

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

AT NEW DELHI

I.A. No. 124/2024

IN

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

IN THE MATTER OF :

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

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Dated: 25.04.2024

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

I.A. No. _____ of 2024

IN

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 affidavit-in-opposition filed by Shri Rajpal Singh, IFS, Principal Chief Conservator of Forests & Head of Forest Force, Assam, objecting the prayer for impalement of the present applicant, as party in the instant proceeding.

Rajpal Singh
Principal Chief Conservator of Forest &
Head of Forest Force, Assam

AFFIDAVIT-IN-OPPOSITION

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



I, Rajpal Singh, IFS, aged about 59 years, son of Late Shyam Lal, presently holding the post of Principal Chief Conservator of Forests & Head of Forest Force, Assam, and posted at Guwahati, in the district of Kamrup (Metro), Assam, do hereby solemnly affirm and state as under.

1. That, I being the Principal Chief Conservator of Forests & Head of Forest Force, Assam, and being duly arrayed as one of the respondent in the Original Application (Copy of the news publication), being Original Application No. 61 of 2024, and, also, being well conversant with the facts and circumstances of the case, I am competent to swear this affidavit. A copy of the Interlocutory Application filed by the applicant has been furnished to me and after going through the same, I have understood the contents therein. Save and except which have been specifically admitted, all other averments made in the Interlocutory Application may be taken to have been denied and disputed by the answering deponent.
2. That, save and except which are the matters of records and which have been specifically admitted hereinafter, all other averments made in the Interlocutory Application may be taken to have been denied and disputed.
3. That, before resorting to parawise reply to the averments made in the instant application, the deponent herein categorically objecting the prayer made by the applicant, praying for his impleadment as party in the instant proceeding, the deponent herein begs to state

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that as is apparent from the Interlocutory Application, neither the applicant himself visited the Inner Line Reserved Forest for the purpose of became aware about the facts of the present case nor he has any first hand information about the facts relating to the case. The applicant is a resident of a place called Bokakhat, in the Golaghat district of the State of Assam, which is at a distance of about 500 KMs, from the place wherein the alleged act of violation of Forest (Conservation) Act has taken place. Accordingly, the submission made by the present applicant, on the basis of which this Hon'ble Tribunal has made the observation in its order dated 14-03-2024, that the instant application has been filed by "one of the resident of the area", is not a correct statement of facts and, accordingly, it is humbly submitted that the applicant has made the said statement only to mislead this Hon'ble Tribunal.

Most importantly, as stated above, nothing transpires from the perusal of the averments made in the instant application that the applicant has any first hand information about the happenings in the Inner Line Reserved Forest, located at Assam-Mizoram border. Which is apparent from his own submission on oath that the contents of the present Interlocutory application, are true to the best of his knowledge and belief only, and, the applicant failed to submit or produce anything in the present application which has been derived from records. Even the photographs that has been annexed along with the Interlocutory Application are appears to have been collected from the media house itself (North East Now) as all the photographs were taken on the same date, i.e. 20-02-2024 and around the same time , i.e. between 2-30 to 3-00 pm. It, is therefore, humbly submitted that such coincidences are only

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indicative of the fact that a vested interested circle is working with sole motive to foil the desperate attempt of the State of Assam to save and protect the Inner Line Reserved Forest from the encroachers. Accordingly, it is submitted that the present application be dismissed *in limine*.

4. That, as regards to the statements made in paragraph 1 of the Interlocutory Application, the deponent herein has no comments to offer so far as the same are matters of records. However, anything beyond the records may be treated to have been denied and disputed by the answering deponent.
5. That, as regards to the statements made in paragraph 2 of the Interlocutory Application, the deponent herein begs to categorically deny the as totally incorrect and misleading. The allegations that the State have not placed true facts before the Hon'ble Tribunal and the same have been misinterpreted to cover up the illegalities done by the forest officials of Assam Forest Departments, is totally wrong and is not based on facts. Such averments made by the applicant is totally based on falsehood and, accordingly, it is prayed before the Hon'ble Tribunal that the present application may be rejected at the very outset.
6. That, as regards to the statements made in paragraph 3 of the Interlocutory Application, the deponent herein begs to deny the same to the effect that 44 hectares of protected forest land has illegally been diverted for a Commando Battalion Headquarter, as it the pleaded stand of the State of Assam, on affidavit, that a total of 43.9 hectare of forest land was approved for locating the

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2nd Commando Battalion at Damchera, out of which 11.4 hectare is proposed to be used for housing infrastructure purpose. However, the ownership of the land shall continue to be with the Forest Department and the area shall continue to be a Reserved Forest, with full access to the Assam Forest Department.

7. That, as regards to the statements made in paragraph 4 of the Interlocutory Application, the deponent herein begs to deny the same as factually incorrect and misleading. The deponent herein begs to state that the word "tent" has not been used in any of its affidavits filed by the State in the instant case. The word "tent" has not been used by the Counsel appearing for the State of Assam as well. Accordingly, it is humbly submitted that the use of the word 'tent' by the Hon'ble Tribunal in its order dated 15-02-2024, may not be make use of as the stand of the State Government.

Further, it may be noted that in para 3 of the order dated 15-02-2024, the Hon'ble Tribunal has noted - "*Learned Advocate General appearing for the State of Assam has placed reliance upon the explanation to Section 2 of the Forest (Conservation) Act 1980 in support of his plea that the said activity is not a non-forestry activity.*" – but according to the Applicant the said activity is not a forestry activity.

However, the stand of Assam Government is that the said activity is very much covered under Section 2(b) under "like purposes" as the purpose of the activity is forest protection only and nothing else, including the fact that it is not a public utility of

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any kind or revenue generating activity of the State Government or any of its departments and agencies.

8. That, as regards to the statements made in paragraph 5 of the Interlocutory Application, the deponent herein begs to categorically deny the same as false and incorrect. The deponent herein, referring to the two affidavits filed by the State of Assam in the O.A. No. 61/2024, begs to reiterate that the State of Assam, on affidavit, that a total of 43.9 hectare of forest land was approved for locating the 2nd Commando Battalion at Damchera, out of which 11.4 hectare is proposed to be used for housing infrastructure purpose. However, the ownership of the land shall continue to be with the Forest Department and the area shall continue to be a Reserved Forest, with full access to the Assam Forest Department.

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It is, further, submitted that as has been stated in the said affidavits, the 11.4 hectare area to be used for housing infrastructure purposes, is the area that has been recovered from evicting the encroachers, is free and open from trees as is evident from Google Earth Map (Annexure-XV of the affidavit dated 12-03-2024) and an open area cleared from illegal encroachers and not a single tree has been and shall be felled for the said construction. No tree is being felled in establishing the whole battalion camp.

The applicant has been repeatedly calling the Commando Battalion infrastructure being setup in ILRF and referring to it as "tent", not only in this paragraph but almost in every paragraphs of his application. In his repeated reference of the infrastructure as "tent" he appears to be sarcastic in nature, rendering the sincere



efforts of the State Government for protection of ILRF and its 142 Km long border with Mizoram a cheap joke at best. The applicant, as it appears, has not even a single iota of respect for the precious lives of the six brave policeman who lost their life for the protection of ILRF, the Superintendent of Police who was seriously injured and impaired for life and many others who were injured from the unprovoked firing by miscreants from Mizoram side armed with automatic weapons. The answering deponent begs to submit before the Hon'ble Tribunal that such sarcastic and light attitude towards so grave a situation, in which not only many lives have been lost while protecting the forest, and also and the State has lost precious forest areas by way of wanton destruction from across the border in ILRF, only goes to demonstrate that the Applicant, calling himself an environmentalist and working vigorously on environmental issues in Assam, has little considerations for the security and safety of the ILRF and also showing no sympathy for rampant encroachment and destruction of forests in thousands of Hectares of ILRF, at the hand of the armed aggression, by miscreant from Mizoram. who have taken advantage of the disputed inter-state boundaries and encroached nearly 6 to 10 kms into the territory of Assam.

The answering deponent begs to draw the attention of this Hon'ble Tribunal that it is rare in the history of forest protection in India, where police personnel have laid down their lives for the protection of forest land. Accordingly, it is prayed to the Hon'ble Tribunal that such a frivolous and sarcastic attitude of the Applicant in such a grave situation, oblivious of the ground reality, are to be condemned in strong words and the application ought to

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be rejected outright, as it is motivated one and devoid of any merit.

9. That, as regards to the statements made in paragraph 6 of the application, the deponent begs to deny the same as false and incorrect. The applicant without any knowledge of facts and circumstances on ground and basing his premise only on news reports of the portal news agency *www.nenow.in* which is apparently a motivated report, against security interest of the State and against the spirit of the forest protection on the borders of Assam. The Applicant is also highly ignorant of the truth that the area in question where the Commando Battalion infrastructure is being erected was once a fully encroached area.

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It has already been submitted by the answering respondent that the some encroachers had filed a writ petition, being WP(C) No. 8366/2022, before the Hon'ble Gauhati high Court, against their eviction and the Hon'ble High Court rejected their petition vide order dated 16-08-2023. The extent of encroachment is very clear from satellite image and the overlaid polygon of the plot in question, being Google Earth image taken on 24-12-2022, which is already in record as annexed (Page-107) with the affidavit dated 21-01-2024, which is prior to the start of construction, and which shows the entire 44 ha of area in the image. A similar image was brought on record by the answering deponent in the 2nd Affidavit filed on 12-03-2024, showing the polygon of the plot which depicts the construction site, based Google Earth imagery dated 12-01-2024. However, in order to mislead the Hon'ble Tribunal the



applicant has filed a magnified version of the same image dated 12-01-2024.

Therefore, the allegation of "large scale deforestation and clearing of forest which led to change of land use causing serious and irreversible damage to forest eco system" - is nothing but a false allegation, as the area was already cleared and deforested long back by encroachers and not by the Assam Forest. The Department only used the already cleared area to construct the infrastructure and in the process ensured that not a single tree was felled during the construction.

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On the contrary, the applicant is oblivious to the fact that hundreds of trees have already been felled by the Mizo miscreants/encroachers in ILRF. He has not even uttered a single word to express his concern to felling of hundreds of trees, clearing of forest, deforestation, construction of camps, offices, *pucca* roads, buildings, villages etc. by Mizo miscreants/encroaches in ILRF. The love of the applicant for forest and ecosystem is so blind that he only sees damage of forest and ecosystem in 11 odd Hectare, which is being used for construction of infrastructure to protect the ILRF, but none of the activities of tree felling, deforestation and rampant construction by Mizo miscreants/encroachers is visible to him at all.

While the applicant has shown the ability to magnify Google Earth image to see construction site of 11 Hectare by the Government of Assam, but his Google Earth image skills failed miserably when it comes to detecting even 1 Hectare of non-forestry activities from Mizoram side in ILRF. The skills of the



applicant clearly demonstrates that his vision and thinking are completely myopic, biased, motivated and coloured. Therefore, the application is liable to be rejected forthwith as being devoid of merit.

10. That, as regards to the statements made in paragraph 7 of the application, the deponent begs to deny the same completely. The applicant has relied upon the news article published on 20-02-2024 by the news portal *www.nenow.in* on the subject of the order of the Hon'ble Tribunal dated 15-02-2024. Surprisingly, the news portal also carries Geo Coordinate labelled photographs of the construction site taken on 20-02-2024, at 2.35 PM, inside ILRF. While the deponent herein proposes to reserve its comments on these photographs as well as the photographs of the applicant separately towards the end, it suffices to say here that the applicant has once again shown a myopic behaviour in this respect.

The deponent begs to submit before the Hon'ble Tribunal that the same news portal, *www.nenow.in*, also has carried in the past, news items about the happenings on Assam-Mizoram border, of which 3 (three) news items were published on 04-02-2021, 26-06-2021 and 24-08-2021 (**Annexure-I-Series**). It is clear that while the applicant chooses one news article published on 20-02-2022, to dwell with, and deliberately fails to omit the other news items, pertaining to ILRF published by the same news portal. The applicant would have been appreciated well, if he could have also looked at the other news items and reports published in "The Assam Tribune" on 28-06-2021, by "NDTV" on 26-07-2021, "The

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Assam Tribune" on 02-07-2021, "The Wire" on 26-07-2021 and by "Samayik Prasanga" on 26-04-2021, which depicted the grave situation on the Assam-Mizoram border, copies of all of which have already been submitted by the deponent in affidavits filed so far before the Hon'ble Tribunal.

Copies of the news items dated 04-02-2021, 26-06-2021 and 24-08-2021 published by *www.nenow.in* are annexed herewith and marked as **Annexure-I-Series.**

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These facts once again goes to show the constricted, coloured and motivated visions of the applicant. The applicant deliberately preferred not even to mention about the rampant deforestation carried out by miscreants/encroachers under active support of the Mizo authorities in ILRF. All these facts only proves the stand of the deponent that the applicant is only a part of the vicious circle which do not just want allow the State Government to initiate strong measures to hunt out the miscreants/encroachers and save the ILRF. In that view of the matter, the submissions of the applicant deserves to be rejected outright.

11. That, as regards to the statements made in paragraph 8 of the application, the deponent begs to deny the same as exaggerating and misleading. It is reiterated that the construction being undertaken in the ILRF, is purely for protection of the forest and this does not serve any public utility purpose for any Department of Government of Assam or any other agencies. It is reiterated



once again that the infrastructure is solely for protection of ILRF, which is spread over 424 sq.km. and having a 142 kms. long Assam-Mizoram border, the protection of which is not possible without a strong infrastructure that supports camping of a large battalion of armed personnel round the year and with capability to resist any attempt from the other side of the border leading to destruction of forests.

The deponent begs to submit before the Hon'ble Tribunal that the stoppage of this infrastructure and, in anyway, preventing it to come up for the purposes for which it is being built, shall be catastrophic and shall spell doom for the ILRF and those conspiring to stop the activity in the name of a non-forest activity shall have to take the blame for any further loss of forest, encroachment, deforestation, felling and other non-forest activity in the ILRF. Those who are conspiring against the State of Assam for securing the ILRF would only rejoice if the battalion infrastructure is not allowed to come up and they would maintain stark silence when they would see before their blinded eyes undeterred destruction of ILRF and the deponent is very confident of the fact that these conspirators working against the security of the State of Assam shall remain only mute spectators of destruction of the ILRF, as they are today.

The answering respondent would like to draw the attention of the Hon'ble Tribunal that the saga of deforestation and tree felling from the other side has not stopped as can be inferred from page No. 13 of affidavit filed on 21-01-2024 which shows events of deforestation and forest offences have been committed as fresh

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as eight to twelve months before filing of the affidavits, and continuing almost every month. However, the answering respondent begs to submit before the Hon'ble Tribunal that, of late, the frequency of non-forest activities and forest offences from Mizoram side has increased alarmingly after the conspirators against the interest of the State including the applicant has given wide publicity in media about the present proceeding pending before the Hon'ble Tribunal. The answering respondent sadly begs to state that as many as 3 (three) incidents are reported in March and April of 2024, which is very alarming. (List enclosed as **Annexure-II**).

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Copy of a list of incidents that took place inside ILRS between March and April, 2024, is annexed herewith and marked as **Annexure-II**.

As can be seen from the list annexed as **Annexure-II**, the miscreants from Mizoram have of late starting to claim the Teak plantations of Government of Assam planted by the Assam Forest Department, to be now planted by encroachers from Mizoram. The answering respondent craves the attention of the Hon'ble Tribunal to quote a letter dated 05-01-2024, (**Annexure-III**) from DC, Kolasib District, Mizoram, addressed to District Commissioner, Cachar, - stating among other things, - "... also owns Teak plantation close to Assam border... has not been permitted by Assam Forest Officials to enter his teak plantation area. Kindly take necessary action so that the said farmer is not obstructed from going to his teak plantation'.



Copy of the letter dated 05-01-2024 is annexed herewith and marked as **Annexure-III.**

These incidents speaks volumes about the ground reality and volatility of situation prevailing in the ILRF, the way Teak plantations of Assam Forest are being treated as private areas of persons from Mizoram.

12. That, as regards to the statements made in paragraph 9 of the application, the deponent begs to completely deny the same false and incorrect. In this regards it is pertinent to state that the Government of Assam is the only State in the country that has evicted over 9000 Ha of forest land in the past two years by removing encroachments, some of which are as old as illegally settled since 1980s and 1990s. This has become possible only because of a joint effort of Assam Forest and Assam Police. Assam Police has been supporting the efforts of Assam Forest by providing 800-2500 armed Police battalions and Police commando forces. These instances are unparalleled in history of Forest Protection in the country since the beginning of reserved forests. The deponent would like to state that no other state in the country has been able to show ground strength as Assam Forest Department. Assam Forest Department, as already submitted in the foregoing paragraphs, is the only Forest Department in the country that has 3000 plus armed battalion of its own and currently has 380 Assam Police Commando Battalion at its command.

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Be it stated that the issue has escalated from being forest protection to issue involving security concerns of the State, given the daunting challenge of protection of ILRF in sensitive border areas and potential encroachment by **Rohingias**. This has also necessitated the deployment of dedicated Commando Battalion to fight against well armed miscreants from across the state border in ILRF. Hence, on establishment of Commando Battalion infrastructure inside ILRF, the joint force of Assam Forest and Assam Police shall multiply manifold. Without the assistance of the Assam police commando battalion, it is next to impossible to protect the forests of the ILRF, its Flora and Fauna and 142 Km long border of the RF shared with Mizoram.

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13. That, as regards to the statements made in paragraph 10 of the writ petition, the deponent begs to completely deny the same. As regards the statement by the applicant, referring the upon the judgment of the Hon'ble Supreme Court in I.A No. 20650 of 2023 in Writ Petition (Civil) no 202 of 1995, the applicant has pleaded that the "cost of restoring the damage should be borne by the person responsible for the damage" and that the polluter is responsible and "the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology... ", the deponent begs to submit that the applicant has totally discounted the onerous task that the State of Assam has taken upon itself for protecting the ILRF in a manner that it needs to be protected in view of the large scale and uncontrolled destruction of forest from the other side.



While pointing his unclean fingers, in his myopic view, the applicant has completely lost the sight of the fact that the State of Assam is not the destroyer but the protector of the forest. The applicant is not even having courage to spell before the Hon'ble Tribunal - who in reality is responsible for destruction of the forest, tree felling and loss of ecology in ILRF, along the Assam-Mizoram border.

14. That, as regards to the statements made in paragraph 11 of the writ petition, the deponent begs to deny the same. The deponent begs to submit in this regards that the applicant himself has his hands unclean, **firstly**, as because his constricted vision does not allow him to see beyond the 11.4 ha area of construction site while thousands of hectares of forest lie ravaged, its ecology destroyed and hundreds of trees felled.

Secondly, it is important to bring before the Hon'ble Tribunal that the applicant and his associates i.e. *www.nenow.in*, instead of taking the lawful route of collecting information from the Government of Assam regarding the establishment of the Commando Batalion camp in ILRF by filing an application under Right to Information Act, 2005, have chosen to commit illegal trespass into ILRF which itself is an offence under Section 24(a) of Assam Forest (Regulation) Act 1891. The trespass is clearly evident from the 3 (three) nos. of photographs of the site collected on the site on 20-02-2024, between 02:56 PM to 03:01PM and put as evidence of construction in the present application. The attention of the Hon'ble Tribunal is drawn to the fact that the ILRF is a notified Reserved Forest, notified vide Notification No.2106A.P,

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dated 09-03-1933 under the Assam Forest Regulation, 1891. Hence, since the applicant and his associates i.e. *www.nenow.in* has also given their own evidence of trespassing in violation of Section 24(a) of Assam Forest (Regulation) Act 1891, the applicant and the owner of *www.nenow.in* are both liable to be prosecuted under Section 24 of Assam Forest (Regulation) Act, 1891, in appropriate court of law and are liable for imprisonment of one year to three years, depending on the degree of offence.

Most importantly, it can easily be seen that the hands of not only the applicant herein but also of his associates are dirty. The first news item dated 25-12-2023 was uploaded/published by the news portal *www.nenow.in* at 06:44 PM, and the applicant herein tweeted (**Annexure-IV**) the same within 3 hours of the news getting uploaded/published.

Copy of a Tweet dated 25-12-2023 by the applicant herein is annexed herewith and marked as **Annexure-IV**.

It is further to be noted that among the published/annexed photographs within ILRF, the last one was taken at 03:01 PM, on 20-02-2024, and at 03:15 PM of the same date, the applicant herein tweeted by using the word "tent". Whereas, the news portal *www.nenow.in* published the news item dated 20-02-2024, using the same photographs, with satellite imagery on the same day at 10:48 PM. Therefore, the wonderful synchronization in the name of environmental activism can easily be elucidated how the applicant and the news portal *www.nenow.in* have colluded

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together to nullify the huge efforts of the State of Assam for protecting the ILRF and in the same breath these two entities have simply ignored the destruction of forest and encroachment taking place in ILRF from Mizoram side.

On the basis of above facts, the deponent herein begs to submit that the conspiracy angle against the State of Assam, proposed by the deponent herein in the foregoing paragraphs of this affidavit, against the applicant herein and the news portal is now appearing to be getting complete. The collusion between the applicant herein and the news portal itself demonstrates that the applicant has no interest in protecting the ILRF, but rather stopping the efforts of Government of Assam in establishing the Commando Battalion infrastructure so that the State of Assam is not able to protect its border area forests. If it so happens then, Assam would lose not only its geographical integrity but also the rich natural resources. The applicant is all set to oppose protection of the ILRF forest for which State of Assam recruited and trained about 800 armed Assam Police Commando personnel which is very much the need of the hour.

15. That, as regards to the statements made in paragraph 12 of the application the deponent herein begs to categorically deny the same. As stated earlier, the applicant herein is neither a local resident of the area to be fully aware about the happenings in the ILRF as is apparent from the perusal of his application, nor he has any first hand information about the happenings in the Inner Line Reserved Forest, located at Assam-Mizoram border, which is apparent from his own submission on oath that the contents of

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the present Interlocutory Application, are true to the best of his knowledge and belief only. Further, the applicant failed to submit or produce anything in the present application which has been derived from records. Even the photographs that has been annexed along with the Interlocutory Application are appears to have been collected from the media house itself (North East Now) as all the photographs were taken on the same date, i.e. 20-02-2024 and around the same time , i.e. between 2-30 to 3-00 pm.

It, is therefore, humbly submitted that such coincidences are only indicative of the fact that a vested interested circle is working with sole motive to foil the desperate attempt of the State of Assam to save and protect the Inner Line Reserved Forest from the encroachers. Accordingly, it is submitted that the present application be dismissed *in limine*.

The reality is that only 11.5 hectares of land have been earmarked for construction and the remaining 32.5 hectares, which is almost three times of the area of construction, is to be kept as green area for outdoor training activities of the armed personnel. The Department has also taken a traverse of the area under construction, which delineates the exact boundary on the ground, a copy of which is enclosed in **Annexure-V** for kind perusal of the Hon'ble Tribunal and to reiterate that the State of Assam has nothing to hide.

Copy of traverse of the area in concern is annexed herewith and marked as **Annexure-V**.

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It is also pertinent to mention about a FIR dated 19-04-2023, filed by the CBI, in a matter in which the - "The main allegation is that Ritwick Dutta received Rs. 41 lac as foreign contributions in 2013-14 and thereafter he created LIFE Proprietorship which received Rs. 22 crore from Earth Justice USA as professional receipt and it is alleged that LIFE and EJ are in the process of stalling coal projects in India. It is further alleged that EJ and Sandler Foundation are trying to take down India's existing or proposed coal projects and ECF (European Climate) is routing \$ 120,000 via EJ to LIFE for litigation. They further alleged that the association has transferred Foreign Contribution to NGOs which is violation of section 7 of FCRA, 2010" read with "3. Suspicious payments to large number of individuals from FCRA bank account of LIFE trust" read with "3.2 On analysis of FCRA account of LIFE Trust, name of some of the individuals who received funds from it are employees of LIFE Trust or LIFE LLP. However, there are many other individuals as well which needs to be verified, list of some such individuals is produced below" read with SI no. 5 of the table that ensues which reads "Rohit Choudhury" and the table ends with 32 names in all; read with "3.3 Analysis of activities of few individuals from email of Ritwick Dutta revealed that they are involved in filing RTI, monitoring of cases, preparation of compliance report which appeared to be related to activities of Earth Justice. It is to be noted that the funds from Earth Justice are received by Ritwick Dutta in proprietorship account instead of bank account of LIFE Trust. Individuals other than employees of LIFE Trust have also received funds from FCRA account of LIFE Trust. The purpose of transfer of funds to these individuals needs

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to be investigated and nature of services/goods provided by them need to be verified.”; read with “4.1.6 In view of the detailed discussion, it appears that funds were received by Sri Ritwick Dutta in his proprietorship concern as part of ‘funding plan’ rather than providing professional services. It is without any delivery of goods and services to Earth Justice. Earth Justice does not appear to have any business concern in N=India as per its website. Payments made by Earth Justice are in the garb of professional receipts to fund litigation activities in India. It is revealed that grant is not case specific but rather on lump sum basis. Hence, such funds from Earth Justice to Sri Ritwick Dutta ought to have been received only after FCRA clearance. The concerned officer may also necessarily action under section 35 of FCRA after due verification and investigation...”

Ranjit Singh

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

Copy of the FIR dated 19-04-2023 filed by CBI, is annexed herewith and marked as **Annexure-VI**.

The evidence above clearly indicates that not only the applicant herein, who is well known to an old associate of Sri Ritwick Dutta (and have filed many a applications in the Hon’ble Tribunal in the past along with Sri Dutta) is appearing to be a beneficiary of foreign funding which are meant to stall projects of national importance in India by indulging in litigation activism in the garb of pseudo environmentalism, false cases of forest conservation. The instant case in which the applicant is attempting to implead himself may only be another such attempt, this time, to stall a major security and forest protection infrastructure on flimsy



ground by being in cahoots with like minded agencies, news portals and moles in the Government departments in the State and in the Central Government.

It is submitted that the whole gamut of affairs from news portals to tweets to the present application is a part of an well orchestrated and well camouflaged scheme to weaken the State of Assam's internal protection mechanism so that Assam loses its integrity, forests on the border come under armed aggression from the neighboring states and lawlessness prevails in the State which shall ultimately hamper the investment environment in the State, and Assam becomes internationally known for being anti Forest (Conservation) Act. The deponent herein would also like to pray this Hon'ble Tribunal issue a direction to an appropriate investigating agency to enquiry into this matter and furnish a report in this regards.

Rajpal Singh

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

16. That, as regards to the statements made in paragraph 13 of the application the deponent herein begs to deny the statement that the instant application has been made bonafide in the interest of justice.
17. That, as regards to the statements made in paragraph 14 of the application the deponent herein has no comments to offer.
18. That, in view of the statements and submissions made in the foregoing paragraphs of this affidavit the deponent herein begs to submit that the prayers made in this application are not tenable and accordingly this application is liable to be dismissed.



19. That, the statements made in paragraphs
 1 to 5, 7 to 10, 11 (P), 12 to 18
 are true to my knowledge and those made in paragraphs
 6, 11 (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"

That I swear, that this 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 23rd day of April, 2024, at Guwahati.

Identified by me,

Baranta Talukdar
23.4.24.

Advocate's Clerk

Rajpal Singh

DEPONENT

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

SI. No. 5493
 Date: 23/4/2024

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.



ASEEMA CHETIA
 NOTARY
 ASEEMA CHETIA
 Kamrup & Metro Guwahati
 Regd. No.- 13514
 GOVT OF INDIA



Assam, Mizoram, Top News

Miscreants blow up school at Hailakandi near Assam-Mizoram border

NN by **NE NOW NEWS**
February 4, 2021 10:27 am

- Twitter
- Facebook
- Google News
- WhatsApp
- Telegram
- LinkedIn



A primary school at Hailakandi along



ANNEXURE - I - Series

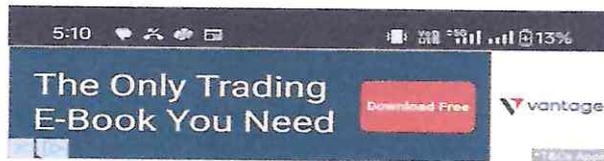
Assam, Mizoram, Top News

Cachar SP Vaibhav Nimbalkar, injured in Assam-Mizoram border clash, recovering fast

NN by **NE NOW NEWS**
July 29, 2021 8:37 pm

-24-

- Twitter
- Facebook
- Google News
- WhatsApp
- Telegram
- LinkedIn



Assam, Mizoram, Top News

Fresh tension erupts along Assam-Mizoram border month after violent clashes

NN by **NE NOW NEWS**
August 28, 2021 7:52 am

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- a. On 09-12-2023 the Beat Officer, Bilaipur Beat Office arrested 6(six) nos. of individuals of Mizoram origin within ILRF under the jurisdiction of Matijur Range, vide seizure report number MJR/FRO()/T/8() SEIZURE/288 dated 10/12/2023 (**Annexure-IIa**) and also submitted the offence report to Hon'ble Chief Judicial Magistrate, Hailakandi vide OR no M/08 (2023-24) dated 26-12-2023 (**Annexure-IIb**) for hunting over 6(six) nos of Rhesus macaque in ILRF. In this connection Beat officer, Bilaipur Beat office, recovered 6(six) Rhesus macaque carcasses and 2(two) bags of chopped meat of Rhesus macaque, 3(three) nos. of arms, 4(four) nos. of ammunitions and 2(two) nos. of machetes(*dao*) from the offenders.
- b. As per reports of Range Forest Officer, Gharmura Range vide letter number : GM/31/BORDER/2024/437 Dated:19-03-2024 (**Annexure-IIc**) it was detected that miscreants from Mizoram side had illegally built a hut in Gol-lacherra within ILRF under Gharmura Range, Hailakandi. In this regard, an F.I.R has also been lodged at Ramnathpur Police Station, Hailakandi by the Range Officer, Gharmura vide his letter number GM/31/BORDER/2024/421-22 dated: 07-03-2024 (**Annexure-IId**).
- c. Similarly, in another FIR lodged by Beat Officer, Bairabi/Ramnathpur Beat under Gharmura Range, Hailakandi, vide letter no BR/GM/FIR/2024/86-88 dated:27-03-2024 (**Annexure-IIe**) it is stated that miscreants from Mizoram side crossed the border, threatened the local people and felled trees claiming that these trees were planted by them (Mizo people).
- d. Very recently, in another incident, two numbers of Mizo miscrants namely Sri Dabiljoy Bru, S/O- Late Gopiram Bru, Vill: Damdai ,P.O-Mamit PIN-796441 and Naliram Bru, S/O- Late Judorai Bru, Vill: Damdai , House no.-203,P.O- Mamit,PIN-796441 were arrested by the Beat Officer, Bairabi/Ramnathpur Beat, Ramnathpur under Gharmura Range, Hailakandi vide seizure report number BR/GM/16/Seizure/2024-25/10-12 dated:03-04-2024 (**Annexure-IIf**) and were sent for judicial custody by the Hon'ble MM 1 Chief Judicial Magistrate vide court's order dated: 03-04-2024 in connection with CR case number 350/2024 (**Annexure-IIg**) for hunting of 85(eighty five) nos of Indian Bull frogs (covered under Schedule II of Wildlife Protection Act 1972 (Amended 2023)) within ILRF, Hailakandi .

Memo No. MJR/FRO(T)/ 8(Seizure) / 288

dt. 10 / 12 / 2023.

To,

The Hon'ble Chief Judicial Magistrate,
Hailakandi.

Sub:- Complain.

Sir/Madam,

With the subject cited above, I have the honour to inform you that on 09.12.2023 at about 3-00 p.m. I have intercepted a Maruti Car (800 model) loaded within car of 6 (six) nos. killed monkey in species of Rhesus Macaque (Macaca Mulatta) (Schedule-I) and 2(two) others for chopped meats in two bags with 6(six) nos. hunters along with 3 Arms and 4 nos. ammunition; 2 (two) Nos. Dao & 3(three) nos. Torch light illegally carrying by the vehicle bearing Registration No. MZ-01 D 2455 at Gaglcherra area. I asked them to produce the valid papers for hunting the animals but they failed to produce any papers. Then I seized the aforesaid killed wild animals along with Arms & Ammunition and other weapons and arrested the accused U/S 9, 44, 50 & 51 of Wildlife (protection) Act-1972 (amended-2009) and 379 IPC. The seized materials entered in the LMB page 013 / DVL- 06 dtd. 09.12.2023.(copy enclosed). The seizure list along with its enclosures is herewith for your needful.

Thereafter, necessary medical check-up has done to the accused in the S.K.Roy Civil Hospital, Hailakandi. The medical certificate is enclosed herewith. After medical examination, the accused are kept at Hailakandi P.S. for safe custody for remaining night hours on 09.12.2023.

On the other hand, the killed wild animals and chopped meats 2 begs are sent to the Officer Incharge, Vety. and A & H. Hailakandi for necessary post mortem vide this office letter No. MJR/ FRO(T)/ 24(Wildlife)/ 291-92 dtd. 09.12.2023 (copy enclosed). After necessary examination/ post mortem of killed monkeys by the Vety. Deptt., Hailakandi, the dead body of these monkeys have been buried at Matijuri area on 10.12.2023 as per rule.

On 10.12.2023, I received the accused from Hailakandi P.S. custody and again medical check-up of the aforesaid accused at S.K.Roy Civil Hospital, Hailakandi vide letter No.MJR/FRO(T)/24(Wildlife) / 297- 98 dtd. 10.12.2023 and necessary medical examination report is enclosed herewith. Thereafter, the accused have appeared before Hon'ble Court for your necessary action.

On 10.12.2023, I received the accused from Hailakandi P.S. custody and again medical check-up of the aforesaid accused at S.K.Roy Civil Hospital, Hailakandi vide letter No.MJR/FRO(T)/24(Wildlife) / 297- 98 dtd. 10.12.2023 and necessary medical examination report is enclosed herewith. Thereafter, the accused have appeared before Hon'ble Court for your necessary action.

The investigation is being started for details & Offence report will be submitted after completion of investigation.

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

Enclo:- As stated.

ofc

Yours faithfully,

(A.H. Mazumder) Fr-I,
Beat Forest Officer,
Bilaipur Beat: Bilaipur

GOVERNMENT OF ASSAM
FOREST DEPARTMENT Hailakandi DIVISION

OFFENCE REPORT NO. M / 08 (2023-24)

Date 26.12.2023.

REVENUE STATION : MATIJURI RANGE, MATIJURI

RANGE/ BEAT : MATIJURI RANGE, MATIJURI

Illegal hunting and carrying of wild animals & animal articles without
authority.

Date & Hours of Detection : 09.12.2023 at about 3-00 p.m.
Place of Occurance : Gaglacherra area on Bilaipur-Phaisen Road.
By whom detected. : Sri. Abul Hussain Mazumder, Fr-I
By whom Seized. : Sri. Abul Hussain Mazumder, Fr-I

Reference of Section. : 9, 44, 50 & 51 of wildlife (Protection) Act-1972
(Amended 2009) and 379 IPC.

Name of Accused

Sl. No.	Name	Father's Name	Address	P.S	District.
1	Lalnunthara Age: 43 Yrs.	Late Dina	Vill. & P.O.- Buhchang phai, Pin- 796081.	Kolasib	Kolasib (Mizoram)
2	C. Lalhminghluna Age- 43 Yrs.	Lt. C. Dosangluaia	Vill.- Diakkawn, P.O.- Tumpui Pin- 796081	-do-	-do-
3.	Lalramngaihzuala Age- 35 Yrs.	Khawvelthanga	Vill.- Diakkawn P.O.- Tumpui Pin- 796081	-do-	-do-
4.	: Lalhmingliana Age: 30 Yrs.	Khawvelthanga	Vill.- Diakkawn P.O.- Tumpui Pin- 796081	-do-	-do-
5.	Lalrindika Age: 32 yrs.	Laldinthara	Vill. & P.O.- Buhchangphai, Pin- 796081.	-do-	-do-
6.	R. Lalnunzira Age- 58 Yrs.	Denghlira	Vill.- Diakkawn P.O.- Tumpui Pin- 796081	-do-	-do-

Name of Witness

Sl. No.	Name	Father's Name	Address	P.S	Dist.
1.	Pradipul Islam, Egd		Attached to Protection Sqd. Range.		Hailakandi
2	Tahidul Islam Choudhury, B/man		Attached to Matijuri Range.		do

Fact of the case

The fact of the case is that on 09.12.2023 at about 3-00 p.m. I have intercepted a Maruti Car (800 model) carrying with of 6 (six) nos. hunted monkeys (death) species of Rhesus Macaque (Macaca Mulatta) (Schedule-I) and 2(two) others for chopped meats in two bags with 6(six) nos. hunters along with 3 Arms and 4 nos. ammunition; 2 (two) Nos. Dao & 3(three) nos. Torch light in the vehicle bearing Registration No. MZ-01 D 2455 at Gaglcherra area. I asked them to produce the valid papers for hunting the animals but they failed to produce any papers. Then I seized the aforesaid hunted (death) wild animals along with Arms & Ammunition and other weapons and arrested the accused U/S 9, 44, 50 & 51 of Wildlife (protection) Act-1972 (amended-2009) and 379 IPC. The seized materials entered in the LMB page No. 56 / DVL- 06 dtd. 09.12.2023.(copy enclosed). The seizure report along with seizure list has been forwarded to the Hon'ble Chief Judicial Magistrate, Hailakandi with a copy to the Authorized officer cum Divisional Forest officer, Hailakandi vide this Office letter No. MJR/FRO(T)/8(seizure)/288 dtd. 10.12.2023. The seizure report along with its enclosures is herewith as Annexure-I. The Arms & Ammunition and others are also produce before the Hon'ble Court on 10.12.2023 and the Hon'ble court also seen the same. The Arms & Amunition with 1(one) no. Arms License bearing No. 621/00/KLB/2018 and others weapons and aforesaid seized car are kept at Divisional Forest Office custody, Hailakandi.

Thereafter, necessary medical check-up has done to the accused in the S.K.Roy Civil Hospital, Hailakandi. The copy of medical certificate is enclosed herewith as Annexure-II. After medical examination, the accused are kept at Hailakandi P.S. for safe cusdoty for remaining night hours on 09.12.2023.(copy enclosed as Annexure-III)

On the other hand, the hunted death wild animals and chopped meats 2 begs are sent to the Officer Incharge, Vety. and A & H, Hailakandi for necessary post mortem vide this office letter No. MJR/ FRO(T)/ 24(Wildlife)/ 291-92 dtd. 09.12.2023. (copy enclosed as Annexure-IV). After necessary examination/ post mortem of died monkeys by the Vety. Deptt., Hailakandi, the dead body of these monkeys have been burried at Matijuri area on 10.12.2023 on observing formalities.

On 10.12.2023, I received the accused from Hailakandi P.S. custody vide this office letter No. MJR/FRO(T)/ 24(Wildlife)/295-296 dtd. 10.12.2023 thereafter medical check-up of the aforesaid accused at S.K.Roy Civil Hospital, Hailakandi vide letter No.MJR/FRO(T)/24(Wildlife) / 297- 98 dtd. 10.12.2023 and necessary medical examination report is enclosed herewith. (copy enclosed as Annexure-V to XII).

Thereafter, the accused have appeared before Hon'ble Court for your necessary action.

Contd.P/2.

= 2 =

The Post mortem report of each monkeys received from Dr. Jayanta Kumat Talukdar Vety. Officer,, State Veterinary Dispensary, Hailakandi vide his Memo No. SVD/HKD/2023-23/87 dtd. 12.12.2023. The Post morterm report along with it's enclosures is enclosed as Aneexure-XIII.

Before being sent to court the accused has given written statements after interrogation admitted their guilt. The recorded statements are enclosed herewith as Annexure- XIV to XIX.

Investigation being on 12.12.2023 as per recorded statement of 6(six) nos. accused persons and proceeded to the alleged spot at Krishnapur area and iasked to the local people of the area but did not they express in this regards. Then I repeated visit in and around the said area and after on 24.12.2023 I find out the clue of same incident from that locality while a villager came in front of me name Sri. Mizazur Rahman Mazarbhuiya S/O. Hasan Raja Mazarbhuiya of Vill.- Rong pur P.O.- Rongpur South P.S.- Lala Dist.- Hailakandi and he told me and learned that 6(six) nos. of Mizo People halt at Ratanpur Took M.E. School, Rongpur at night on 08.12.2023. Next morning on 09.12.2023, he along with other persons proceeded to the said School and warn them to leave the spot then they vacate and leaved the said spot. Then after at about 8-00 a.m. he heard that some monkeys killed by hunter at Badurala pool at Rongpur-VI which distance from the halted place approx. 1-5 K.M. and also he heard from his neighbouring that the some monkeys hunted by unknown Mizo People and then villagers chased the hunters in order to save the monkeys. Most probably, the said Mizo persons killed and hunted the monkeys from the Badurala pool area. The statement of Mijajur Rahmand Mazarbhuiys is enclosed as Annexure-XX. Then I proceeded to Badurala pool area as guided by kindnes persons Sri. Mijajur Rahman Mazarbhuiya and thorough enquired in the area and discovered some blood stains.

I have satisfied on field level enquiry with revels of blood stains at the completion of enquiry and submitted.


(A.H. Mazumder) Fr-I
Investigation Officer

Memo no:GM/31/BORDER/2024/437

Date:19-03-2024

To

The Divisional Forest Officer
Hailakandi Division
Hailakandi

Sub: Status report on hut recently built illegally by miscreants from Mizoram side at disputed area of
Gollachera, Hailakandi

Ref: Your telephonic instruction

Sir,

With reference to the subject cited above, I have the honour to inform you that on 07-03-2024 a joint patrolling was conducted by staff of Gharmura Range and Ramnathpur Police Station, Hailakandi at Gollachera, Hailakandi. During the patrolling it was detected that miscreants from Mizoram side had illegally built a hut at the disputed bordering area of Gollachera, Hailakandi. In this regard a letter was written to O.C Ramnathpur P.S, Hailakandi vide letter no. GM/31/BORDER/2024/421-22 dated: 07-03-2024 to take necessary steps to dismantle the house. Accordingly, telephonic communications were made with OC Bairabi P.S, Mizoram in this regard. Later, we were informed by OC Bairabi P.S that the hut built illegally at the disputed area in Gollachera was dismantled by the authorities of Mizoram which were corroborated by photographs sent by O.C Bairabi P.S. During our subsequent patrolling it was found that the house was indeed dismantled.

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

Encl:1. Letter to OC Ramnathpur

2. Photographs of dismantled house sent by OC Bairabi P.S

Yours faithfully



Range Forest Officer
Gharmura Range,
Hailakandi



GOVERNMENT OF ASSAM
OFFICE OF THE RANGE FOREST OFFICER: GHARMURA RANGE::
GHARMURA.

Memo No:-GM/31/BORDER/2024/421-22

Date :- 07-03-2024

To,

The officer Incharge,
Ramnathpur Police Station
Hailakandi

Sub:- Illegal construction of hut by miscreants from Mizoram side at Gollacherra, Hailakandi Assam

Sir,

With reference to the subject cited above, I have the honour to inform you that during a joint patrolling of Assam Mizoram border at Gollacherra by staffs of Gharmura Range Office and Ramnathpur Police Station, it was observed that few miscreants from Mizoram side has illegally built a hut on the disputed area of Assam Mizoram border, approximately 500mt towards south of Gollachera BOP, within the territory of Assam. This is a clear threat to the status quo and prevailing peaceful situation at the border. Hence you are requested to take necessary steps in border to dismantle the aforementioned house.

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

Enco: Picture enclosed.

Yours faithfully

Range Forset Officer,
Gharmura Range
Gharmura

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

Range Forset Officer,
Gharmura Range
Gharmura

**GOVT. OF ASSAM
OFFICE OF THE BEAT FOREST OFFICER BHAIRABI BEAT::RAMNATHPUR::**

Memo No:-BR/GM/FIR/ 86 – 88 /2024

Date:27-03-2024

To,
The Officer in charge,
Ramnathpur police station

Sub:- FIR for illegal felling and destroying jungle and enquiry thereof.

Sir,

With the subject cited above I have the honour to state that on 25-03-2024 at 1.25 PM I along with other staff and 21st battalion of BOP Camp sahebmaru proceeded at sahebmaru in ILRF area of dispute state border and I saw 7(seven) nos of fresh cut teak stump and outturn removed from the spot. The raw saw dust as evidence then I seized the stumps without culprits under section 49(I) and 24,25 of vol. vii of 1891 and amended Act 1995 as there no one available at the time of seizure . Later on the fact is learnt from the witnesses of the local migrators name 1)Sri Safique Uddin Laskar 2) Sri Rahim Uddin Laskar S/O Lt Moina Mia Laskar of village Sahebmaru P.S Ramnathpur Dist. Hailakandi,Assam 3) Jahanara Begum Laskar W/O Lt. Aklas uddin Laskar vill: Sahebmaru P.S: Ramnathpur Dist: Hailakandi,Assam that some Mizo and losai people came across the river with machineries from Mizoram side and forceably cut down trees and sawn the round logs around the area and instantly taken away from the spot and claims their planted trees there for you are requested to register the case and investigate the matter of reality for needful action and report compliance.

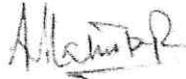
Yours faithfully

/
(A.H MAZUMDER)DY/R
Beat Forest Officer,
Bhairabi Beat,
Ramnathpur

Copy to:

1) The DFO Hailakandi Division, Hailakandi for favour of his kind information and necessary action this refer to his letter dtd:24.03.2024.

2)The Range forest officer Gharmura Range for favour of his kind information and necessary antion.


(A.H MAZUMDER)DY/R
Beat Forest Officer,
Bhairabi Beat,
Ramnathpur


Officer in charge
Ramnathpur Police Station
28/03/24
M. 1:57 AM

Memo No. BR/GM/16/(Seizure) /2024-25/10-12

Date: 03/04/2024.

To,

The Hon'ble Chief Judicial Magistrate,
Hailakandi.

Sub:- Seizure Report.

Sir/Madam,

With reference to the subject cited above, I have the honour to inform you that during the course of regular patrolling, on 02-04-2024 at about 03:00PM, I along with my team accompanied by election flying squad team found and detected one vehicle bearing registration number MZ01H7804 (Pulsar NS200) at Ramnathpur within Inner Line RF and a gunny bag of carcasses of Indian Bull Frog with two person , namely Dabiljoy Bru, S/O- Late Gopiram Bru Vill: Damdiai P.O- Mamit, Mizoram ,PIN-796441 and Naliram Bru S/O- Late Judorai Bru Vill: Damdiai , House no.- 203 P.O- Mamit, Mizoram PIN-796441.

. Upon detection, I arrested two person immediately for committing the following offence:

1. Hunting of Bull Frog (included in Schedule-II of Wildlife Protection Act 1972) which is offence u/s 9 of Wildlife Protection Act 1972.
2. Illegal trespass into Reserved forest which is an offence u/s 24(a) of Assam Forest Regulation Act 1891

and arrested the accused u/s 50, 51 (1) of Wildlife Protection Act 1972

In this regard, I have also seized both the vehicle and the aforesaid gunny bag of 85(Eighty Five)carcasses of Indian Bull Frog. Thereafter, I have collected Veterinary Medical Certificate from Veterinery Dispensary, Hailakandi related with letter no. BR/GM/hunting/02-04/2024. Dated 02/04/2024

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

Encl: Seizure List

Yours faithfully



(A.H Mazumder, DY. R)
Beat Forest Officer
Bhairabi Beat, Ramnathpur

SEIZURE LIST

1. Date of Detection : 02-04-2024 at about 3:00 PM
2. Date of Seizure : 02-04-2024 at about 3:00 PM
3. Place of Occurrence : Ramnathpur area.
4. By whom detected : Sri Umananda Gogoi, Fgd.
5. By whom Seized : Sri Abul Hussain Mazumder, Dy.R.
6. Ref. of Section : U/S. 9, 50, 51 (1) of WPA 1972 and Section 24 (A) of AFR Voll- VII of 1891.

I Sri Abul Hussain Mazumder, Deputy Ranger, Beat Forest Officer, Bhairabi Beat, Ramnathpur do hereby seized the following Carcasacs of 85 Nos. Indian Bull frogs and a Motor Cycle Registration No. MZ01H-7804 in possession of -

1. Sri Dabiljoy Bru, S/o- Lt. Gopiram Bru, Vill- Damdiai, P.O. & Dist- Mamit, Mizoram-796441.
2. Sri Naliram Bru, S/o- Lt. Judorai Bru, House No. 203, Vill- Damdiai, P.O. & Dist- Mamit, Mizoram-796441 at Ramnathpur area inside Inner Line Reserved Forest in presence of eye witnesses.

DABILJOY BRU

Signature of Accused

NALIRAM BRU

Abul Hussain Mazumder

Signature of Seizing Officer
(A.H.Mazumder) Dy.R
Beat Forest Officer,
Bhairabi Beat, Ramnathpur

Signature of Witness

Rupam Konwar fgd
Umananda gogoi fgd

Assam Schedule VIII, Form No.127.
High Court Criminal Form No.(M)106.

ORDERSHEET FOR MAGISTRATE'S RECORD

District:- HAILAKANDI.

IN THE COURT OF MM I CUM CHIEF JUDICIAL MAGISTRATE :::::::::: HAILAKANDI

State CR Case No. 350/2024

U/S- 9,50,51(1) of wild life protection Act1972(Amended in 2023) U/S 24(a) of Assam
Forest Regulation Act

DATE _____ ORDER _____ SIGNATURE _____

Later On

03.04.24

Also seen the prayer of Beat Forest officer, Bhairabi Beat, Ramnathpur for allowing him to disposed the carcasses of the bull frogs seized in this case

Perused of medical examination report reflects that all the 85 nos of Indian Bull frogs are dead and rapidly decomposing.

Considering the medical examination report , the prayer is allowed. The Beat Forest Officer shall disposed of the carcasses as per procedure laid down by regulations.

Also Seen the bail petition no 384/23 is filled for accused persons .

Heard. Perused the case record.

Call for offence report.

Inform the I.O accordingly.

G.R Assistant is to take step.

Fixing on: 06/04/2024 for offence report



[Handwritten Signature]
MM I
Hailakandi
12/12/2024

Assam Schedule VIII, Form No.127.
High Court Criminal Form No.(M)106.

ORDERSHEET FOR MAGISTRATE'S RECORD

District:- HAILAKANDI.

IN THE COURT OF MM I CUM CHIEF JUDICIAL MAGISTRATE :::::::::: HAILAKANDI

State CR Case No. 350/2024

U/S- 9,50,51(1) of wild life protection Act1972(Amended in 2023) U/S 24(a) of Assam
Forest Regulation Act

DATE

ORDER

SIGNATURE

Later On

03.04.24

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Heard. Perused the case record.

Call for offence report.

Inform the I.O accordingly.

G.R Assistant is to take step.

Fixing on: 06/04/2024 for offence report



MM I
Hailakandi
[Signature]
[Stamp]

615

— 37 —
ANNEXURE — III

No. J.31015/5/2021-DC(K)/
OFFICE OF THE DEPUTY COMMISSIONER
KOLASIB DISTRICT : KOLASIB

Dated Kolasib the 5th January, 2024.

To,

The Deputy Commissioner
Cachar District
Silchar

Subject: Encroachment by Assam Forest Department - regarding.

Sir,

I would like to bring to your kind notice that farmers from Vairengte Town, Mizoram who possess farms for cultivation at Vairengte Town area close to Assam border which we called it 'Sihpui Zau' in mizo could no longer attend to their farms activity. Very sadly more than 10 families had to abandoned their agricultural land which they legally possessed under the Pass issued by agriculture Department of Mizoram.

One Mr. Phirthanga (late) who owned agriculture land close to Assam border used to engage one Mr. Zasir S/o Kudai from Assam to look after his land and this Mr. Zasir would be giving rice, fish etc. (in kind) to Mr. Phirthanga (L) to show gratitude as rent to Mr. Phirthanga. This has also been discontinued by Mr. Zasir for two years as he claims that this cultivable land now belongs to him and not the deceased Mr. Phirthanga. Further, one Mr. L. Khumtira F/o Lalrinmawia also owns teak plantation in the same area close to Assam border and Mr. Khumtira has not been permitted by Assam Forest officials to enter his teak plantation area. Kindly take necessary action so that the said farmer is not obstructed from going to his teak plantation.

As per the report I received, in between Christmas and New Year 2024, Assam Forest officials had conducted Forest/land survey at the cultivation areas owned by Pu L. Khumtira which is a violation of joint statement signed by both the Mizoram and Assam Governments. On 3/01/2024 also Forest officials and Police from Assam side had entered teak plantation area owned by L. Khumtira.

I would like to draw your kind attention that if this survey of forest areas at the Mizoram side continues I am afraid a bigger problem may occur. The joint statement signed by Home Minister of Mizoram and Minister for Border Protection and Development, Assam on 9th August, 2022 has to be preserved and respected. Let the status quo be maintained by both sides as per the Joint Statement.

In view of the above, kindly look into the matter and inform Forest officials from Assam side not to violate the Status quo so as to prevent further misunderstanding in the Mizoram - Assam border and let peace and tranquility prevails for the benefits of people living on both sides of the border.

Yours faithfully,



(JOHN LT SANGA)

Deputy Commissioner
Kolasib District: Mizoram

Memo No. J. 31015/5/2021-DC(K)/ : Dated Kolasib, the 5th Jan, 2024.

Copy to:

1. Commissioner and Secretary, Home Department, govt. of Mizoram Aizawl for information.
2. Superintendent of Police, Kolasib District for information.
3. Superintendent of Police, Cachar District for information.
4. Divisional Forest Officer, Kolasib District for information.
5. Divisional Forest Officer, Cachar District for information.
6. Sub Divisional Officer(C), Vairengte for information
7. Office file.



Deputy Commissioner
Kolasib District: Mizoram

-39-
ANNEXURE - IV

← Post



Rohit Choudhury
@Rohitskaziranga

Follow

When fences eat crops...!! @byadavbjp
@SPYadavIFS @bivashranjan2
@BorthakurPaban @gpsinghips
@cmpatowary @moefcc @ntca_india @wii
_india @CMOfficeAssam @mygovassam
@samirsinha69 @DIR_VAC_ASSAM
@kaziranga_ @manasnptr @namerinptr
@OrangTiger @PobitoraWlRange



m.nenow.in

Assam: PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion

21:52 · 25 Dec 23 · 1,009 Views

Replying to @Rohitskaziranga @byadavbjp and 17 others

Post your reply



Reply



← Post



Rohit Choudhury
@Rohitskaziranga

Follow

PCCF & HoFF @assamforest says 44 hectares cleared for setting up “tent” for Commando Battalion. Satellite imagery (21st January 2024 image of Google Earth) shows otherwise. Is this not lying under oath? @moefcc @mygovassam @assampolice



15:15 · 20 Feb 24 · 1,700 Views

3 Reposts 1 Quote 11 Likes



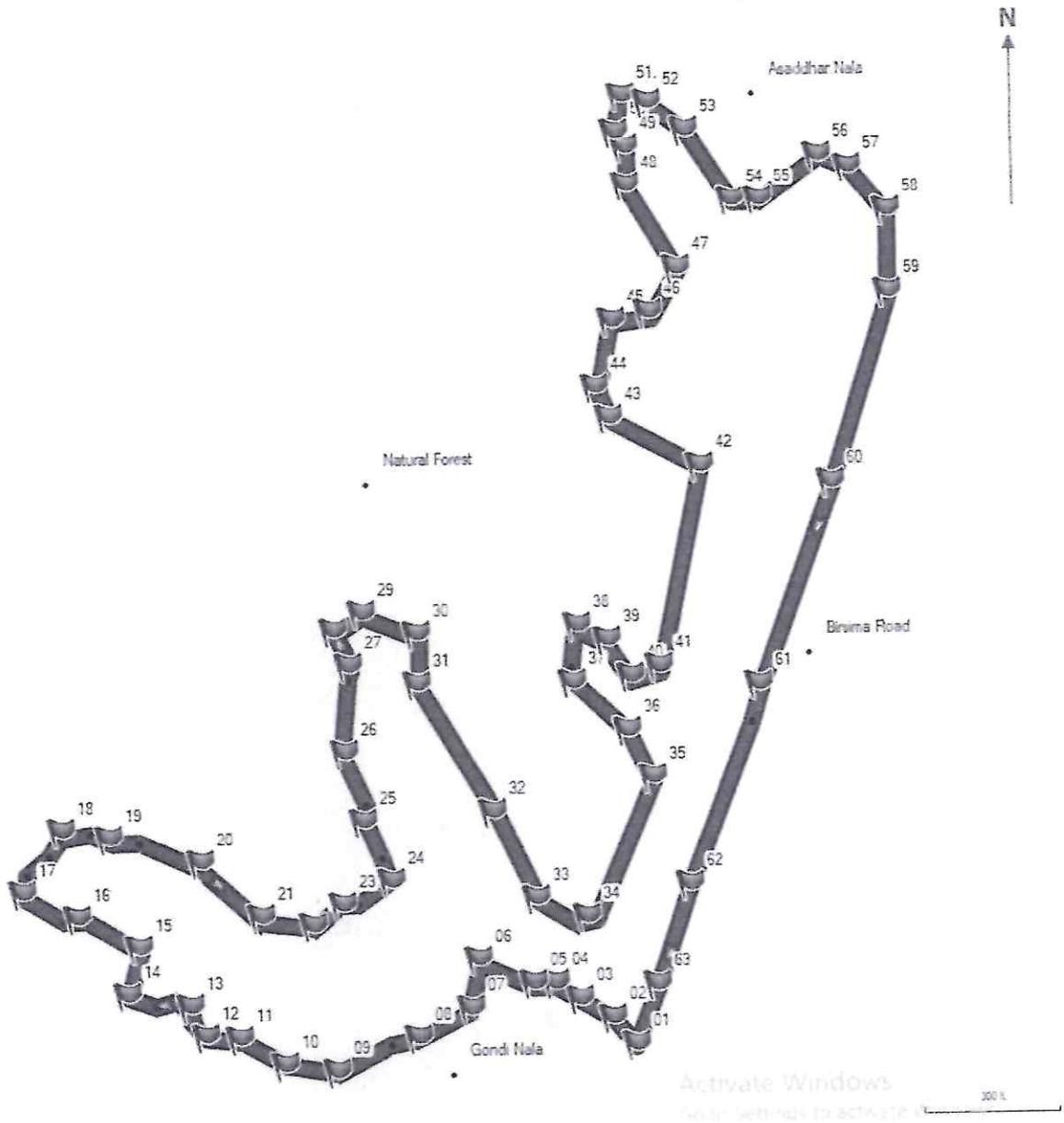
BankNifty Scalper @BNFddxtr... · 21 Feb
Replying to @Rohitskaziranga @assamforest and 3 others

Perjury- false statement under oath resulting

Post your reply



Traverse Map for 2nd Commando Battalion Camp at Damcherra under Gharmura Range, Haifakandi Division.
 Surveyed Area :- 11.5 Ha



Sl. No.	GPS Coordinate	Sl. No.	GPS Coordinate	Sl. No.	GPS Coordinate
1	N24 16 29.3 E92 29 21.0	2	N24 16 29.9 E92 29 20.5	3	N24 16 30.3 E92 29 19.6
4	N24 16 30.6 E92 29 18.9	5	N24 16 30.6 E92 29 18.3	6	N24 16 31.2 E92 29 16.9
7	N24 16 30.1 E92 29 16.7	8	N24 16 29.5 E92 29 15.3	9	N24 16 28.8 E92 29 13.1
10	N24 16 28.9 E92 29 11.7	11	N24 16 29.5 E92 29 10.5	12	N24 16 29.6 E92 29 09.6
13	N24 16 30.2 E92 29 09.2	14	N24 16 30.5 E92 29 07.6	15	N24 16 31.5 E92 29 07.9
16	N24 16 32.2 E92 29 06.3	17	N24 16 32.7 E92 29 04.8	18	N24 16 34.1 E92 29 05.9
19	N24 16 33.9 E92 29 07.2	20	N24 16 33.4 E92 29 09.6	21	N24 16 32.2 E92 29 11.2
22	N24 16 32.0 E92 29 12.5	23	N24 16 32.4 E92 29 13.3	24	N24 16 32.9 E92 29 14.6
25	N24 16 34.2 E92 29 13.9	26	N24 16 35.7 E92 29 13.4	27	N24 16 37.6 E92 29 13.6
28	N24 16 38.4 E92 29 13.2	29	N24 16 38.8 E92 29 13.9	30	N24 16 38.3 E92 29 15.4
31	N24 16 37.2 E92 29 15.4	32	N24 16 34.4 E92 29 17.3	33	N24 16 32.5 E92 29 18.5

Cont. page 2

Sl. No.	GPS Coordinate	Sl. No.	GPS Coordinate	Sl. No.	GPS Coordinate
34	N24 16 32.1 E92 29 19.8	35	N24 16 35.1 E92 29 21.6	36	N24 16 36.1 E92 29 20.9
37	N24 16 37.2 E92 29 19.5	38	N24 16 38.5 E92 29 19.6	39	N24 16 38.1 E92 29 20.4
40	N24 16 37.3 E92 29 21.1	41	N24 16 37.5 E92 29 21.8	42	N24 16 41.9 E92 29 23.0
43	N24 16 43.0 E92 29 20.6	44	N24 16 43.7 E92 29 20.2	45	N24 16 45.2 E92 29 20.7
46	N24 16 45.3 E92 29 21.7	47	N24 16 46.3 E92 29 22.4	48	N24 16 48.1 E92 29 21.1
49	N24 16 49.0 E92 29 21.1	50	N24 16 49.3 E92 29 20.9	51	N24 16 50.1 E92 29 21.1
52	N24 16 49.9 E92 29 21.7	53	N24 16 49.3 E92 29 22.7	54	N24 16 47.7 E92 29 23.9
55	N24 16 47.7 E92 29 24.6	56	N24 16 48.7 E92 29 26.2	57	N24 16 48.5 E92 29 27.0
58	N24 16 47.5 E92 29 28.0	59	N24 16 45.7 E92 29 28.0	60	N24 16 41.6 E92 29 26.4
61	N24 16 37.1 E92 29 24.4	62	N24 16 32.8 E92 29 22.5	63	N24 16 30.6 E92 29 21.6

Submitted

①
 Range Forest Officer
 Gharmura Range Officer
 Hailakandi
 Gharmura Range
 Gharmura

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

1. **District:** Delhi **PS:** EO-II Delhi
Year: 2023
FIR No: RC2202023E0013 **Date:** 19/04/2023

2. **Acts & Sections:**

Acts	Sections	R/W Section
Foreign Contribution (Regulation) Act, 2010	35	7,8,12(4)(vi),37 & 39

3. **Suspected offences:**

(a) **Occurrence of offence:**

Day: **Time Period:**
From Date: 2013 **To Date:** 2022

(b) **Information Received at PS:**

Date:

(c) **General Diary Reference:**

Entry No.: 04
Date: 19/04/2023 **Time:** 17:18:37

4. **Type of Information:** Others

5. **Place of Occurrence:** New delhi

(a) **Direction & distance from PS:**

Beat No.:

(b) **Address:**

Plot No.: **Area:**
City: **Pin:**
State: **District:**

(c) **In case, outside the limit of this Police Station, then Name of PS:** **District:**

6. **Complainant / Informant:**

Complainant 1

(a) **Name:** Mr. Jeetendar Chadha

(b) **Father's/Husband's Name:**

(c) **Date/Year of Birth:**

(d) **Nationality:** INDIAN

(e) **Passport:**

Passport No.	Date Of Issue	Place Of Issue
--------------	---------------	----------------

(f) **Occupation:** Director (MU)

(g) **Address:**

Plot No	Area	City	State	District	Pin
Major Dhyan Chand National Stadium,	India Gate Circle,		NCT Of Delhi		110001

7. **Details of known/suspected/unknown accused with full particulars:**

Accused 1

Name: Mr. Ritwick Dutta

Address:

Accused 2

Name: Legal Initiate For Forest And Environment (LIFE)

Address:

N-71 Lower Ground Floor,, Greater Kailash-I, NCT Of Delhi

8. **Reasons for delay in reporting by the complainant/informant:**

No delay

9. Particulars of properties stolen:

Item Name	Age of Property	Estimated Value (in INR)
-----------	-----------------	--------------------------

10. Total value of property stolen:

11. Inquest Report/U.D. Case No., if any:

12. First information contents:

As communication dated 21.03.2023 has been received from Mr. Jeetendar Chadha, Director (MU), MHA, Delhi through Policy Division regarding violations of various provisions of The FCRA, 2010 by Legal Initiative for Forest and Environment (LIFE), Delhi and its office bearer.

The main allegation is that Ritwick Dutta received Rs. 41 lac as Foreign Contribution in 2013-14 and thereafter he created LIFE Proprietorship which received Rs. 22 crore from Earth Justice USA as professional receipt and it is alleged that LIFE and EJ are in the process of stalling coal projects in India. It is further alleged that EJ and Sandler Foundation are trying to take down India's existing or proposed coal projects and ECF (European Climate) is routing \$120,000 via EJ to Life for litigation. They have further alleged that the association has transferred Foreign Contribution to NGO's which is violation of the Section 7 of FCRA, 2010.

Therefore, Regular Case may be registered against M/s LIFE and its proprietor Sh. Ritwick Dutta, u/s 7, 8, 12 (4) (vi), 35, 37 & 39 of Foreign Contribution (Regulation) Act, 2010.

13. Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item No.2:

(1) Registered the case and took up the investigation: Yes

OR

(2) Directed

Name of IO:

AJAY KUMAR TIWARI

Rank:

INSPECTOR (EO-II Delhi)

No:

97420

to take the investigation

OR

(3) Refused investigation due to:

OR

(4) Transferred To PS:

District:

on point of jurisdiction.

Attached documents:

Document name

Complaint

FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

R.O.A.C.

14. Signature/Thumb Impression of the complainant/informant

Signature of Officer
in-charge Police Station

Name: Nipun Gupta

Rank: SUPDT. OF POLICE (EO-II Delhi)

15. Date and time of dispatch to the Court:

निपुण गुप्ता/NIPUN GUPTA
पुलिस अधीक्षक/Suptd. of Police
के.आर. बूरो, आ.अ. -II, नई दिल्ली
CBI, EO-II, New Delhi

623

-45-

Dy. No. 220202303240004

Dtd. 24/03/2023



C/O ID & B...
Dy. No. 308

शिकायत एवं समन्वय प्रकोष्ठ,
नीति प्रभाग, 10वीं मंजिल

सी.बी.आई. मुख्यालय

लोधी रोड, नई दिल्ली-110003

Complaint & Coordination Cell,
Policy Division, 10th floor,

CBI Headquarters, Lodhi Road,
New Delhi-110003

E-mail: aigcc.cell@cbi.gov.in
Website: www.cbi.gov.in
Phone: 011-24362700
Ext No. 4126

केंद्रीय अन्वेषण ब्यूरो
CENTRAL BUREAU OF INVESTIGATION

Confidential/Urgent

Subject: Investigations u/s 43 of The Foreign Contribution (Regulation) Act, 2010 (FCRA, 2010) for violations of various provisions of The FCRA, 2010 by the Legal Initiative For Forest And Environment (LIFE), Delhi (FCRA Registration no. 231661342R) and its office bearers-reg.

Please find enclosed herewith a references no. II/21022/58(88)/2023-FCRA (MU) dated 21.03.2023, received from Shri Jeetendar Chadha, Director (MU), Foreigners-II Division, MHA, New Delhi; on the subject cited above for necessary action at your end.

2. This office may please be provided with action taken on the reference.

SP-IV / HOS-FO-II
MK
24/3/23

Encl: As above.

HoZ, EO-I Zone, CBI, New Delhi.
CBI ID No. 30/10(MHA)/2023/PD(218)/1125

(T.P. Singh)
AIG(Complaint & Coord.),
Policy Division, CBI,
New Delhi.

Dated: 23.03.2023

F.No. II/21022/58(88)/2023-FCRA (MU)
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/ Grih Mantralay
 (Foreigners-II Division)

Office of the Director
 CBI New Delhi

1372-CGO
 Dy. No. 23/03/2023
 Dated 23/03/2023

Major Dhyan Chand National Stadium,
 India Gate Circle, New Delhi-110001,
 Office of JD(P)/CBI
 Dated, the 2nd March, 2023
 Dy. No. 805.../CGO

To

The Director,
 Central Bureau of Investigation,
 Plot No. 5-B, CGO Complex,
 Lodhi Road,
 NEW DELHI-110003

Dated 23/03/23

DIRECTOR CBI

HOZ/JD (P) (Rajay)

23/3/23

Moorthi
 spm

Subject: Investigations under section 43 of The Foreign Contribution (Regulation) Act, 2010 (FCRA, 2010) for violations of various provisions of The FCRA, 2010 by the Legal Initiative For Forest And Environment (LIFE), Delhi (FCRA Registration no. 231661342R) and its office bearers-regarding.

Sir,

I am directed to say that the LIFE is an association registered under the FCRA, 2010 on 18/06/2012 for social activity having its office address at N-71 Lower Ground Floor, Greater Kailash-I, New Delhi. (Details of the association enclosed)

2. This Ministry has received a report bringing out the following:-

- i. Ritwick Dutta received Rs. 41 Lakh in foreign contribution (FC) in FY 13 & 14 from EJ (Earth Justice USA). (He created LIFE Proprietorship) which subsequently received Rs. 22 crore from EJ during FY 16-21, as 'professional receipt'. (EJ is an American NGO that funds legal professionals in various countries to litigate against coal projects.) Funds continued to flow from EJ to Dutta, with objective to litigate
- ii. EJ and LIFE were complicit in bringing FC into India to target and stall coal projects, which is an FCRA violation and it impacts economic security of India. Receipts by LIFE from EJ, masked as 'professional receipts', was actually funding for targeting and stalling development projects. LIFE was not offering legal advice to EJ for financial consideration, but being paid foreign funds to stall development projects. In none of the Cases was EJ a litigant, while in all, LIFE was the litigant. In FY 20-21, agreement between LIFE and EJ, USA shows that EJ funded LIFE for litigation in Indian Courts, more in the form of grants to litigate but not in EJ's name.
- iii. EJ proposed a 5-point strategy "to put pressure on the relevant Government and/or the project proponent" and asked Dutta to suggest a project as case study for an international session (April 2017) "to study the application of international strategies to a case in India".
- iv. EJ and Sandler Foundation, USA were proposing to fund legal activism and take-down India's existing or proposed coal projects, a violation of FCRA. These funds were meant to harm India's national economic security. ECF (most likely European Climate) is routing \$120,000 via EJ to LIFE for litigation. The cases on which LIFE was the litigant, were actually funded by EJ or ECF, both of which were not litigants.

Jehli

3. It is also reported that the association has transferred FC to the NGOs in violation of section 7 of the Act. It has been further intimated that the association is receiving and utilising FC for purposes other than that for which it is registered and the association is utilising FC for undesirable purposes in violation of section 8 of the Act and conditions of registration under section 12(4)(a)(vi) of the Act. It has been also intimated that the activities of the association are likely to affect prejudicially the economic security of the state in violation of section 12(4)(f)(ii) of the Act.

4. Therefore, in terms of the provisions of section 43 of The FCRA, 2010 and the Govt. of India's notification No. S.O. 2446 (E) dated 27th October, 2011, the matter is entrusted to the CBI for further investigation as per law. It is further requested that if during the course of the investigation, it comes to the notice of the CBI that violations of other specific statutes like The Income Tax Act, The Prevention of Money Laundering Act (PMLA), etc. have also taken place, the CBI may send suitable references to the competent authorities administering those relevant Acts for appropriate follow up action.

5. This issues with the approval of the competent authority.

Encl: as above

Yours faithfully



(Jeetendar Chadha)
Director (MU)

Ph. No:- 011&23077504

List of enclosed documents

1. The CBDT's OM no. 289/MHA/66/2022-IT (MU-II) Dated 9.11.2022.

928-03000-2)

14-11-2022

C-2560745/11/22
10/11

21 37

SECRET

10/11

F.No.289/MHA/66/2022-IT(Inv.II)

Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

Room No. 155A, North Block,
New Delhi, the 9th November, 2022

OFFICE MEMORANDUM

Sub: Sharing of information in the case of Legal Initiative for Forest and Environment (LIFE) by Income Tax Department - reg.

Kind reference is invited to the above.

2. In this regard, a survey operation u/s 133A of the Income Tax Act, 1961 was conducted on 07.09.2022 by the Income Tax Department in the case of six (6) Entities, including in the case of Legal Initiative for Forest and Environment (LIFE).

3. In the above context, kindly find enclosed copy of note (Annexure A) encapsulating the relevant evidences/findings emanating out of the aforementioned survey operation regarding apparent FCRA violations, which may have a bearing under the relevant statutes administered by the Ministry of Home Affairs. The aforementioned note is shared for your kind information and necessary action, as deemed appropriate.

4. This issues with the approval of the Chairman and Member (Inv.), CBDT.

Encl.: As above.

Yours faithfully,

(Rajesh Kumar Kedia)
Commissioner (Inv.), CBDT
Telefax: 23092177

To
Shri Ajay Kumar Bhalla
The Home Secretary,
Ministry of Home Affairs,
North Block
New Delhi - 110001

Handwritten notes and signatures on the left margin:
- 2-11/11/22 AS/157
- ml. 11/11
- examine
- but ab.
- 15/11/2022
- 15 (Inv.) - II
- 28
- 14/11/22
- 14/11/22
- Singh

Legal Initiative for Forest and Environment (Life)

PAN	AAATL8409L
DATE OF INCORPORATION	20-05-2008
ADDRESS	N-71 Lower Ground Floor Greater Kailash - I Delhi 110048
JURISDICTION	WARD EXEMPTION 1(4), DELHI

1 Background and profile of entity

- 1.1 Legal Initiative for Forest and Environment (LIFE) claims itself to be a national level public interest environmental law group in domain of law, science and advocacy to protect environment. LIFE is also registered under FCRA.
- 1.2 The contribution received from LIFE under FCRA is for "Social" purposes however, it is being utilized for Environmental Research Work which is a deviation from FCRA rules. The publications of LIFE, also available on its website, are related to environmental works.
- 1.3 Income tax profile of LIFE trust as per ITR is provided below:

AY		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Voluntary Contribution	Corpus Fund Donation	0	0	0	0	0	0
	Other Than Corpus Fund Donation	1,00,000	16,25,000	16,60,000	6,39,000	12,00,000	11,00,000
Foreign Contribution		1,03,21,285	38,63,245	1,02,91,754	1,06,63,125	1,24,34,426	97,83,029
Total Receipts		1,11,54,926	61,58,259	1,27,62,826	1,16,03,938	1,40,07,626	1,11,90,930
Application of income for charitable or religious purposes or for the stated objects of the trust/institution	Amount applied during the previous year - Revenue Account	89,18,049	64,21,803	84,02,069	85,73,060	1,23,73,453	1,16,87,599
	Amount applied during the previous year-Capital Account	0	67,300	18,480	1,14,306	81,324	62,078

- 1.4 Shri. Ritwick Dutta is a legal professional. Professional services ought to be in

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Legal Initiative for Forest & Environment (LIFE)

context of provision of legal services to his client. Legal service will be representation of case where client is also a party. Professional service will not entail:

- Drawing five-year program
- Tracking approval and thereafter obstructing process
- Garnering anti-public opinion across the board project approved/processed in terms of environmental laws.
- Drawing up strategies to exert pressure on central government or state government or project proponent.

1.5 Report available on public domain (https://www.cepf.net/sites/default/files/finalreport_life_westernghatsconservation.pdf) on Western Ghats shows that Earth Justice has donated funds to LIFE Trust for carrying out projects. It also indicates that funds are given by Earth Justice in form of donations/contributions rather than in form of professional fees.

36. Provide details of any additional funding that supported this project and any funding secured for the project, organization, or the region, as a result of CEPF investment

LIFE/ERC has secured funding to take forward the ERC work.

Donor	Type of Funding*	Amount	Notes
Duleep Mathai Nature Conservation Fund	Grant	USD 20,000	
Earth Justice	Grant	USD 20,000	

* Categorize the type of funding as:

Template version: September 10, 2015

Page 16 of 17

1.6 Analysis of FC-4 form of LIFE trust for FY 2014-15 shows that Earth Justice was also donor to LIFE Trust during 2015-16. It also indicates that nature of funds given by Earth Justice are in the form of donations rather than any professional fees. Relevant part of form FC-4 of Life Trust is provided below:

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Legal Initiative for Forest & Environment (LIFE)

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Form FC-4

{Sec rule 17(1)}

The Secretary to the Government of India,
Ministry of Home Affairs,
Foreigners Division (FCRA Wing)
"First Floor NDCC-II Building,"
LJAI SINGH Road
New Delhi - 110001

Subject: Account of Foreign Contribution for the year ending on the 31st March, 2015

1. Association FCRA registration number and name

(i). Number : 231661342
(ii). Name : Legal Initiative for Forest and Environment

2. Details of receipt and utilisation of foreign contribution :

i. Foreign Contribution received in cash/kind (value):

a) Brought forward foreign contribution at the beginning of the year (Rs.)	6443318.00000
b) Interest or other receipt during the year	85277.00000
c) Foreign Contribution received during the financial year	
i) Directly from a foreign source	5156795.00000
ii) as transfer from a local source	3014290.00000
d) Total Foreign Contribution (a+b+c) (Rs.)	14699510.00000

*i.e. interest accrued on foreign contribution, or any other income derived from foreign contribution, e.g. sale proceeds from assets created from contribution, or interest thereon during the year

ii (a). Donor wise detail of foreign contribution received in excess of rupees 20,000:

Sl.No	Name of donors	Institutional/Individual	Detail of the donor: official Address; Email address; website address;	Purposes for which received	Amount (Rs.)
1	International River	Institutional	2054 University Ave, Suite 300, Berkeley, CA 94704, United States of America, Email Id: contact@internationalrivers.org, Website Address: http://www.internationalrivers.org	Social	436627.00
2	Earthjustice	Institutional	703, Second Avenue, Suite 203, Seattle, WA 98101, United States of America, Email Id: info@earthjustice.org, Website Address: http://www.earthjustice.org	Social	1195185.00

1.7 Shri. Ritwick Dutta: Shri. Ritwick Dutta is a founder of LIFE Trust and currently heads the organization as managing Trustee. He is involved in litigation before the National Green Tribunal and other environmental litigations before High Court and Supreme Court. Shri. Ritwick Dutta is also associated with following major entities:

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Legal Initiative for Forest & Environment (LIFE)

Sr. No.	Name of Entity	Address	Nature of Association
	Legal Initiative for Forest and environment (Life Trust)	N-73, Greater Kailash-1, New Delhi	Trustee
	Life Legal Services LLP	N-73, Greater Kailash-1, New Delhi	Designated partner
	Lawyers Initiative for Forest and Environment (LIFE Proprietorship)	N-73, Greater Kailash-1, New Delhi	Sole proprietor
	M/s Earth Justice	USA	Claims to provide Professional Services

1.8 ITR profile of Ritwick Dutta.

AY	Proprietor's capital	GROSS RECEIPTS	Profits and gains from business or profession	Income from other sources	Other income	Other expenses	Total income
2015-16	37,42,987	67,88,022	21,71,290	11,628	11,568	2,10,445	20,23,070
2016-17	9,43,293	1,41,59,346	48,40,135	2,17,781	2,23,579	6,88,191	48,97,920
2017-18	83,60,374	1,76,67,025	81,65,345	32,250	2,53,701	7,95,744	80,37,600
2018-19	2,54,13,922	3,15,26,055	2,00,09,700	9,297	2,76,601	9,00,699	1,98,42,050
2019-20	2,79,55,878	4,45,80,817	2,57,69,306	38,439	1,66,735	12,19,809	2,55,36,600
2020-21	3,01,14,315	4,99,56,656	2,63,59,225	2,31,587	2,63,495	42,91,149	2,64,09,080

1.9 Lawyers Initiative for forest and environment (Life Proprietorship) is a proprietorship entity where Legal Initiative for forest and environment is formed as trust. It may be noted that Ritwick Dutta is engaged with two entities with same acronym as LIFE. Followings are the key persons and trustees of LIFE Trust:

Sr. No.	Name	PAN	Address	Mobile No.
1	Shri. Ritwick Dutta	AHPPD3929F	C 106, Sector 40, Noida, Uttar Pradesh	9810044660

CONFIDENTIAL
Legal Initiative for Forest & Environment (LIFE)

(26)

2	Shri. Rahul Choudhary	AEMPC2026E	A-303, Amba G, Residency, Ahinsa Khand 2, Indirapuram, Near Shanti Gopal Hospital, Ghaziabad, Uttar Pradesh	9312407881
3.	Rajesh Kumar Singh	AODPS9529K	G - 600, Gama II, Gautam Budh Nagar, Greater Noida	9873788159

1.10 Shri. Rahul Choudhary: Shri. Rahul Choudhary is also one of founder member of LIFE as one of Trustees. He is involved in litigation issues related to environment before different forums including National Green Tribunal, High Court and Supreme Court. Shri. Rahul Choudhary is also associated with Life Legal Services LLP as consultant.

1.11 Rakesh Kumar Singh: Rakesh Kumar Singh is a Trustee of LIFE and is in-charge of Research Division. He is involved in research & training related to environmental and wild life issues and has worked with WWF-India.

1.12 Foreign contribution received by LIFE Trust from Foreign Entities (F.Y.2015-16 to 2020-21) is provided below:

Sr. No.	Name of donors	Address of the donor:	Purposes for which received
1.	The NGO Ship Breaking Platform Secretariat	Brussels, Belgium	Social
2.	Critical Ecosystem Partnership Fund	United State of America	Social
3.	International River	United State of America	Social
4.	Global Greengrants Fund	United State of America	Social
5.	World Resources Institute	United State of America	Social
6.	American Jewish World Service	United State of America	Social

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7.	Oak Foundation	Switzerland	Social
8.	Environmental Law Alliance Worldwide	United State of America	Social
9.	Konrad Adenauer Stiftung	Singapore	Social
10.	Asia Foundation	New Delhi, India	Social
11.	Shakti Sustainable Energy Foundation	New Delhi, India	Social
12.	Key Stone Foundation	Tamilnadu, India	Social

1.13 Though, the purpose for which funds are stated to have been received is declared as social for FCRA purposes. However, evidences shows that funds have been utilized for litigation on environment represented by Shri. Ritwick Dutta.

1.14 Brief background of Earth Justice: As per information available in public domain, Earthjustice claims itself to be a non-profit public interest organization based in the United States. It is dedicated to litigating environmental issues. It has its headquartered in San Francisco. It has 14 regional offices across the United States only. Information in public domain does not show any presence in India. List of important persons of Earth Justice are as follows:

S.No	Name	Designation
1.	Abigail Dillen	President
2.	Sambhav Sankar	Senior Vice President of Programs
3.	Drew Caputo	Vice President of Litigation for Lands, Wildlife & Oceans
4.	Patrice Simms	Vice President, Healthy Communities
5.	Todd D. True	Senior attorney at Earthjustice

1.15 Todd D. True is senior attorney at Earth Justice. It appears from the email communication of Shri. Ritwick Dutta Mr. Todd was in direct contact with Shri. Ritwick Dutta for activities and direction related to litigation and stalling of thermal power plants. Some of such communication has been discussed in later sections of this documents.

1.16 Growald and Hewlett: Few email communications had been found which give reference to Growald and Hewlett. Growald most probably refers to "Gorwald

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Climate Fund, USA" and Hewlett most probably refers to "Hewlett Foundation, USA". As per email communications, some of their funds had been transferred as grants to Shri. Ritwick Dutta through Earth Justice.

- 1.17 Information about Shri. Ritwick Dutta as per public domain: As per information available in Public Domain, it appears that Shri. Ritwick Dutta is involved in criticizing Government Policy and making allegation against Government of India through public media. He appears to be involved in agitating local farmer against industrialist and industrial policy of Government.
- 1.18 As per information available in Public Domain, Kheti Vikas Seva Trust is involved in filing Public Interest Ligation against Government of Gujarat and Adani Enterprises in Gujarat. Shri. Ritwick Dutta appeared on behalf of Kheti Vikas Seva Trust (based in Gujarat formed by local farmers). On analysis of information available on public domain, it appears that Shri. Ritwick Dutta is involved in agitating local farmers against government policy in Gujarat. Kheti Vikas Seva Trust Vs. Adani Enterprises Ltd

2 Activities of Ritwick Dutta from funds received from Earth Justice

- 2.1 During the course of survey proceedings, it was observed that Mr. Shri. Ritwick Dutta (Managing Trustee in M/s Legal Initiative for Forest & Environment) was earlier running a proprietorship concern in the name of M/s Lawyers Initiative for Forest & Environment in which he has received Rs. 22 Cr of professional receipts from M/s Earth Justice, USA during past 5 years. This proprietorship was later converted into LLP. It is to be noted that majority of the funds received in it are from Earth Justice, USA. Details of amount received from M/s Earth Justice by Mr Shri. Ritwick Dutta are as under:

FY	Amount Received by Shri. Ritwick Dutta
2015-16	1,12,15,501
2016-17	1,58,90,241
2017-18	2,80,46,775
2018-19	4,42,73,631
2019-20	4,95,99,542

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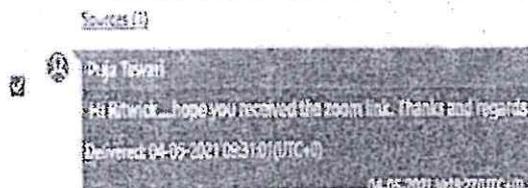
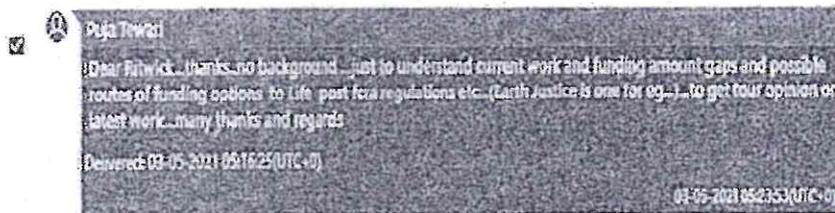
2020-21	7,17,24,139
Total	22,07,49,829

- 2.2 M/s Earth Justice does not appear to have any presence in India. The same was confronted to Shri. Ritwick Dutta while recording of his statement during post survey proceedings for which he had given evasive reply. As per Website of Earth Justice, it does not have any presence in India which was also confronted to Shri. Ritwick Dutta. The relevant part of the statement is attached below:

Q.35	I am showing you print of the information available on the website of Earth Justice marked as Exhibit-1, 09 pages. As per the information, it is revealed that Earth Justice is a US based organisation and has its presence in the US only.
Ans	I have seen the Exhibit-1 and signed over it as token of seen. The organisation may be physically based in US but its focus is on global environmental issues and to the best of my knowledge as professional tie ups with lawyers in other countries also. It has full fledge international program.

- 2.3 A chat with Puja Tewari dated 03-05-2021 was been found in phone of Shri. Ritwick Dutta where she was discussing about routes of funding after FCRA regulations. She has also mentioned "... (Earth Justice is one for eg...)...". It shows that funds from Earth Justice are kind of donations from foreign entities rather than any professional receipts. Therefore, funds should had been received

- ✓ Select/Deselect all 38 messages



- 2.4 On analysis of the e-mail sent by Mr Todd True (Well known attorney in USA and managing attorney for Earth justice) on 16.09.2016, to Mr Shri. Ritwick Dutta and another person related. It is revealed that there is a five-year funding plan for LIFE for which Shri. Ritwick Dutta proposed a blue print. Earth Justice is transferring

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funds for LIFE for funding Litigation of the coal related litigation through Shri. Ritwick Dutta. Such transfer cannot be regarded as transfer for cost in lieu of goods or services rendered by Shri. Ritwick Dutta because in none of the litigation case 'Earth Justice' is a litigant (petitioner or respondent). Therefore, it cannot be construed that Shri. Ritwick Dutta was providing professional services to his client. The relevant portion of the e-mail is produced below:

From: Todd True <true@earthjustice.org>
 Sent: 08-12-2015 17:11:09
 To: 'Ritwick Dutta' <ritwickdutta@gmail.com>, 'Ritwick Dutta' <ritwickdutta@earthjustice.org>, 'Ritwick Dutta' <ritwickdutta@earthjustice.org>, Abigail Dillon <adillon@earthjustice.org>, Martin Wagner <mwagner@earthjustice.org>, Susana Beck <sbeck@earthjustice.org>
 Subject: Five Year Plan - Special of December 9 at 6:30 am. 15/010 pm. India

Ritwick, Abbie, Martin & Susana - Let's schedule our skype call for an initial discussion of a five-year funding plan for LIFE on coal plant/coal mine related work next week for the morning of Wednesday, December 9 at 6:30 a.m. US time. 8:00 p.m. India time.

The plan will be for us brainstorm and discuss Ritwick's initial memo on a five year plan and develop next steps for moving towards a written plan proposal.

Ritwick - we will call you once we are all assembled here.

Look forward to getting your memo.

Best,

Todd

Todd D. True
 Managing Attorney
 Earthjustice
 705 Second Ave., Suite 303

2.5 In view of evidences gathered during survey proceedings and post-survey proceedings, following inferences can be drawn about funds received by Shri. Ritwick Dutta in proprietorship concern in the name of M/s Lawyers Initiative for Forest & Environment.

- Transfer of funds by foreign source: M/s Earth Justice to Ritiwick Dutta

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- Transfer was not done for the cost in lieu of goods or services rendered by Shri. Ritwick Dutta in the ordinary course of business, trade or commerce. Ritwick Dutta did not appear to have provided any professional service to Earth Justice.

2.6 During the post survey investigation, statement of Shri. Ritwick Dutta was recorded on oath u/s 131(1A) of the Income Tax Act, 1961 and Shri. Ritwick Dutta was asked to furnish the details of clients. It appeared that funds were received for some other purpose under the guise of consultancy. Relevant part of statement recorded under oath on 08.09.2022 is produced as under.

Ques. 19 Please give details of communication address and contact number of clients of M's Life Legal Services LLP.

Ans. List of clients of M's Life Legal Services LLP with their communication details is as below.

S.N	Name of Clients	Address	Contact No.
1	Vinit Kumar No 2549 of 2022	UP	9368481200
2	Aravalli Bachao Citizens Movement OA 362 of 2022	Gurgaon	Neelam Ahlawalia- 9910133281
3	Saiguli Manivardhan Reddy APL No 40-2022	11-02-27 Chittanur Village, Markal Telangana	
4	Giri Gagan Khoreana OA 49/2022	Maharashtra	Sarang- 98222094851
5	R V Ranithimathi NO 180/2017	Karnataka	Vijay Kumar
6	Syamaantak Trust OA 45/2021	Maharashtra	Mohd -9405632848
7	Datta Sri Devi	AP	
8	Earthjustice	USA	

2.7 One of the clients mentioned in above screenshot at S.No. 2 (Aravalli Bachao Citizens Movement) appears to be engaged in protests as per information available in public domain. During post-survey investigation Shri. Ritwick Dutta was again asked about the activities undertaken by him in LIFE Legal Services LLP. He replied that he had given environmental consultancy on various issues related to

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environment to various clients abroad which is contradictory with the list of domestic clients submitted during the course of survey as discussed above.

Relevant part of post-survey investigation is provided below:

Q.28	Please provide list of activities undertaken by your proprietor concern (LIFE Legal Services, LLP) for Earth Justice.
Ans	My proprietor concerned LIFE Legal Service, LLP, Delhi has given legal opinions/advise/comments on issues related to environmental law to the various clients abroad, in which Earth Justice is the major. My proprietor concern delivered illustrative 57 such opinions/comments over the last two years. I am submitting list of such opinions as Annexure-1 (4 Pages) to this statement.

2.8 Earth Justice is not a litigant and agreement related to case showing client-service provider relationship was not produced. Bills were not raised on case basis. Shri. Ritwick Dutta was not providing consultancy services to Earth Justice. He is only providing update of status of litigation related to thermal power plants. Earth Justice was continuously following up the litigation cases related to coal in India. Most of the litigation matters which Shri. Ritwick Dutta handles are the litigation related to coal excavation/mines and coal plants. He got funding on the basis of his handling cases in coal matters. A number of e-mails of Shri. Ritwick Dutta with Representatives of Earth justice have been found which evident that he regularly updates them about the stage of litigation, one of such e-mail is produced below:

2426 LIFE Coal Cases Update 10-07-16.docx

PhysicalDrive2 Seagate Expansion HDD SCSI Disk Device (1.82 TB)

PREVIEW

END

LIFE COAL CASES - October up-date

Coal Plant Cases -

Yadadi TPP - Sent expert report on hydrogeology through Lisa in mid-August. Shannon sent a memo on air quality issues. This TPP was before EAC at the end of August. The EIA has been sent back for further work on many issues and project is on hold. LIFE is holding our reports for use later before the EAC or in an appeal if EC is approved.

**Ranagundam TPP - Sent notes from Shannon on the company's reply. Lisa and Shannon sent notes on EIA. Lisa and Shannon sent notes on rejoinder to reply of project proponent. Suresh will send copy of draft reply for further input if there is time. Reply is due end of October. No construction has begun at site. LIFE is waiting for the replies of other parties but does not expect them to be very substantive. Suresh has filed an RTI seeking Air Quality modelling files for this project but no response as yet. If he gets a response, he will send it to us.

Manuguru TPP (illegal construction) - Sent notes from Khushi, Shannon and Lisa on this one. LIFE submitted comments to the EAC which we have. LIFE is holding material from us for an appeal if EC is issued. Subcommittee of EAC made site visit at end of August and recommended proceeding with appraisal. Expect the project to come up for EAC review soon and it likely will be approved. LIFE will likely file an appeal.

Koradi TPP - EAC has said FGD is required but still before EAC. LIFE monitoring to see what happens and whether EC is granted.

Singh & Datta v NTPC TPP - Enforcement case against existing TPP. No current activity.

Korba East West - Enforcement case against existing TPP for failure to utilize fly ash. Reports on fly ash utilization are due to NGT end of September. No current activity.

Komarada TPP - Case won before NGT in first round; new EC issued. New appeal admitted; replies forthcoming; no construction so no hurry. We sent hydrologist report some time ago and Shannon sent comments. None of the parties has filed a reply yet. The Hydrologist report is very good and will be useful for us for rejoinder as well as for arguments. LIFE will send copies of replies as they come in but project proponent appears to have run out of funds and project is stalled so no need to press litigation forward quickly.

Ali Hussain (Sindhya TPP near Chennai) - Still awaiting a final decision. No construction so no hurry. NGT has ordered production of state coastal zone management report (which was the alleged basis for a decision to allow construction in coastal zone) but the report may not exist, i.e., claim of reliance on it may be false so state appears to be stalling.

Start

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2426 LIFE Coal Cases Update 10-07-16.docx

24.5

All Hussain (Sindhya TPP near Chennai) -- Still awaiting a final decision. No construction so no hurry. NGT has ordered production of state coastal zone management report (which was the alleged basis for a decision to allow construction in coastal zone) but the report may not exist, i.e., claim of reliance on it may be false so state appears to be stalling.

**APGENCO TPP Sage II expansion -- We sent memo in August 2015 and Shannon sent comments on appeal in December. LIFE has received reply of project proponent and has forwarded to us for review and comment as part of preparing their rejoinder. What is the date for rejoinder? When do we need to send comments?

Petition re all TPPs in Rajasthan re failure to comply with fly ash notification -- Case pending in Jodhpur. Sanjeet handling. No clear update as to this case from Todd's notes.

Bhupender Singh's case -- From an earlier up-date from Sanjeet: "In this case the Original Application filed to challenge the illegal installed capacity of 12 Captive Thermal Power Plants in District Raipur, Chhattisgarh on the ground of illegal production in excess to the permissible limit as provided for in their respective consent to establish under Air Act and Water Act. In this case fresh notices were issued for service on respondent no. 5 & 6. Other respondents have sought time to reply. The next date of hearing on 06.09.2016." We have received a copy of the appeal LIFE filed. NGT has issued directions to respondents (we do not have a copy of the order). I believe LIFE may file an amended appeal.

Sumil Dahiya v Union of India. Petition re compliance with air-water standards for three TPPs -- Comments on draft petition from Shannon. Petition has been filed on behalf of a member of Greenpeace. We have from Sanjeet a copy of the petition. MOEFCC has not filed a reply yet. LIFE will send to us for review when they do.

**Rejon Coal Washery -- The project proponent has filed a reply and LIFE is preparing a rejoinder. We have been sent the reply and two compliance reports. We should review these and get any comments back to LIFE. When is the rejoinder due?

Mundra TPP expansion -- Rejected at EAC. Adani told to find new site. May come back up at some point

Tangedco TPP Tamil Nadu -- Petition drafted but not filed. Cases filed by several local plaintiffs. LIFE is likely to intervene or be impleaded into these proceedings rather than file a separate appeal. Working v Shweta. Could be helpful to get copy of draft petition.

New Coal Plant Case -- Petition recently filed for violations of EC by TPP in Chennai. Total of six cases filed. We do not have original application or any materials on this case yet

Coal Mine Cases:

**Talabira -- HINDALCO has filed a reply and LIFE has sent it to us for review and comment. LIFE has prepared a draft rejoinder but we have not seen a copy. When is the rejoinder due?

**Kusmunda expansion -- LIFE has just received the reply from Project Proponent and has sent to us. We should review and get any comments back to LIFE. When is rejoinder due?

Chhal Original Application (Tiroathi) -- Case filed; notices issued; replies sought. Latest from Sanjeet: "In this case some amendment is made in the prayer clause of the Original

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2426 LIFE Coal Cases Update 10-07-16.docx

AND

Chhda Original Application (Tinpathi) - Case filed; notices issued; replies sought. Latest from Sanjeet. "In this case some amendment is made in the prayer clause of the Original application on our behalf and the same has been allowed by the tribunal. The State has filed status report in the matter. The Next date of hearing in this case is 10.08.2016." We have received from LIFE a copy of the appeal. The NGT has ordered a detailed reply to the appeal from the project proponent (PP says there is no overburden problem and they have planted greenbelt across the river.) LIFE will provide up-dates on status and reply as they occur.

PEKB Coal Block (Adani) - LIFE won a challenge to this mine before the NGT and Adani appealed to the Supreme Court of India. LIFE will be filing a reply (or has filed one) but the case is moving slowly and there is no reason to move it quickly as Adani cannot proceed with mine development. We have a copy of a draft reply.

New Coal Mine Case - preparing or possibly recently filed case against NTPC mine for major non-compliance. We do not have any materials on this case.

Other Matters:

Biodiversity Petition - Has generated a great deal of public attention; establishment of committees will put many areas off limits for coal development (and other development). We have a copy of the petition. Thirteen states have filed replies. There is nothing for us to review at this time.

Go.No-go petition re coal mining areas - Still working on petition with Nandikesh at Greenpeace; not yet filed.

Environmental Supplemental Plan draft notification - Dead for now based on public controversy

CAMPA (funding for replanting forests) - Ritwick's friend who we met a Jim Corbett Park has been named to head this effort. Ritwick does not see it as a serious threat to local authority.

Waterkeeper Water Quality Monitoring Project - No contact from Waterkeepers so far

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2.9 On analysis of the e-mail dated 29-03-2017 from Martin Wagner to Shri. Ritwick Dutta, it is revealed that Shri. Ritwick Dutta in association with Earth Justice is discussing strategies to put pressure on Indian or state governments or project proponent. It was in reference to international session at a workshop. They were identifying case in India for application of international strategies which will be discussed in a workshop. The strategies discussed are:

- Engaging in international treaty body
- Applying an international human rights strategy such as engaging one or more UN special rapporteurs
- Using one of the compliant processes under international finance institutions
- Pressuring private banks or investors
- Strategies to bring pressure from foreign governments

2.10 Further in the same email, they were also discussing projects of Indian entities in foreign jurisdictions which can be challenged there. They mentioned the example of activities of Adani in Australia. It appears from this that they were planning to target Indian entities undertaking projects outside India. Such litigations lead to delay in projects impacting public interest by denying energy security to citizens of the nation. Further, it is also impacting economic interests of nation outside geographical boundaries of India.

2.11 It appears that above strategies were meant to create litigation in India and stalling thermal power plants. The relevant part of the e-mail is produced below:

Ritwick Dutta <ritwickdutta@gmail.com>, "Ritwick Dutta (ritwick@lifeindia.net.in)" <ritwick@lifeindia.net.in>

END

From: Mark Wagner <mwagner@earth.net.ec>
Sent: 25-08-2017 09:12:37
To: Ritwick Dutta <ritwickdutta@gmail.com>, Ritwick Dutta (ritwick@lifeindia.net.in)
Subject: Preparation for ACP Workshop - International session
Attachments: images003.jpg

Hi Ritwick,

It was great to see you in New York. I hope the rest of your stay was good and your return was uneventful (or maybe you haven't returned - are you in New Orleans?)

In preparation for the international session at the workshop next month, you were going to send me some ideas about a case we might want to use to study the application of international strategies to a case in India. (Alternatively, you could put me in touch with one of the workshop participants I could collaborate with on this - I think you were maybe going to talk with Nandikesht or Debi Goenka about this.)

To remind you, ideally we would discuss a case where as many of these strategies as possible might be relevant ways to put pressure on the relevant Indian or state government and/or the project proponent:

- engaging an international treaty body (like the World Heritage Committee or the secretariat of the Ramsar wetlands convention)
- applying an international human rights strategy such as engaging one or more of the UN special rapporteurs
- using one of the complaint processes under the international financial institutions
- pressuring private banks or investors
- strategies to bring pressure from foreign governments (such as cases challenging US funding of projects in India or a petition to invoke the threat of US trade sanctions for activities that undermine the effectiveness of international environmental agreements)
- etc.

Do you have a good case in mind that we could use to discuss the possible application of these strategies? And/or is there someone you would suggest I contact to discuss this and who could present the case at the workshop?

Also, if we use Adani as the example for studying how we can challenge how India's (and Indians') activities outside India threaten the environment, do you have a suggestion about how we should introduce that? Should we talk about Adani's activities in Australia?

If you'd like to discuss this by phone or Skype (especially if you're in New Orleans right now), let me know. Otherwise, we can discuss by email.

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2.12 On analysis of the one more e-mail sent by Mr Todd True on 12.12.2017, to Mr Shri. Ritwick Dutta, the email discussed following points:

- What LIFE can do to address coal plants
- How LIFE has affected and is impacting decisions to shelve proposed plants either directly or indirectly
- Capacity building of LIFE and allocation of resources between private firm and LIFE
- Sandler to be a potential key funder for LIFE in future
- Building some financial reserves for LIFE in case other funders optout unexpectedly

2.13 The above discussion reveals planning of allocation of fund between between LIFE trust and private firm (most probably proprietorship of Ritwick Dutta). It appears from this discussion that funds received in proprietorship were not professional receipts. The email did not talk about any professional service to be given by Ritwick Dutta to Earth Justice. The relevant e-mails are produced below: -

From: Todd True <ttrue@earthjustice.org>
 Sent: 12/12/2017 11:58 AM
 To: Ritwick Dutta <ritwick.dutta@earthjustice.org>
 CC: Ritwick Dutta <ritwick.dutta@earthjustice.org>; Todd True <ttrue@earthjustice.org>; Sharmada <sharmada@earthjustice.org>
 Subject: Re: [mailto:ritwick.dutta@earthjustice.org]

Great. We look forward to talking then.

On Dec 11, 2017, at 6:11 PM, Ritwick Dutta <>> wrote:

Hi Todd,

Thanks for your email. And Thank a lot for all the effort you and EJ are putting in to ensure the sustainability of LIFE.

Thursday is perfect for me. In the meanwhile I will address all the issues which you have highlighted in your email.

With regards

Ritwick

On Tue, Dec 12, 2017 at 1:14 AM, Todd True <>> wrote:

Ritwick - Thanks for the response to my note. Abbie, Martin, Susanna and I just had a call and would like to schedule a skype call with you this Thursday morning at the usual time. 9:00 a.m. US 8:30 p.m. IST. I hope that will work. Please let me know.

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END

On Tue, Dec 12, 2017 at 1:14 AM, Todd Irue <> wrote:

Ritwick - Thanks for the response to my note. Abbie, Martin, Susanna and I just had a call and would like to schedule a skype call with you this Thursday morning at the usual time: 7:00 a.m. US/8:30 p.m. IST. I hope that will work. Please let me know.

For background, we have a meeting with Sergio Knobel of the Sandler Foundation Thursday afternoon (US time) and he is the source of the questions I forwarded to you. We are very familiar with this foundation and have a strong relationship with them. They are very smart and once they decide to invest in an organization, they are also very steadfast and reliable. Abbie and Susanna may want to add more.

For the skype, what we hope to do is go over your responses in somewhat more detail in two ways: we would like to get a clearer picture of what you think LIFE can do to address the coal plants in the multi-colored bar on the left of the graph I sent you (i.e., plants that are in construction, permitted or in pre-approval). I have some thoughts on that based on the spreadsheet we have been working on and I will send those along before our skype call.

We would also like to talk about a broader narrative about how LIFE has affected and is impacting the decisions to shelve proposed plants either directly or indirectly, and how it may affect plants that have already been built, e.g., through enforcement actions.

Finally, we will want to talk more about the build out of LIFE's capacity, the allocation of resources between the NGO and the private firm and the questions/issues at the end of the note I sent you.

I do want to emphasize that we think it is very much worth taking the time to respond to Sergio's questions. Sandler has the potential to be a key funder for LIFE going forward and may be willing to consider funding to build some financial reserves for LIFE in case other funders unexpectedly drop out which could give your operations added financial security.

Let me know if a skype Thursday for about an hour will work and whether you have any additional questions before that.

Thanks,

Todd

2.14 Therefore, funds of Earth Justice to India appears to be facilitating litigation against coal power plants in India through Shri. Ritwick Dutta. Such activity cannot be considered as professional service by Shri. Ritwick Dutta to Earth Justice.

2.15 During post survey investigation, Shri. Ritwick Dutta was specifically asked about reason for formation of Life Legal Services LLP when LIFE Trust doing similar nature of work-related environment existed. Shri. Ritwick Dutta replied that he formed Life Legal Service LLP to receive foreign fund as professional receipts from Earth Justice since the same was not allowed in LIFE Trust under FCRA. This appears to be a modus-operandi to bring foreign funds in India to avoid scrutiny undertaken under FCRA. Shri. Ritwick Dutta has claimed that he was providing professional consultancy to Earth Justice in form of legal opinion. The relevant part of the statement of Shri. Ritwick Dutta is attached below:

Q.32	Since the activities conducted in in the Legal Initiatives For Environment (LIFE Trust) and LIFE Legal Services, LLP are the same, please state reason, why the funds have been taken in the LIFE Legal Services, LLP instead of Legal Initiatives For Environment, Trust.
Ans	Foreign Contribution Regulation Act specifically prohibits acceptance of professional fees as contribution. Since the nature of contract is in the form of service agreement for rendering professional services as lawyer the same can not be accepted as contribution under FCRA, further since there is profit component the same can not be treated as charitable work.

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2.16 One e-mail dated 16.06.2017 sent by Mr Todd True to Shri. Ritwick Dutta revealed that the Earth Justice received funds from other agencies for Shri. Ritwick Dutta.

The email exposes that:

6. Vikas/ECF had approved \$120,000 for Lawyers Initiative for attached scope of work. Lawyers Initiative refers to proprietorship concern of Shri. Ritwick Dutta.
7. Earth Justice would tell Shri. Ritwick Dutta to raise invoices once they have received funds from donor organization.

2.17 Vikas in the email most probably refers to Vikas Mehta who had worked at "Growald Fund" as per information in public domain. The mail also revealed that invoices raised by Ritwick Dutta was the part of planned structure to bring funds in India once they had received funds from other donor organizations. It appears from this communication that Earth Justice brought different fund houses closer to fund Shri. Ritwick Dutta in his proprietorship. Therefore, claim of Shri. Ritwick Dutta that he had given professional consultancy to Earth Justice is not acceptable. The relevant e-mail is produced below: -

"ritwickdutta@gmail.com" <ritwickdutta@gmail.com>, "Ritwick Dutta (ritwick@lifeindia.net.in)" <ritwick@lifeindia.net.in>, Abigail Dillen <adillen@earthjustice.org>, Susanna Beck <sbeck@earthjustice.org>
Todd True <ttrue@earthjustice.org>
16-06-2017 19:32:12

Vikas-Growald-ECF -- Good news!

Ritwick - As the email below indicates - and as you may already know - Vikas/ECF have approved \$120,000 US for the attached scope of work by the Lawyers Initiative. This is excellent news!

As I think you also know, they would like Earthjustice to receive those funds and disburse them to the Lawyers Initiative in the same way we have been handling other support. We may need to prepare a short addendum or amendment to our contract with the Lawyers Initiative to handle this. I will check and let you know.

One difference with your support is the reporting requirements that ECF will expect us to meet. They are fairly detailed so we will need LIFE to basically prepare whatever ECF requires so that we can then get it to them.

Susanna can send you the details on these reporting requirements and be sure we have a plan to comply with them.

We will let you know once we receive the funds so that you can begin to invoice us for expenses as needed.

Let me know if you have any questions.

2.18 Earth Justice does not appear to have any presence in India. The same was confronted to Shri. Ritwick Dutta while recording of his statement during post

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survey proceedings for which he had given evasive reply. It also acts as evidence that professional consultancy given by Shri. Ritwick Dutta is just a structure to bring funds in India to carry out litigation activities, thereby, impacting the public interest. The relevant part of the statement is attached below:

Q.35	I am showing you print of the information available on the website of Earth Justice marked as Exhibit-1, 09 pages. As per the information, it is revealed that Earth Justice is a US based organisation and has its presence in the US only.
Ans	I have seen the Exhibit-1 and signed over it as token of seen. The organisation may be physically based in US but its focus is on global environmental issues and to the best of my knowledge as professional tie ups with lawyers in other countries also. It has full fledge international program.

2.19 The suspicion that funds received in LIFE LLP from Earth Justice was a method to avoid FCRA is further strengthened from the fact that employees of LIFE LLP was working from office of LIFE Trust. Employees working in the office of LIFE Trust situated at N-71, LGF, Greater Kailash-1, New Delhi were drawing salary from firm M/s Life Legal Services LLP. Shri. Ritwick Dutta was asked to explain this fact during the recording of his post survey statement, however, unsatisfactory reply was given by him. The relevant portion of his statement is produced below: -

Ques. 31	It is noticed from the list of employees of LIFE Trust provided by trustee of LIFE Trust, Mr. Rahul Choudhary, that most of them are working from Kolkata. Further, it is observed that employees sitting in various cabins at office of LIFE Trust situated at N-71, LGF, Greater Kailash-1, Delhi are drawing salary from the law firm M/s Life Legal Services LLP. Explain the reason same.
Ans	The reason for that the chamber blocks are made on that side. It is a temporary arrangement. As per organizational plan of our law firm, we were supposed to move away from this set-up to a corporate office by hiring an appropriate floor in an office complex at Noida. Unfortunately, due to COVID there was reduction in staff strength and reluctance of people to work in the office with most preferring to work-from-home.

2.20 During post survey investigation while recording statement of Shri. Ritwick Dutta, he was asked to provide agreement of Lawyers Initiative for Forest & Environment with Earth Justice before FY 2020-21. In reply, he stated that he will provide the agreement in due course. Further, summon dated 20.09.2022 was issued to Shri. Ritwick Dutta asking him to provide agreements of his proprietorship - "Lawyers Initiative for Forest and Environment" with Earth Justice. However, he had not submitted the copy of the agreements prior to FY 2020-21 yet. This raises suspicion

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on the nature of relationship between Shri. Ritwick Dutta and Earth Justice because huge amounts of funds have been received by Shri. Ritwick Dutta from Earth Justice without having any agreement for the same prior to FY 2020-21.

Ques. 27	Please provide the copy of professional service agreement for the years prior to FY 2020-21 signed by your proprietorship concern M/s Lawyers Initiative for Forest & Environment with M/s Earthjustice. Please provide the copy of all the reports submitted by you.
Ans.	I will provide all such documents in due course of time.

2.21 During the survey proceedings at the office premise of LIFE, it was further noticed that, employees of LIFE Trust were not aware of cases in which Earth Justice was their client. They also appeared to be unaware whether Earth Justice was their client or customer. During the course of survey proceedings one of the longtime employees namely Saurabh Sharma in the office of Legal Initiative for Forest And Environment (LIFE), whose statement was recorded on oath, he was asked about association of Life Legal Services, LLP with M/s Earth Justice for which he expressed his ignorance that whether it was their client. Relevant part of statement of Saurabh Sharma Recorded on oath on 08.09.2022 is produced as under:

Ques. 23	What do you know about the M/s Earth Justice? Is it one of your client/customer? And explain the nature of services provided by M/s Earth Justice to Life Legal Services LLP.
Ans.	As per my knowledge, Earth Justice is a NGO based in USA which is working on the issues of environment protection. I am not aware whether it is our client or customer. I have not done any case or litigation in which Earth Justice is involved as a client/customer. However, I have noticed that Earth Justice keep sharing various scientific/research findings, publications, articles and international court judgments/guidelines/standards whenever required by the Life Legal Services LLP.

2.22 On analysis of Professional Service Agreement between M/s Earth Justice and Lawyer Initiative for Forest and Environment (LIFE), (7-page agreement submitted by Shri. Ritwick Dutta as annexure to the statement during the Survey Proceedings) (full agreement is attached as Annexure 1 to this document), following points have been identified from the agreement:

- Earth Justice is a United States based non-governmental and tax-exempt charity organization.

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- Funds received from M/s Earth Justice are to be utilized for litigation in India, filing of RTI and information sharing with Earth Justice, USA. Screen shot of relevant part of agreement is produced as under:



Professional Service Agreement

Service Purchaser:	Earthjustice
Address:	50 California Street, Suite 500, San Francisco, California
Project Contact:	Todd True
Phone:	306-306-5124
Email:	true@earthjustice.org
Service Provider:	Lawyers Initiative for Forests and the Environment
Address:	N-73 LCF Greater Kailash-I, New Delhi-110048
Project Contact:	Ritwick Dutta, Proprietor
Phone:	+91-11-49237774, 49536656, 9818944644
Email:	ritwick.dutta@liff.org
Contract Cap:	\$300,000
Contract Period:	September 1, 2020 to August 31, 2021
Contract Number:	FY21-02

Earthjustice agrees to purchase certain professional services to be provided by Lawyers Initiative for Forests and the Environment (LIFE) on the terms and conditions in this Agreement.

Earthjustice is a United States non-governmental organization and tax-exempt charity with all necessary authority and legal capacity to enter into this agreement, and with headquarters at 50 California Street, Suite 500, San Francisco, California.

LIFE is a Proprietorship Law Firm existing under the laws of India with all necessary authority and legal capacity to enter into this agreement, and with offices at N-73 LCF Greater Kailash-I, New Delhi-110048, India.

Earthjustice and LIFE agree to the following terms and conditions:

1. **Effective Date and Term**
This Agreement shall be effective from the first day of the Contract Period once signed by both parties for a period of one year.

2. **Scope of Services Provided by LIFE**
LIFE will undertake a variety of projects designed to address the air pollution crisis in India. These projects will include:

- Preparing one or more policy briefs on the implementation and efficacy of the National Clean Air Programme (2019) and the Air (Prevention and Control of Pollution) Act.

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Earthjustice + LIFE
 Professional Service Agreement
 FY21-02

1980, with attention to human health as well as environmental effects and including collection and analysis of air pollution and other relevant information,

- Tracking important decisions of courts and tribunals related to air pollution and preparing summary reports;
- Preparing and maintaining a list of subject experts on air pollution issues;
- Developing and hosting air pollution workshops for civil society organizations, the media and others in Delhi, Kolkata, Pune, and Bangalore to inform the public and media about air pollution issues, the status of the National Clean Air Programme and the operation and implementation of the Air (Prevention and Control of Pollution) Act;
- Filing Right to Information (RTI) requests to obtain information about the government's implementation of policies intended to mitigate air pollution in both the national capital region and across the country, including response to nonattainment cities, Dust Mitigation Notification, CEMS operation, funding of government programs intended to address air pollution, and other pertinent issues;
- Analyzing data contained in responses to RTI requests and preparing reports on the same; and
- Preparing a critique of air monitoring stations, monitoring procedures and other actions proposed under the National Clean Air Programme and Air (Prevention and Control of Pollution) Act and addressing any effort to dilute or change them.

2.23 Similar agreement was also submitted by Ritwick Dutta for FY 2021-22. It is revealed that work of Shri. Ritwick Dutta under the agreement are related to litigation in India, filing of RTI, and information sharing. Activities mentioned in the agreement are very generic which appears to be guidelines. Earth Justice is also not a party to any case as per the agreement. The evidences do not appear to be sufficient to prove client-service provider relationship which is the underlying principle for professional receipts. Ritwick Dutta has also failed to provide agreements with Earth Justice for period prior to FY 2020-21.

2.24 The above analysis also shows that payments without rendering any professional

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are being transferred to Shri. Ritwick Dutta for supporting his litigation activities. Such funds cannot be regarded as professional receipt but actually it appears to be a grant. This appears to be a modus-operandi to bring foreign funds in India to avoid scrutiny undertaken under FCRA.

- 2.25 The activities mentioned in the above agreements aims to create litigation in India undermining public interest. Such activities might also impact energy security of India. Further, transfer of funds from Earth Justice to LIFE proprietorship and later in Life Legal Services LLP in garb of professional receipt is a method to avoid scrutiny under FCRA and its related compliance.

3 Suspicious payments to large number of individuals from FCRA bank account of LIFE trust.

- 3.1 During the survey proceedings, statement of Shri. Rahul Choudhary (one of trustees and key associate of Shri. Ritwick Dutta) was recorded on oath and he was asked about the details of employees working in LIFE Trust and office premises related to LIFE Trust. In reply Shri. Rahul Choudhary provided the list of employees working in LIFE Trust. The work profile of the employees as mentioned in the submission was very generic. Relevant part of his statement and list of employees provided by him are produced as under: -

<p>Ques 9</p> 	<p>Furnish the details of employees working in LIFE Trust and also provide the details of office premises related to LIFE Trust. Please state where the books of accounts of M/s Legal Initiative for Forest and Environment are maintained.</p> <p>As per my knowledge, there are 12-13 employees of trust whose details are available with my Admin Office. I am providing you the copy of same as Submission-1. There is one more office in AC-160, Sector-1, Salt Lake, Kolkata other than this office. All the books of accounts of Trust are maintained at N-71, LGE, Greater Kailash-I, and Delhi. In facts books of accounts of Life Legal Services LLP are also maintained at this premise.</p>
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Annexure 1

Legal Initiative for Forest and environment

S No	Name	Designation	Work Description	Salary	Exp Location
1	Kankana Das	Analyst	She is researcher, she research on topic as assigned to her and create report based on her survey and primary/secondary data collection	25,000	Kolkata
2	Sudipta Goswami	Associate Analyst	She is researcher, she research on topic as assigned to her and create report based on her survey and primary/secondary data collection	45,000	Kolkata
3	Arundhati Bose	Associate Analyst	She is researcher, she research on topic as assigned to her and create report based on her survey and primary/secondary data collection	51,000	Bhub
4	Arundhati Bose	Communications Researcher	He handles the website/social page, designing	45,000	Bhub
5	Sudipta Das	Associate Analyst	She is researcher, she research on topic as assigned to her and create report based on her survey and primary/secondary data collection	50,000	Kolkata
6	Arundhati Bose	Associate Analyst	She is researcher, she research on topic as assigned to her and create report based on her survey and primary/secondary data collection	51,000	Kolkata
7	Tanuj Das	Assistant Analyst	She is researcher, she research on topic as assigned to her and create report based on her survey and primary/secondary data collection	47,000	Kolkata
8	Arundhati Bose	Forest manager	She is manager of the projects which is assigned to the researcher and their field work	based on 1st September 22	Bhub
9	Chiranjit Das	Technical Advisor	He is a researcher, he research on topic as assigned to her and create report based on her survey and primary/secondary data collection	50,000	Kolkata

[Handwritten Signature]
7/9/22

3.2 On analysis of FCRA account of LIFE Trust, name of some of the individuals who received fund from it are employees of LIFE Trust or LIFE LLP. However, there are many other individuals as well which needs to be verified, list of some such individuals is produced below: -

Sr.	Name
1	Kankana Das
2	Mridu Tandon
3	Kankana Das
4	Arunita Bose
5	Rohit Choudhury

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6	Arunita Bose
7	Udita
8	Amar Singh Bisht
9	Sudiep Shrivastava
10	Pushp Jain
11	Sreeja Chakraborty
12	Manas Ranjan Ray
13	Meera Gopal
14	Vikrant Tongad
15	Shweta Tarayan
16	Shri. Rahul Choudhary
17	Rakesh Kr Singh
18	Om Prakash
19	Sobhan Singh
20	Saurabh Sharma
21	Sanjay Giri
22	Amita Dutta
23	Soban Singh Rawat
24	Rajim
25	Gitanjali Sreedhar
26	Ms Kritika
27	Sayantan Halidar
28	Abhiti Kant
29	Asankar
30	Niharika Awasthi
31	Subhrajit Goswami
32	Neha Sinha

3.3 Analysis of activities of few individuals from email of Ritwick Dutta revealed that they are involved in filing RTI, monitoring of cases, preparation of compliance report which appeared to be related to activities of Earth Justice. It is to be noted that funds from Earth Justice are received by Ritwick Dutta in proprietorship

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account instead of bank account of LIFE trust. Individuals other than employees of LIFE Trust have also received funds form FCRA Account of LIFE Trust. The purpose of transfer of funds to these individuals need to be investigated and nature of services/goods provided by them need to be verified.

- 3.4 As per data available on website of LIFE following persons are Team Member/employees of LIFE.

Sl	Name	Designation
1	Kankana Das	Analyst
2	Subhrajit Goswami	Associate Analyst
3	Tanvi Sharma	Associate Analyst
4	Tanima Pal	Associate Analyst
5	Susmita Khan	Associate Analyst
6	Susmita Sarkar	Associate Analyst

- 3.5 On analysis of FCRA Account of LIFE Trust and ITR of Kankana Das (APDPD2312L) (as tabulated below), it is evident that Kankana Das received more funds from FCRA account of LIFE than salary which needs to be investigated. Further, there is cash withdrawal of amount of Rs 3 Lakhs during the FY 2017-18 from the account of Kankana Das: -

A.Y.	Payment made through Account of Legal Initiative for Forest and Environment	Salary or other income received from Legal Initiative for Forest and Environment declared as per ITR/Insight Portal.
2018-19	7,39,859	6,05,000
2019-20	9,03,089	7,09,500
2020-21	8,83,487	8,46,000

- 3.6 One more employee of LIFE, namely Saurabh Sharma (AYJPS0024K), whose statement was also recorded on oath during the survey proceedings, also got the

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following payments from FCRA Account of LIFE:

A.Y.	Payment made through FCRA Account	Salary or other income received from Legal Initiative for Forest and Environment declared in ITR.
2018-19	3,67,983	NIL (no data available on TDS return of LIFE as per insight portal)
2019-20	7,25,760	NIL (no data available on TDS return of LIFE as per insight portal)

3.7 During the course of Survey proceedings Statement of Saurabh Sharma was recorded on oath and in which he did not disclosed of earning any income form LIFE Trust. Relevant part of his statement is produced as under:

Ques. 7	Please provide source of your income from all sources.
Ans.	At present, I am associated with Life Legal Services LLP as a Consultant. I do cases given to me by the said LLP as and when required. My source of income is my professional fees received from said LLP.

3.7.1 The above analysis also shows that payments without plausible reasons are being transferred to related persons of Shri. Ritwick Dutta which need to be investigated.

4 Implications under FCRA

4.1.1 Receipt of contribution by Ritwick Dutta from foreign source without registration under FCRA

4.1.2 The detailed discussion of funds received from Earth Justice and activities done by Ritwick Dutta from such fund is given in Section 2 of this chapter. FCRA regulates the inflow of foreign contributions or aid to country, FCRA aims to prevent foreign

organisations from influencing social, political, economic, and/or religious discussions in the country. Therefore, foreign contribution is not allowed in activities like political activism, proselytism, and advocacy.

4.1.3 It appears that to bypass this provision, a foreign donor enters into a commercial transaction with the key official of the NGO or his associates or family and friends. This loophole is due to Explanation 3 of Section 2(1)(h) of the Act.

4.1.4 Section 2(h) of FCRA defines foreign contribution as "donation, delivery or transfer made by any foreign source". It includes transfer of any article not for personal use, currency or any security. Further Explanation 3 of Section 2(h) of FCRA excludes payments received by any person from foreign source by way of fee or cost in lieu of goods or services rendered in ordinary course of business, trade or commerce. Section 2(h) of FCRA is provided below:

(h) "foreign contribution" means the donation, delivery or transfer made by any foreign source.

(i) of any article, not being an article given to a person as a gift for his personal use, if the market value, in India, of such article, on the date of such gift, is not more than such sum as may be specified from time to time, by the Central Government by the rules made by it in this behalf;

(ii) of any currency, whether Indian or foreign.

(iii) of any security as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 and includes any foreign security as defined in clause (ii) of section 2 of the Foreign Exchange Management Act, 1999.

4.1.5 Explanation 3 to Section 2(h) of FCRA is provided below:

Explanation 3.— Any amount received, by any person from any foreign source in India, by way of fee (including fees charged by an educational institution in India from foreign student) or towards cost in lieu of goods or services rendered by such person in the ordinary course of his business, trade or commerce whether within India or outside India or any contribution received from an agent of a foreign source towards such fee or cost shall be excluded from the definition of foreign contribution within the meaning of this clause.

4.1.6 In view of the detailed discussion, it appears that funds were received by Shri. Ritwick Dutta in his proprietorship concern as part of 'funding plan' rather than providing professional services. It is without any delivery of goods or services to Earth Justice. Earth Justice does not appear to have any business concern in India as per its website. Payments made by Earth Justice are in the garb of professional receipts to fund litigation activities in India. It is revealed that grant is not case

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specific but rather on lump sum basis. Hence, such funds from Earth Justice to Shri. Ritwick Dutta ought to have been received only after FCRA clearance. The concerned officer may also necessarily action u/s 35 of FCRA after due verification and investigation. Relevant section of FCRA is quoted as follows:

35. Whoever accepts, or assists any person, political party or organisation in accepting, any foreign contribution or any currency or security from a foreign source, in contravention of any provision of this Act or any rule or order made thereunder, shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both.

4.1.7 In view of above discussion, it appears that Shri. Ritwick Dutta has violated FCRA and accepted contribution from foreign source without having necessary FCRA approval. Investigating officer is advised to necessary investigation under FCRA for receipt foreign contribution without having FCRA registration.

4.2 Administrative expenditure in excess of 20% after September 2020

4.2.1 Rule 5 of FCRR, 2011 defines that administrative expenses constitute the following-

- Salaries, wages, travel expenses or any remuneration realized by the Members of the Executive Committee or Governing Council of the person;
- All expenses towards hiring of personnel for management of the activities of the person and salaries, wages or any kind of remuneration paid, including cost of travel, to such personnel.
- All expenses related to consumables like electricity and water charges, telephone charges, postal charges, repairs to premise(s) from where the organization or Association is functioning, stationery and printing charges, transport and travel charges by the Members of the Executive Committee or Governing Council and expenditure on office equipment.
- Cost of accounting for and administering funds
- Expenses towards running and maintenance of vehicles
- Cost of writing and filing reports.
- Legal and professional charges; and
- Rent of premises, repairs to premises and expenses on other utilities;

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4.2.2 Total foreign contribution received during FY 2021-22 is Rs. 96,89,293. The total administrative expenditure as per Rule 5 for FY 2021-22 as per books of account after taking into account salary, administrative expense as per ITR and travel expenditure as per details for workshops which amounts to Rs. 20,89,335. This is in excess of 20% of total foreign contribution received by Life trust. 20% of foreign contribution received during FY 2021-22 is Rs. 19,93,858. Total Administrative expenditure is excess by Rs. 95,477.

4.2.3 Administrative expenditure as per ITR is provided below:

Application for establishment and administrative expenses (excluding the application not allowed, details whereof are to be filled in C)

1	Rents	1	9,60,000
2	Repairs and maintenance	2	41,710
3	Compensation to employees	3	0
4	Insurance	4	1,049
5	Workmen and staff welfare expenses	5	0
6	Entertainment and Hospitality	6	0
7	Advertisement	7	0
8	Professional / Consultancy fees / Fee for technical services	8	7,000
9	Conveyance and Travelling expenses other than on foreign travel	9	1,46,996
10	Remuneration to persons specified in 10(3)	10	0
11	Rates and taxes, paid or payable to Government or any local body (excluding taxes on income)	11	0
12	Interest	12	0
13	Audit fee	13	35,400

4.2.4 Salary expenditure as per TDS data available on Insight is Rs. 7,53,448 and total travel expenditure after taking into account workshop related travel expenditure and travel expenditure filled in ITR is Rs. 20,89,335 which is excess by Rs. 95,447. Total electricity and office expense as reported in ITR is Rs. 7510 which is added then make the administrative expense higher Rs. 1,02,987.

4.2.5 In view of the above discussion the concerned officer is advised to analyse the total administrative expenditure

4.2.6 Subgrant to NGOs by collaborating with them and direct payments to vendors.

4.2.7 LIFE Trust collaborate with NGO for capacity building. LIFE Trust makes payments to vendors required in capacity building such as hotel, travel agents etc. During recording of statement in post-survey proceedings, Ritwick Dutta has stated that workshops and training programs were done in collaboration with local groups. These local groups identify participants and make necessary arrangements with respect to venue. LIFE share cost for organizing the workshop. LIFE Trust also makes payments directly to vendors for such workshops. This arrangement also appears to avoid FCRA and at the same time giving benefits to NGOs by bearing

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the cost of workshops. The relevant part of his statement is as below:

Q.12	Please provide details of the services given free of cost to different organisation/entities and also state reason for the same.
Ans.	All the workshops and training programs were funded by donor agencies and the workshops were organized in collaboration with local groups, who would identify the participants and make arrangements with respect to the venue. The cost for organizing the workshop/trainings are shared between LIFE and the local NGOs. LIFE makes direct payment to the vendors i.e. Hotels for Boarding and lodging and other associated cost.

4.2.8 Ritwick Dutta was asked about nature of activities carried out with partner NGO. It appears from his reply that activity carried out is capacity building for most of the NGOs.

Q.9	Please state nature of activities carried out with the organisation answered in the previous question.
Ans	The nature of activities carried out with the organisations answered in previous answer is as follows:- <ol style="list-style-type: none"> 1. WWF India-Capacity Building for Judiciary 2. Wildlife trust of India-Advise on wildlife law 3. Kalpavriksh- Capacity Building and Research 4. Samata- Capacity Building 5. Environics Trust- Capacity Building 6. World Resources Institute, USA-Research 7. Hindhara Collective-Research 8. Akhil Bhartiya Vanvasi Kalyan Ashram-Research 9. Dakshin Banga Matsyajivi forum- Capacity Building 10. Bombay Natural History Society- Capacity Building 11. Conservation Action Trust-Research 12. Premier Foundation- Capacity Building 13. Sandrap-Research 14. Aamnyak-capacity Building

4.2.9 As discussed above, this arrangement appears to be a measure to bypass FCRA and at the same time giving benefits to NGOs who are not eligible for FCRA funds directly or indirectly. It led to subsidizing NGO by bearing the cost related to them. Although, Ritwick Dutta has stated that capacity building is done for these partner NGO, however, he failed to provide necessary details related to workshops as discussed in Section 5.5 of this document. The NGOs with whom such partnership has been made by LIFE trust are being identified and cost for workshops borne by LIFE may be examined. Necessary action may be taken by the concerned officer after verification and investigation.

4.3 Difference in object of FCRA and application of fund by LIFE Trust

4.3.1 The object of donations received under FCRA for LIFE trust is "Social". However, the application of funds appears to be related to "Environment". During post-survey investigation, while recording the statement of Ritwick Dutta, it was confronted to him in reply Ritwick Dutta stated that environmental activities

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undertaken by life are social in nature. Ritwick Dutta further added that tree plantation, water harvesting, rescue centers for animals or any other facility to be only related to environment. This appears to be very narrow interpretation of environmental activities. Activities related to environmental laws are also environmental activities. The relevant part of his statement is attached below:

Q.19	Since the object of the FCRA received by LIFE is 'Social', however it is being used for environmental projects? Kindly explain why it should not be treated as contradictory to the object of the trust.
Ans	Sir, under FCRA registration the category includes Social, Cultural and Educational. Since the principal focus of LIFE is securing environmental justice for communities and ensuring access to information, public participation and access to justice, these all are aspects which are social in nature.
Q.20	As answer to the previous question, it is observed in that way all the charitable activities carried out by the trust may categorized as social activities, which are not purpose of the trust for which it is registered. So please state why activities carried out by LIFE should not be construed as per the objective of the trust for which it is registered under Income tax Act 1961.
Ans	LIFE does not undertake any activity which is directly related to environmental protection and conservation such as tree plantation, water harvesting, rescue centres for animals or any other facility. Its sole focus is on empowering communities and affected citizens in environmental laws and equipping them to participate effectively in environmental

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decision-making process through the process of EIA and other legal tools. Therefore, they fully satisfy the category of "Social".

4.3.2 However, when he was specifically asked again about the domain of environmental activities, he gave evasive answer by stating water tight categorization is not possible. Therefore, it appears that activities of LIFE do not appear to be in concurrence with object of FCRA for which funds have been received. The concerned officer is advised to do necessary investigation and take necessary action for violation of FCRA.

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Q.21	Please state does tree plantation, water harvesting, rescue centres for animals or any other facility only relates to environment protection. Also state whether activities related to environmental laws are better to be classified as environmental rather than social.
Ans	To the best of my knowledge (Subject to verification), there is no separate category for environmental in FCRA registration. However, I am of the belief that issues concerning public participation, information sharing, community health impacts are best categorized as- social, thou there is bound to be overlap between social environmental and legal. Therefore, it is impossible to categorized such issue into any water tight compartment.
