sd/- V.A.GOSGRAVE,
Chief Secretary to the Govt. of Assam.

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Exhibit-S

GPS COORDINATE : 24°08'23.76"N 92°27'41.61"E is plotted by manually in the Toposheet No. 83 D/8 with a mark ⊕ shown above.
Boundary of ILRF along Inter-State Border Boundary =

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Exhibit-6

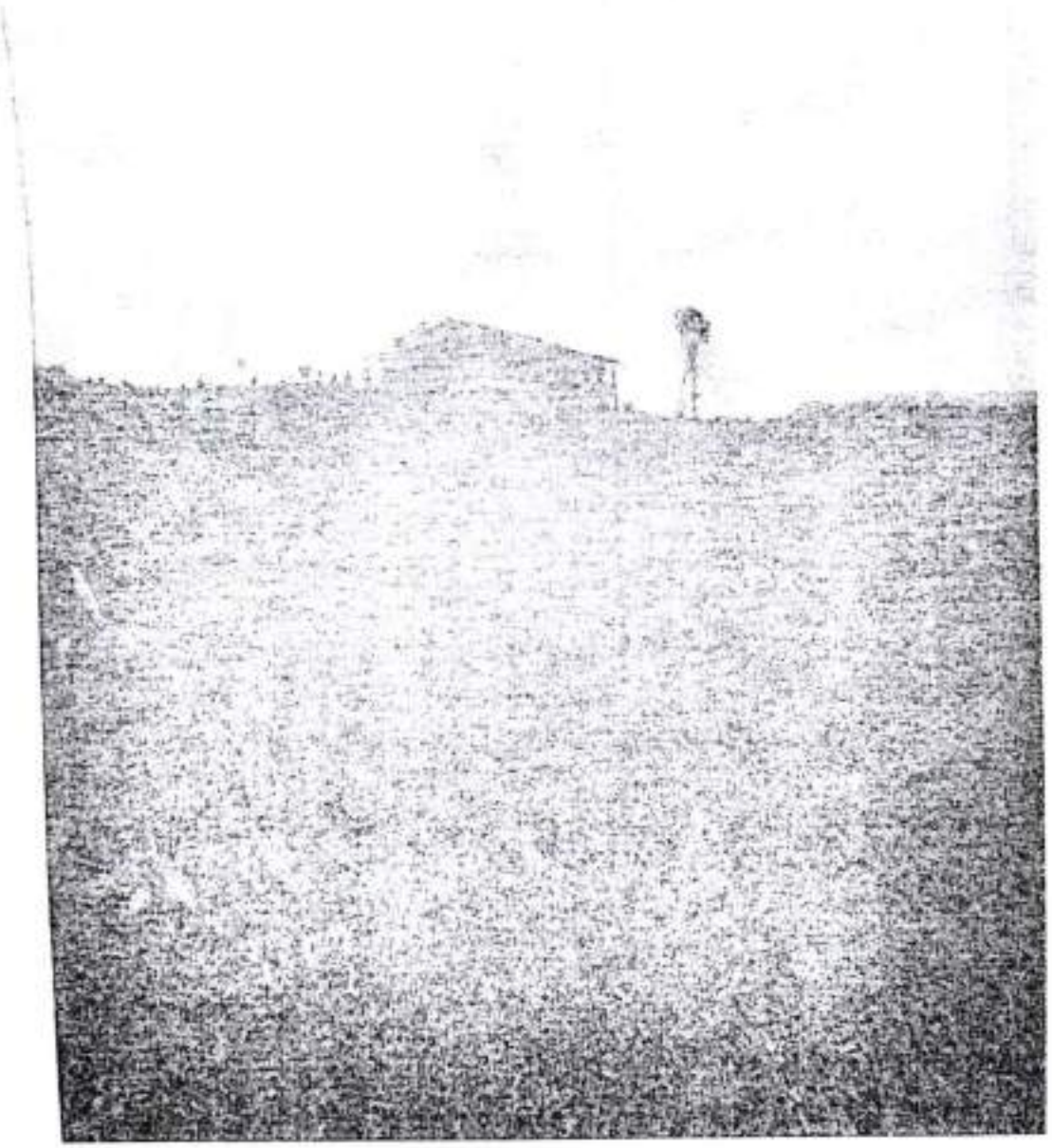

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Exhibit-7

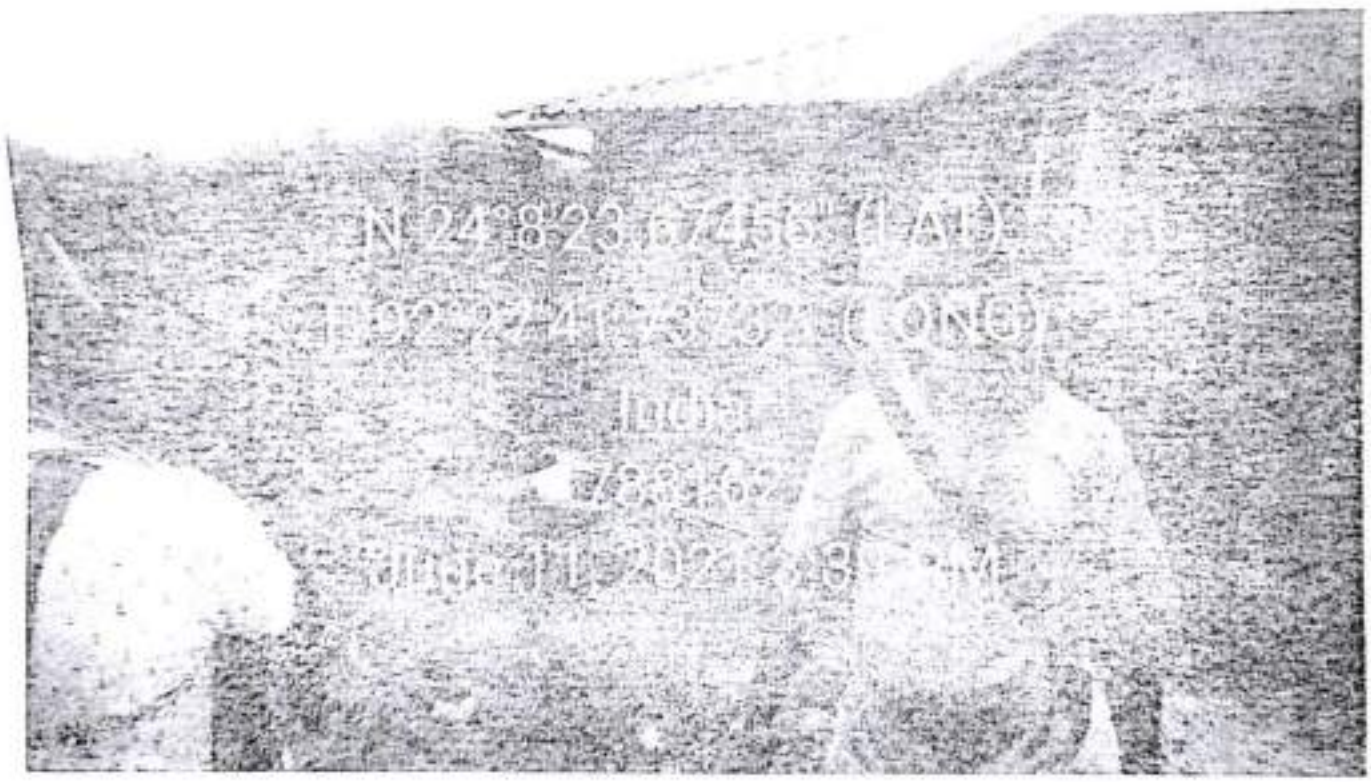

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Exhibit-B

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FOREST DEPARTMENT::: ASSAM HAILAKANDI DIVISION

Offence Report No. : GM/01/2021-22 Date : . 17/06.2021

Revenue Station : Gharmurah Range, Gharmurah.

Range : Gharmurah Range, Gharmurah

Memo No. GM/OR/13/2021/59 dt. 17 / 06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Court of Hon'ble CJM, Hailakandi for trial.

((Pranab Kalita) Dy.R
I/c Range Forest Officer,
Gharmurah Range , Gharmurah

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Annexure-V(H)

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Assam Schedule-L (Part-1) Form32
FOREST DEPARTMENT ASSAM
Hailakandi Forest Division, Hailakandi
Application for issue of processes

No. HKD/DFO(T)/OR/1527

Date: 30-06-2021

To

The Hon'ble Chief Judicial Magistrate
Hailakandi, Assam

1) Somiel Vairengte area Kolasib District, Mizoram	Sir, Whereas the marginally noted person committed an offence in the areas under Matjuri Range, an Offence Report of the Range accompanying of the station and where as the facts can be proved by the evidence of the witness named herein. I have the honour to request that the Hon'ble Court will issue of process against the accused and initiate trial the case under relevant sections of the Indian Penal Code or under the Assam Forest Regulation, 1891 (Amended 1995) under Section 24(a), 24(b) and under Section 25 of the AFR, 1891
2) Roa Vairengte area Kolasib District, Mizoram	

Yours Faithfully

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

Copy to the Range Forest Officer, Range, Matijuri, Range, Matijuri for information and necessary action. This has a reference to his Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Divisional Forest Officer,
Hailakandi Division Hailakandi

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GOVERNMENT OF ASSAM

FOREST DEPARTMENT Hailakandi DIVISION

OFFENCE REPORT NO. **MJR/01/2021-22** Date **30 / 06/2021.**

REVENUE STATION : Matizuri Range, Matizuri.

RANGE/ BEAT : Matizuri Range, Matizuri.

NATURE OF OFFENCE

Destruction of forest cover and encroachment of 120.00 Hectors of land wherein cultivated Broom inside **Inner Line Reserved Forests** and illegal construction of Temporary Shed without authority falling under **Matizuri Range** of Hailakandi Forest Division.

Date & Hours of Detection : 27.06.2021 at 4-00 P.M.
Place of Occurrence : Kachurthal (Balicherra) area within Inner Line Reserved Forest
By whom detected. : Sri Duleswar Tamuly , Deputy Ranger, i/c Range Forest Officer, Maizuri Range, Gharmurah,
Reference of Section. : 24(a), (b), 25, of the Assam Forest Regulation 1891 (As amended up to 1995). Section 2(a) and 3(B) of FCA 1980 (Amended)

Name of Accused

Sl. No.	Name	Father's Name	Address	P.S	District.
1	Somiel	Un- known	Vairengte Area	Un- known	Kolasib, Mizoram.
2	Roa	Un- known	Vairengte Area	Un- known	Kolasib Mizoram.

Name of Witness

Sl. No.	Name	Father's Name	Address	P.S	Dist.
1.	Sri Duleswar Tamuly , Deputy Ranger	i/c Range Forest Officer, Matijuri		Lala	Hailakandi
2	Sri Abul Hussain Mazumder, Fr-I	Beat Officer, Lalacherra under Matijuri Range		Lala	Hailakandi

Fact of the Case

The fact of the case in brief is that on 27-06-2021, I, Sri Duleswar Tamuly, Deputy Ranger, i/c Matijuri Range, Matijuri along with Beat Forest Officer, Lalacherra, Sri Abul Hussain Mazumder, Fr-I under Range Office, Matijuri Range went for normal patrolling duty towards the border area of Assam-Mizoram in Kochurthal (Balicherra) area within Inner Line Reserved Foresat (ILRF). It was informed by a stranger on casual interrogation, that , Mr. Somiel and Mr. Roa , S/o. Unknown, address- Unknown, hailing from Vairengte Area, District- Kolasib, Mizoram have very recently constructed the temporary shed in Kochurthal (Balicherra) area. On verification of the spot we could discover that a temporary shed is constructed and cultivated Broom in 120.00 Hectors land within the **Inner Line Reserved Forest** under Hailakandi District, Assam. The approximate distance of the place of occurrences from the constitutional Inter-state border boundary of Assam Mizoram is about 800 meter within the jurisdiction of Hailakandi Forest Division. It is an offence committed that the accused have cleared an area of 120.00 Hectares of Forest Land and cultivated Broom including illegal construction of temporary shed causing damage to precious flora within the **Inner Line Reserve Forest** under the Jurisdiction of Matijuri Range of Hailakandi Forest Division, Assam. Such activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of 120.00 Hectors reserved forest area and construction of the temporary shed without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Honourable Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad VS Union of India and others.

Being fully satisfied that *Prima Facie* an offence has been committed by Mr. Somiel and Mr. Roa under active support of a component of Mizoram, Government machinery of Mizorma State, therefore, I have seized the temporary structure as empowered under Section 49(1) of the AFR'1891 and thereafter have duly submitted the seizure report to the DFO, Hailakandi Division.

A copy of the seizure memo dated 27.06.2021 with valuation statement of the seized property and the cost of forest property, as damaged and destroyed, including the copy of the seizure report dated 27.06.2021 as submitted to the DFO, Hailakandi Division are annexed hereto and marked as **Exhibit-1** , **Exhibit-2** and **Exhibit-3**respectively.

It is pertinent to mention here that **Inner Line Reserve Forest** was constituted and notified by the Government of Assam in the year 1933 where in rich floral and faunal diversity exists, broadly classified as ***Cachar Tropical Wet Evergreen Forests*** and ***Cachar Tropical Semi Evergreen Forest*** as per classification of Forests made by ***Champion and Seth*** with luxuriant growth of many rare and threatened species of flora with high economic, medicinal value comprising of interesting herbs. Shrubs, lianas and trees besides host of avifauna, fauna etc. etc. These very dense forests are green lungs to the human race for their survival and are **carbon sinks** for our healthy living.

The place of occurrence, measuring area of 120.00 Hectares land in Kochurthal (Balicherra) area, falling inside the **Inner Line Reserve Forest** is geo referenced and is depicted in the Topo Sheet precisely indicating the constructed temporary shed supported with the visuals of the alleged accused Mr. Somiel and Mr. Roa. The said temporary shed has been dismantled on 29-06-2021 along with armed police force and forest staff and kept the seized materials at Dhalcherra Beat Office under Matijuri Range as Office custody.

The copy of the Government Notification dated **09-03-1933** whereby the **Inner Line Reserve Forest** was constituted is annexed hereto and marked as **Exhibit-4.** An extract copy of Topo Sheet map 83 D/11 is also annexed herewith as **Exhibit -5** showing the encroached area.

Photographs of the temporary shed, area of encroached Broom cultivated land, and photograph after dismantling of the shed are annexed hereto and marked as **Exhibits-6.**

Net Present Value (NPV) of the encroached forest area measuring 120.00 hectares land for the other forest area under Semi Evergreen Forest –Eco- Value class stand Rs. 7.30 Lac per hectare (w.e.f 28-03-2008 as per Forest Conservation Act. 1980 amended). So, the total NPV for 120.0Hectare Reserve Forest land appeared as Rs. 87,600,000.00.

Considering the magnitude of destruction of forest cover in the **Inner Line Reserve Forest** and there after encroachment of the said Reserve Forest land at Kochurthal (Balicherra) area of the State of Assam by the inhabitant of Mizoram state and cultivation of Broom supported by Government machinery, it is found expedient to frame and draw up Offence Reports against the illegal doers being a very fit case for trial in the Hon'ble Court of Law for prosecution accordingly.

Description of seized property and estimated value:

1. Estimated Value of Temporary Shed under Seizure : Rs. 2,000/-
2. Net Present Value for 120.0 Hectares R.F. land : Rs. 87,600,000/-

Submitted

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri

Enclosure:-

1. Seizure list dated 27.06.2021 ..... Exhibits-1
2. Seizure Report dated 27.06.2021 ..... Exhibits-2
3. Valuation statement of Temporary Shedand damage to forest cover Exhibits-3
4. Notification dated 09-03-1933 Exhibits-4
5. An extract copy of Topo Sheet map 83 D/11 ..... Exhibit -5
6. Photographs Exhibits-6,

Exhibit – 1

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Letter No. MJR/FRO(T)/Border/Offence/9/331-32 Date- 27/06/2021

To

The Divisional Forest Officer.
Hailakandi Division, Hailakandi

Sub. Seizure Report.

Sir,

With reference to the subject cited above, I have the honour to report you that in course of routine Border patrolling duty in Kachurthal (Balicherra) area along with other staff near Assam and Mizoram border within Inner Line Reserve Forest on 27-06-2021, wherein it is seen that Mr. Somiel, S/o Unknow and Mr. Roa S/o Unknow, in habitant of Vairengte area, Kolasib District, Mizoram un-authorizedly encroached over 120.00 hectares Reserved Forests land by way of broom cultivation and constructed a temporary shed at Kochurthal area (Balicherra) within Inner Line Reserved Forests (ILRF) under the jurisdiction of Matijuri Range near boundary of Assam Mizoram border boundary within Assam. The place of occurrence is about 800 meter away from the interstate border boundary of Assam Mizoram.

As the activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area of 120.00 Hectares land and cultivated Broom including construction of the Temporary Shed without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Honourable Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad -Vs- Union of India and others.

The detailed seizure list along with valuation statement etc. are enclosed herewith for kind information and necessary action.

Enclo- As specified.

Yours Faithfully

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri

Copy to the Chief Judicial Magistrate, Hailakandi for kind information and necessary action.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri.

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Exhibit-2

SEIZURE LIST

1. Date & Hours of Detection : 27.06.2021 at 4.00 PM
2. Place of Occurrence : Kochurthal area (Balicherra) within Inner Line Reserve Forest.
3. Name & address of accused : 1. Somiel, S/o Unknow
   2. Roa S/o Unknow
   Vairengte area.
   Kolasib District, Mizoram
4. By whom detected / seized : Duleswar Tamuly, Dy. Ranger i/c. Range Forest Officer, Matijuri Range, Matijuri
5. Reference of Section : Under Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area and cultivated broom including construction of the temporary shed without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980.

I do hereby seized the following

1. Illegal Construction of Temporary Shed.
2. Quantity damage of forest area of 120.00 Hectares by way of broom cultivation.

Signature of Accused

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri
(Signature of Seizing Officer)

Signature of Witness

(Abul Hussain Mazumder, Fr-I)
Beat Officer, Lalacherra Beat

Exhibit-3

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Valuation Statement of seizure produce :

1. Illegal Constructed Temporary Shed assessed value	:	Rs.	2,000.00
2. Net Present Value for the 120 Hectares. Of forest land @ Rs. 7,30,000.00 per Hectare	:	Rs.	87,600,000.00
		Total Rs.	**87,602,000.00**

Rupees (Eight Crores Seventy Six Lac two thousand) only

Submitted

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

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FOREST DEPARTMENT::: ASSAM HAILAKANDI DIVISION

Offence Report No. : MJR/01/2021-22 Date : . 30.06.2021

Revenue Station : Matijuri Range, Matijuri.
Range : Matijuri Range, Matijuri.

Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Hon'ble Court of Hon'ble CJM, Hailakandi for trial.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

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FOREST DEPARTMENT::: ASSAM *HAILAKANDI* DIVISION

Offence Report No. : MJR/01/2021-22 Date : . 30.06.2021

Revenue Station : Matijuri Range, Matijuri.
Range : Matijuri Range, Matijuri.

Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Hon'ble Court of Hon'ble CJM, Hailakandi for trial.

(Duleswar Tamuly) Dy. R
I/c Range Forest Officer,
Matijuri Range, Matijuri

FOREST DEPARTMENT::: ASSAM *HAILAKANDI* DIVISION

Offence Report No. : MJR/01/2021-22 Date : . 30.06.2021

Revenue Station : Matijuri Range, Matijuri.
Range : Matijuri Range, Matijuri.

Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Hon'ble Court of Hon'ble CJM, Hailakandi for trial.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

Annexure-V(I)

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Assam Schedule-L (Part-1) Form32

FOREST DEPARTMENT ASSAM

Hailakandi Forest Division, Hailakandi

Application for issue of processes

Letter No. HKD/DFO(T)/Border/Offence/ 1548

Date-03/07/2021

To

The Hon'ble Chief Judicial Magistrate
Hailakandi, Assam

i/c Mizo Police 5IR Battalion and his associates.	Sir, Whereas the marginally noted person committed an offence in the areas under this Range, an Offence Report of this Range accompanying of the station and where as the facts can be proved
	by the evidence of the witness named herein. I have the honour to request that the Hon'ble Court will issue of process against the accused and initiate trial the case under relevant sections of the Indian Penal Code or under the Assam Forest Regulation, 1891 (as amended up to 1995) under Section 24(a), 24(b) and under Section 25 of the AFR, 1891

Yours Faithfully

3/7/2021

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

Copy to the Range Forest Officer, Range, Matijuri, Range, Matijuri for information and necessary action. This has a reference to his Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Divisional Forest Officer,
Hailakandi Division Hailakandi

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GOVERNMENT OF ASSAM

FOREST DEPARTMENT Hailakandi DIVISION

OFFENCE REPORT NO. **MJR/02/2021-22** Date 03/ 07/2021.

REVENUE STATION : Matijuri Range, Matijuri.

RANGE/ BEAT : Matijuri Range, Matijuri.

NATURE OF OFFENCE

Destruction of forest cover and encroachment of 80.00 Hectors of land wherein cultivated Broom inside **Inner Line Reserved Forests** and illegal installation of 3(three) nos. Tents without authority falling under **Matijuri Range** of Hailakandi Forest Division.

Date & Hours of Detection : 01.07.2021 at 11-00 A.M.
Place of Occurrence : Kachurthal (Balicherra) area within Inner Line Reserved Forest
By whom detected. : Sri Duleswar Tamuly , Deputy Ranger, i/c Range Forest Officer, Matijuri Range, Matijuri,
Reference of Section. : 24(a), (b), 25, of the Assam Forest Regulation 1891 (As amended up to 1995). Section 2(a) and 3(B) of FCA1980 (Amended). And 49 of AFR1891(Amended 1995).

Name of Accused

Sl. No.	Name	Father's Name	Address	P.S	District.
1	i/c Mizo Police SIR Battalion and his associates.	Un- known	Vairengte Area	Un- known	Kolasib, Mizoram.

Name of Witness

Sl. No.	Name	Father's Name	Address	P.S	Dist.
1.	Sri Duleswar Tamuly, Deputy Ranger	i/c Range Forest Officer, Matijuri		Lala	Hailakandi
2	Sri Taidul Islam Choudhury, B.Man	Attached to Matijuri Range		Lala	Hailakandi

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Fact of the Case

The fact of the case in brief is that on 01-07-2021, I, Sri Duleswar Tamuly, Deputy Ranger, i/c Matijuri Range, Matijuri along with , Sri Taidul Islam Choudhury, B.Man under Range Office, Matijuri Range went for normal patrolling duty along with armed personnel towards the border area of Assam-Mizoram in Kochurthal (Balicherra) area within Inner Line Reserved Forest (ILRF). Therein, it is noticed that some Mizo Armed Police personnel have installed 3(Three) nos. of Tents at the Kochurthal (Balicherra) area within Inner Line Reserved Forest (ILRF) falling under the jurisdiction of Matijuri Range and within Hailakandi district, Assam. Then I and other Police and Forest staff dismantled the aforementioned Tents on 01-07-2021 and made seizure of the same as per seizure list dt. 01-07-2021 (Exhibit-I) from the possession of i/c Mizo Armed Police of SIR Battalion and his associates. As the situation was tense and unhealthy due to dismantle and seizure as such detailed name and address of the offender could not be collected moreover both side equipped with armed forces so arrest of the offender is not done to avoid the fire arms tussle between both the province under one national territory. As the force level of Assam site is above double than the Mizoram forces that is why we able to dismantle the illegal installation of Tents and bring the seized Tents and tactfully removed them from the place of occurrence on maintenance of peace and tranquility against their aggressive attitude.

Thereafter, I visited the adjoining area of the dismantle tents site and found that reserved forest land have been encroached by them. The area of the encroached land has been confirmed after due measurement, which stands as 80.00 Hectors. It is crystal clear that the land in question was encroached and clear for cultivation of Broom, because about 70 % land has been already covered by broom plantation. On detailed enquiry of encroached area it is found that 23(twenty three) nos. stumps of different indigenous species standing and yet to be uprooted. Then I made seizure of the same and entered in the seizure list dt. 01-07-2021 (Exhibit-I). According to the status of nearby forest area it is easily assumed that the encroached area is cleared by uprooting the stump after removal of its outturn to facilitate the cultivation. The area in question was encroached by Mizoram with a plea of interstate border boundary dispute since long back. Thereafter, it is under status-que but the Mizo people and Mizo Govt. machineries has ruptured the status-que. The land in question is well inside the territorial jurisdiction of Assam and about 800 Meter inside the Assam from the interstate border boundary of Assam Mizoram.

It is an offence committed that the accused have cleared an area of 80.00 Hectares of Forest Land and cultivated Broom including illegal construction of 3(three)nos. tents causing damage to precious flora within the **Inner Line Reserve Forest** under the Jurisdiction of Matijuri Range of Hailakandi Forest Division, Assam. Such activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of 80.00 Hectors reserved forest area and construction of the 3(three) nos. Tents without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which

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of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Hon'ble Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad VS Union of India and others.

Being fully satisfied that *Prima Facie* an offence has been committed by the I/c Mizo Armed Police personnel of SIR Battalion and his associates under active support of a component of Mizoram, Government machinery of Mizoram State, therefore, I have seized three Tents as empowered under Section 49(1) of the AFR'1891 and thereafter have duly submitted the seizure report to the DFO, Hailakandi Division.

A copy of the seizure memo dated 01.07.2021 with valuation statement of the seized property and the cost of forest property, as damaged and destroyed, including the copy of the seizure report dated 01.07.2021 as submitted to the DFO, Hailakandi Division are annexed hereto and marked as **Exhibit-1** , **Exhibit-2** and **Exhibit-3** respectively.

It is pertinent to mention here that **Inner Line Reserve Forest** was constituted and notified by the Government of Assam in the year 1933 where in rich floral and faunal diversity exists, broadly classified as ***Cachar Tropical Wet Evergreen Forests*** and ***Cachar Tropical Semi Evergreen Forest*** as per classification of Forests made by ***Champion and Seth*** with luxuriant growth of many rare and threatened species of flora with high economic, medicinal value comprising of interesting herbs. Shrubs, lianas and trees besides host of avifauna, fauna etc. etc. These very dense forests are green lungs to the human race for their survival and are **carbon sinks** for our healthy living.

The place of occurrence, measuring area of 80.00 Hectares land in Kochurthal (Balicherra) area, falling inside the **Inner Line Reserve Forest** is geo referenced and is depicted in the Topo Sheet precisely indicating the constructed 3(Three)nos. tents by the I/c Mizo Armed Police of SIR Battalion The said tents have been dismantled on 01-07-2021 along with armed police force and forest staff of Hailakandi district and kept the seized materials in departmental custody at Divisional Forest Office Hailakandi.

The copy of the Government Notification dated **09-03-1933** whereby the **Inner Line Reserve Forest** was constituted is annexed hereto and marked as **Exhibit-4.** An extract copy of Topo Sheet map **83 D/11** is also annexed herewith as **Exhibit -5** showing the encroached area.

Photographs of the 3(three) nos. Tents, area of encroached Broom cultivated land, and photograph after dismantling of the shed are annexed hereto and marked as **Exhibits-6.**

Net Present Value (NPV) of the encroached forest area measuring 80.00 hectares land for the other forest area under Semi Evergreen Forest –Eco- Value class stand Rs. 7.30 Lac per hectare (w.e.f 28-03-2008 as per Forest Conservation Act. 1980 amended). So, the total NPV for 80.0Hectare Reserve Forest land appeared as Rs. 58,400,000.00.

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Considering the magnitude of destruction of forest cover in the **Inner Line Reserve Forest** and there after encroachment of the said Reserve Forest land at Kochurthal (Balicherra) area of the State of Assam by the inhabitant of Mizoram state and cultivation of Broom supported by Government machinery, it is found expedient to frame and draw up Offence Reports against the illegal doers being a very fit case for trial in the Hon'ble Court of Law for prosecution accordingly.

Description of seized property and estimated value:

1. Estimated Value of seized 3(Three)Nos. Tents	: Rs.	15,000/-
2. Net Present Value for 80.0 Hectares R.F. land	: Rs.	58,400,000/-
3. The value outturn of seized 23 Nos. Stumps amounting to Rs. 69,138/-	: Rs.	69,138/-

Submitted

Dy. R.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri

Enclosure:-

1. Seizure list dated 01.07.2021 ..... Exhibits-1
2. Seizure Report dated 01.07.2021 ..... Exhibits-2
3. Valuation statement Exhibits-3
4. Notification dated 09-03-1933 Exhibits-4
5. An extract copy of Topo Sheet map 83 D/11 ..... Exhibit -5
6. Photographs Exhibits-6,

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Exhibit-1

SEIZURE LIST

1. Date & Hours of Detection : 01.07.2021 at 11.00 AM
2. Place of Occurrence : Kochurthal area (Balicherra) within Inner Line Reserve Forest.
3. Name & address of accused : 1. Mizo Police armed personal
4. By whom detected / seized : Duleswar Tamuly, Dy. Ranger I/c. Range Forest Officer, Matijuri Range, Matijuri
5. Reference of Section : Under Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area for construction of Tent without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 and made seizure of 23 Nos. of Stump under Section 49 of AFR Vol-VII 1891 (Amended in 1995)

I do hereby seized the following

1. Illegal Construction of Tent.
2. Quantity damage of forest area of 80.00 Hectares by way of encroachment.
3. 3 (three) Nos. Tent (length 4.40 Mtr and Breath 3.50. each tent)
4. 23 Nos. of Stump.

Seizure Sl. No.	Species	Stump Girth	Stump height	Volume of removed OT.	Royalty Value of removed O.T
X-25	Cham	1.20	0.20	0.680	
X-26	Gamari	1.40	1.00	1.048	
X-27	Bohara	1.60	0.40	1.444	
X-28	Bohara	0.80	0.90	0.227	
X-29	Jamuk	0.90	0.55	0.312	
X-30	Teak	0.50	0.35	0.099	
X-31	Teak	0.70	0.55	0.170	
X-32	Teak	0.70	0.50	0.170	
X-33	Teak	0.70	0.40	0.170	
X-34	Teak	0.50	0.45	0.099	
X-35	Teak	0.75	0.40	0.670	
X-36	Teak	1.40	0.80	1.048	
X-37	Udal	2.00	0.70	2.379	
X-38	Gamari	1.20	1.10	0.680	
X-39	Gamari	1.30	0.40	0.878	
X-40	Udal	1.05	0.90	1.218	
X-41	Kadam	1.30	0.90	0.878	
X-42	Udal	1.40	0.80	1.048	
X-43	Simul	1.60	1.10	1.444	
X-44	Gamari	1.70	0.10	1.671	
X-45	Sirish	1.60	1.10	1.444	
X-46	Jam	1.10	1.70	0.510	
X-47	Gamari	1.50	0.60	1.218	
Total 23 Nos. Stumps =				19.505	Rs. 69,138/-

Signature of Accused

Witness Signature

Tahidul Islam Barbhuiya.

(Duleswar Tamuly) Dy. R
I/c Range Forest Officer, Matijuri
Range, Matijuri
(Signature of Seizing Officer)

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Exhibit – 2

Letter No. MJR/FRO(T)/Border/Offence/9/331-32 Date- 27/06/2021

To

The Divisional Forest Officer,
Hailakandi Division, Hailakandi

Sub. Seizure Report.

Sir,

With reference to the subject cited above, I have the honour to report you that in course of routine Border patrolling duty in Kachurthal (Balicherra) area along with other staff near Assam and Mizoram border within Inner Line Reserve Forest on 01-07-2021, therein it is seen that Therein, it is noticed that some Mizo Armed Police personnel have installed 3(Three) nos. of Tents at the Kochurthal (Balicherra) area within Inner Line Reserved Forest (ILRF) falling under the jurisdiction of Matijuri Range and within Hailakandi district, Assam. Then I and other Police and Forest staff dismantled the aforementioned Tents on 01-07-2021 and made seizure of the same as per annexed seizure list dt. 01-07-2021. On detailed enquiry of encroached area it is found that 23(twenty three) nos. stumps of different indigenous species standing and yet to be uprooted. Then I made seizure of the same and entered in the seizure list dt. 01-07-2021 at Kochurthal area (Balicherra) within Inner Line Reserved Forests (ILRF) under the jurisdiction of Matijuri Range near boundary of Assam Mizoram border boundary within Assam. The place of occurrence is about 800 meter away from the interstate border boundary of Assam Mizoram.

As the activities are in blatant violation of Section 24(a) and 24(b) of the Assam Forest Regulation'1891 (As amended up to 1995) and punishable under Section 25 of the AFR'1891 (as amended up to 1995). Clearance of forest area of 80.00Hectares land and cultivated Broom including construction of the 3(three) nos. Tents without prior approval of the competent authority in the MoEF, Government of India is apparently in blatant violation of the Section 2(a) and Section 3(B) of the provisions of the forest Conservation Act, 1980 as these are non-forestry activity which are restricted activities. Such actions on the part of any individual supported by or having tacit approval of any of the Government organization or authority is in flagrant violation of Section 3(B) of the FC Act'1980 and the orders passed by the Hon'ble Supreme Court of India dated 12-12-1996 in T.N. Godavarman Thirumulpad -Vs- Union of India and others.

The detailed seizure list along with valuation statement etc. are enclosed herewith for kind information and necessary action.

Enclo- As specified.

Yours Faithfully

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri

Copy to the Chief Judicial Magistrate, Hailakandi for kind information and necessary action.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer, Matijuri
Range, Matijuri.

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Exhibit-3

Valuation Statement of seizure produce :

1. Value of 3(Three) Nos. Tents	: Rs.	15,000/-
2. Net Present Value for 80.0 Hectares R.F. land	: Rs.	58,400,000/-
3. The value outturn of seized 23 Nos. Stumps amounting to Rs. 69,138/-	: Rs	69,138/-
Total	: Rs.	58,484,138/-

Rupees (Five Crores eighty four Lac eighty four thousand one hundred thirty eight) only

Submitted

Dy. R.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

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Exhibit-4

(Copy)

Extract from - THE ASSAM GAZETTE - PART-II -
Dated 15th March,1933.

Orders by the Governor in Council.
The 9th March, 1933.

The 1933.

No.21GA.P. In supersession of Government Notification No.9128A.P., dated the 28th August,1930, and in exercise of the powers conferred by section 2 of the Bengal Eastern Frontier Regulation, 1873(V of 1873), as extended to the Lushai Hills District, the Governor in Council with the previous sanction of the Governor General in Council , is pleased to prescribe the line described below as the "Inner Line" of the Lushai Hills District :-

From the junction of the Boarding with the Bonak river, the Inner Line shall run up the midstream of the former to where it receives the Lungkuls Lui; thence up the midstream of that stream to its source, and crossing the range in a westerly direction down the right bank of small feeder flowing into the Tairengnak stream; thence down the midstream of the latter to its junction with the Sonai river. From this point the Inner Line shall run south-westwards up the midstream of the Sonai river as far as its junction with the Sangaiwa Lui; thence up the midstream of this Lui to its junction with the Sap Khal; thence up the midstream of the Sap Khal or Sulphan Lui to its junction with a large feeder that takes its rise near the deserted village of Sripum; thence up the midstream of this feeder to the summit of Bongaeng range, and crossing that range down the midstream of the Tuidu Lui to its junction with Sukni river. Then a straight line running in a north-westerly direction from this junction to the Shaleibridge one furlong north of the 20th mile tree on the Aijal-Demagiri road, this point is also the conjunction of the Hailakandi Subdivision (district Cachar) with the Lushai Hills District; thence up the midstream of the Dhalai river to its source, where crossing the watershed it strikes the headwaters of the Chhimlaung Lui and down the midstream of this Lui to its junction with the Barun Chara; thence down the midstream of the Barun Chara to its junction with the Tuvriang Lui (Tri); thence up the midstream of this Lui to its source in the Dhaimbi range thence crossing the Dhaimbi range westwards to the source of the Dhaimbi stream; thence down the midstream of the Dhaimbi stream to its junction with the Dhaleswari or Tlang river; thence up the midstream of the Dhaleswari river

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to its junction with the Bakwa river; thence up the midstream of the Bakwa river to the second large tributary met with on its left bank; thence up the midstream of this tributary to its source; thence in a northerly direction along a range to Chatarchuria Tank (2031); thence due west in a straight line to the trijunction point of districts Sylhet, Lushai Hills (Assam) and Tripura State (Bengal) situated on the Langai river about 4th of a mile south-west of the confluence of the Mudli Dhora with that river (vide Notification No.3913R dated the 4th October,1938); thence in a southerly direction up the midstream of the Langai river to its confluence with a small perennial tributary rising west about 2½ miles north-east of Bueling Sib Tank height 3,003, thence in a south-westerly direction to Bueling Sib Tank; thence in a southerly direction to Betling Peak height 2,234 which is the trijunction of district Lushai Hills (Assam), Tripura State and Chittagong Hills Tracts district (Bengal); thence in a south-easterly direction for about a mile to a tributary of the Tuilianpui river, thence down the midstream of this tributary to its confluence with the Tuilianpui river thence down the midstream of Tuilianpui river to a point about 2½ miles south-east of its confluence with the Mat river, which is the junction of the Aizal Lungleh subdivision boundary; thence eastwards in a straight line to the source of the Karina river; thence down midstream of the Karina river to its confluence with the Karnaphuli river; thence up the midstream of the Karnaphuli river to its confluence with the Tlega Khal; thence up the midstream of the Thagn Khal to its junction with two other tributaries about 64 miles south-east of height 2,086 and 3½ miles north-west of Waibung Taung, height 3,083; thence in a south-easterly direction up the slope for about 2 miles to the Waibung Taung range; thence in a westerly, southerly and easterly direction respectively along the range to Waibung Taung Peak height 3,083; thence in a southerly direction to Kookradong, which is the trijunction of Chittagong Hill Tract (Bengal), Lushai Hills (Assam) and Northern Arakan district (Burma); thence eastwards to Nejkrutong or Rangtlang; thence to source of a small stream called the Vanenglui or Mraikchaung whose source lies due east of the Peak, down the midstream of the Vanenglui or Mraikchaung to its junction with the Sekul (Kola) or Kalet stream (where a boundary stone has been placed); thence up the midstream of the Sekul (Kola) or Kalet stream to the mouth of the Khawtlang or Dyucha stream (where a boundary stone has been placed); thence up the midstream of the Khawtlang or Dyucha to its source on the Samang or Awisen rang ; thence south words along the Samang or Awisen range;

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to the source of the Samik or Kwinam stream (where a boundary stone has been erected); thence down the midstream of the Samik or Kwinam stream to its junction with the Koladyne (Kaladan) river; thence straight across the Kolodyne (Kaladan) river to the mouth of the Khongam or Kwinam stream (where a boundary stone has been placed), (the mouths of these two streams are opposite one another); thence up the midstream of the Khongam orKwinam stream to its source in the Kaisi Tlang (where a boundary stone has been placed); thence southwards to the source of the Rale or Shwelaik stream; thence down the midstream of the Rale or Shwelaik stream to its junction with the Sulia river; thence up the midstream of the Sulia river to its junction with the Kathieu or Khinkam stream (where a boundary stone has been placed); thence up the midstream of the Kathieu or Khinkam stream to its source on the Kathion or Pahtay Klang; thence northwards along the Kathion or Pahtay Klang to the source of the Para stream; thence down the midstream of the Para stream to its junction with the Mi (Tlahi, Tuisi, or Webling) river; thence up the midstream of this river to its junction with the Khaimu stream; thence up the midstream of the Khaimu stream to its source on the Kahris or Kawhris (Khaiah) Klang; thence south along the creek of the Kahris or (Kawhris) Klang to the source of the Rajhu Var; thence down the midstream of the Rajhu Var to its junction with the Boinu(Kaladan) river; thence down the mid-

Contd:

stream of the Boinu (Kaladan) river to the junction with Tyao; thence up the midstream of the Tyao to its source on the Viko Tlang; thence eastwards to the source of tributary of the Tuimang river; thence down the midstream of the Tuimang to its junction with the Tuisi; thence down the midstream of the Tuisi to its junction with the Tuivai river; thence down the midstream of the Tuivai river to its its junction with the Wangvun Lui; thence up the midstream of the Wangvun Lui to its source at saddle known as Bongkat where ah a boundary pillar marked NL/1 has been erected;-thence crossing to the west side of this saddle to the source of the Tuitei stream; thence down the midstream of the Tuitei stream to its junction with the Tuivalriver; thence down the midstream of the Tuivai river to its junction with the Barak river; thence down the midstream of the Barak river to its junction with the Ruanding Lui, which is the trijunction of the Lushai Hills and Cachar Districts and Manipur State.

NOTE :-(1) The Inner Line falls in the following survey of India 1"=4 miles and 1" = 1 miles publications :-

North :- 83M,83P,83O/15, D/14, D/11 and D/7,
West :- 83-D/7,83-O, 84-A, 84-B and 84-C,
South & East :- 84-B, 84-C, 84-G, 84-F, 83-J and 83-H.

(2) The northern western southern and eastern boundaries of the Lushai Hills district are co-incident with the Inner Line of the Lushai Hills District

*** *** *** ***

Sd/- W.A.CROSTHWAITE,
Chief Secretary to the Govt. of Assam.

Scanned with OKEN Scanner

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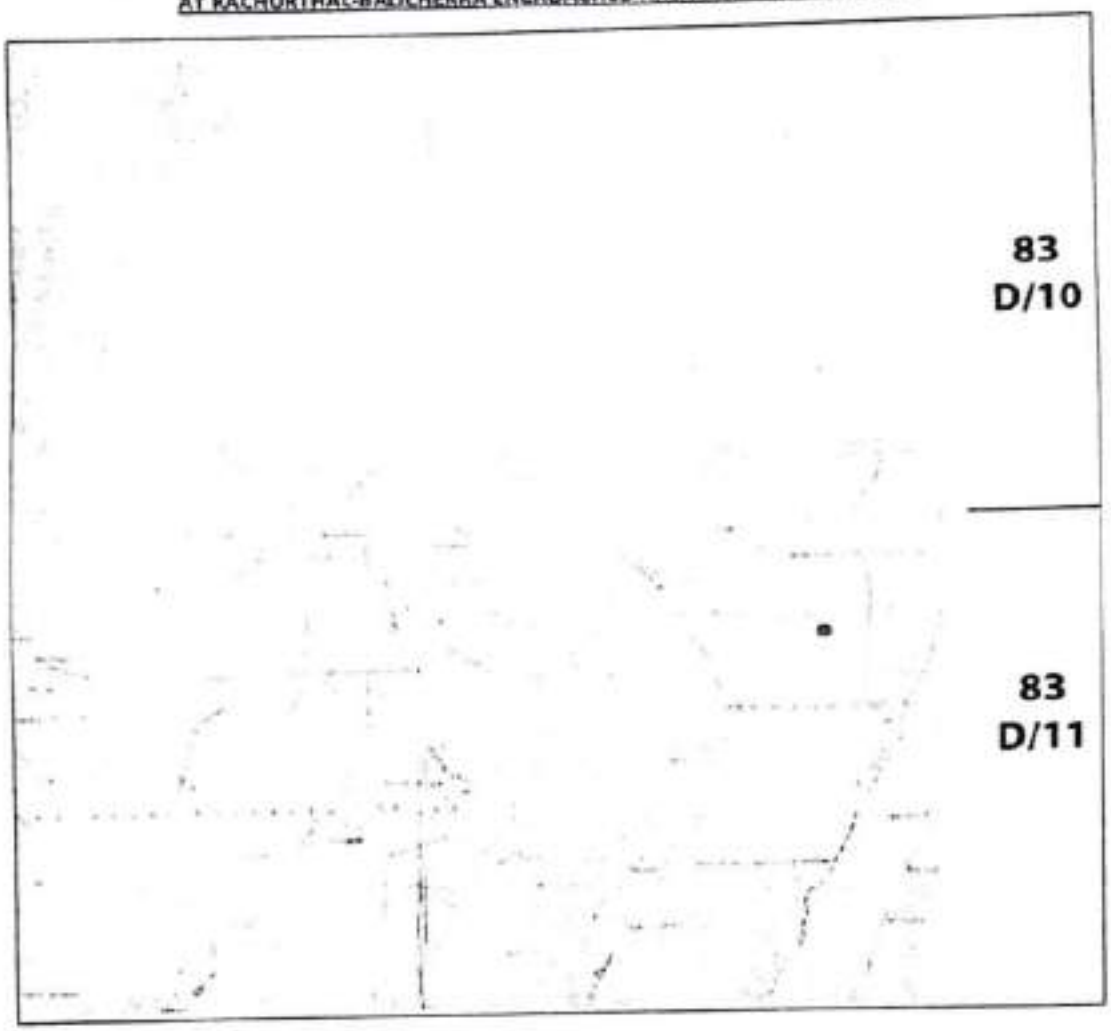
Exhibit-5

MAP SHOWING THE DISMANTLED ILLEGAL CONSTRUCTION OF 3[THREE] NOS. Tents AT KACHURTHAL-BALICHERRA ENCROACHED AREA DONE ON 29-06-2021



GPS Co-ordinates = 24°29'12.35868"N 92°44'28.13208"E
Location of Dismantled 3(three) nos. Tents at Kachurthal-Balicherra Marked at = ●

Submitted,

Dy. R.

(Duleswar Tamuly) Dy. R
i/c Range Forest Officer,
Matijuri Range, Matijuri

Scanned with OKEN Scanner

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Exhibit-6

PHOTOGRAPHS OF THE 3(THREE) NOS. TENTS, AREA OF ENCROACHED BROOM CULTIVATED LAND, AND PHOTOGRAPH AFTER DISMANTLING OF THE SHED.

Submitted

(Dulleswar Tamuly) Dy. R
I/c Range Forest Officer
Matijuri Range, Matijuri

Scanned with OKEN Scanner

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FOREST DEPARTMENT::: ASSAM HAILAKANDI DIVISION

Offence Report No. : MJR/01/2021-22 Date : . 30.06.2021

Revenue Station : Matijuri Range, Matijuri.
Range : Matijuri Range, Matijuri.

Memo No. MJR/FRO(T)/09/OR/333 Dated. 30.06.2021.

Forwarded to the Divisional Forest Officer, Hailakandi Division, Hailakandi together with issue of process for sending the same to the Hon'ble Court of Hon'ble CJM, Hailakandi for trial.

Dy. R.

(Duleswar Tamuly) Dy. R
I/c Range Forest Officer,
Matijuri Range, Matijuri

Scanned with OKEN Scanner

Annexure-VI

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS
NORTH EASTERN REGIONAL OFFICE

Telegram : PARYAVARAN

Telephone : (O) 227673, 227929, 227565
FAX No. 0364 – 227673

UPLAND ROAD, LAITUMKHRAH
SHILLONG 793 003

Date the .....

Ref no. 12-2-41/98/RONE-AS/865-67, Dt. 24.12.98

To

Principal Chief Conservator of Forests
Assam

Sir,

Sub: Working plans – approval by the Central Government beg.
Ref : Letter No. FG.62/WP/REWP/Pt Dt. 23.12.98 from CCF(REWP), Assam

I invite your kind attention to the reference cited and the meeting on the above subject held under your chairmanship on 22.12.98 at Guwahati and wish to state that during the discussion the Working plans for the Lakhimpur division (1989 – 90 to 1999-2000), Sonitpur West division (1998 – 99 to 2008- 09), Hailakandi division (1998 – 99 to 2008 – 09) and Kamrup West division (1999 - 2000 to 2008 - 09) were found to be generally in accordance with the National Forest Policy. Therefore, the state government may now take further action to give effect to these plans after incorporating minor changes agreed to during the meetings as recorded in the minutes of the meeting communicated in the reference cited.

I also wish to state that the quality of authorship of these working plans meets the high standards expected of senior forestry professionals and the officers and staff responsible for producing such high quality output, even in the face of severely disturbed conditions under which they have to work, deserve to be recognized.

Seal

Sl. No. 103
Dt. 5 th JAN 1999.

Yours faithfully,

Sd/-

(Promode Kant)
Regional Chief Conservator of Forests.

Copy to

The Addl. IGP (FC) MOEF, New Delhi

CCF (REWP), Assam, Guwahati

Sd/-
Chief Conservator of Forests,
Ministry of Environment & Forests,
Regional Office, Shillong (NER).

Annexure-VII

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WORKING PLAN

OF

HAILAKANDI

FOREST DIVISION

1998-99 TO 2009-10

BY

M.K. Yadava, IFS
Working Plan Officer
Upper Assam Circle, Jorhat

Para 2.5 (Page 9)

INJURIES TO WHICH THE FOREST IS LIABLE:

In recent times, the damage caused by animals other than man and his cattle has virtually vanished. There is little of wildlife to mention in the Division. The greatest injury is inflicted by men by way of unauthorized settlement, *jhuming* in high altitude areas, cultivation on flat lands, pan *jhuming*, and illegal felling. As there are no grazing restrictions followed, cattle damage natural regeneration as well as plantations. Damage of trees is also caused by domestic elephants left to graze in the forest without any permit or authority.

Para 4.6 (Page 14)

AMENITIES TO THE STAFF:

The Divisional office is housed in a rented quarter at present, which is most unfit for office use. A well planned office and colony needs to be developed in the town of Hailakandi The staff quarters, other than the residence of the DFO and ACF, should be at least two storeyed RCC buildings with good architectural layout. It should be able to house the entire forestry establishment of Hailakandi in a beautiful and compact manner it is not known as to the steps taken by the local forest administration to acquire land. No distinction should be made between Territorial and Social Forestry us far establishment of a well planned staff colony is concerned.

Under Kukicherra Range, at present, there are 15 nos. of field staff, but the present accommodation is not sufficient. The quarters at Range HQ at Manipur Bagan, Jhalnacerra, Gendacherra, Malicherra and Baruncherra Beat & Sub-Beat offices are in deplorable state. Barracks are made of bamboo and exhibit the most unhygenic conditions of living. The old semi RCC structures with tin roof need to be abandoned Similarly, in Gharmura Range, there are 14 nos. of staff, but only few departmental quarters. Other than the Range office and Bhairabi Beat office quarters, rest of the structures require extensive repair. One of the Fri quarters is at present being used as IB. Such a state of affairs can only hamper forest protection. Similarly, at Matijuri Range, there are 26 nos of staff, but the condition of existing residential accommodation is far from satisfactory. Several quarters have already been dismantled, but no substitute has been provided yet. The IB at Lahirbond is not being maintained. A large no. of field staff and most of the Divisional staff are staying in rented quarters.

All the establishments do not have supply of drinking water, access to emergency medical aid and electricity. No uniform has been distributed to the staff in past several years. There are no welfare schemes taken up for the field staff.

The Division has only one old jeep, which needs frequent repairs. There should be at least three vehicles at the absolute disposal of the DFO and ACFs. All the five major establishments of the Division should be provided with a jeep each. Each beat should be provided with two to three motorcycles. Starting from Range Forest Officer down to Forest Guard, the entire field executive staff needs to be armed, as security is fast becoming a necessity in the forest areas. The present strength of Assam Forest Protection Force is very poor and inadequate. A separate Battalion needs to be raised for the forests of Barak Valley.

All said and done, at present, there are only meager amenities available to the field staff. This is very much reflected in the pathetic condition of the forest itself.

Para 6.7 (Page 18)

THE REANG REFUGEE ISSUE:

To the south of Hailakandi lies the State of Mizoram which has a predominant Christian population. The majority of inhabitants of this State were converted into Christians about a century ago. As a result of conversion, a new social dimension has emerged in the region ie communal tension among different social groups ie. Christian tribal and non-Christian Hindu tribal. Such conflicts in the past have been mentioned by P. N. Bhattachajee in his Plan. The Reang and Mizo communities were involved in minor and major clashes earlier as well.

In the recent conflicts of December, 1997, about sixty six (eye witnesses put the figure to two hundred) Reang refugees families migrated to the Mukam and Bhairabi blocks of Innerline RF. It needs to be mentioned that these forest areas already have a considerable population of displaced Reangs. If measures are not taken to stop further influx of persons across the Mizoram border, the entire Mukam and Bhairabi blocks would be encroached in near future. The Department has not been able to make its presence felt in this region. The refugees must be repatriated back to their original homes at the earliest.

Para 8.9 (Page 26)

ASSAM FOREST PROTECTION FORCE:

A special force called the Assam Forest Protection Force was raised under the Assam Forest Protection Force Act, 1986 (Act XXII of 1987). At present there is only one battalion with a force of about 600 armed personnel. Though the Force has come handy, it has failed to make any visible impact on forest protection. Chiefly, two causes can be attributed for this state of affairs, namely legislative and administrative. As envisaged in the Act, no Rules have been framed as yet (or at least, the author is not aware of any such Rules) to bring into force the relevant provisions of the Act. As a result, the Battalion has remained a band wagon of armed personnel without any locus-standi. The executive forest staff has also remained in the dark as to how to conduct themselves or guide the conduct of the forces in matters of forest protection. Secondly, the Force has been raised with its HQ at Guwahati, under the direct charge of a Commandant. For general day to day administration such as leave, ration, salary etc. the members of the Force have to travel to Guwahati from the remotest corners of their posting, virtually breaking the field formation most of the times. The local executive staff do not have any administrative control over the member of the Force.

Though the framers of the Act had envisaged, yet in absence of any Rules, appropriate blending of the members of the Force and field executive staff has not taken place. Given the present law and order situation in the State, forest officials are second most vulnerable soft target (after the police, paramilitary and army) Already three DFOs have been kidnapped, one DFO killed, one DFO severely attacked and beaten by smugglers and anti-social elements, three Range officers killed, several foresters and forest guards mercilessly butchered in the past few years. Situation has worsened so much so that it is not safe to venture in the forests unarmed.

Under such conditions, certain steps must be taken necessarily, Immediate provision of security cover to the gazetted staff. Appropriate Rules should be framed for conduct of affairs of forest protection and management, laying out detailed and unambiguous procedures incorporating the relevant provisions of CIPC, IPC, Evidence Act, Assam Forest Regulation of 1891, Wildlife (Protection) Act of 1972, and the Assam Forest Protection Force. Forest offences should be notified to be cognizable and non-bailable to attract the provision of Chapter XI & XII of the CrPC. field staff from Forester 1 and upwards to Range Forest Officer should be awarded powers of investigation, and the ACF & DFO should be awarded the powers of Magistrate under the said Chapters of the CrPC and other relevant chapters as well.

Part of the administrative control of the members of the Force should be delegated to the Circle Conservators and DFOs The Force should be raised in sufficient strength to as to house one Battalion each at the HQ of the territorial Circle Conservator under direct charge of a Commandant and under

overall supervision of the Circle Conservator. In addition, all field staff starting from forest guard up to the Range Forest Officer should be suitably armed.

Para 19.2 (Page 58)

ROADS & BUILDINGS:

Most of the houses in which staff dwell are in shambles and need repairs urgently. There is also acute scarcity of quarters due to which staff do not stay in Headquarters. Thus, they become unavailable for emergency duties and night patrolling. To overcome the housing problem, the Department should construct two story flats in the Ranges and Beats, by planning out space neatly, making provision for a strong forest colonies. Such colonies could well be implemented in Matijuri, Gharmura & Kukichera Ranges of the Division.

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SUMMARY OF PRESCRIPTIONS

Point No. 6

Administrative Prescriptions

Sl. No.	Working Circle	Prescriptions	Para No.	Item No.	Control Form No.
6	Administrative Prescriptions	New departmental quarters to be at least double story. Well planned Forest Colony at Hailakandi to be established.	18.5		
		Vehicles, VHF or VSAT for fast communication.			
		Raising of an additional AFPF Battalion for use in Barak Valley.			
		Provision of arms to field staff.			
		Uniform and other amenities to be provided to the staff.			
		Projects to be prepared and finances brought from various funding agencies.	18.6		12

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Annexure-VIII

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JANUARY, 2022

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.22567/2015 (GM-FOR-PIL)

BETWEEN

1. P.S. MOHAN
S/O SOMAIAH
AGED ABOUT 47 YEARS
VIRUPAKSHAPURA VILLAGE
RANGASAMUDRA POST
KUSHALANAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

2. J.P. RAJU
S/O PUTTA (LATE)
AGED ABOUT 55 YEARS
RANGASAMUDRA VILLAGE AND POST
KUSHALNAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

3. J.T. KALINGA
S/O LATE THIMMA
AGED ABOUT 55 YEARS
RANGASAMUDRA VILLAGE AND POST
KUSHALNAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

4. SANNAPPA
S/O LATE BASAVAIAH

AGED ABOUT 60 YEARS
DODDA BETTAGERI VILLAGE
GUDDE HOSUR POST
KUSHALNAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

5. CHETHAN V.L.
S/O LINGAPPA V.S.
AGED ABOUT 45 YEARS
VIRUPAKSHAPURA VILLAGE
RANGASAMUDRA POST
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

...PETITIONERS

(BY SRI RAJANNA L, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
REP. BY ITS REVENUE SECRETARY
REVENUE DEPARTMENT
VIDHANA SOUDHA
BANGALORE - 560 001

2. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT
FOREST, ECOLOGY AND
ENVIRONMENT DEPARTMENT
4TH FLOOR, M.S. BUILDING
BANGALORE - 560 001

3. THE PRINCIPAL CONSERVATOR OF FOREST
ARANYA BHAVANA
18TH CROSS, MALLESHWARAM
BANGALORE - 560 003

4. THE CONSERVATOR OF FOREST
KODAGU DISTRICT
ARANYA BHAVANA
MADIKERI - 571 201

5. THE DEPUTY COMMISSIONER
KODAGU DISTRICT
MADIKERI - 571 201

6. THE ASSISTANT COMMISSIONER
MADIKERI SUB-DIVISION
MADIKERI - 571 201

7. THE THASILDHAR
VIRAJPET TALUK, VIRAJPET
MADIKERI DISTRICT - 571 218

8. THE MANAGING DIRECTOR
JUNGLE LODGES AND RESORTS LTD.,
KARNATAKA STATE TOURISM
DEVELOPMENT CORPORATION
KHANIJA BHAVANA, RACE COURSE ROAD
BANGALORE - 560 001

...RESPONDENTS

(BY SRI S RAJASHEKARA, AGA FOR R-1 TO 7;
SRI MITHUN G.A. ADVOCATE FOR R-8)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT NOS.1 TO 7 TO TAKE ACTION AGAINST RESPONDENT NO.8 TO STOP AND CLOSE ALL THE ACTIVITIES ILLEGALLY RUNNING IN THE NAME OF JUNGLE LODGES AND RESORTS LTD., IN DUBARE RESERVED FOREST, KUSHALANAGAR RANGE OF KODAGU DISTRICT, IN PURSUANT TO ANNEXURE - B REPRESENTATION BY THE PETITIONERS AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

Heard learned counsel for the petitioners, learned Additional Government Advocate appearing for respondent Nos.1 to 7 as well as Mr. Mithun G A., learned counsel appearing for respondent No.8.

2. This public interest litigation has been filed seeking the following reliefs:

> *"a) Issue a writ in the nature of Mandamus or any other writ or order or direction, directing the respondents 1 to 7 to take action against the Respondent No.8 to stop and close all the activities illegally running in the name of Jungle Lodges and Resorts Ltd., in Dubare Reserved Forest, Kushalanagar Range of Kodagu District, in pursuant to the Annexure-B representation by the petitioners.*
>
> *b) Issue any such order or direction as the Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity."*

3. Learned counsel for the petitioners submits that respondent No.8 has constructed a Jungle Lodge in Dubare Reserve Forest, Kushalanagar Range of Kodagu District which is manifestly wrong and illegal as it has been created in contravention of sub-section (iii) of Section 2 of the Forest

(Conservation) Act, 1980. His submission is that under the aforesaid provision, the permission from the Central Government is required to be taken before granting any lease to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by the State Government. It is contended that no such permission was taken from the Central Government before constructing the aforesaid Jungle Lodge and as such, the entire activities done in the name of Jungle Lodges and Resorts Limited in Dubare Reserve Forest, Kushalanagar, Kodagu District, is wrong and illegal.

4. In support of his contention, learned counsel for the petitioners has relied on the Division Bench judgment of this Court in the case of ***M/s.GATEWAY HOTELS AND GATEWAY RESORTS LIMITED, BANGALORE vs NAGARAHOLE BUDAKATTU HAKKU STHAPANA SAMITHI, VIRAJPET, COORG DISTRICT AND OTHERS*** (1999(5) Kar.L.J. 63 [DB]).

5. In contra, learned Additional Government Advocate appearing for respondent Nos.1 to 7 submits that respondent No.8 has been constituted under the Karnataka

State Tourism Development Corporation (KSTDC) which is a State body. It is submitted that the Jungle Lodges and Resorts Limited is not owned, managed or controlled by any private person, but it is totally under the control of the KSTDC which is created by the State Government. It is further submitted that no permission of the Central Government is required for constructing any Jungle Lodge by the KSTDC in the Reserve Forest area.

6. Learned counsel for respondent No.8 has raised preliminary objection regarding the maintainability of the writ petition on the ground that this public interest litigation has been filed with some personal vested interest of the petitioners as respondent No.8 had stopped the river rafting activities in Dubare area which had adversely affected the petitioners. It is submitted that no public interest is involved in the instant writ petition and the writ petition has been filed with ulterior motives.

7. We have considered the submissions made by learned counsel for the petitioners as well as learned counsel appearing for the respondents and gone through the record.

8. So far as the contention of learned counsel for the petitioners that under sub-section (iii) of Section 2 of the Forest (Conservation) Act, 1980, the Central Government's permission is mandatory to be taken before assigning the forest land by way of lease or otherwise to any authority, corporation, agency or any other organisation not owned, managed or controlled by the Government, we are of the considered view that the Jungle Lodges and Resorts Limited which has constructed the Jungle Lodge in Dubare Reserve Forest, Kushalanagar, Kodagu District, is a body created by the KSTDC which itself is totally controlled by the State Government and no private person is involved in the activities of the Jungle Lodges and Resorts Limited. The Managing Director of the Jungle Lodges and Resorts Limited is a Government servant belonging to IFS cadre service.

9. As per the additional statement of objections filed by respondent No.8, the Karnataka Forest Department represented by the Principal Chief Conservator of Forests holds share of 30.85% whereas, the KSTDC has 34.70%, the Governor of Karnataka has 34.44% and the balance of 0.01% is with the Managing Director of the Jungle Lodges and

Resorts Limited. As such, we are of the considered view that sub-section (iii) of Section 2 of the Forest (Conservation) Act, 1980 would not be applicable to the present facts of the case and no permission of the Central Government under the said provision was required for the construction of the impugned Jungle Lodge. The contention of learned counsel for the petitioners in this regard is misconceived.

10. Learned counsel for the petitioners has relied on the judgment of this Court in the case of ***M/S.GATEWAY HOTELS AND GATEWAY RESORTS LIMITED*** *(supra)*, particularly paragraphs 19 and 28 which, on reproduction, read as under:

> *"19. The Forest (Conservation) Act, 1980, which was enacted to provide for conservation of forests and matters connected therewith or ancillary or incidental thereto, provides restriction on the dereservation of forests or use of forest land for non-forest purpose, under Section 2 which reads as:--*
>
> ***"2. Restriction on the dereservation of forests of use of forest land for non-forest purpose.--****Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing.-*

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

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

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

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

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

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

(b) any purpose other than reafforestation,

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

A perusal of the Section 2 clearly indicates that no land or any portion thereof can be assigned by way of lease or otherwise to any private person or any authority, corporation, agency or any other organisations not owned, managed or controlled by the Government, except with the prior approval of the Central Government. The provisions of sub-section (iii) of Section 2 of the Act are applicable to all forest land irrespective of the fact that such forest has been declared as a reserved forest or not."

"28. Keeping in view the facts and circumstances of the case, we are of the opinion that the learned Single Judge was justified in holding that the State Government had assigned a portion of the forest land by way of lease in favour of the appellant, which was a private company, admittedly without seeking prior approval of the Central Government. He, however, felt that in view of his finding that there existed an absolute prohibition on the grant of such rights under Section 20 read with Section 35(3) of the Wildlife Act, the lease itself was void which could not be acted upon by the appellant. We are, however, of the opinion that in case the lease was contrary to the provisions of Section 2(iii) of the Forest (Conservation) Act, it could not be said that the lease agreement was void ab initio without conferring any right upon the appellant, particularly in view of our finding regarding the interpretation of Sections 20 and 35(3) of the Wildlife Act. Even though the lease is not hit by the provisions of Section 20 of the Wildlife Act, yet it being contrary to the mandate of Section 2 of the Forest (Conservation) Act, cannot confer

> *any right upon the appellant to carry on with their scheme, proposals and objects accorded to them on the basis of the lease deed executed in their favour, unless and until the approval of the Central Government is obtained. In the absence of such an approval no activity of renovation, repairs etc., in terms of the impugned lease deed can be carried on till the approval of the Central Government in terms of Section 2 of the Act is granted."*

11. Perusal of paragraph 28 of the judgment itself clearly goes to show that the reserve forest land was given to a private company without seeking prior approval of the Central Government. However, that is not the case in the present matter. We have already held that no private player was involved in the Jungle Lodges and Resorts Limited which is totally a body created by the KSTDC and as such, we are of the considered view that the judgment relied on by learned counsel for the petitioners in support of his contention is not applicable to the present facts of the case.

12. In view of the above, we are of the considered view that the writ petition has been filed without any material to support the contentions raised in the writ petition and it appears that it has been filed with deliberate ulterior motives

in order to pressurize the respondents. The conduct of the petitioners, as such, is deprecated and for the purpose of wasting the precious time of the Court, we impose costs of Rs.50,000/- on the petitioners. The costs shall be paid by the petitioners within a period of one month from today to the Karnataka State Legal Services Authority failing which, it shall be recovered as arrears of land revenue.

13. The writ petition is accordingly dismissed.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

bkv

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ANNEXURE - XIII

Sl no	Date on which illegalities by Mizo People in forest area have been noticed	Encroachment of Forest Land and illegal construction activities thereon			Distance from any easily identifiable mile stone like river / stream BOP, village inter-state border building etc.
		Approx Area (Ha)	GPS Co-ordinates	Nature of illegal construction	
1	2	3	4	5	6
1	14-08-2024		24°10'57.12"N 92°31'45.60"E	On 14-08-2024 BO Ramnathpur Beat, under Gharmura Range, was recovering outturns of illegally felled trees at **Sahebmara** in Inner Line RF, Hailakandi near Assam Mizoram interstate border when few Mizo indviduals which included Mizo IB personnel, Panchayat President of Bairabi, members of Young Mizo Association and other from Mizoram reached the alleged spot and obstructed the dragging of the seized timber stating that it belong to Mizo people. In this regard, an FIR has been filed by RO Gharmura against the Mizo miscreants for obstruction of Govt Duty. This incident of more significant as it occurred only 5 days after a joint statement was signed on 09-08-2024 between Assam and Mizoram to maintain peace and harmony along the interstate border of Assam and Mizoram.	300mt from Assam Mizoram border towards Assam
2	25-03-2024		N 24°10'51" E92°31'55"	On 25-03-2024 BO Ramnathpur Beat, under Gharmura Range detected 7(Seven) nos of teak stumps with outturn being removed at **Sahebmmara**. As per enquiry it was learnt found that few Mizo miscreants crossed the river, which is also the interstate border, and felled those trees because the Mizo people on the other side of the river claim these trees to be part of their private plantations. In this regard an FIR has also been filed at Ramnathpur Police station by BO Ramnathpur against the Mizo miscreants	250mt from Assam Mizoram border towards Assam

3	15-06-2023	10	N 24°09'14.5" E92°27'44.8"	On 15-06-2023 2(two) nos of JCB excavators were working for widening of path 300mtrs from **Gollachera** BOP in Inner Line RF in the bordering area of Gharmura Range in Hailakandi	750mt from Assam Mizoram border towards Assam
4	08-03-2023	30	N 24°09'14.5" E92°27'44.8"	According to information regarding Mizo encroachment at Birsima area within Inner Line RF under Hailakandi Division on 08-03-2023. The Beat Officer Bairabi Beat and O/C Ramnathpur Police Station along with other staff proceeded to Birsima area ad stopped the road work	1.3 Km from Assam Mizoram border towards Assam
5	30-03-2022		N24°14'53.8 E92° 32'43.53"	Mizoram Govt. is illegally digging pits for installation of electric post Meant for power supply in **Gollacherra area** within I.L.R.F. under Gharmurah Range	300mt from Assam Mizoram border towards Assam
6	11-03-2022	0.5	N24°10'52.3" E92°31'58.15"	Illegal construction of 2(two) nos. temporary huts at Sahebmara area under Gharmurah Range within I.L.R.F	400mt from Assam Mizoram border towards Assam
7	26-02-2022	3	N24°15'17.3 3" E92°34'1.07	About 2.0Km. Away towards eastern direction from **Gollacherra B.O.P** Mizoram Govt. has illegally contracted new Road at Kala Pahar area with Inner Line Reserved Forest underGharmurah Range, Hailakandi District	400mt from Assam Mizoram border towards Assam
8	09-02-2022	3	N24°15'03.6" E92°33'10"	DFO, Hailakandi along with Circle Officer, Katlicherra, Range Officer Gharmurah O.C. Ramnathpur and other staff visited the Gollacherra area within Inner Line Reserved Forest under Gharmurah Range. Hailakandi District. During our visit it is seen that the earlier encroached area has been extended by cutting/clearing the bamboo etc. from the forest area the total encroached area is about 3.00Hectors	600mt from Assam Mizoram border towards Assam
9	02-02-2022	3	N24°15'03.6" E92°33'10"	About 3.00 Ha. land encroached by Mizo miscreants at Gollacherra area by cutting/ clearing the bamboo etc. within I.L.R.F. under Gharmurah Range	600mt from Assam Mizoram border towards Assam

10	21-11-2021	10	N24°21'15.5" E92°38'23.6"	Illegal construction of a Road by Earth cutting at upstream of Haticherra area within ILRF under Kukicherra Range. The said road is about 2:00 KM (Aerial distance)	2km from Assam Mizoram border towards Assam
11	26-10-2021	0.25	N 24.227743° E 92.546108°	Mizoram Govt. has started reconstruction of one incomplete R.C.C. culvert over Bhairabicherra area under Gharmurah Range. But due to intervention of district civil & Police authority constructional work has been ceased	100mt from Assam Mizoram border towards Assam
12	02-09-2021	5	N24°30'47.70" E92°44'48.90"	Temporary Police Camp at Kachurthol-Balicherra area and about 2.00 (Two) KM. Kacha road (earthen road) constructed by the Mizoram Govt. In Inner Line Reserved Forest under Matijuri Range, Hailakandi District, Assam	1km from Assam Mizoram border towards Assam
13	13-07-2021	0.5	N24°09'13.90" E92°27'42.70"	Illegal construction of police barracks ofMizoram Govt. in Inner Line Reserved Forest at Baroghar area under Gharmurah Range.	1.3km from Assam Mizoram border towards Assam
14	01-07-2021	200	N24°29'12.40" E92°44'28.10"	On 01-07-2021 Mizoram Police tried to re-construct the temporary shed at Kachurthol-Balicherra area but the district Police/Civiland Forest authority have dismantle theconstructional works and recoveredencroached 200.00 Hectors Broom planted land.	500mt from AssamMizorambordertowards Assam
15	04-06-2021	100	N24°15'03.6 E92°33'10.8"	Burning of 3(Three) huts of encroachers at Gollacherra area within Inner Line R.F under Gharmurah Range and within territorial jurisdiction of Hailakandi district near interstate border boundary of Assam Mizoram	750 mt from Assam Mizoram border towards Assam

16	03-06-2021	3	N24°8.0'23.6" E92°27'41.73"	Reporting of illegal construction of house in the adjoining area of boundary of Assam-Mizoram by Mr. Pu john Hallyday at Birsima area within ILRF under Gharmurah Range. Hailakandi District. And physical inspection of the illegal constructed house done on 03-06-2021. Area encroached 3.00 Hectors	300mt from Assam Mizoram border towards Assam
17	08-07-1992	2500	N24°25'39.3" E92°41'29.7"	In Inner Line R.F under Matijuri Range,Hailakandi Forest Division is encroached byMizoram Govt. in Paisan Dhalcherra area under Matizuri Range before inception of Hailakandi Forest Division i.e. 07-07-1992. Encroachment took place both side of the Dhalcherra- Paisan Road. The length of said encroached road from Dhalcherra to Paisan is about 9.30 Km. and Govt. of Mizoram has already established I.R. Battalion camp at Dholaikhal area is about 10.0ha.	10KM from Assam Mizoram border towards Assam
	Total	2868.25ha			

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GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER::::::::::::::::::::::::::::::HAILAKANDI
****

No.HCB.8/2014-17/189 Dated Hailakandi the 17th March, 2018.

To

The Chief Secretary to the Govt. of Assam,
Dispur, Guwahati-6.

Sub:- DETAILED REPORT ON ASSAM MIZORAM BORDER ISSUE IN HAILAKANDI.

Madam,

With reference to the subject cited above, I have the honour to submit herewith a detailed report on Assam Mizoram Border issues in the following two parts :

(1) **Part-A :** A brief chronological report, along with necessary, Annexures, on the incidents happened in the past.

(2) **Part-B:** A detailed report on the recent problem beginning with effect from 27th February, 2018.

Submitted for favour of your kind perusal.

Enclo:- As above.

Yours faithfully,

(Adil Khan, IAS)
Deputy Commissioner,
Hailakandi

Memo No.HCB.8/2014-17/189-A Dated Hailakandi the 17th March, 2018.

Copy for information and necessary action to:-

1. The Addl. Chief Secretary to the Govt. of Assam, Home, Political, Environment & Forest Department, Dispur, Guwahati-6.
2. The Director General of Police, Assam, Ulubari, Guwahati-7.
3. The Director General of Police (Border), Assam, Srimantapur, Guwahati-32.
4. The Spl. DGP(SB), Assam, Kahilipara, Guwahati-19.
5. The Principal Secretary to the Chief Minister, Assam, C.M's Secretariat, Dispur, Guwahati-6.
6. The Superintendent of Police, Hailakandi.

(Adil Khan, IAS)
Deputy Commissioner,
Hailakandi

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Part A

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ASSAM-MIZORAM BORDER ISSUE, HAILAKANDI

DETAILS OF INCIDENTS / MEETINGS / JOINT INSPECTIONS

(As per records available in the office of DC Hailakandi)

Sl. No	. Date	Incidents / Details of Meetings/Joint Inspections done
1	22-05-1995	Meeting was held between Deputy Commissioner, Aizawl and Deputy Commissioner,Hailakandi at Bhairabi (Kolasib District), Mizoram) in connection with boundary dispute at Kachurthal. Site inspection was also carried out by both the teams headed by the D.C.s It was also decided that as per survey of India map No 83 D/12, it was decided that the area between the Bhairabi Nulla(lui) and Tuikhurlui(nullah) was within Mizoram and the area on the western side of Bhairabi Nullah(Lui) is within Assam.The entire area on the eastern side of Bhairabi lui is within Mizoram and the western side of the river i.e. with Assam territory is localy known as Kochuthol. It was also decided that ground demarcation of the boundary needs to be done. And that both sides were at liberty to enforce the laws of their states within their jurisdiction.**(Minutes at Annexure"1").**
2	29-03-1996	Threatening of villagers namely Funul Haque, Sukur Ali, Abdul Jalil, Harish Ali and others of Kachurthal areas by some Mizos namely Fuiya Lushai and Famkima Lushai of Bhairabi area in Mizoram to leave the village within a week or they will set fire to their houses. Patrolling arranged in the area and information also sent to DEPCOM Aizawl to avoid any untoward incident. (Report at **Annexure-2")**
3	08-04-1996	6(Six) persons from Kachurthal namely (1) Haris Ali,(2) Abdul Haque, (3) Lalu Mia, (4) Kuti Mia, (5) Gias Uddin & (6) Sofiajan were taken to Bhairabi Police Station in Mizoram without informing local Police Station. After discussion with DC, Aizawl over phone, the 6(six) persons were released. Message from S.P, Hailakandi to IGP Border, at (**Annexure" 3**"). About 35 houses in Village Gutguli within Assam Territory set on fire by Mizo miscreants causing damage to house and property of Riang people inhabiting the village. Message sent to **DEPCOM Aizawl** soliciting kind intervention as the area falls under Katlicherra Constituency and there is

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		existing Polling Centre in the Village. G.R. distributed to the affected families by DC, Hailakandi (**At Annexure-4 (i) & 4 (ii)**
4	10-04-1996	Meeting between ADC, Hailakandi and SDO© Kolasib of Mizoram at Jamira IB of Haialkandi District in connection with incident at Gutguti of Hailakandi District on 08-04-1996 wherein 35 houses belonging to Riang people of the village were burnt down by people of neighbouring villages in Mizoram. The SDO Kolasib pointed out that the incident could be the outcome of a former incident of 8-4-96 where one Mizo and two non Mizo Muslims were forcibly taken away from their paddy fields in Mizoram and confined in Ghutguti. It was decided that there would be frequent patrolling by police personnel by both states in their respective jurisdiction and that Govt. of Mizoram would extend their cooperation in the speedy rehabilitation of the affected people by the Dist. Administration, Hailakandi. **(Minutes at Annexure"5")**
5	13-04-1996	7(Seven) houses belonging to non Mizos burnt in Mizoram and 8(eight) houses of non Mizos in Assam by Mizo miscreants after alleged gunshot fired by somebody from Assam side leading to the disappearance of one labourer Lallengvara employed by one C.Hmingthangi for loading bamboos in a Truck. Mizoram administration admitted to the setting of fire of eight houses in Assam side **(Report at Annexure 6 & 7).**
6.	02-09-1996	Some miscreants accompanied by 7(Seven) armed Mizo Police personnel entered Assam on 31-08-96 and 02-09-96 indulged intimidations and looting and firing two three rounds in the air. The police men were subsequently placed under suspension by Government of Mizoram (**Message at Annexure-8, 9 & 10)**
7	10-10-1996	Meeting between the Deputy Commissioner of Hailakandi and DC Aizawl of Mizoram at Jamira I.B (Hailakandi) regarding proposed side of BOP at Kachurthal area from Assam side. Mizoram Government had earlier raised objection to the construction of the BOP. The meeting also resolved to request the NEC to take up Hailakandi-Bhairabi road on priority basis and to curb trafficking of drugs and liquor along the Assam-Mizoram Border. The meeting also agreed for a joint inspection in first month of December'1996. **(Minutes at Annexure '11).**
8	16-12-1996	Some Mizo persons equipped with fire arms and accompanied with few police personnel of Bharabi PS came to Kachurthal village and forcibly took away the

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		paddy of few Muslims of Kachurthal area. Deputy Commissioner, Aizawl was requested to look into the matter.(**Annexure-12).** It later transpired that there was a mis-understanding of sharing of crops between Mizos of Bhairabi and Non Mizo Muslims of Kachurthal which eventually was the outcome of the non demarcation of the border. (**Annexure-13)**
9.	08-01-1997	One Lalkuma Mizo along with 10-11 others of Bhairabi came to Kachurthal and assaulted one Mozorof Ali of Kachurthal and also set fire to the house of one Saleh Ahmed. DC, Aizawl was requested to look into the matter. Report later received from the DC Aizawl stating that the complaint seems to be baseless but further investigation was being carried out (**Annexure-14 , 14(i), 14(ii)**
10	09.02.1997	Some labourers engaged by Mizo contractor namely Thanga Mizo of Binkonga, Aizwal were found digging earth and forest jungle at Kachurthal for construction of Police camp. In this connection, one case is Registered in Katlicherra P.S & 3 persons namely (1) Abdul Sukkur, (2) Yeasin Ali, (3) Tutiur Rahman. The DC, Aizawal was requested to look into the matter and the work removed from that area. Later report received from DC Aizawl that the site for construction of the police outpost was well within Mizoram side of the Inner Line. (**Annexure-at 15, 16 ,& 17(i) to 17(vi).**
11	10-02-1997	Some Mizo people from Mizoram area assaulted and set fire to the house of Siraj Uddin of Kachurthal and also destroyed three no. of houses and six hundred quintals of paddy and snatching away 13 no. of cattle. The D.C Aizawl was requested to maintain peace and tranquility in the area. (**Annexure at 18)**
12	13.02.1997	24 Mizo persons of Bhairabi are constructing Police Camp at Kachurthal under the guard of Bhairabi Police. The D.C, Aizawl was requested to see that this is not done and a Joint meeting was called for 19.02.1997.(**Annexure-19)**
13	19-02-1997	Joint Inspection by Circle Officer, Katlicherra and SDO(Civil), Kolasib on construction of Mizoram Out Post at Zophai (Kachurthal). The team decided that as there was controversy over the identity of the actual Bhairabi Nala and Tuikhurlui Nala ,where the location of Mizoram Police Out Post was being constructed, they agreed that as per meeting on 22.5.1995 ground demarcation be done early

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		(Annexure- 20).
14	10-03-1997	3(Three) houses belonging to Abdul Jalil, Sukkur Ali & Jamir Ali were set on fire in Kachurthal area by Mizo miscreants. The DC, Aizawl was requested to take action to prevent re-occurrence of such incidents. G.R distributed to the victims. **(Annexure-21, 22 & 22 (i))**
15	10-04-1997	Joint inspection of boundary in Kochurthol area between ADC, Hailakandi and ADC, Aizawl with help of Mizoram Survey Party in Kachurthal . The joint team was of the opinion that the point A marked in the trace map is the river Bhairabi reflected in the Survey of India shown dividing the two states of Assam and Mizoram. **(Minutes At Annexure-23).** The D.F.O, Hailakandi later opined that this could not be accepted as Assam Survey party was not involved in the inspection.(**Annexure-24).**
16	03.05.1997	Construction of Police Camp from Mizoram side Report received that some Mizo people have started construction of Police Out Post and Police Barrack at Kachurthal (Abdur Rouf Tilla). The DC, Aizawl was requested to stop the construction works.(**Annexure-25)**
17	21-06-1997	Meeting between Deputy Commissioner, Aizawl and Deputy Commissioner, Hailakandi at PWD IB at Bhairabi regarding construction of Police Out Post at Kachurthal by Mizoram. D.C. Hailakandi stated that the previous meeting between the ADCs of both sides on 10.04.1997 was not approved by him in view of objections raised by the Assam Forest Department.The DC, Aizawl stated that there are very clear about the boundary of the side of the present construction and that it was not possible to stop the present construction. However, he suggested that actual boundary identification be done in near future. **(Minutes at Annexure-26).**
18	25.08.1997	Wife and Son of one Md. Jalil Uddin of Gaglacherra arrested by Mizo Police from Assam without any intimation to local Police and taken over to Mizoram. Subsequently released on P.R Bond on intervention of DC, Aizawl. **(Annexure-27)**
19	04.03.1998	Looting and Arson of 175 houses in Gutguti and 13 houses in Riflemara by Armed Mizo miscreants.**(Annexure-28)**
20	06-03-1998	Looting and Arson of 10(ten) houses in Sahebmara and Manipuri Nala area by Mizo miscreants. One School building used as Polling Station was gutted in the fire. DC, Aizawl. **(Annexure-28)**
21	20-03-1998	Report received from DFO, Hailakandi that Mizo people

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		from Mizoram cleared Jungle and did alignment for construction of road upto Betchera inside Hailakandi District by bamboo peg marking "LALHUNMA W/A No.4 and L.H.MAWIA Colony No.4.**(Annexure-29)**
22	07-04-1998	Report from D.F.O, Hailakandi regarding illegal construction of APWD Road to Mizoram BOP at Kachurthal through Kachurthal area by Mizoram PWD.(**Annexure-30 &30 (i).** D.C Aizawl was requested to look into the matter and stop the construction works.(**Annexure-31).**
23	11.04.1998	Threat notice was given to Riang people by YMA of Saikhowtlir Basti of Mizoram in Gutguti area. Due to fear of Mizo people, 175 family taken shelter at Ramnathpur L.P School / Railway Station. Patrolling intensified in this area and D.C, Aizawl was requested to look into the matter and maintain peace in the Bordering areas. The DC, Aizawl informed that CRPF and Sr. Police Officials were deployed on his side. GR was also provided to the affected people by District Administration, Hailakandi.(**Annexure-32).** Later DEPCOM, Aizawl informed that the threat letter was a fabricated one & must have been originated with ill intension to cause communal disharmony.**(Annexure-33).**
24	07-06-2001 & 13.06.2001	Administrative Officer of Bhairabi Centre issued two letters to one Fakar Uddin Mazumder mentioning the address as "ZOPHAI, Bhairabi" instead of "Kachurthal" and requesting him to meet him failing which necessary action would be taken against him.(**Annexure-34, 34 (i), 34 (ii) & 34 (iii).**
25	29-12-2001	25 Houses at Sahebmara Riang Punji were set on fire by Mizo miscreants. The SP, Kolasib reported that 10(ten) persons of Suarhliap village of Mizoram who were involved in burning the houses at Sahebmara were arrested.(**Annexure-35 & 36).**
26	25.01.2002	Residents of Bhaichhra Chakma Punji, Nutun Basti, Saheb Mara near Ramnathpur were given notice by Mizos to vacate land by 27.01.2002 or face attack.**(Annexure-37).**
27	15.06.2002	A joint meeting with D.C, S.P & D.F.O Kolasib District of Mizoram & D.C, S.P, ADC & D.F.O, Hailakandi was held at Circuit House, Hailakandi . DC, Hailakandi opposed the officials constructions by Mizoram Government within the Territory of Assam and pointed out that this areas would be evicted within 3rd week of June'2002 as per orders of the Hon'ble Supreme Court of India. To this, the DC, Kolasib agreed to take up the matter with the higher authorities of Mizoram and requested to stop the proposed eviction in the disputed areas. The DC, Hailakandi agreed on the resolutions of the meeting held on 22.05.1995 but opposed

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		the concluding para of the minutes of the meeting of 21.06.1997. DC. Kolasib also agreed to this. It was further resolved to move Survey of India for permanent ground demarcation of the boundary. **(Minutes at Annexure- 38).**
28	05.09.2003	Some Police Personnel of Camp ZOPHAI of 1st IRBN, Mizoram near Kachurthal visited Gollacherra village and asked them to pay tax in the form of paddy or cash and took away hens, ducks and households articles. They threatened the villagers to vacate the village stating it was within the territory of Mizoram.(**Annexure-39**).
29.	06.08.2004	Some Mizo people of Vairengte P.S in Mizoram set fire to the house of one Jalal Uddin of village Chuta Jamira under Katlicherra P.S of Hailakandi District. (**Annexure-40**).
30.	23.09.2004	Mizoram Police led by one Dy.S.P from Kolasib District of Mizoram threatened the villagers of Gollacherra village under Katlichera P.S to vacate the village within 24 hours or obtain Inner Line Permit, failing which they will be forced to vacate. **(Annexure-41)** However, report received from DEPCOM, Kolasib that no police personnel entered into Gollacherra Village. **(Annexure-42).**
31	04.06.2005	A group of 10-12 unknown Mizos most probably YMA/ VCP members of Mizoram constructed a Rest House at Kachurthal in Assam side using wooden structure & tin roof. Also two nos. of sign boards with the words "R.L.ZOSANLIANA; D.S.P Police Hqrs. Pan No.BB/CAD/A-23 of 1995, area 10 (Ten) Bighas " have been pitched adjacent to the house of one Eklal Mia(Encroacher at Kachurthal. D.C, Kolasib informed to take steps for dismantling the house. **(Annexure-43 & 44).**
32	06.11.2005	Mizoram Agriculture Department constructed 2(two) temporary Rest Sheds for Agricultural Labour's Shed under IWDP -2005 at Kachurthal within the boundary of Inner Line Reserve Forest (ILRF) of Hailakandi. DC Kolasib asked to remove the illegal constructions.(**Annexure-45**).
33	07.11.2005	Removal of Assam Forest Sign Board by Mizo miscreants from the Kachurthal area inside ILRF.(**Annexure-51**).
34	01.12.2005	Threat by Police Constable of ZOPHAI Camp (BOP) of Mizoram to kidnap Range Officer of Gharmurah Forest Range for dismantling the Rest Shed.(**Annexure-46(i) & 46(ii).**
35	06.12.2005	Creation of Horticultural garden encroaching Kachurthal area in ILRF by one Mr.Marua, S/O Balbunga.(**Annexure-51).**

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36	09.12.2005	Some persons from Mizoram tried to blow up the watch tower of Forest Department situated in Kachurthal. They damaged the railing and staircase of the structure.(**Annexure-47)**
37	14.02.2006	Mizoram Administration trying to occupy the vacant battalion Rest Camp constructed at Gollacherra F.V by Assam Police.(**Annexure-48 (i) & 48 (ii).**
38.	13.04.2006	Illegal construction of Fishery by Mizo people at Kachurthal inside ILRF.
39	06.05.2006	PWD Kolasib Division, Mizoram illegally constructed a road in the Inner Line Reserve Forest stretching 9.3 kms towards Assam in Phaisen area from the illegally constructed RCC bridge on the Chhimluang Lui stream.(**Annexure-49).**
40.	14.05.2006	Six no. of Mizoram Police Armed Personnel along with two Mizo civilians apprehended one Fakar Uddin Mazumder of Kachurthal under Katlicherra Police Station of Hailakandi District for not paying annual taxes.(**Annexure-50**)
41	10.10.2006	Mizo people guarded by Mizoram police force cutting and felling trees at Kachurthal area inside ILRF .(**Annexure-52).**
42	27.06.2007	One JCB / Excavator seized and four persons of Mizoram were arrested for unauthorized activities like earth cutting in Kachurthal area of ILRF. 6(Six) Armed personnel of 1st IRMZ Battalion of Mizoram were guarding the earth cutting party and were detailed by O/C Bhairabi P.S on request of one Chalthan Jhuana S/O Late Ch.Chhunga (Ex-Chief Minister of Mizoram).(**Annexure-53)**
43	28.06.2007	Discussion in Bungalow Office of D.C, Hailakandi attended by SDO(C) Kolasib, Addl.S.P, Kolasib, Sector Officer, CID (SB), Kolasib. The DC, Hailakandi expressed concern over unauthorized activities in the form of earth cutting, earth leveling by engaging excavator / JCB inside ILRF. The SDO(S) Kolasib expressed that since the matter regarding boundary dispute needs to be taken up at the highest level, they were not in opinion of making any comment and requested DC, Hailakandi to release the arrested persons and JCB/ Excavators unconditionally. (**Minutes at Annexure "54")**
44	10.07.2007	Mizo miscreants from Mizoram again encroached the land at Kachurthal by engaging Bull Dodgers for earth cutting (**Annexure-55**).
45	05. 03.2009	As per report of DFO, Hailakandi, Mizoram Forest

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		Department installed 68 nos. of RCC Pillars at Dholcherra (Phaisen) Border under Matijuri Forest Range of Hailakandi Forest Division. (**Annexure-56**).
46	20.03.2009	Joint verification done by SDO(Sadar), Hailakandi, DFO, Hailakandi and D.S.P. Hailakandi along with SDO© Vairengte, Mizoram SDPO, B.D.O, Mizoram regarding minor irrigation works taken up by Government of Mizoram. The Mizoram Government was asked not to continue the works of minor irrigation but the Mizoram Counterpart was not ready to accept. (**Annexure-57**)
47	27.01.2011	Joint meeting between ADC Hailakandi, Addl. S.P, Hailakandi, DFO, Hailakandi, SP, Kolasib, SDM, Virengte, SDPO Virengte, Vice President, Village Council, Virengte regarding collection of Broom stick. An agreement was signed in presence of the officials of Mizoram (Kolasib District) and Assam of Hailakandi District that the collection of broom sticks cultivated in the Ram Prasad Tilla/ Chengkawllui Tlang(Disputed Area) would be done jointly under the supervision of both Assam and Mizoram Police and the parties concerned (cultivators) of Bhairengte and Bilaipur shall bring equal no. of labourers to collect the broom sticks.(**Annexure-58**).
48	11.02.2011 & 12.02.2011	Some officials of Govt. of Mizoram side came to the construction side at Kachurthal LP School and Muliwala LP School and instructed the SMCs to stop the construction work as the said land belongs to Government of Mizoram. Some miscreants destroyed the part of the newly constructed school buildings.(**Annexure-59**).
49	24.02.2011	Minister of Tourism, Government of Mizoram accompanied by 30 civilians visited the construction side of BOP at Bhaicherra Forest Village and threatened the laborers to stop the construction works. DC Kolasib was requested to hold joint meeting with DC, Hailakandi.(**Annexure-60**)
50	10.08.2011	Meeting of D.C, Kolasib and D.C, Hailakandi at PWD Staff Lodge, Kolasib wherein it was agreed to maintain status quo in the disputed area and to share reports on quarterly basis. And have periodic joint patrolling in the Border Areas. (**Minutes at Annexure-61**)
51	09.03.2013	Some miscreants blasted Muliwala L.P School in Bhaircherra ILRF near Kachurthal BOP in which the school building was destroyed. (**Annexure-62**).The DC, Kolasib(Mizoram) was submitted a report relating to the blast stasting no culprits / suspects has yet been apprehended.(**Annexure-63, 63(i), 63(ii), 63(iii)& 63(iv)**).
52	25.04.2014	Some Mizo people led by one Danga of Buchanag area of

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		Mizoram along with one Safik Uddin Mazumder of Dholai Part-V, PS Katlicherra encroached some forest land of Betlacherra claiming the land falls under Mizoram. Forest staff however evicted the illegal encroachment by breaking 4(four) bamboo huts.(**Annexure-64**).
53	29.04.2014	Explosion took place at Kachurthal L.P. School demolishing the school. DC, Kolasib(Mizoram) asked to prevent attempt of any violence. (**Annexure-65).**
54	30-04-2014	Meeting between the D.C, Hailakandi and D.C,Kolasib held in the Office chamber of D.C, Hailakandi wherein it was decided to maintain status quo as per last meeting of 2011. The issue was of encroachment in Hailakandi Forest Area by four no. of local persons and engage by one Sri Donga of Bhuchang, Mizoram by way of clearing and damaging forest land. It was decided that Joint survey would be conducted by DFOs of both side.(**Minutes at Annexure-"66)**
55	20.05.2014	Some miscreants from Mizoram along with Mizoram Police are giving threats to the villagers under Assam-Mizoram Border to leave the villages otherwise there would be danger to life and property. DC, Kolasib (Mizoram) was requested to expedite withdrawal of Mizoram Police at the earliest from the Border.(**Annexure-67**).
56	21.08.2014	One Sri C.Lalrim Chana from Koupin south village of Kolasib, Mizoram constructed one timber house inside ILRF within Assam Territory. He was asked to stopped constructional works and accordingly he did so.(**Annexure-68).**
57	19.01.2016	One Zakir Hussain Mazarbhuiya of Kachurthal ILRF constructed wooden house within Assam Territory on the plea that the location belongs to the Ex-Chief Minister, Mizoram. This house was ejected by the Forest Officials of Hailakandi and materials seized.(**Annexure-69**)
58	27.2.2018	Waiting Shed was illegally constructed at Kachurthal area by MZP (A Mizo Youth Organization) . The Shed was later dismantled by Hailakandi Police in presence of SDM, Katlicherra and materials seized.
59.	02.03.2018	Assam Police erected a Bunker at Kachurthal and the said bunker was found dismantled by unknown persons.

Scanned by CamScanner

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Reserve Forest, situated under the jurisdiction of Cachar Division. This table serves as a detailed record, providing insights into the specific occurrences where individuals from the Mizo community have encroached upon the areas of the Inner Line Reserve Forest, enabling a clearer understanding of the scope and nature of these incursions.

Sl. No.	Name of Forest Division	Date on which illegalities by Mizo People in forest area have been noticed	Encroachment of forest land and illegal construction activities thereon			Distance from any easily identifiable mile stone like river/ stream BOP, village inter-state border building etc	Remarks
			Approx Area (Ha)	GPS Co-ordinate	Nature of illegal construction		
1		3	4	5	6	7	8
1	Cachar Forest Division, Silchar	Mizo Section Dt. 21-06-2013	300.0	N 24°28'49.42" E 92°47'14.07"	Road & bridge	Mizo Section F.V.	Boundary Pillar broken by Mizo People
2		Dholakhal Dt. 06-04-2020	200.0	N 24°28'51.90" E 92°47'33.78"	Road	Dholakhal F.V.	
3		Phainum Punjee Dt. 06-04-2020	300.0	N 24°28'28.22" E 92°47'22.38"	Road	Upper Phainum Punjee Village	
4		Bagkhal Dt. 06-04-2020	250.0	N 24°28'7.36" E 92°47'57.17"	Road	Bagkhal	
5		Mother Tilla Dt. 06-04-2020	250.0	N 24°24'45.0" E 92°51'33.3"	Road	Mother Tilla	
6		Old Auto Stand (both side) Dt. 08-11-2020	123.7	N 24°30'59.11" E 92°46'47.55"	Building, Huts & Road	On NH-54	
7		17-01-2021	1.0	N 24°25'28.30" E 92°52'48.67"	Construction of Road from Mizoram via Jabla (Assam Mizoram Border) to Patarkhal mukh 8.0 Km road has been constructed in Assam area by Mizo People in the east direction of Dholakhal & east direction of Sonai River and another road plan is going on from Lallapur to Thimakhal. This is also Assam area from	Dholakhal to Patarkhal mukh approx 4.0 Km in the east direction of Sonai River	

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					west to east direction of Sonai River.		
9	Cachar Forest Division, Silchar	Paglacherra (French Nagar) Dt. 05-04-2021	125.0	N 24°30'19.43" E 92°46'46.39"	Mizo I.R.B.N. Camp	Boundary Pillar	
0		Atlang (Dholaikhal) Dt. 22-07-2021	150.0	N 24°31'12.61" E 92°45'43.10"	Building & Huts	Atlang Nala	
10		Dt. 26-07-2021	-	N 24°30'59.74" E 92°46'46.51"	The Mizo Police and the IRBN personnel deployed by Mizoram Govt. started firing unprovokedly at the Assam Govt. officials, Forest and Police staff indiscriminately using sophisticated weapons, resulting death of 6 (six) Assam Police Personnel.	Lailapur Auto Stand on NH-54	
11		Dt. 26-09-2021	-	N 24°24'45.0" E 92°51'33.3"	Eviction of temporary patrolling camp set up by Forest Deptt.	Madar Tilla, RF	
12		Kalaikhal (Paschlakal) Dt. 03-04-2022	400.0	N 24°27'10" E 92°53'29" N 24°27'10" E 92°53'30" N 24°27'10" E 92°53'29" N 24°27'10" E 92°53'30" N 24°27'15" E 92°53'14" N 24°27'10" E 92°53'29"	Road	Pancherra upstream newly construction of Road	
13		Rengi Tilla Dt. 22-07-2021	175.0	N 24°31'22.44" E 92°46'50.38"	Road, Huts & Horticulture crops	On NH-54	

BRIEF SUMMERY OF MIZO ACTIVITIES UNDER HAILAKANDI FOREST DIVISION

There is about 1000 Hectors area of land in Inner Line R.F under Hailakandi Forest Division which is encroached by Mizoram Govt. at the following locations:

Sl no	Name of Range	Name of RF	Location of Mizo Encroached Area	Total area encroached(ha)
1	Matijuri	Inner line R.F	Dhalchera	575
2	Gharmura		Kachurthai	425
			Birseema	
			Gollachera	
			Total	1000

In addition to that Mizoram Govt. /people intended to encroach in the adjoining bordering area of Assam under Matijuri Range, Gharmurah Range and Kukicherra Range some of such incidences are shown below.

Date	Brief description
03-06-2021	Reporting of illegal construction of house in the adjoining area of boundary of Assam Mizoram by Mr. Pu John Hallyday at Birsima village within Inner Line R.F, under Gharmurah Range, Hailakandi District. And physical inspection of the illegal constructed house done on 03-06-2021. Area encroached 3.00 Hectors.
04-06-2021	Burning of 3(Three) huts of encroachers at Gollacherra area within Inner Line R.F under Gharmurah Range and within territorial jurisdiction of Hailakandi district near interstate border boundary of Assam Mizoram.
27-06-2021	Mizo encroachment at Kochurthal –Balicherra area under Dhalcherra BOP, Matijuri Range. On 27-06-2021 the Civil, Police and Forest authority of the district along with armed police personnel found a temporary shed constructed at Kachurthol (Balicherra) by the Mizoram Police.
29-06-2021	Dismanding of temporary shed constructed at Kachurthol (Balicherra) by the Mizoram Police and also recovered 120 Hectors Broom plantation done and occupied by Mizoram.
01-07-2021	On 01-07-2021 Mizoram Police tried to re-construct the temporary shed at Kachurthol-Balicherra area but the district Police/Civil and Forest authority have dismantle the constructional works and recovered encroached 80.00 Hectors Broom planted land.
13-08-2021	At Sahebmara - PakuaPunji EGS L.P. School under Gharmurah Range within Inner Line Reserved Forest low intensity blast has been made in night hours of 13-08-2021 by unknown miscreant of Mizoram.
14-08-2021	On 14-08-2021 during field visit at Kachurthol- Balicherra area i/c Range officer, Matijuri and other forest staff have noticed that about 2.00 (Two) KM Kacha road (earthen road) constructed by the Mizoram Govt. in Inner Line Reserved Forest under Matijuri Range, Hailakandi District, Assam.
27-08-2021	On 27-08-2021 i/c Range Officer, Matijuri has visited the Kachurithal-Balicherra area within Inner Line Reserved Forest area under Matijuri Range, Hailakandi District and reported that Mizoram Police has installed 2(Two) nos. temporary Camps and one bunker near the boundary of 200 Hectors Block Plantation site .
01-09-2021	On 01-09-2021 it is reported that a road is started to construct by the Mizoram Govt. in Kachurithal-Balicherra area near 200 Hectors Mixed Teak Plantation Center within Inner Line Reserved Forest area under Matijuri Range, Hailakandi District. Necessary preventive steps have been adopted by the District Police and Civil authority along with Forests.
02-09-2021	Another Temporary Camp alongwith 2Km road have been constructed by Mizoram Police at Kachurthal-Balicherra area within Inner Line Reserved Forest under Matijuri Range, Hailakandi District, Assam.
06-10-2021	Illegal construction of linkage road with Mizoram State by way of encrouchment in Inner Line R.F in Hailakandi district extending the earlier constructed 2.00 Km road at Kacurthol – Balicherra area including a new duty post also done by the Mizoram Police.

Contd. ...2

Date	Brief description
26-10-2021	The Mizoram Govt. has again started re-construction of incomplete RCC culvert over Bhairabicherra under Gharmurah Range near Kachurthal at GPS Coordinates N -24.227, E - 92.548. But due to Intervention of district Civil and Police authority constructional work has been ceased.
21-11-2021	Illegal construction of a Road by Earth cutting at upstream of Haticherra area within ILRF under Kukicherra Range. The said road is about 2:00 KM (Aerial distance) inside Assam territory from the Inter State Border Boundary of Assam-Mizoram. A point of GPS Coordinates of the road is (24°21'15.5"N 92°38'23.6"E). The said road works has been stopped after joint enquiry done by the both Civil, Police, Forest authority of the counterpart district.
02-02-2022	About 3.00 Ha land encroached by Mizo miscreants at Gollacherra area by cutting/ clearing the bamboo etc. within I.L.R.F. under Gharmurah Range.
09-02-2022	DFO, Hailakandialung with Circle Officer, Katlicherra, Range Officer, Gharmurah, O.C. Ramnathpurand other staff visited the Gollacherra area within Inner LineReserved Forest under Gharmurah Range, Hailakandi district. During our visit it is seen that the earlier encroached area has been extended by cutting/clearing the bamboo etc. from the forest area, the total encroached area is about 3.00 Hectors.
26-02-2022	About2.0Km. away towards eastern direction from Gollacherra B.O.P Mizoram Govt. has illegally constructed new Road at Kala Pahar area within Inner Line Reserved Forest under Gharmurah Range, Hailakandi District.
11-03-2022	Illegal construction of 2(two) nos. temporary huts at Sahebmara area under Gharmurah Range within I.L.R.F.
30-03-2022	Mizoram Govt. is illegal digging pits for installation of electric post meant for power supply in Gollacherra area within I.L.R.F. under Gharmurah Range.
08-03-2023	According to information regarding Mizo encroachment at Birsima area within Inner Line Reserved Forest under Hailakandi District on 08-03-2023 the Beat Forest Officer, Bhairabi Beat, Ramnathpur and O/C Ramnathpur Police Station along with other staff proceeded to Birsima area and stopped the work. The area falls in the disputed border boundary area and also under status quo as per joint decision taken vide joint statement dated, 05-05-2021 of both State of Assam & Mizoram.
10-06-2023	Mizo Govt./ Mizo People have engaged in road works by earth cutting of an existing foot path at Gollacherra are a in ILRF Assam near interstate border area. The matter has been informed to the D.C. and S.P, Hailakandi on 10-06-2023, accordingly D.C Hailakandi requested to the D.C, Kolasib Mizoram to stop the activities vide letter No. MI-14/3/22-HM Dtd. 11-06-2023 and to maintain status-quo as per the joint statement issued by the Govt. of Assam and Mizoram in meeting dtd. 05-08-2021.
15-06-2023	On 15-06-2023 2(two) nos. of JCBs were working for widening of the path 300.0Mtrs. away from Gollacherra BOP in the border area of Gharmurah Range under Hailakandi Forest Division. In this regards District Commissioner, Hailakandi take up the matter with the counterpart of the Deputy Commissioner, Kolasib, Mizoram to maintain the decision adopted in the Minister level agreement dtd. 05-08-2021, 09-08-2022 and 17-11-2022.

ANNEXURE - XIV

WORKING PLAN

OF

HAILAKANDI

FOREST DIVISION

1998-99 TO 2009-10

BY

M.K. Yadava, IFS
Working Plan Officer
Upper Assam Circle, Jorhat

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GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS
NORTH EASTERN REGIONAL OFFICE

Telegram : PARYAVARAN

Telephone : (O) 227673, 227929, 227565
FAX No. 0364 – 227673

UPLAND ROAD, LAITUMKHRAH
SHILLONG 793 003

Date the .....

Ref no. 12-2-41/98/RONE-AS/865-67, Dt. 24.12.98

To

Principal Chief Conservator of Forests
Assam

Sir,

Sub: Working plans – approval by the Central Government beg.
Ref: Letter No. FG.62/WP/REWP/Pt Dt. 23.12.98 from CCF(REWP), Assam

I invite your kind attention to the reference cited and the meeting on the above subject held under your chairmanship on 22.12.98 at Guwahati and wish to state that during the discussion the Working plans for the Lakhimpur division (1989 – 90 to 1999-2000), Sonitpur West division (1998 – 99 to 2008- 09), Hailakandi division (1998 – 99 to 2008 – 09) and Kamrup West division (1999 - 2000 to 2008 - 09) were found to be generally in accordance with the National Forest Policy. Therefore, the state government may now take further action to give effect to these plans after incorporating minor changes agreed to during the meetings as recorded in the minutes of the meeting communicated in the reference cited.

I also wish to state that the quality of authorship of these working plans meets the high standards expected of senior forestry professionals and the officers and staff responsible for producing such high quality output, even in the face of severely disturbed conditions under which they have to work, deserve to be recognized.

Seal

Sl. No. 103
Dt. 5 th JAN 1999.

Yours faithfully,

Sd/-

(Promode Kant)
Regional Chief Conservator of Forests.

Copy to

The Addl. IGP (FC) MOEF, New Delhi

CCF (REWP), Assam, Guwahati

Sd/-
Chief Conservator of Forests,
Ministry of Environment & Forests,
Regional Office, Shillong (NER).

Para 2.5 (Page 9)

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INJURIES TO WHICH THE FOREST IS LIABLE:

In recent times, the damage caused by animals other than man and his cattle has virtually vanished. There is little of wildlife to mention in the Division. The greatest injury is inflicted by men by way of unauthorized settlement, *jhuming* in high altitude areas, cultivation on flat lands, pan *jhuming*, and illegal felling. As there are no grazing restrictions followed, cattle damage natural regeneration as well as plantations. Damage of trees is also caused by domestic elephants left to graze in the forest without any permit or authority.

Para 4.6 (Page 14)

AMENITIES TO THE STAFF:

The Divisional office is housed in a rented quarter at present, which is most unfit for office use. A well planned office and colony needs to be developed in the town of Hailakandi The staff quarters, other than the residence of the DFO and ACF, should be at least two storeyed RCC buildings with good architectural layout. It should be able to house the entire forestry establishment of Hailakandi in a beautiful and compact manner it is not known as to the steps taken by the local forest administration to acquire land. No distinction should be made between Territorial and Social Forestry us far establishment of a well planned staff colony is concerned.

Under Kukicherra Range, at present, there are 15 nos. of field staff, but the present accommodation is not sufficient. The quarters at Range HQ at Manipur Bagan, Jhalnacerra, Gendacherra, Malicherra and Baruncherra Beat & Sub-Beat offices are in deplorable state. Barracks are made of bamboo and exhibit the most unhygenic conditions of living. The old semi RCC structures with tin roof need to be abandoned Similarly, in Gharmura Range, there are 14 nos. of staff, but only few departmental quarters. Other than the Range office and Bhairabi Beat office quarters, rest of the structures require extensive repair. One of the Fri quarters is at present being used as IB. Such a state of affairs can only hamper forest protection. Similarly, at Matijuri Range, there are 26 nos of staff, but the condition of existing residential accommodation is far from satisfactory. Several quarters have already been dismantled, but no substitute has been provided yet. The IB at Lahirbond is not being maintained. A large no. of field staff and most of the Divisional staff are staying in rented quarters.

All the establishments do not have supply of drinking water, access to emergency medical aid and electricity. No uniform has been distributed to the staff in past several years. There are no welfare schemes taken up for the field staff.

The Division has only one old jeep, which needs frequent repairs. There should be at least three vehicles at the absolute disposal of the DFO and ACFs. All the five major establishments of the Division should be provided with a jeep each. Each beat should be provided with two to three motorcycles. Starting from Range Forest Officer down to Forest Guard, the entire field executive staff needs to be armed, as security is fast becoming a necessity in the forest areas. The present strength of Assam Forest Protection Force is very poor and inadequate. A separate Battalion needs to be raised for the forests of Barak Valley.

All said and done, at present, there are only meager amenities available to the field staff. This is very much reflected in the pathetic condition of the forest itself.

Para 6.7 (Page 18)

THE REANG REFUGEE ISSUE:

To the south of Hailakandi lies the State of Mizoram which has a predominant Christian population. The majority of inhabitants of this State were converted into Christians about a century ago. As a result of conversion, a new social dimension has emerged in the region ie communal tension among different social groups ie. Christian tribal and non-Christian Hindu tribal. Such conflicts in the past have been mentioned by P. N. Bhattachujee in his Plan. The Reang and Mizo communities were involved in minor and major clashes earlier as well.

In the recent conflicts of December, 1997, about sixty six (eye witnesses put the figure to two hundred) Reang refugees families migrated to the Mukam and Bhairabi blocks of Innerline RF. It needs to be mentioned that these forest areas already have a considerable population of displaced Reangs. If measures are not taken to stop further influx of persons across the Mizoram border, the entire Mukam and Bhairabl blocks would be encroached in near future. The Department has not been able to make its presence felt in this region. The refugees must be repatriated back to their original homes at the earliest.

Para 8.9 (Page 26)

ASSAM FOREST PROTECTION FORCE:

A special force called the Assam Forest Protection Force was raised under the Assam Forest Protection Force Act, 1986 (Act XXII of 1987). At present there is only one battalion with a force of about 600 armed personnel. Though the Force has come handy, it has failed to make any visible impact on forest protection. Chiefly, two causes can be attributed for this state of affairs, namely legislative and administrative. As envisaged in the Act, no Rules have been framed as yet (or at least, the author is not aware of any such Rules) to bring into force the relevant provisions of the Act. As a result, the Battalion has remained a band wagon of armed personnel without any locus-standi. The executive forest staff has also remained in the dark as to how to conduct themselves or guide the conduct of the forces in matters of forest protection. Secondly, the Force has been raised with its HQ at Guwahati, under the direct charge of a Commandant. For general day to day administration such as leave, ration, salary etc. the members of the Force have to travel to Guwahati from the remotest corners of their posting, virtually breaking the field formation most of the times. The local executive staff do not have any administrative control over the member of the Force.

Though the framers of the Act had envisaged, yet in absence of any Rules, appropriate blending of the members of the Force and field executive staff has not taken place. Given the present law and order situation in the State, forest officials are second most vulnerable soft target (after the police, paramilitary and army) Already three DFOs have been kidnapped, one DFO killed, one DFO severely attacked and beaten by smugglers and anti-social elements, three Range officers killed, several foresters and forest guards mercilessly butchered in the past few years. Situation has worsened so much so that it is not safe to venture in the forests unarmed.

Under such conditions, certain steps must be taken necessarily, Immediate provision of security cover to the gazetted staff. Appropriate Rules should be framed for conduct of affairs of forest protection and management, laying out detailed and unambiguous procedures incorporating the relevant provisions of CIPC, IPC, Evidence Act, Assam Forest Regulation of 1891, Wildlife (Protection) Act of 1972, and the Assam Forest Protection Force. Forest offences should be notified to be cognizable and non-bailable to attract the provision of Chapter XI & XII of the CrPC, field staff from Forester 1 and upwards to Range Forest Officer should be awarded powers of investigation, and the ACF & DFO should be awarded the powers of Magistrate under the said Chapters of the CrPC and other relevant chapters as well.

Part of the administrative control of the members of the Force should be delegated to the Circle Conservators and DFOs The Force should be raised in sufficient strength to as to house one Battalion each at the HQ of the territorial Circle Conservator under direct charge of a Commandant and under

overall supervision of the Circle Conservator. In addition, all field staff starting from forest guard up to the Range Forest Officer should be suitably armed.

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Para 19.2 (Page 58)

ROADS & BUILDINGS:

Most of the houses in which staff dwell are in shambles and need repairs urgently. There is also acute scarcity of quarters due to which staff do not stay in Headquarters. Thus, they become unavailable for emergency duties and night patrolling. To overcome the housing problem, the Department should construct two story flats in the Ranges and Beats, by planning out space neatly, making provision for a strong forest colonies. Such colonies could well be implemented in Matijuri, Gharmura & Kukichera Ranges of the Division.

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SUMMARY OF PRESCRIPTIONS

Point No. 6

Administrative Prescriptions

Sl. No.	Working Circle	Prescriptions	Para No.	Item No.	Control Form No.
6	Administrative Prescriptions	New departmental quarters to be at least double story. Well planned Forest Colony at Hailakandi to be established.	18.5		
		Vehicles, VHF or VSAT for fast communication.			
		Raising of an additional AFPF Battalion for use in Barak Valley.			
		Provision of arms to field staff.			
		Uniform and other amenities to be provided to the staff.			
		Projects to be prepared and finances brought from various funding agencies.	18.6		12

ANNEXURE - XV

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JANUARY, 2022

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.22567/2016 (GM-FOR-PIL)

BETWEEN

1. P.S. MOHAN
S/O SOMAIAH
AGED ABOUT 47 YEARS
VIRUPAKSHAPURA VILLAGE
RANGASAMUDRA POST
KUSHALANAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

2. J.P. RAJU
S/O PUTTA (LATE)
AGED ABOUT 55 YEARS
RANGASAMUDRA VILLAGE AND POST
KUSHALNAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

3. J.T. KALINGA
S/O LATE THIMMA
AGED ABOUT 55 YEARS
RANGASAMUDRA VILLAGE AND POST
KUSHALNAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

4. SANNAPPA
S/O LATE BASAVAIAH

AGED ABOUT 60 YEARS
DODDA BETTAGERI VILLAGE
GUDDE HOSUR POST
KUSHALNAGAR VIA
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

5. CHETHAN V.L.
S/O LINGAPPA V.S.
AGED ABOUT 45 YEARS
VIRUPAKSHAPURA VILLAGE
RANGASAMUDRA POST
SOMAVARAPETE TALUK
KODAGU DISTRICT - 571 234

...PETITIONERS

(BY SRI RAJANNA L, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
REP. BY ITS REVENUE SECRETARY
REVENUE DEPARTMENT
VIDHANA SOUDHA
BANGALORE - 560 001

2. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT
FOREST, ECOLOGY AND
ENVIRONMENT DEPARTMENT
4TH FLOOR, M.S. BUILDING
BANGALORE - 560 001

3. THE PRINCIPAL CONSERVATOR OF FOREST
ARANYA BHAVANA
18TH CROSS, MALLESHWARAM
BANGALORE - 560 003

4. THE CONSERVATOR OF FOREST
KODAGU DISTRICT
ARANYA BHAVANA
MADIKERI - 571 201

5. THE DEPUTY COMMISSIONER
KODAGU DISTRICT
MADIKERI - 571 201

6. THE ASSISTANT COMMISSIONER
MADIKERI SUB-DIVISION
MADIKERI - 571 201

7. THE THASILDHAR
VIRAJPET TALUK, VIRAJPET
MADIKERI DISTRICT - 571 218

8. THE MANAGING DIRECTOR
JUNGLE LODGES AND RESORTS LTD.,
KARNATAKA STATE TOURISM
DEVELOPMENT CORPORATION
KHANIJA BHAVANA, RACE COURSE ROAD
BANGALORE - 560 001

...RESPONDENTS

(BY SRI S RAJASHEKARA, AGA FOR R-1 TO 7;
SRI MITHUN G.A., ADVOCATE FOR R-8)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT NOS.1 TO 7 TO TAKE ACTION AGAINST RESPONDENT NO.8 TO STOP AND CLOSE ALL THE ACTIVITIES ILLEGALLY RUNNING IN THE NAME OF JUNGLE LODGES AND RESORTS LTD., IN DUBARE RESERVED FOREST, KUSHALANAGAR RANGE OF KODAGU DISTRICT, IN PURSUANT TO ANNEXURE - B REPRESENTATION BY THE PETITIONERS AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

Heard learned counsel for the petitioners, learned Additional Government Advocate appearing for respondent Nos.1 to 7 as well as Mr. Mithun G A., learned counsel appearing for respondent No.8.

2. This public interest litigation has been filed seeking the following reliefs:

> *"a) Issue a writ in the nature of Mandamus or any other writ or order or direction, directing the respondents 1 to 7 to take action against the Respondent No.8 to stop and close all the activities illegally running in the name of Jungle Lodges and Resorts Ltd., in Dubare Reserved Forest, Kushalanagar Range of Kodagu District, in pursuant to the Annexure-B representation by the petitioners.*
>
> *b) Issue any such order or direction as the Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity."*

3. Learned counsel for the petitioners submits that respondent No.8 has constructed a Jungle Lodge in Dubare Reserve Forest, Kushalanagar Range of Kodagu District which is manifestly wrong and illegal as it has been created in contravention of sub-section (iii) of Section 2 of the Forest

(Conservation) Act, 1980. His submission is that under the aforesaid provision, the permission from the Central Government is required to be taken before granting any lease to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by the State Government. It is contended that no such permission was taken from the Central Government before constructing the aforesaid Jungle Lodge and as such, the entire activities done in the name of Jungle Lodges and Resorts Limited in Dubare Reserve Forest, Kushalanagar, Kodagu District, is wrong and illegal.

4. In support of his contention, learned counsel for the petitioners has relied on the Division Bench judgment of this Court in the case of ***M/s.GATEWAY HOTELS AND GATEWAY RESORTS LIMITED, BANGALORE vs NAGARAHOLE BUDAKATTU HAKKU STHAPANA SAMITHI, VIRAJPET, COORG DISTRICT AND OTHERS*** (1999(5) Kar.L.J. 63 [DB]).

5. In contra, learned Additional Government Advocate appearing for respondent Nos.1 to 7 submits that respondent No.8 has been constituted under the Karnataka

State Tourism Development Corporation (KSTDC) which is a State body. It is submitted that the Jungle Lodges and Resorts Limited is not owned, managed or controlled by any private person, but it is totally under the control of the KSTDC which is created by the State Government. It is further submitted that no permission of the Central Government is required for constructing any Jungle Lodge by the KSTDC in the Reserve Forest area.

6. Learned counsel for respondent No.8 has raised preliminary objection regarding the maintainability of the writ petition on the ground that this public interest litigation has been filed with some personal vested interest of the petitioners as respondent No.8 had stopped the river rafting activities in Dubare area which had adversely affected the petitioners. It is submitted that no public interest is involved in the instant writ petition and the writ petition has been filed with ulterior motives.

7. We have considered the submissions made by learned counsel for the petitioners as well as learned counsel appearing for the respondents and gone through the record.

8. So far as the contention of learned counsel for the petitioners that under sub-section (iii) of Section 2 of the Forest (Conservation) Act, 1980, the Central Government's permission is mandatory to be taken before assigning the forest land by way of lease or otherwise to any authority, corporation, agency or any other organisation not owned, managed or controlled by the Government, we are of the considered view that the Jungle Lodges and Resorts Limited which has constructed the Jungle Lodge in Dubare Reserve Forest, Kushalanagar, Kodagu District, is a body created by the KSTDC which itself is totally controlled by the State Government and no private person is involved in the activities of the Jungle Lodges and Resorts Limited. The Managing Director of the Jungle Lodges and Resorts Limited is a Government servant belonging to IFS cadre service.

9. As per the additional statement of objections filed by respondent No.8, the Karnataka Forest Department represented by the Principal Chief Conservator of Forests holds share of 30.85% whereas, the KSTDC has 34.70%, the Governor of Karnataka has 34.44% and the balance of 0.01% is with the Managing Director of the Jungle Lodges and

Resorts Limited. As such, we are of the considered view that sub-section (iii) of Section 2 of the Forest (Conservation) Act, 1980 would not be applicable to the present facts of the case and no permission of the Central Government under the said provision was required for the construction of the impugned Jungle Lodge. The contention of learned counsel for the petitioners in this regard is misconceived.

10. Learned counsel for the petitioners has relied on the judgment of this Court in the case of ***M/S.GATEWAY HOTELS AND GATEWAY RESORTS LIMITED*** *(supra)*, particularly paragraphs 19 and 28 which, on reproduction, read as under:

> *"19. The Forest (Conservation) Act, 1980, which was enacted to provide for conservation of forests and matters connected therewith or ancillary or incidental thereto, provides restriction on the dereservation of forests or use of forest land for non-forest purpose, under Section 2 which reads as:--*
>
> ***"2. Restriction on the dereservation of forests of use of forest land for non-forest purpose.--****Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing.-*

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

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

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

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

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

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

(b) any purpose other than reafforestation,

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

A perusal of the Section 2 clearly indicates that no land or any portion thereof can be assigned by way of lease or otherwise to any private person or any authority, corporation, agency or any other organisations not owned, managed or controlled by the Government, except with the prior approval of the Central Government. The provisions of sub-section (iii) of Section 2 of the Act are applicable to all forest land irrespective of the fact that such forest has been declared as a reserved forest or not."

"28. Keeping in view the facts and circumstances of the case, we are of the opinion that the learned Single Judge was justified in holding that the State Government had assigned a portion of the forest land by way of lease in favour of the appellant, which was a private company, admittedly without seeking prior approval of the Central Government. He, however, felt that in view of his finding that there existed an absolute prohibition on the grant of such rights under Section 20 read with Section 35(3) of the Wildlife Act, the lease itself was void which could not be acted upon by the appellant. We are, however, of the opinion that in case the lease was contrary to the provisions of Section 2(iii) of the Forest (Conservation) Act, it could not be said that the lease agreement was void ab initio without conferring any right upon the appellant, particularly in view of our finding regarding the interpretation of Sections 20 and 35(3) of the Wildlife Act. Even though the lease is not hit by the provisions of Section 20 of the Wildlife Act, yet it being contrary to the mandate of Section 2 of the Forest (Conservation) Act, cannot confer

> *any right upon the appellant to carry on with their scheme, proposals and objects accorded to them on the basis of the lease deed executed in their favour, unless and until the approval of the Central Government is obtained. In the absence of such an approval no activity of renovation, repairs etc., in terms of the impugned lease deed can be carried on till the approval of the Central Government in terms of Section 2 of the Act is granted.'*

11. Perusal of paragraph 28 of the judgment itself clearly goes to show that the reserve forest land was given to a private company without seeking prior approval of the Central Government. However, that is not the case in the present matter. We have already held that no private player was involved in the Jungle Lodges and Resorts Limited which is totally a body created by the KSTDC and as such, we are of the considered view that the judgment relied on by learned counsel for the petitioners in support of his contention is not applicable to the present facts of the case.

12. In view of the above, we are of the considered view that the writ petition has been filed without any material to support the contentions raised in the writ petition and it appears that it has been filed with deliberate ulterior motives

in order to pressurize the respondents. The conduct of the petitioners, as such, is deprecated and for the purpose of wasting the precious time of the Court, we impose costs of Rs.50,000/- on the petitioners. The costs shall be paid by the petitioners within a period of one month from today to the Karnataka State Legal Services Authority failing which, it shall be recovered as arrears of land revenue.

13. The writ petition is accordingly dismissed.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

bkv

ANNEXURE - XVI

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-651.

Did you mean: jungle lodges and resorts dubare ***reserve*** forest kushalnagar number of cottages

AI Overview

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The Jungle Lodges and Resorts at Dubare Elephant Camp in Kushalnagar, Karnataka has 10 spacious cottages:

Dubare Elephant Camp | Jungle Lodges and Resorts in Coorg

Dubare Elephant Camp - Jungle Lodges and Resorts, Kushalnagar. Dubare is known for its elephant camp, a forest...

Dubare Elephant Camp- Jungle Lodges, Coorg, India

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Jungle Lodges

https://www.junglelodges.com › resort › dubare-elephant...

Dubare elephant camp Coorg

Package includes : Locall on of the selected the accommodation. Stay, Lunch, Dinner & Breakfast.Elephant camp visit , Jeep Safari into the Dubare Forest. Bird Watching , Nature Walk. Forest entry charges and GST 18% . *Seasonal hike applicable on above tariff. Accomodation Type. Cottage (12) Amenities. Daily ...

People also ask

What is the best time to visit Dubare Elephant Camp?

What is Dubare famous for?

Can we stay in elephant camp?

How many elephants are there in Dubare Elephant Camp?

Feedback

Jungle Lodges

https://www.junglelodges.com

Jungle resorts in Karnataka - Jungle resorts

Spread over 19 resorts and 1 Hotel operated by Jungle Lodges and Resorts Ltd., there are 356 twin sharing accommodations varying from tents to rooms to independent cottages.

River Tern Lodges By Jungle... Bheemeshwari adventure and... Wildlife Resorts

Missing: ~~kushalnagar~~ | Show results with: kushalnagar

dubareelephantcamp.com

https://www.dubareelephantcamp.com

Dubare Elephant Camp | Jungle Lodges and Resorts in ...

Dubare Elephant Camp - Jungle Lodges and Resorts, Kushalnagar. Dubare is known for its elephant camp, a forest camp on the banks of the river Kaveri in the district of Kodagu, Karnataka. It is an important base for the Karnataka Forest Department's elephants. There are opportunities for trekking, ...

Agoda.com

https://www.agoda.com › en-in › hotel › coorg.html

Dubare Elephant Camp-Jungle Lodges, Coorg, India

-652-

Two types of cottages, river facing and jungle facing. Opt for river facing, they have excellent view. Rooms have clean sheets, comfortable beds, one ji van, two chairs, coffee table, a kettle (no tea bags though, but they are not needed). I would say these cottages are better maintained than a commercial hotel room.

4/10 (182) · Price range: room rates from ₹4182 per night (INR) · We Price Match

Tripadvisor
https://www.tripadvisor.in › ... › Camping in Karnataka

Dubare Elephant Camp-Jungle Lodges

I stayed there for a night great place, good ambiance and food was great. Elephant interaction safari and nature walk was good. elephant interaction is separate for the resort guests. Staff where courteous and explained about the flora and fauna as well. If you have a binocular you can do good birding over there.

4.5 (227) · Price range: ₹ (Based on Average Nightly Rates for a Standard Room from our Partners)

thekarnatakatourism.com
https://www.thekarnatakatourism.com › accommodation › d... ⋮

Jungle Lodges Dubare Elephant Camp, Coorg

Package Includes: Stay, Buffet Lunch, Dinner & Breakfast with Jeep Safari into the Dubare Forest, Elephant Interaction, Bird Watching / Trekking & Campfire. Weekend Tariffs applicable for following period : From 04th - 20th October (Dussehra); From 30th October - 04th November (Deepavali) ...

karnatakatourism.biz
http://www.karnatakatourism.biz › jl ⋮

Jungle Lodges and Resorts - Karnataka

Sneak Peak on Jungle Lodges & Resorts (90 Seconds Video) Jungle Lodges and Resorts (JLR) is a responsible wildlife & eco tourism company with a strong commitment to real tourist ...

MakeMyTrip
https://www.makemytrip.com › ... › 4 Star Resort in Coorg ⋮

Dubare Elephant Camp by Jungle Lodges

Free Late check-out, Subject to Availability. Free Early Check in, Subject to Availability. Free Hi-Tea. Partially refundable before 21 Oct 12:59 PM. ₹ 8,575 Per Night. + ₹ 2,413 taxes & fees. Book Now. to unlock deals & manage your bookings. Login to unlock deals & manage your bookings. OVERVIEW; LOCATION; REVIEWS ...

4.6 (10)

Missing: resorts kushalnagar

Google.com.pk
https://www.google.com.pk › ... › Kushalnagar ⋮

Jungle Lodges and Resorts - Dubare

Pool, Spa, Parking. View details · $109 · $131 · $131. Sixth Element. 4.3 (433). 1.5 mi from Dubare elephant camp. Pool, Parking, Breakfast. View details · $84 · $111 · $111. The Windflower Resorts And Spa Coorg. 3.3 (1,189) 5-star hotel. Upscale forest resort with a spa. 7.5 mi from Dubare elephant camp. Pool, Spa ...

Jungle Lodges
https://www.junglelodges.com › photo_gallery › dubare ⋮

Dubare elephant camp

Spread over 19 resorts and 1 Hotel operated by Jungle Lodges and Resorts Ltd. there are 366 twin sharing accommodations varying from tents or rooms to independent cottages. Besides, there are 4 resorts operated on management contract. Camps. Anaphari Butterfly Camp · Bhagavathi Nature Camp. Gopinatham Mystery Trails.

Missing: resorts | Show results with: kushalnagar

People also search for ⋮

Dubare **Elephant Camp timings**	Jungle Lodges **near Bangalore**
Dubare forest	Dubare **Elephant Camp location**
Resorts **near** Dubare **Elephant Camp**	Dubare **Elephant Camp activities**
Jungle Lodges **day package**	**Harangi elephant camp**

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India Dispur, Guwahati, Assam - From your device - Update location

ANNEXURE - XVII

Item No 06 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Original Application No. 168/2023/EZ

Dilip Nath Applicant(s)

Versus

Principal Chief Conservation of Forest (PCCF), Assam & Ors. Respondent(s)

Date of hearing: 21.08.2024

CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER

For Applicant(s) : Mr. Dilip Nath, in person (in Virtual Mode)

For Respondent(s) : Ms. Malabika Roy Dey, Adv. for State Respondents,
Ms. Amrita Pandey, Adv. for R-6 (in Virtual Mode)

ORDER

1. Mr. Dilip Nath, the Applicant is present in person (in Virtual Mode).

2. Affidavit dated 15.07.2024 has been filed on behalf of the Respondent No.1, Principal Chief Conservator of Forest; the same is taken on record.

3. Affidavit dated 30.07.2024 has been filed on behalf of the Respondent No. 6, Ministry of Environment, Forests and Climate Change (MoEF&CC), the same is taken on record.

4. In this affidavit it is stated that under Section 33 of the Wildlife (Projection) Act, 1972 the Chief Wildlife Warden shall be the authority to control, manage and protect all Sanctuaries. It is also stated that as per Section 34A of the Wildlife (Protection) Act, 1972, any officer not below the rank of an Assistant Conservator of Forests may:

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a) Evict any person from a Sanctuary or National park who unauthorizedly occupies Government land in contravention of the provisions of this act;

b) Remove any unauthorised structures, buildings, or constructions erected on any Government land within any Sanctuary or National park and all things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of forests.

5. In the affidavit of the Principal Chief Conservator of Forest, Assam it is stated that about 300,000 people have encroached in large numbers in the area in question and have cleared low land evergreen and semi-evergreen forest areas making permanent houses, occupying large areas of the forest and cultivating commercial crops such as betel nut trees, coconut, rubber and tea alongside agricultural crops. It is also stated that about 23,028 claims have been filed under the Forest Rights Act 2006 in Charduar Reserve Forest, Balipara Reserve Forest and Sonai Rupai Wildlife Sanctuary. A Chart has also been filed in para 11 of the affidavit showing that about 50,241.00 ha. of forest land in the reserve forest/protected areas are under encroachment out of total area of 73,524.86 ha.

6. We may point out that Item 17A of the List III Concurrent List of the Schedule VII of the Constitution of India deals with 'forests'.

7. We, therefore, direct the Ministry of Environment, Forests and Climate Change (MoEF&CC) to file its affidavit in reply to the affidavit of the Principal Chief Conservator of Forest dated 15.07.2024 with regard to the stand of the MoEF&CC in such a

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case of large scale encroachment which has been permitted over the years and decades.

8. The MoEF&CC shall file its affidavit to show what action has been taken by the MoEF&CC in this regard.

9. We also direct the Chief Secretary, Government of Assam to re-file his affidavit, which is stated to be defective, within four weeks.

10. **List on 07.11.2024.**

B. Amit Sthalekar, JM

Dr. Arun Kumar Verma, EM

August 21, 2024,
Original Application No.168/2023/EZ
SKB

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ANNEXURE - XVIII

By e-mail

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF 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

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