

**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".

IN THE MATTER OF :

An additional affidavit filed for and on behalf of the State of Assam.

Mauchumi Barua
Secretary to the Govt. of Assam
Environment & Forest Dept.

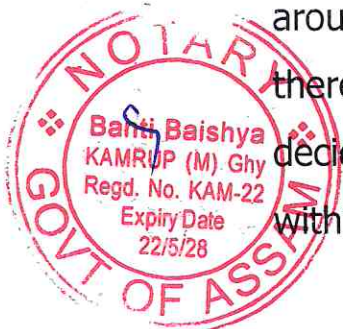


ADDITIONAL AFFIDAVIT

FILED BY Smt. Mauchumi Barua, aged about 55 years, D/o Lt. Rohini Barua, presently holding the post of **SECRETARY TO THE GOVERNMENT OF ASSAM, ENVIRONMENT & FOREST DEPARTMENT.**

I, Smt. Mauchumi Barua, aged about 55 years, D/o Lt. Rohini Barua, presently holding the post of 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 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 4 (four) 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, in the last additional affidavit filed on behalf of the State of Assam in the instant proceeding, it was stated that the MoEF&CC



Manchuni Barua

Secretary to H. T. Govt. of Assam

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.

The MoEF&CC had asked for certain 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.

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

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

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

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.

That, thereafter, the MoEF & CC and its meeting of Forest Advisory Committee held on 26-12-2024 approved the proposal of diversion of forest land submitted by State Government for 11.5 hectare for

Manchumi Barua

Secretary to the Govt. of Assam
Environment & Forest Dept.



4.

construction of Assam Police Commando Battalion at Damchera in inner line reserved forest under Hailakandi Division, Hailakandi District in the state of Assam.

Copy of the Minutes of the meeting dated 26-12-2024 is annexed herewith and marked as **Annexure- I**.

Relevant pages of the minutes concerning this matter can be seen from page no 21 to 38 (Agenda No. 2) of the minutes of the meeting.

5. That, the answering respondent further submits that the Government of India issued in Stage-I/In-principle of Approval on 21-01-2025, vide Online Proposal No FP/AS/OTHERS/469924/2024.

A copy of Stage-I/In-principle of Approval is annexed herewith and marked as **Annexure- II**.

The Govt. of Assam already fulfilled all the conditions mentioned in the said Stage-I / In-principle of Approval. The final approval by the ministry is pending with MoEF & CC.

Copy of compliance report is annexed herewith and marked as **Annexure-III**.

6. That, in view of the above explained facts it is humbly submitted that this Hon'ble Tribunal may be pleased to drop the instant proceeding in view of the necessary approval granted by the appropriate authority that is the Government of India.



Manchini Barua
Secretary to the Govt. of Assam
Environment & Forest Dept.

7. That, the statements made in paragraphs1, 2, 3(p), 4(p), 5(p) and 6 ... are true to my knowledge and those made in paragraphs3(p), 4(p) and 5(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 20th day of February, 2025, at Guwahati.

Identified by me,

Basanta Talukdar.
20.2.25.

Advocate's Clerk

Manchuni Barua

DEPONENT

Secretary to the Govt. of Assam
Environment & Forest Dept.
Dispur, Guwahati-06

No. 2743



Banti Baishya.
20/2/25

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**(PARIVESH 2.0)****Minutes of the Meeting of the Advisory Committee (AC) meeting held on
26.12.2024****Agenda No.1****File No. FP/AS/OTHERS/478981/2024**

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 Sivasagar Territorial Forest Division, Assam for non-forestry use of 26.1 ha (Original area is 28.0 Ha.) of forest land for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division, Sivasagar District in the State of Assam (Online No. FP/AS/OTHERS/478981/2024)- regarding

1. The agenda item was considered by the AC in its meeting held on 26.12.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIGF (Central), Regional Office, Shillong and Nodal Office, Government of Assam attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:

The Advisory Committee noted that the instant proposal was considered in its earlier meeting held on 27.08.2024, wherein following was discussed. The summary of the said meeting are as under:

- i. State Government of Assam vide online proposal FP/AS/OTHERS/478981/2024 submitted the proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Sivasagar Territorial Forest Division, Assam for non-forestry use of 26.1 ha (Original area is 28.0 ha.) of forest land for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division, Sivasagar District in the State of Assam.
- ii. Item wise break-up details of the forest land proposed for diversion:

Sl. No.	Type of Building	Area allotted (in ha)
1.	Residential building	3.54
2.	Non-residential building	0.95
3.	Parade ground	4.59
4.	Shooting range	2.0
5.	Utilities	0.5
6.	Carriage way	2.4
7.	Natural stream	2.0

8.	Open area/ Park/ land scape/ road	12.02
	Total plot area	28.0

- iii. As per the proposal, there is incessant encroachment from Nagaland side which has led to the loss of more than 60% of the Geleky RF under Sivasagar Division. Therefore, the proposal states that the forest department decided to host a Commando Battalion infrastructure to stop further deforestation in the forest of Assam bordering Nagaland.
- iv. DFO, Sivasagar has recommended the proposal stating that the unabated encroachment is continuing at an alarming rate, there is almost certainty of losing the remaining forest wealth of the RFs of Sivasagar Division to the occupation of Nagaland. Thus, in order to resist further encroachment of the forest area and to prevent further destruction of forest resource by the ever-increasing pressure for occupation of land, the deployment of forest protection force and construction of battalion camps at strategic locations inside the forest area at the ever-expanding trans-state forest encroachment frontier is unavoidable, inevitable and must. Thus setting up of the battalion camp inside Geleky RF is urgent and essential and in the sole interest of forest conservation.
- v. As per the proposal, Administrative approval was granted to Assam Police Headquarters for Construction of newly raised 5 (five) nos. of Commando Battalions at Pabhoi in Biswanath District, Geleky (Kamalabari) in Sivasagar District, Kachurtal in Hailakandi District, Doldoli (Lahorijan) in Karbi- Anglong District, Ambikapur in Sadiya District on 12.04.2024.
- vi. The Financial Sanction was issued to the Assam Police Headquarters for Raising of New Assam Police Commando battalion at Geleky (Kamalabari) in Sivasagar Dist., Assam on Engineering, Procurement and Construction (EPC) Mode on 20.04.2024.
- vii. As per DSS report, the area was full of vegetation and no construction work was visible until January, 2022, however, vegetation was cleared and construction work was visible in February, 2023 satellite image of the proposed site.
- viii. Further, DFO, Sivasagar Forest Division has mentioned in his inspection report that:
 - a. The Assam-Nagaland border extends along 3(three) nos. of Assam Forest Divisions Golaghat, Jorhat & Sivasagar Forest Divisions which includes a total of 9 (nine) nos. of Reserved Forests (RFs) areas. These RFs situated along the Assam-Nagaland border were under the cover of virgin forests prior to 1900s and hosted an unlimited variety of flora and fauna. Having realized the intrinsic values of these areas, the British had constituted them into RFs. The encroachment pressure was existing since 1950s on all the RFs bordering the state of Nagaland were generally small.

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

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

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

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

Works on the Commando battalion camp is in process and almost 60% of the main building has been completed and others are under construction.

xvii. Brief background of the proposal:

- a) An O.A was filed in Hon'ble NGT, Kolkata by Shri. Rohit Choudhury Vs State of Assam and Others which was registered on 25.05.2024.
- b) Ministry vide letter dated 25.04.2024 and 13.06.2024 requested the State Govt. of Assam to furnish a detail factual report in respect to news report in Hindustan Times "Shri MK Yadava who was also the Head of Forest Force approved the diversion of another 28 ha at the assam Nagaland border in Geleky Reserve Forest in 2022 for a Police Battalion Camp" and submit to Ministry with a copy marked to Regional Office, Shillong requesting to coordinate with the State Govt. and provide the requisite information with comments in the matter to the Ministry.
- c) The Regional Office, Shillong vide letter dated 06.05.2024 and 18.06.2024 requested the State Govt. to provide the detail factual report to Ministry. Further, it was informed regarding constitution of committee as directed by Hon'ble NGT, in O.A. 105/2014/EZ order dated 29.05.2024.
- d) Ministry vide letter dated 05.06.2024 constituted the following committee in pursuance of direction of Hon'ble NGT in their order dated 29.05.2024.
 1. Sh A K Mohanty, ADGF, MoEF&CC,F(C), MoEF&CC.
 2. Sh Tanmay Kumar, Addl. Secretary, MoEF&CC.
 3. Ms. ImtienlaAo, DDGF(C) MoEF&CC, Regional Office, Shillong.
- e) Consequent upon the promotion of Sh. Tanmay Kumar as Special Secretary, the competent authority nominated Sh. Amandeep Garg in his place in the said committee. Subsequently, MoEF&CC vide its Office Memorandum dated 28.08.2024 reconstituted the said committee as follows:-
 - i. Sh. A K Mohanty, ADGF (Forest Conservation), MoEF&CC, Nodal Officer.
 - ii. Sh. Amandeep Garg, Addl.Secretary, MoEF&CC.
 - iii. Ms. ImtienlaAo, DDGF(C) MoEF&CC,Regional Office, Shillong.
- f) With reference to Ministry's letters dated 25.04.2024 and 13.06.2024, the Conservator of Forests, Jorhat in his letter addressed to PCCF &HoFF, Assam attached a copy of letter of DFO, Sivasagar wherein it is informed as below:

The area in concern is dominated by Kako bamboo (Bambusabalacoa) without any valuable tree species and very

much vulnerable to encroachment. Due to gradual destruction of forest wealth in the past, the area of 28.0 ha has transformed into a degraded open forest with only naturally growing bamboo patches of Jati, Bholuka, Dolo and Mukal here and there. No fresh clearing was required. It has been observed that construction works of the Commando battalion camp is in process in the 28 Ha area after receiving the order for establishment of the Commando battalion camp at Geleky RF from the Principal Chief Conservator of Forest & Head of Forest Force, Assam vide letter no.FG.46/Border/Nagaland/Pt-II dated 15.11.2022. The area has been demarcated by constructing a boundary wall around it and structures have been constructed as per the master plan. Almost 60% of the main building has been completed and others are under construction.

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

Sl. No.	Query raised by the MoEF&CC	Reply from the State Government
1.	The State Government has mentioned that there is no violation of the Adhinyam in the said proposal. Therefore, reason for seeking ex-post facto approval of the Central Government is required.	<p>Following has been submitted by the State Government:</p> <p>I. Assam has got a total of 75 Reserved Forests (RF) having inter-state borders with Arunachal Pradesh, Nagaland, Mizoram and Meghalaya. Of this, the Department has prepared a report of status of encroachments pertaining to 73 out of 75 RF. Out of 84,160.87 ha of area, Nagaland has occupied 36294.07 ha. The forest under Jorhat and Sivasagar Forest Division namely Dissai Valley, Dissai, Tiru Hills and Geleki are extra poised with each other.</p> <p>II. The process of occupation from across the border by armed miscreants has a long history in these forest of Dissai Valley, Dissai, Tiru Hills, Geleki, Abhaypur. Some of which date back to 1953.</p> <p>III. As per the various Working Plan of Jorhat and Sivasagar Division, these forests have been facing enemy pressure on the southern border on Nagaland. Nagaland has been staking</p>

		<p>claim.</p> <p>IV. About the Forest land used for Battalion construction, this is pertinent to mention that as described, the area has lost all its original forest characteristics and there are no standing trees. It is dominated by JatiBaanh (<i>Dendrocalamushamiltonii</i>) etc. The growth of bamboo is bushy and stranded. This has been the condition of the forest for last 3-4 decades. Therefore, as already stated there was no tree felling involved in the Battalion construction.</p> <p>V. Geleki RF which has an area of 5929.20 ha and was once evergreen forest having Holong and Mekai. This forest is now encroached. The encroached area ENF-13023/28/2024-ENV./FOREST-Environment & Forest Department I/676626/2024 by Nagaland is 400 ha. The State of Assam is trying to hold on to the balance of 1900 ha. of the area, which is now, as described earlier as only secondary growth of bamboos. It is difficult for Assam Forest and Assam Police to enter into these areas and recover the areas from encroachment and undertake plantation to revive the forest.</p> <p>VI. The Assam Forest Department along with Assam Police, is trying all its efforts so that remaining areas of these forest don't slip away into the hands of Nagaland. There are several areas when the Forest officials were forced to lodge FIR caused by miscreants from across the border.</p> <p>VII. The above descriptions clearly indicate that it is not out of any greed of land by Assam Forest or Assam Police or any diversion for commercial purposes of Forest land that the Battalion has been allowed to set up. The battalion has been set up in conditions which cannot be mitigated by any other means by the State Govt. as already stated in the previous paras, land is a state subject and Govt. of Assam through its two Department</p>
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		<p>namely Assam Forest and Assam Police have done best possible for protection of the Forest and maintaining the integrity of the State.</p> <p>VIII. 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.</p> <p>IX. In view of the above, the State Government has requested MoEF&CC as under:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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		<p>security of the arms and ammunition.</p> <p>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. As per records, No prior permission was sought from the Central Government before sanctioning the construction of a Police Battalion on Reserve Forest Land by the State Government.</p>
2.	If another User Agency has received the administrative and/or financial sanction for the construction, the said user agency should apply for forest clearance along with relevant documents.	<p>There is no administrative approval or the Financial Sanction in favour of Divisional Forest Officer, Sivasagar. The administrative approval and the Financial Sanction are in the name of Assam Police Headquarter and the Financial Sanction are marked to Assam Police Housing Corporation Limited as vendor which is a State Public Sector Undertaking under the administrative control of Assam Police.</p> <p>The reply of the State Government may be accepted.</p>
3.	Since the User Agency in the extant proposal is the Divisional Forest Officer, Sivasagar Division, any administrative approval or financial sanction received by the User Agency for construction on forest land may be uploaded.	<p>It was mentioned in the reply that if MoEF&CC allows change of User Agency, the same shall be complied with.</p> <p>Accordingly, User Agency has been changed from Divisional Forest Officer, Sivasagar Division to Assam Police Housing Corporation Ltd.</p>
4.	The component-wise break up of forest land has not been submitted along with the proposal. The same needs to be uploaded along with KML file	The component-wise break up of forest land is submitted. However, KML file is not submitted along with the reply.
5.	KML file of the Geleky Reserve Forest needs to be submitted	Submitted

6.	Approved layout plan has not been uploaded. The same needs to be submitted.	Layout plan submitted along with the proposal. The layout plan is approved by the Assam Police Housing Corporation.
7.	<p>Land Use pattern statement for 28 Ha is given as Residential Area: 3.54 Ha;</p> <p>Administrative buildings: 0.95 Ha & Open spaces – 12.02 Ha among others. The State Government is asked to justify situating the proposal in forest land. Furthermore, since the proposal involves the construction of residential area, State Government may explore the possibility of shifting the said activity in non-forestland in compliance of Guideline 1.10 of the Adhinyam</p>	<p>It may kindly noted that Assam has lost several hundred of Sq Km. of land to Nagaland pertaining to the bordering reserve forests. In case of Geleky and other adjoining areas, it is seen that currently more than 220 Sq Km. of forest is already under occupancy of Nagaland. The ground situation is such that effective protection cannot be guaranteed if the unit is located outside the RF. It is to be understood that these activities across the border have twin purpose. Firstly, cutting the forest and encroaching upon the land and secondly, set up of armed police infrastructure followed by making up of roads, setting up of villages and administrative machinery and thereby taking the whole area under their control. Therefore, setting the battalion outside the RF would not serve any purpose at all. As also explained in reply to the EDS SI. No. 1 the entire issue also involves security of the State. As regards, construction of residential unit in the said battalion, it may be noted that the purpose of battalion is full functional unit with official, residential, operation, utility and fitness spaces. Assuming that part of the services is taken out and moved elsewhere in civil area, it will hamper the efficiency of the battalion. Giving the ground situation, the State Government is not in a position to compromise on quality of services and facilities in the Battalion Unit, else this may be self-defeating.</p> <p>The reply of the State Government of situating the residential area and open spaces along with the Police Battalion</p>

		may be accepted.
8.	The details of alternatives explored by the State Government for situating the proposal inside Forest land may be submitted.	<p>There are five possible sites for locating a Battalion camp to counter the encroachment from the Nagaland side namely Dissai valley RF, Dissai RF, Tiru Hills RF, Geleky RF and Abhayapur RF. Among these, the most degraded and most encroached is Geleky RF where there a few standing trees and the old forest of Hollong/ Mekai formation has long disappeared and the remaining area of the forest is covered with secondary succession of stunted and bushy bamboo growth. There the area where the battalion has proposed, there were no standing trees and does not require any felling of trees. Therefore the present area is best suited for Battalion Camp.</p> <p>The reply of State Government regarding alternative sites considered for construction of the Police Battalion is put up for discussion of the Advisory Committee.</p>
9.	The State Government has not submitted an integrated plan for water supply, electricity and other such utilities etc required for establishment of a Battalion Inside Forest land. The details of the same shall be provided by the State Government	<p>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.</p> <p>The reply of the State Government may be accepted.</p>
10.	As per DSS report, Cultivation land and settlement is visible in the proposed CA site. Comments from State Government in this regard needs to be submitted.	The proposed CA comprising a block of 830 Ha. of revenue area adjacent to Burhachapori Wildlife Sanctuary in Sonitpur District has been allotted to Assam Forest Department by the Revenue & DM Department for use as CA Land Bank. Once all the land bank is allotted for CA, the same would be notified as RF and

		<p>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.</p> <p>The reply of the State Government may be accepted.</p>
11.	Cost-Benefit analysis for the project has not been uploaded on PARIVESH portal. The same needs to be submitted.	Submitted by DFO, Sivasagar stating that the proposed battalion is primarily for protection of forests and forest land, therefore cost benefit analysis could not be quantified.

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

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

The Geleky Reserve Forest (5929.20 ha) where the proposed area has been proposed is under enormous anthropogenic pressure as 4000 ha i.e. 67 % of the RF has been reported encroached by the DFO, Sivasagar. The Geleky RF is in contiguous with Dissoi valley RF, Dissoi RF, Tiru Hills RF and Abhayapur RF. The nearest village is Athkhel NC. Deopani Village in Assam which is about one and half

km from the proposed area. The Nagaland State boundary is about 3.5 km away from the proposed area and nearest villages of Nagaland viz., Wamaken village, Anaki village and Kangtsung are 2-3 km away from the proposed site.

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

Component wise breakup of the proposed area is as below

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

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

On enquiry, the DFO informed that 19.50 sq km of South Geleky area was earlier used by the ONGC, out of which 2.63 ha area is within this proposed 28 ha. This area was also verified from the google earth 2014 imagery. There is an existing approach road of 6 meter wide to

this drilling sites which were used by the ONGC. The DFO further informed 'Exploration of oil at nine site by ONGC-IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC was granted vide Ministry letter No.8- 106/86/FC dated 6.5.1985 but not for the existing road. However no forest Clearance approval letter could be traced by the DFO, Sivasagar.

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

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

- 1. The Ministry may issue necessary direction for immediate stopping of the ongoing work and the detail Action Taken Report on violation of Section 2(1) (ii) Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 shall be submitted by the State Govt as per para 1.16 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.*
- 2. The forest clearance letter of diversion of forest land "Exploration of oil at nine site by ONGC-IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC" and the current status of the project.*
- 3. The diverted forest area for exploratory drilling by ONGC located within the proposed area is to be excluded from the proposed 28 ha, and necessary changes in the proposal is to be done, if required.*
- 4. The proposed approach road to the proposed site comprises of an old existing road without the forest clearance and newly broken area of 0.32 ha by the current user agency. However instead of using 0.32 ha another old existing approach road of 0.16 ha (approx.) to the proposed site is being used by the user agency in addition to the proposed area of 28 ha.*
- 5. State Govt. shall ensure for no obstructing in the e-flow of the region by providing preventive and protective measures of the nalah existing within the diversion area which falls into permanent stream namely Deopani Nalah and Namti Nalah.*
- 6. The identified CA site boundary should be demarcated immediately to avoid confusion and possible encroachment.*
- 7. State Govt. shall ensure to take necessary action immediately for removing of the existing temporary settlement/ encroachers/ encumbrances around the identified CA land.*

8. *Re-enumeration of the standing trees as few standing trees viz.. Duwabanga sp., Sterculia villosa, Ficus spp, Sapium baccatum (Saleng), Anthocephalo cadamba ete were observed during the site visit.*
 9. *The Environment clearance of the proposed area shall be obtained, if applicable.*
 10. *Comment of CWLW on the proposed site as conflict of human wild animal conflict has been reported around the proposed area.*
- xxi. During the AC Meeting held on 27.08.2024, the Committee was informed that the matter of use of Forest land for construction of the Assam Police Battalion in Geleky Reserve Forest, Sivasagar is also presently pending in front of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide Original Application No. 105/2024/EZ. The Hon'ble Court has stated in its Order dated 09.08.2024 that.
- In view of the Guidelines, we are of the view that it is not for the PCCF Assam to take a decision as to whether the strong constructions for 800 personnel with arms, ammunitions and sophisticated weapons would impact forest conservation or not since the decision in such a case has to be taken by the Central Government in view of the mandatory statutory requirement of Section 2 of the Forest (Conservation) Act, 1980. There is nothing on record to show that there is any permission or sanction granted by the Central Government for diversion of forest land in question for the constructions referred to in the affidavit of the PCCF, Assam.*
- xxii. The committee was also informed that the State Government in its proposal continues to state that there is no violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. DFO, Sivasagar has mentioned in Part- II that there is no violation. The order for establishment of the Commando battalion camp at Geleky RF from the Principal Chief Conservator of Forest & Head of Forest Force, Assam vide letter no.FG.46/Border/Nagaland/Pt-II dated 15.11.2022 also states that the establishment of the Commando Battalion inside the Geleky RF *is for protection and conservation of reserved forest land, it qualifies as an activity relating to conservation of forests mentioned under Section (2) of the Forest (Conservation) Act 1980.*
- xxiii. The Committee was further informed that since the State Government has sought approval of MoEF&CC for use of 28.00 Ha forest land for establishment of a Commando Battalion, to be constructed by the Assam Police Housing Corporation, and that will house Assam Police Commando Battalion, the proposal may be considered by the Committee as a case for ex-post facto approval of violation of the Adhiniyam. The committee accepted the same.
- xxiv. The Committee was apprised that the Hon'ble NGT has not issued specific instructions against ex-post facto approval of the construction in the Inner Line Reserve Forest.

- xxv. Furthermore, the Committee was of the view that since the extant proposal is a violation of the Adhiniyam, the request of the State Government to *condone the inadvertent mistake, if any, of the PCCF & HoFF who acted on behalf of the State Govt& to do away with the imposition of provisions of section 3A and 3B* cannot be accepted.
- xxvi. During the AC meeting held on 27.08.2024, the Nodal Officer, Assam and Official from the Assam Police highlighted the need for an armed force in the Geleky RF to protect the same from encroachment and stated that the intention of the State Government was only to protect the Forests on the inter-state borders. The Committee stated that it is in agreement with the need for placing an armed police force inside the Reserve Forest to ensure its protection. However, the prior consent of the Central Government was necessary in this case.
- xxvii. The Site Inspection Report mentions that the constructions were ongoing and recommended that the Ministry may issue necessary direction for immediate stopping of the ongoing work.
- xxviii. The Committee had desired that the present status of the constructions may be perused and reported to it. It asked the committee constituted in pursuance of Hon'ble NGT in their order dated 29.05.2024 to visit the Geleky RF site and submit a report to the AC for consideration.
- xxix. The details of alternatives explored for situating the proposal inside Forest land was sought by the State Government, wherein the State Government has mentioned that there are five possible sites for locating a Battalion camp to counter the encroachment from the Nagaland side namely Dissai valley RF, Dissai RF, Tiru Hills RF, Geleky RF and Abhayapur RF. Among these, the most degraded and most encroached is Geleky RF where there a few standing trees and the old forest of Hollong/ Mekai formation has long disappeared and the remaining area of the forest is covered with secondary succession of stunted and bushy bamboo growth. There the area where the battalion has proposed, there were no standing trees and does not require any felling of trees. Therefore the present area is best suited for Battalion Camp. The justification submitted by the State Government was accepted by the Committee.
- xxx. As per DSS of the CA land proposed on NFL, certain huts and agriculture is seen. However, this patch is part of the NFL landscape of 830Ha that the State Government has cleared of encroachment. The Committee noted the same.
- xxxi. The Committee was informed that Site Inspection was carried out by DIG (C), Regional Office, Shillong from 16.08.2024 to 17.08.2024. The major findings and observations/recommendations is given as below:

Recommendation of Deputy Director General of Forests (Central):

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

(Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The proposal for diversion was received on 06.06.2024 under Section 2 of the Adhiniyam, 1980 and approval by GoI is pending, however the construction is going on in full swing as seen during the site inspection on 16.08.2024. Therefore noting that it is prima facie a case of violation, it was sent to Ministry for consideration under Rule 10 (2) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

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

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

- xxxii. The Committee further noted that after examination of reply submitted by the State Government, the proposal was considered in Advisory Committee meeting held on 27.08.2024. The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Shillong and Nodal Officer, Assam. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Shillong and the Nodal Officer Assam, the Committee sought the following details:
- a) The Report of the Committee constituted in pursuance of Hon'ble NGT in their order dated 29.05.2024 in Original Application No.105/2024/EZ, will be perused for further consideration in the instant proposal, once same is submitted.
 - b) The Regional Office shall initiate action in the instant matter and complete the proceedings as prescribed under section 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - c) The State Government shall discontinue any kind of construction activities forthwith in the proposed forest area.
 - d) The State Government shall provide details of the forest clearance letter of diversion of forest land "Exploration of oil at nine site by ONGC-IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC" and the current status of the project.
 - e) The State Government shall exclude the diverted forest area for exploratory drilling by ONGC located within the proposed area of 28 ha in Gelecky RF, and submit a revised proposal.
 - f) The State Government to suitably modify the proposal to include the alternate approach road to the proposed area with area 0.16Ha, as indicated in the SIR of Regional Office.
 - g) The State Government shall provide comments of CWLW Assam for the proposed site in the light of human wild animal conflict reported around the proposed area.
- xxxiii. The Committee was informed that the above decision of the Committee was communicated to State Government on 27.09.2024. Reply from

State Government has uploaded on PARIVESH portal, summary of the same are as under:

Sl. No.	Observation of MoEF&CC on 27.09.2024	Reply from the State Government on 02.12.2024
1.	The Report of the Committee constituted in pursuance of Hon'ble NGT in their order dated 29.05.2024 in Original Application No.105/2024/EZ, will be perused for further consideration in the instant proposal, once same is submitted.	Inspection has been carried out by the Committee on 28.09.2024.
2.	The Regional Office shall initiate action in the instant matter and complete the proceedings as prescribed under section 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.	Ministry vide letter No. FC-7/14/2024-FC dated. 28.08.2024 requested Regional Office, Shillong take action under Section 3A/3B. A reminder was also issued vide Ministry letter No. 3-ASC/255/2024/GHY dated 10.12.2024 regarding the same. Action taken report is awaited from Regional Office, Shillong.
3.	The State Government shall discontinue any kind of construction activities forthwith in the proposed forest area.	A copy of Assam Police Housing Corporation Ltd. letter addressed to M/s Badri Rai & Co., vide letter No. APHC/CS/81/PART/2021-22/7 dated 25.09.2024 informing to suspend construction activities has been attached.
4.	The State Government shall provide details of the forest clearance letter of diversion of forest land "Exploration of oil at nine site by ONGC-IRG-17 and 18, well No.G-169 and G-160 in favour of ONGC" and the current status of the project.	Copy of approval letter is submitted
5.	The State Government shall exclude the diverted forest area for exploratory drilling by ONGC located within the proposed area of 28 ha in Gelecky RF, and submit a revised proposal.	The State Government has excluded the diverted forest area for exploratory drilling by ONGC located within the proposed area and revised area i.e. 26.1 ha. is proposed for diversion. DSS analysis of the same has been done and found to be excluded.

6.	The State Government to suitably modify the proposal to include the alternate approach road to the proposed area with area 0.16 Ha, as indicated in the SIR of Regional Office.	Revised KML file has been submitted and DSS analysis of the same has been done and found to be included.
7.	The State Government shall provide comments of CWLW Assam for the proposed site in the light of human wild animal conflict reported around the proposed area	<p>PCCF (Wildlife) & Chief Wildlife Warden, Assam vide his letter No. WL/FG.35/Diversion/Geleky/20245 dated 30.11.2024 addressed to PCCF (HoFF), Assam has stated that the proposed project site is located in Geleky Reserved Forest in Sivasagar district, bordering Nagaland. The forest type of the RF was Assam Valley Tropical Wet Evergreen Forest in the past. Till 1970 the RF had rich vegetation with main plant species like Hollong, Mekai etc. The RF was also very rich in wildlife including migratory birds. Common animals found in the RF were Tiger,</p> <p>Leopard, Clouded Leopard, Jungle Cat, Jackal, Elephant, Assamese Macaque, Hoolock Gibbon, Slow Loris, Giant Squirrel, Sambar, Barking Deer, Indian Python, King Cobra, Common Krait, Water Monitor., Assam Roofed Turtle etc. and about 46 species of birds. But due to huge encroachment, illegal felling and biotic interference which took place due to inter-state border problems between Nagaland and Assam, the wild animals and their habitat got adversely affected. Almost all the important animal and plant species have disappeared from the RF. Therefore, at present there is</p> <p>reportedly no human wild animal conflict around the proposed area. Currently, there are small patches of</p>

		<p>secondary stunted bamboo growth covered with shrubs and weeds, and the RF is largely encroached with extensive cultivation of commercial crops such as tea, rubber, betel nut etc.</p> <p>Further, it is also mentioned that considering the prevalent volatile situation due to extensive encroachment of forest land by encroachers from neighbouring state and utter forest degradation, the first priority should be to secure the Reserved Forest with highest level of protection and regeneration of native vegetation to the extent possible. Wildlife conservation related activities can only be initiated after the habitat within the RF is restored.</p>
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xxxiv. The Committee was also informed that on the basis of site inspection report submitted by Regional Office, Shillong vide letter No. 3-ASC/255/2024/GHY/381 dated 22.08.2024, the Regional Office, Shillong was requested to initiate action in the instant matter as prescribed under Section 3A and 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as appropriate vide Ministry letter No. 7/14/2024-FC dated 28.08.2024. The Committee was further informed that as per decision of Advisory Committee, a reminder letter to Regional Office, Shillong was sent vide Ministry letter No. 3-ASC/255/2024/GHY dated 10.12.2024 with the direction to submit action taken report in the matter to the Ministry at the earliest for further needful. DIGF (C), Regional Office, Shillong who was present in the meeting informed Committee that Show Cause notice has been issued to Shri M K Yadav and action will be taken after receiving reply from Shri M K Yadav.

xxxv. The Committee was informed that in pursuance of direction of Hon'ble NGT in their order dated 29.05.2024, a Committee was constituted and the said Committee carried out inspection on 28.09.2024 and submitted its report to the Ministry. The same was placed before the Advisory Committee.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong and Nodal Office, Government of Assam, recommended the proposal for

grant of '*in-principle*' approval for diversion of 26.1 ha (Original area proposed for diversion is 28.0 Ha and recommended area by the State Govt after exclusion of area already diverted to ONGC) of forest land in favour of Assam Police Housing Corporation for establishment of Commando Battalion Camp in Assam-Nagaland inter State Border area of Geleky Reserved Forest under Sivasagar Forest Division, Sivasagar District in the State of Assam subject to the general, standard and following specific conditions:

- i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
- ii. The Regional Office shall pursue the proceedings under Section 3A/3B of the Van Sanrakshan evam Samvardhan Adhiniyam, 1980 as applicable.
- iii. No future expansion shall be allowed and further diversion of forest land for any expansion purposes shall not be allowed in the instant case.
- iv. Green belt/green area shall be maintained in the land marked for open land area/future expansion/landscape and park areas (as per the land use details submitted by Regional Office). No construction activity or land use change shall be undertaken in said land parcels of the diverted forest land.
- v. The State Govt. shall ensure that there is no obstruction in the e-flow of the region by providing preventive and protective measures for the nala (stream) passing through the area sought for diversion.
- vi. The State Government shall study the impact of proposed arrangement on forest and wildlife of the Sivasagar district for ten years from the date of approval of the Central Government and submit a quarterly report to the Regional Office for perusal.
- vii. The instant case shall not set any precedent for regularization or ex-post facto approval in similar matters
- viii. The approval accorded in the instant proposal shall be subject to the order of the Hon'ble National Green Tribunal in OA No. 105/2024/EZ and other orders by Hon'ble Courts/Tribunal in this regard.

Agenda No. 2

File 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. The agenda item was considered by the AC in its meeting held on 26.12.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIGF (Central), Regional Office, Shillong and Nodal Office, Government of Assam attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:

The Advisory Committee noted that the instant proposal was considered in its earlier meeting held on 27.08.2024, wherein following was discussed. The summary of the said meeting are as under:

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

Sl No	Breakup of Forest Land	Area (Ha.)
1.	Carriageway Area	1.349
2.	Residential buildings	1.1076
3.	Non-residential buildings	0.745
4.	Activity Area	1.895
5.	Utility Area	0.386
6.	Open Area	5.9854
Total		11.468

- iii. The proposal involves construction of buildings (including residential), details are as under:

Sl. No.	Name of the unit	Plinth area in Sq.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 (Havaladar, 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 vehicles)	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	

- iv. 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.

- v. 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.
- vi. As per the proposal, Administrative approval was granted to Assam Police Headquarters for Construction of newly raised 5 (five) nos. of Commando Battalions at Pabhoi in Biswanath District, Geleky (Kamalabari) in Sivasagar District, Kachurtal in Hailakandi District, Doldoli (Lahorijan) in Karbi- Anglong District, Ambikapur in Sadiya District on 12.04.2024.
- vii. 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.
- viii. 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.
- ix. Further, DFO, Hailakandi Forest Division has mentioned in his inspection report that:
 - a. 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.
 - b. 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.
 - c. 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

- x. Further, DFO, Hailakandi has also mentioned in Part- II that requirement of forest land is unavoidable and bare minimum for the project.
- xi. 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 casualties 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.
- xii. The area proposed for diversion is 11.50 ha of Reserved Forest and the density of vegetation is 0.3 having Eco-class 1. No trees are proposed to be felled in the proposal.
- xiii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- xiv. DFO, 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.

- xv. Compensatory Afforestation 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 Burhachapori Wildlife Sanctuary under Nagaon Wildlife Division, Nagaon. CA scheme for 10 years along with site suitability certificate, KML file and DGPS map have been submitted.
- xvi. As per 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.
- xvii. As per DSS analysis, Non-forestry work, road and settlement is visible in the proposed area and Cultivation land and settlement is visible in the proposed CA site.
- xviii. It is also mentioned that Chief Engineer, Assam Police Housing Corporation vide notice No. APHC/T/22/2021-22/025 dated 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 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.

(i) Brief background of the proposal:

- a) 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.
- b) 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.

- 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.
- (ii) Examination of the proposal revealed certain shortcomings and the same was communicated to the State Government on 16.07.2024. Reply to queries raised by the Ministry on 16.07.2024 was received from the State Government on 06.08.2024. Summary of the same are as under:

Sl. No.	Query raised by the MoEF&CC	Reply from the State Government
1.	The State Government has mentioned that there is no violation of the Adhiniyam in the said proposal. Therefore, reason for seeking ex-post facto approval of the Central Government is required.	<p>Following has been submitted by the State Government:</p> <p>X. 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.</p> <p>XI. 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</p>

		<p>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.</p> <p>XII. 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.</p> <p>XIII. The above descriptions clearly indicate that it is not out of any greed of land by Assam Forest or Assam Police or any diversion for commercial purposes of Forest land that the Battalion has been allowed to set up. The battalion has been set up in conditions which cannot be mitigated by any other means by the State Govt. as already stated in the previous paras, land is a state subject and Govt. of Assam through its two Department namely Assam Forest</p>
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		<p>and Assam Police have done best possible for protection of the Forest and maintaining the integrity of the State.</p> <p>XIV. The Forest Department and the Assam Police have a long history of working together from 1986 when the Assam Forest Protection Force Act 1986 was introduced.</p> <p>XV. In view of the above, the State Government has requested MoEF&CC as under:</p> <p>f) To condone the inadvertent mistake, if any, of the PCCF & HoFF who acted on behalf of the State Govt. in the interest of the forest protection only and not otherwise.</p> <p>g) To do away with the imposition of provisions of section 3A and 3B, as the diversion was resorted to by the Forest Department only for protection of forest, possibly to sacrifice 40 odd hectares of degraded land devoid of tree cover to save thousands of hectares of the remaining forests from undergoing further degradation, denudation, encroachment and settlements.</p> <p>h) To do away with imposition of NPV and Penal NPV on the proposed diversion. However, the State Government has already made provisions to allocate 11.5 Hectares of Revenue land in lieu of the diversion of proposed forest land and afforest the same at its own cost.</p> <p>i) To allow change of user agency from Forest Department to Police headquarters or their authorized agency in the application for diversion on Parivesh 2.0.</p> <p>j) To accord early approval of the diversion so that construction can be completed. It is to be stated here that the force is already recruited by the State Government, but effective</p>
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		<p>deployment in the area concerned cannot be done in absence of suitable accommodation of the force including security of the arms and ammunition.</p> <p>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.</p>
2.	<p>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.</p>	<p>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 Headquarter and the Financial Sanction are marked to Assam Police Housing Corporation Limited as vendor which is a State Public Sector Undertaking under the administrative control of Assam Police. The reply of the State Government may be accepted.</p>
3.	<p>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.</p>	<p>It was mentioned in the reply that if MoEF&CC allows change of User Agency, the same shall be complied with.</p> <p>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.</p>
4.	<p>On the examination of the KML file for the proposed area, it is</p>	<p>It is mentioned that this is an old forest road for patrolling purposes, which was</p>

	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.	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).
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.

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.
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 Adhinyam.	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.

(iii) As stated above, the State Government requested the User Agency to be changed from the DFO Hailakandi to the Assam Police Housing Corporation. Furthermore, the State Government intimated that the Assam Police Headquarters appointed the Managing Director, Assam Police Housing Corporation Limited as the authorized officer on behalf of the Assam Police Headquarters to act as User Agency for the said proposal vide its letter No.C.92/PSC/MISC/2023/VOI-IV/43 dated 09.08.2024. Accordingly, User Agency has been changed by the Ministry in the PARIVESH portal from Divisional Forest Officer, Hailakandi Division to Assam Police Housing Corporation Ltd.

- (iv) 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:

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.

- (v) Furthermore, the DDGF (Central), Regional Office, Shillong vide letter No. 3-AS C/255/2024/GHY/667-68 dated 23.12.2024 to the Ministry recommended the proposal.
- (vi) 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.
- (vii) During the AC Meeting held on 27.08.2024, the committee was informed that 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 Hon'ble National Green Tribunal, Principal Bench, New Delhi vide Original Application No. 61/2024 (IA No.124/2024). The State Government has stated in its affidavit before the Hon'ble Court that the project *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*. The Ministry has filed its affidavit in the Hon'ble Court that the extant construction is a violation of the Adhiniyam.
- (viii) The committee was also informed that the State Government in its proposal also continues to state that there is no violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. DFO, Hailakandi has mentioned in Part- II that there is no violation. The order for establishment 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 43.99 Ha 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.*

- (ix) During the AC meeting held on 27.08.2024, the Committee was informed that 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 which will house an Assam Police Commando Battalion, the proposal may be considered by the Committee as a case for ex-post facto approval of violation of the Adhiniyam. The committee accepted the same.
- (x) The Committee was apprised that the Hon'ble NGT has not issued specific instructions against ex-post facto approval of the construction in the Inner Line Reserve Forest.
- (xi) Furthermore, the Committee was of the view that since the extant proposal is a violation of the Adhiniyam, the request of the State Government to *condone the inadvertent mistake, if any, of the PCCF & HoFF who acted on behalf of the State Govt & to do away with the imposition of provisions of section 3A and 3B* cannot be accepted.
- (xii) The Nodal Officer Assam and Official from the Assam Police highlighted the need for an armed force in the ILRF to protect the same from encroachment and stated that the intention of the State Government was only to protect the Forests on the inter-state borders. The Committee stated that it is in agreement with the need for placing an armed police force inside the Reserve Forest to ensure its protection. However, the prior consent of the Central Government was necessary in this case.
- (xiii) The DDGF (Central), Regional Office Shillong informed the Committee that 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.
- (xiv) 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 Committee acknowledged the same.
- (xv) The details of alternatives explored for situating the proposal inside Forest land was sought from the State Government, wherein the State

Government has 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 justification submitted by the State Government was accepted by the Committee.

- (xvi) 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. The Committee noted the same.
- (xvii) 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 830 Ha that the State Government has cleared of encroachment. The Committee noted the same.
- xix. The Committee was further informed that the proposal was considered in Advisory Committee meeting held on 27.08.2024, after going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Shillong and the Nodal Officer Assam, the Committee deferred the proposal for ex-post facto approval for 11.5 ha Forest land in favour of Assam Police Housing Corporation Limited, Assam and sought the following details as under:
 - a) AC decided to form a sub-committee for making a site visit and obtain SIR.
 - b) Regional Office shall complete proceedings under Section 3A/3B against the officers responsible for violation.
 - c) The State Government shall discontinue any kind of construction activities forthwith in the proposed forest area.
- xx. The Committee was also informed that as per decision of Advisory Committee, Regional Office, Shillong was also requested to complete proceedings under Section 3A/3B against the officers responsible for violation and submit the report to the Ministry for further consideration vide Ministry letter dated 30.09.2024 and reminder letter dated 11.12.2024. DIGF (C), Regional Office, Shillong vide Letter No. RONE/E/O.A.61/24/PB-AS/2937 dated 24.12.2024 to the Ministry stated that Shri M K Yadava, presently holding the post of Special Chief Secretary (Forest), Govt. of Assam had replied to the Regional Office show cause notice vide letter dated 17.10.2024. The reply of M K Yadav has been examined thoroughly and the Regional Office is not satisfied with the reply. Accordingly, Complete petition has been prepared and to be filed in District Court of Hailakandi.
- xxi. The Committee was further informed that as per decision of Advisory Committee, the State Government was informed to discontinue any kind of construction activities forthwith in the proposed forest area on

27.09.2024. The State Government in its reply on 30.11.2024 submitted a copy of Assam Police Housing Corporation Ltd. letter addressed to M/s Badri Rai & Co., vide letter No. APHC/CS/80/PART/2021-22/09 dated 20.09.2024 referring to DFO, Hailakandi letter No. HKD/DFO(T) 2nd Commando Battalion/1313(A-G) dated 11.03.2024 informing to halt construction activities. The same was considered by the Committee.

xxii. The Committee was informed that in pursuance of direction of Advisory Committee, a Sub-Committee was constituted and the said Committee carried out inspection on 16.11.24 and submitted its report to the Ministry. The same was placed before the Advisory Committee.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong and Nodal Office, Government of Assam, recommended the proposal for grant of '*in-principle*' approval for diversion of 11.5 Ha. of forest land for in favour of Assam Police Housing Corporation establishment of 2nd Commando Battalion Camp at Damchera in Innerline Reserved Forest under Hailakandi Division, Hailakandi District in the State of Assam subject to the following specific conditions:

- i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
- ii. The Regional Office shall pursue the proceedings under Section 3A/3B of the Van Sanrakshan evam Samvardhan Adhinyam, 1980 as applicable.
- iii. The State Government shall restore 1.03 Ha forest area that was broken up and not sought for diversion.
- iv. No future expansion shall be allowed and further diversion of forest land for any expansion purposes shall not be allowed in the instant case.
- v. Green belt/green area shall be maintained in the land marked for open area (as per the land use details). No construction activity or land use change shall be undertaken in said land parcels of the diverted forest land.
- vi. The State Government shall study the impact of proposed arrangement on forest and wildlife of the ILRF for ten years from the date of approval of the Central Government and submit a quarterly report to the Regional Office for perusal.
- vii. The instant case shall not set any precedent for regularization or ex-post facto approval in similar matters
- viii. The approval accorded in the instant proposal shall be subject to the order of the Hon'ble National Green Tribunal in in OA No. 61/2024 (IA No.124/2024) and other orders by Hon'ble Courts/Tribunal in this regard.



सत्यमेव जयते

Government of India

Ministry of Environment, Forest and Climate Change

(Forest Conservation Division)



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



Dated: 21/01/2025

To,

The Special Chief Secretary (Forests)
Department of Forest and Environment
Government of Assam
Dispur.

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 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.

Sir/Madam,

I am directed to refer to Government of Assam online proposal FP/AS/OTHERS/469924/2024 on the above mentioned subject, seeking prior approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and to say that the said proposal has been examined by the Advisory Committee (AC) constituted by the Central Government under Section- 3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Assam and on the basis of the recommendations of the Advisory Committee (AC), the Central Government hereby agrees to accord **Stage-I / In-principle** approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Assam Police Housing Corporation Limited 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, subject to the following conditions:

1. General Conditions

S. No	Conditions
1.1	Legal status of the diverted forest land shall remain unchanged

S. No	Conditions
1.2	The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale
1.3	The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal.
1.4	The user agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned.
1.5	At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India
1.6	The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, into the account of National Authority, CAMPA pertaining to the State concerned through e-portal (https://parivesh.nic.in/)
1.7	The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.
1.8	The complete compliance report shall be uploaded on e-portal (https://parivesh.nic.in/).
1.9	The KML files of diverted area and the CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval.
1.10	The tree felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.
1.11	The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
1.12	The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
1.13	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required
1.14	No labour camp shall be established on the forest land and no work shall be allowed after sunset.
1.15	The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas

S. No	Conditions
1.16	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
1.17	The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar
1.18	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
1.19	The layout plan of the proposal shall not be changed without the prior approval of the Central Government
1.20	The forest land shall not be used for any purpose other than that specified in the proposal
1.21	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government
1.22	No damage to the flora, fauna or the environment of the adjoining area shall be caused; Adequate measures to ensure no damage to the adjoining areas should be taken by the User Agency at the project cost.
1.23	The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
1.24	The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly.
1.25	Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency.
1.26	The user agency shall comply all the provisions of all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
1.27	Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023.

2. Standard conditions

S. No	Conditions
2.1	The Compensatory afforestation over 11.50 ha non-forest land inside compensatory afforestation land bank of 830 ha. of evicted non forest land adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division, Nagaon, shall be initiated by the State Forest Department at the project cost within two years from the date of grant of Stage- II approval.
2.2	The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage- II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval.
2.3	The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. Specific Conditions

S. No	Conditions
3.1	The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
3.2	The Regional Office shall pursue the proceedings under Section 3A/3B of the Van Sanrakshan evam Samvardhan Adhinyam, 1980 as applicable.
3.3	The State Government shall restore 1.03 Ha forest area that was broken up and not sought for diversion.
3.4	No future expansion shall be allowed and further diversion of forest land for any expansion purposes shall not be allowed in the instant case.
3.5	Green belt/green area shall be maintained in the land marked for open area (as per the land use details). No construction activity or land use change shall be undertaken in said land parcels of the diverted forest land.
3.6	The State Government shall study the impact of proposed arrangement on forest and wildlife of the ILRF for ten years from the date of approval of the Central Government and submit a quarterly report to the Regional Office for perusal.
3.7	The instant case shall not set any precedent for regularization or ex-post facto approval in similar matters.
3.8	The approval accorded in the instant proposal shall be subject to the order of the Hon'ble National

S. No	Conditions
	Green Tribunal in OA No. 61/2024 (IA No.124/2024) and other orders by Hon'ble Courts/Tribunal in this regard.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Copy To

1. The Principal Chief Conservator of Forests (HoFF), Government of Assam, Guwahati.
2. The DDGF (Central), Regional Office, Shillong of MoEF&CC for needful action.
3. The CCF-cum-Nodal Officer (FCA), Government of Assam, Guwahati.
4. Monitoring Cell, FC Division, MoEF& CC, New Delhi, for uploading.
5. User Agency.



Your's faithfully

(S. Sundar)

Assistant Inspector General of Forests

Signature Not Verified

Digitally Signed by : S Sundar
Assistant Inspector General/Scientist, MEF

Date: 21/01/2025

ASSAM POLICE HOUSING CORPORATION LTD.::
REHABARI::GUWAHATI-8

COMPLIANCE REPORT FOR FOREST DIVERSION PROPOSAL OF 11.5 HA. FOREST LAND
FOR THE PURPOSE OF ESTABLISHMENT OF COMMANDO BATTALION CAMP AT
DAMCHERA IN IRF UNDER HAILAKANDI DIVISION IN FAVOUR OF APHCL.

Sl No.	Compliance Conditions	Reply
I. General Conditions		
1.1	Legal status of the diverted forest land shall remain unchanged	An undertaking has been submitted stating that the legal status of the diverted forest land will remain unchanged as Annexure-1
1.2	The land identified for the purpose of CA shall be clearly depicted on a Survey of India Toposheet of 1:50,000 scale	A copy of SOI Toposheet map for CA land is enclosed herewith as Annexure-2
1.3	The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal.	As per the advise of DFO, Hailakandi letter No. HKD/DFO(T)/2 nd Commando Battalion/1313 (A-G) dated 4.1.2025, an amount of Rs. 78,89,786/- raising and maintaining the Compensatory Afforestation has been deposited in the account of CAMPA. An undertaking has been submitted for raising and maintaining the Compensatory Afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal as Annexure-1
1.4	The user agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned.	As per advise of DFO, Hailakandi letter No. HKD/DFO(T)/2 nd Commando Battalion/1313 (A-G) dated 4.1.2025, an amount of Rs 1,28,44,350/- being the Net Present Value has been deposited in the account of CAMPA has been paid An undertaking has been submitted for transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 06.01.2022 read with 22.03.2022 through online portal as Annexure-1
1.5	At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India	An undertaking has been submitted for pay the additional amount of Net Present Value as Annexure-1


 Managing Director
 Assam Police Housing Corporation Ltd.
 Rehabari, Guwahati-8

1.6	The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, into the account of National Authority, CAMPA pertaining to the State concerned through e-portal (https://parivesh.nic.in/)	The compensatory levies shall be transferred as advised here in Annexure- 3 An undertaking has been submitted for Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, into the account of National Authority, CAMPA as Annexure-1
1.7	The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules,2023.	A copy of FRA-2006 certificate is enclosed herewith as Annexure- 4 An undertaking has been submitted for complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules,2023 as Annexure-1
1.8	The complete compliance report shall be uploaded on e-portal (https://parivesh.nic.in/).	An undertaking been given regarding uploading of complete compliance report on e-portal as Annexure-1
1.9	The KML files of diverted area and the CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval	Noted for compliance. An undertaking regarding uploading of KML files of diverted area and the CA areas on the e-Green watch portal with all requisite details prior to Stage II approval 2023 is enclosed as Annexure-1
1.10	The tree felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.	An undertaking has been submitted regarding tree felling only in the built up area and bare minimum felling shall be permitted in other non-built up areas as Annexure-1 .
1.11	The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.	An undertaking has been submitted to explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department as Annexure-1 .
1.12	The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.	An undertaking has been submitted regarding deposition of cost of felling of trees by the User Agency with the State Forest Department as Annexure-1 .
1.13	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required	An undertaking has been submitted for obtaining the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986 as Annexure-1
1.14	No labour camp shall be established on the forest land and no work shall be allowed after sunset	An undertaking has been submitted that no labour camp shall be established on the forest land and no work shall be allowed after sunset as Annexure-1 .
1.15	The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas	An undertaking has been submitted that the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas as Annexure-1


 Managing Director
 Assam Police Housing Corporation Ltd.
 Rehabari, Guwahati-8

1.16	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	An undertaking has been submitted for no additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work as Annexure-1 .
1.17	The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar	An undertaking has been submitted for demarcation of the boundary of the diverted forest land on ground, at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar as Annexure-1
1.18	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less	Noted. An undertaking in this regard is given as Annexure-1 .
1.19	The layout plan of the proposal shall not be changed without the prior approval of the Central Government	An undertaking has been submitted that the layout plan of the proposal shall not be changed without the prior approval of the Central Government as Annexure-1
1.20	The forest land shall not be used for any purpose other than that specified in the proposal	An undertaking has been submitted that the forest land shall not be used for any purpose other than that specified in the proposal as Annexure-1
1.21	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government	An undertaking has been submitted that the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government as Annexure-1
1.22	No damage to the flora, fauna or the environment of the adjoining area shall be caused; Adequate measures to ensure no damage to the adjoining areas should be taken by the User Agency at the project cost	An undertaking has been submitted that no damage to the flora, fauna or the environment of the adjoining area shall be caused and that adequate measures to ensure no damage to the adjoining areas will be undertaken taken by the User Agency at the project cost as Annexure-1
1.23	The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area	Noted.
1.24	The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly	An undertaking has been submitted that the User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly as Annexure-1
1.25	Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency	An undertaking has been submitted that any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried out by the the State Government and user agency as Annexure-1



 Managing Director
 Assam Police Housing Corporation Ltd.
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1.26	The user agency shall comply all the provisions of all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and	An undertaking has been submitted that the user agency shall comply all the provisions of all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and as Annexure-1 .
1.27	Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023	An undertaking has been submitted that violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023 as Annexure-1
2. Standard Conditions		
2.1	The Compensatory afforestation over 11.50 ha non-forest land inside compensatory afforestation land bank of 830 ha. of evicted non forest land adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division, Nagaon, shall be initiated by the State Forest Department at the project cost within two years from the date of grant of Stage- II approval	Noted
2.2	The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage- II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval	A copy of PRF notification is enclosed herewith as Annexure-5
2.3	The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years	An undertaking has been submitted that the cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years as Annexure-1


 Managin Director
 Assam Police Housing Corporation Ltd.
 Rehabari, Guwahati-8

3. Specific Conditions		
3.1	The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency	As per advise of DFO, Hailakandi letter No. HKD/DFO(T)/2 nd Commando Battalion/1313 (A-G) dated 4.1.2025, an amount of Rs. 6,42,21,750/- for five (5) times penal NPV for the extent of violation done has already been deposited in the account of CAMPA. Further, an undertaking has also been submitted by the User Agency for payment of simple interest from the date of raising such demand till the deposit is made as Annexure-1 .
3.2	The Regional Office shall pursue the proceedings under Section 3A/3B of the Van Sanrakshan evam Samvardhan Adhiniyam, 1980 as applicable	Noted
3.3	The State Government shall restore 1.03 Ha forest area that was broken up and not sought for diversion.	Noted
3.4	No future expansion shall be allowed and further diversion of forest land for any expansion purposes shall not be allowed in the instant case	An undertaking has been submitted that no future expansion shall be allowed and further diversion of forest land for any expansion purposes shall not be allowed in the instant case as Annexure-1
3.5	Green belt/green area shall be maintained in the land marked for open area (as per the land use details). No construction activity or land use change shall be undertaken in said land parcels of the diverted forest land	An undertaking has been submitted that Green belt/green area shall be maintained in the land marked for open area (as per the land use details). No construction activity or land use change shall be undertaken in said land parcels of the diverted forest land as Annexure-1
3.6	The State Government shall study the impact of proposed arrangement on forest and wildlife of the ILRF for ten years from the date of approval of the Central Government and submit a quarterly report to the Regional Office for perusal	An undertaking has been submitted that the State Government shall study the impact of proposed arrangement on forest and wildlife of the ILRF for ten years from the date of approval of the Central Government and submit a quarterly report to the Regional Office for perusal as Annexure-1
3.7	The instant case shall not set any precedent for regularization or ex-post facto approval in similar matters.	Noted
3.8	The approval accorded in the instant proposal shall be subject to the order of the Hon'ble National Green Tribunal in OA No. 61/2024 (IA No.124/2024) and other orders by Hon'ble Courts/Tribunal in this regard	Noted

Submitted By



Managing Director
Assam Police Housing Corporation Ltd.
Rehabari, Guwahati



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INDIA NON JUDICIAL

Government of Assam

e-Stamp

Certificate No. : IN-AS37325371533398X
 Certificate Issued Date : 27-Jan-2025 01:54 PM
 Account Reference : NONACC (SV)/ as17053004/ GUWAHATI/ AS-KM
 Unique Doc. Reference : SUBIN-ASAS1705300460867148354308X
 Purchased by : ASSAM POLICE HOUSING CORPORATION LTD
 Description of Document : Article 5 Agreement or Memorandum of an agreement
 Property Description : UNDERTAKING
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : ASSAM POLICE HOUSING CORPORATION LTD
 Second Party : NA
 Stamp Duty Paid By : ASSAM POLICE HOUSING CORPORATION LTD
 Stamp Duty Amount(Rs.) : 100
 (One Hundred only)



Please write or type below this line

Managing Director
 Assam Police Housing Corporation Ltd.
 Rehbari, Guwahati-8

QIE 0019563606

Statutory Filer

1. This is the copy of the State e-Certificate issued by the Assam State e-Certificate Issuing Authority, Guwahati, Assam.
 2. The details of the State e-Certificate are available on the website of the Assam State e-Certificate Issuing Authority.
 3. The details of the State e-Certificate are also available on the website of the Assam State e-Certificate Issuing Authority.
 4. The details of the State e-Certificate are also available on the website of the Assam State e-Certificate Issuing Authority.

UNDERTAKING

The Assam Police Housing Corporation Limited (User Agency) hereby complies with the conditions given in the 'In-Principal' approval for diversion of 11.5 Ha of forest land for establishment of 2nd Commando Battalion Camp at Damchera in Innerline Reserved Forest under Hailakandi Forest Division, Hailakandi vide Government of India's letter dated 21.01.2025 .

1. General Conditions:

- 1.1 The legal status of the diverted forest land shall remain unchanged;
- 1.3 The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal.
- 1.4 The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned.
- 1.5 At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- 1.6 The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, into the account of National Authority, CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>).
- 1.7 The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.
- 1.8 The complete compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- 1.9 The KML files of diverted area and the CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval.
- 1.10 The tree felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.



Managing Director
Assam Police Housing Corporation Ltd.
Rehabari, Guwahati-8

- 1.11 The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department
- 1.12 The cost of felling of trees shall be deposited by the User Agency with the State Forest Department
- 1.13 The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required
- 1.14 No labour camp shall be established on the forest land and no work shall be allowed after sunset
- 1.15 The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas
- 1.16 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work
- 1.17 The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar
- 1.18 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 1.19 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 1.20 The forest land shall not be used for any purpose other than that specified in the proposal.
- 1.21 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- 1.22 No damage to the flora, fauna or the environment of the adjoining area shall be caused; Adequate measures to ensure no damage to the adjoining areas should be taken by the User Agency at the project cost
- 1.24 The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to the Ministry by the end of March every year regularly
- 1.25 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency
- 1.26 The user agency shall comply all the provisions of all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project



Managing Director
Assam Police Housing Corporation Ltd.
Rehabari, Guwahati-8

- 1.27 Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023

2. Standard conditions

- 2.3 The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years

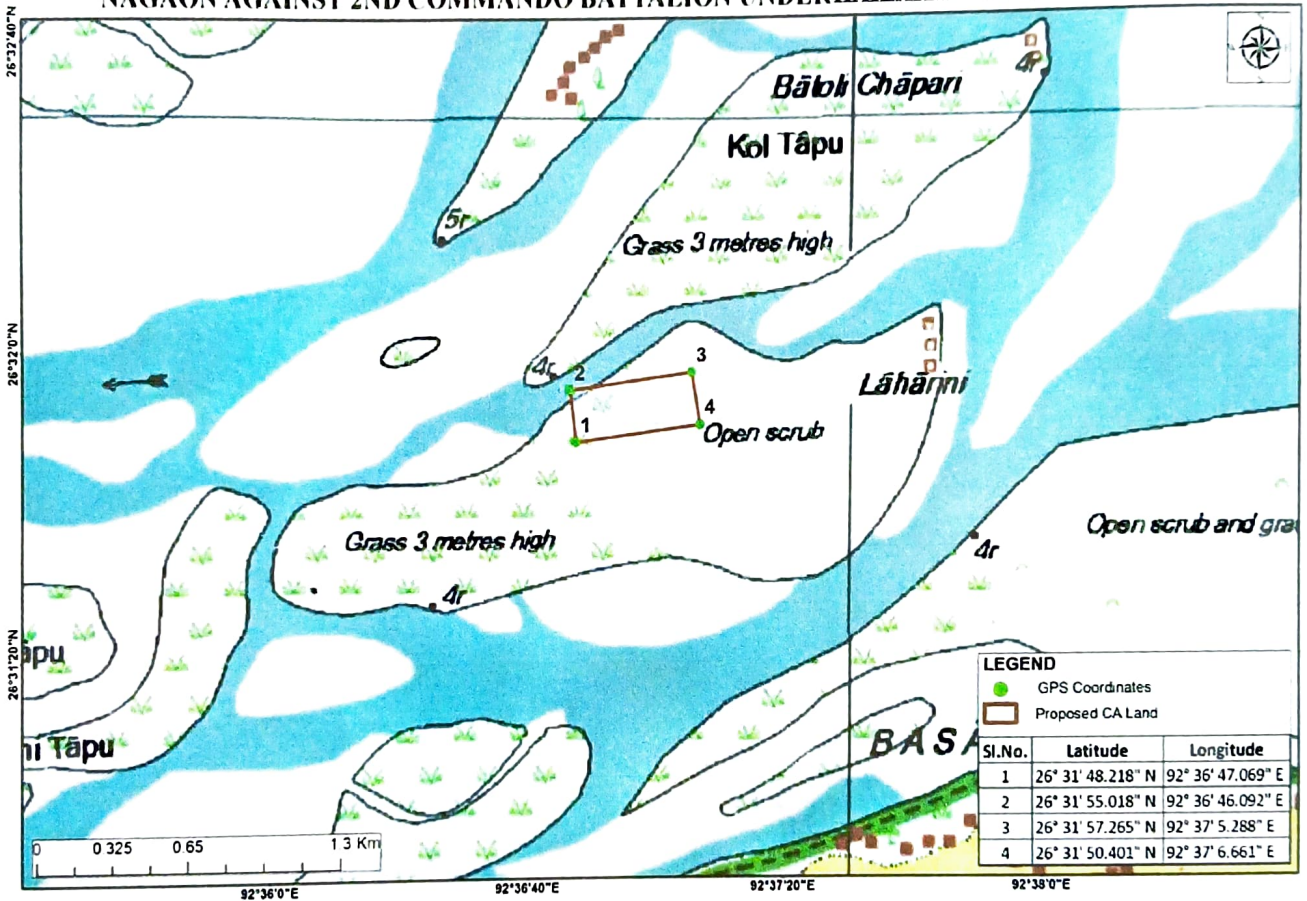
3. Specific Conditions

- 3.1 The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency
- 3.4 No future expansion shall be allowed and further diversion of forest land for any expansion purposes shall not be allowed in the instant case
- 3.5 Green belt/green area shall be maintained in the land marked for open area (as per the land use details). No construction activity or land use change shall be undertaken in said land parcels of the diverted forest land.
- 3.6 The State Government shall study the impact of proposed arrangement on forest and wildlife of the ILRF for ten years from the date of approval of the Central Government and submit a quarterly report to the Regional Office for perusal.



Managing Director
Assam Police Housing Corporation Ltd.
Rehabari, Guwahati-8

**GEOREFERENCED MAP SHOWING THE PROPOSED 11.5 HIA
CA AREA (NON FOREST LAND) UNDER NAGAON WILDLIFE DIVISION,
NAGAON AGAINST 2ND COMMANDO BATTALION UNDER HAILAKANDI FOREST DIVISION**



of Gaheli Environmental Laboratory is placed at Flag B. The financial
Environmental Clearance of 5 (five) projects (CDO Bns) is placed

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SBINRS2025012272824535

ASSAM POLICE HOUSING CORPORATION LTD:REHABARI:GUWAHATI-08

PH: 97075-88990

No. APHC/A/1-1/81/Pt-XI/

Date:- 31/1/25

To
The Chief Manager
State Bank of India
South Guwahati Branch, Guwahati

Sub:- Payment of RTGS

Sir,

I am sending herewith the Cheque No. 504959 Dt. 31/1/25 for
Rs. 8,89,00,779 (Rupees Eight crore eighty nine lakhs seven hundred and seventy nine
only.

Only) in favour of yourself for RTGS as details given below:-

- 1. NAME :- CAMPA ASSAM
- 2. A/C NO. :- 150617299
- 3. BANK NAME:- UNION BANK OF INDIA
- 4. BRANCH NAME:- FCS BANGALORE
- 5. IFSC CODE :- UBIN0996335

PAROMITA DEB
PF NO. 8829818
RECEIVED PAID TRANSFER
22 JAN 2025
SIGNATURE
STATE BANK OF INDIA
SOUTH GUWAHATI BR-0124

RAHUL CHENJIBHURY
PF NO. 5840171
RECEIVED PAID TRANSFER
22 JAN 2025
CHECKER
MAKER

Yours Faithfully

Paromita Deb

Managing Director

Assam Police Housing Corporation Ltd.
Rehabari:Guwahati-08

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A Brief profile of Gaheli Environmental Laboratory is placed at Flag B. The financial quotation submitted by the firm for obtaining Environmental Clearance of 5 (five) projects (CDO Bns) is placed at Flag C for favour of your kind perusal.

ENF-12011/1/2025-ENV./FOREST-Environment & Forest Department

Project EC

Cost in (INR)

Total

1/910846/2025

**GOVERNMENT OF ASSAM
ENVIRONMENT & FOREST DEPARTMENT
DISPUR, GUWAHATI**

ORDER BY THE GOVERNOR

NOTIFICATION

DatedJanuary, 2025

ECF No.607416/11: In exercise of the powers conferred by Section 5 of the Assam Forest Regulation of 1891 (VII of 1891), the Governor of Assam is pleased to declare that the land described in the schedule annexed here to is proposed to be constituted as a Reserve Forest and appoints the Addl. District Commissioner (Revenue), Sonitpur, to be the Forest Settlement Officer to inquire into and determine the existence, nature and extent of any rights claimed by or alleged to exist in favour of any person in or over land comprised within such limits and described in the Schedule annexed here to and to deal with same as provided in Chapter-II of the above Regulation.

Under the provisions of Section 5, Sub-Section (2) of the aforesaid Assam Forest Regulation, the Governor of Assam is pleased to appoint the Divisional Forest Officer, Nagaon Wildlife Division, Nagaon to assist the Forest Settlement Officer, in the inquires prescribed in Chapter-II of the Regulation in connection with the proposed reservation.

Under the provisions of Section 15 of the said Regulation, the Governor of Assam appoints the Director of Land Record, Assam to hear appeals on the order of the Forest settlement Officer.

SCHEDULE "A"

PROPOSED RESERVED FOREST AT Compensatory Afforestation Land Reserved at Burhachapori No. 2

1. **Situation:** (a) District (Civil):- Sonitpur District
(b) Forest Division:- Nagaon Wildlife Division
(c) Forest Range:- Dhania Range, Burhachapori
(d) Revenue Circle:-Tezpur
(e) Name:- Compensatory Afforestation Reserved at Burhachapori No. 2
(f) Area :- 11.5 Ha

2. Boundaries:

- North: 1st Addition to Burhachapori Wildlife Sanctuary and 2nd Addition of Orang National Park & Tiger Reserved
- South: Burhachapori Wildlife Sanctuary
- East: Burhachapori Wildlife Sanctuary
- West: Kochmara Reserved Forest

3. Location, Perimeter, Area along with GPS Co-ordinates of Compensatory Afforestation.

GPS POINT	Latitude	Longitude	Area	Name of Location
1	26° 31' 48.218"N	92° 36' 47.069"E	11.5 Hact	Govt. un-surveyed land under Sonitpur District, surrounded by Burhachapori Wildlife Sanctuary
2	26° 31' 55.018"N	92° 36' 46.092"E		
3	26° 31' 57.265"N	92° 37' 5.288"E		
4	26° 31' 50.401"N	92° 37' 6.661"E		

SCHEDUL "B"

1. Valuation of the Forest Area (In terms of quality of the forest and canopy density) :-
The proposed raising Compensatory Afforestation area inside the CA land Bank of 830 hectare of evicted non-forest land adjacent to the Burhachapori Wildlife Sanctuary

2. Description of Soil:- Sandy loam.

3. Description of Forest:- (Giving details types of species present) - NA

4. Wildlife:- NA

5. Medicinal Plants:- Not found.

6. List of Surroundings,

North: 1st Addition to Burhachapori Wildlife Sanctuary and 2nd Addition of Orang National Park & Tiger Reserved

South: Burhachapori Wildlife Sanctuary

East: Burhachapori Wildlife Sanctuary

West: Kochmara Reserved Forest

7. Area of the proposed Reserved Forest:- 11.5 ha

Reason for Reservation:

1. The Government of Assam, Revenue & Disaster Management Department, Dispur vide letter No. ECF.439104/2024/16 dated 29.07.2024 has allotted / transferred the 830 hectare of the land in the name of State Forest Department for raising of plantation as Compensatory Afforestation under Sonitpur District towards the "In Principal Approval/Stage-I Forest Clearance" accorded by the Central Government of India,

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1/2025-ENV./FOREST-Environment & Forest Department

A Brief profile of Gaheli Environmental Laboratory is placed ... 62
submitted by the firm for ...

1/910846/2025

Ministry of Environment, Forest & Climate Change vide its letter dated 21.01.2025 for diversion of 11.5 hectare forest land for the purpose of establishment of Commando Battalion Camp at Damchera in Innerline Reserved Forest under Hailakandi Division.

2. To conserve the afforestation, the land for Compensatory Afforestation shall be notified as Reserve Forest by the State Government as per the conditions of Forest Clearance under the Forest (Conservation) Act, 1980/Amendment Act, 2023.

Signed by

Mahendra Kumar Yadava

Special Chief Secretary to the Govt. of Assam
Date: 24-01-2025 20:25:55
Environment & Forest Department

ECF No. 607416/11-A

Dated, Dispur, the.....January, 2025.

Copy for information to:

1. The Principal Chief Conservator of Forests & Head of Forest Force.
2. The Principal Chief Conservator of Forests (Wildlife) & CWLW.
3. The District Commissioner, Sonitpur District.
4. The Addl. District Commissioner, Sonitpur District.
5. The Divisional Forest Officer, Nagaon Wildlife Division, Nagaon, Assam.
6. The P.S. to the Hon'ble Minister, Environment & Forests, Assam, for kind appraisal of the Hon'ble Minister
7. The P.S. to Secretary (Co-ordination) to the Chief Secretary, Assam, for kind appraisal of the Chief Secretary.
8. Guard File.

(e-signed)

Special Chief Secretary to the Govt. of Assam
Environment & Forest Department