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**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 76 of 2026/EZ

In the Matter of:

Gaurav kumar BansalPETITIONER

-VERSUS-

Union of India and othersRESPONDENTS

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State of Assam

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**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 76 of 2026/EZ

In the Matter of:

Gaurav kumar BansalPETITIONER

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Union of India and othersRESPONDENTS

Ramen Chandra Malakar
Commissioner & Secretary
To The Govt Of Assam
E, F, & C. Change Deptt.
Dispur, Shy-6

Affidavit in Reply on behalf of the Respondents, the State of Assam

I, Shri Ramen Chandra Malakar, aged about 59 years, son of Late Pran Chandra Malakar, presently holding the post of Commissioner & Secretary to the Government of Assam, Environment, Forest & Climate Change Department, Dispur, Guwahati in the District of Kamrup (Metropolitan) Assam do hereby solemnly affirm and state as follows:

1. That I am the Commissioner & Secretary to the Government of Assam, Environment, Forest & Climate Change Department, Dispur, Guwahati in the District of Kamrup (Metropolitan), State of Assam and as such I am fully conversant with the facts and circumstances of the case, and I am also authorized by other State Respondents to affirm this affidavit on their behalf.
2. That I have received the copy of the above-mentioned Original application, have gone through the same and understood the contents made therein.

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NABASISH CHAKRABARTY
NOTARY Govt. of Assam
Regd. No. KAM - 06
Panbazer, Guwahati - 781001



19 MAY 2026

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3. That I will traverse only through those portion which are relevant for the present purpose, as well as for which the clarifications are sought for. The portions of Original application, not replied to shall not be treated as to be my admission.

Chandra
Commissioner & Secretary
To The Govt Of Assam
E,F,C.C. Change Deptt.
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4. At the outset, the answering respondent begs to state that the petitioner has brought the issue of Violation of the provisions of the Biological Diversity Act, 2002, being section 36 and section 36B- The above averment made by the petitioner is fully denied and the deponent begs to state that perhaps the petitioner has little/no knowledge of the actual content of the said Act. The said Act specifically states that, *it is an act for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of biological resources, knowledge and for matters connected therewith and incidental thereto.*" Thus this Act includes domestic cattle, poultry, fishery, duckery, all biological diversity including all crops, agriculture, flora and fauna...etc. It is to be noted that biological diversity is not confined to forests and protected areas alone. Notified forests in the State of Assam occupies 27.24 % of the total area of the State, whereas biodiversity is equally abundant in rest of the areas of the State as well.

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5. In this regard I further state that, the Biodiversity of the State of Assam is largely managed by the Biodiversity Management Committees (hereinafter stated as BMC) under the Biological Diversity Act, 2002. Assam has got 2549 BMCs to look after and manage the biological resources and biodiversity of the State under the Act. Thus it is needless to mention that the Government of Assam is very much

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diligent about in implementation of the provisions of the Biodiversity Act, 2002.

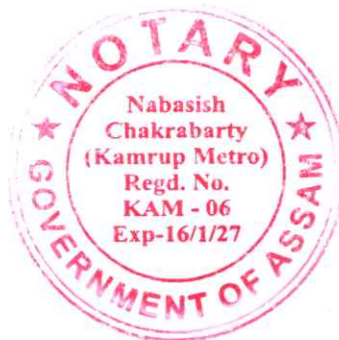
6. It is also pertinent to mention here that, by bringing the provisions of the Biodiversity Act, 2002, the Petitioner has simply tried to mislead the Hon'ble court. The said Act has no role in deployment of forest battalion, whereas the main issue in this original application only relates to the deployment of Forest battalion.

7. Now, regarding the deployment of forest battalion as alleged in the instant original application, I emphatically state that no deployment of forest battalion through the order dated 19.03.2026, has been made by the State of Assam, pursuant to the order of the Hon'ble Tribunal. On receipt of the order of the Hon'ble Tribunal dated 02/04/2026 from Judicial Section, National Green Tribunal, Eastern Zone Bench vide email dated 02/04/2026 at 6.59 PM. The same was circulated to the concerned authority for needful action immediately.

(Annexure- I).

8. Be it mentioned here that the establishment and management of the Assam Forest Protection Force in the State of Assam is guided by the Assam Forest Protection Force Act, 1986, which clearly clarifies that Personnel of Assam Forest Protection Force are not considered as Forest Officer as per the Assam Forest Protection Force Act, 1986, under section 2 (f) "*Forest Officer*" means any person appointed by name or as holding an office by or under the orders of the Government to be a Chief Conservator, Additional Chief Conservator of Forests, Conservator, Deputy Conservator, Assistant conservator of Forest, a Wildlife warden, Forest Ranger, Deputy Ranger, Game Keeper, Forest Guard, Head Game Watcher Game watcher, Mahout, Boatman or to

নবশিষ চক্রাবর্তী
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19 MAY 2026

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discharge any function of a Forest Officer under the Assam Forest Regulation of 1891, and the wild life (Protection) Act, 1972,”

On the other hand, *members of the force* are separately defined under section 2(h) of the said Act, as “*Member of the Force*” means a person appointed to the Force other than a supervisory officer.” Therefore, a member of AFPF Battalion is an armed personnel such as Constable, Lance Naik, Naik, Havilder, Sub Inspector and not Forest Officer. Thus it is clear that the AFPF Battallion Pesonnel does not fall under the category of “Forest Staff” as defined in section 2(f) of the Assam Forest Protection Force Act, read with Section 3(1), Assam Forest Regulation,1891.

9. Now I will deal with the para-wise contentions of the instant case:-

a) With regard to the statements made in paragraphs 1 to 5 of the instant application. I state that save and accept those borne on record the averments made by the petitioner in those paragraphs are denied. With regard to the said paragraphs I further state that the answering deponent have never failed in discharging their duties conservation and protection of forest.

b) Without going into the merits of substantial question of law raised by the Applicant, the answering respondent begs to state that it sufficed here to say that the averments made by the petitioner in paragraph 6 of the instant original application are without any substance and not tenable. It is very much apparent that the petitioner is not at all conversant with the actual facts in instant case.

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10. With regard to the statements made in Paragraph 6(xi) of the instant Original application, I state that they are false, fabricated and misleading to this Hon'ble Court. It is true that the Election Commission of India had time to time issued order exempting the recruitment of forest staffs. In Para 10 of the ECI Notification dated 7.8.2023, it is specifically stated about "Staff To Be Exempted", whereby in *para 10.1 it is stated that - The Commission has exempted certain categories of Personnel for being requisitioned for election duty in view of essential nature of duties/service discharge by them. They are as follows: (i) Senior officers of Indian Forest Service.....(v) Territorial staff of Forest Department.....*" -- Be it mentioned here that the order which was issued by the Special Chief Secretary on 19.03.2026, for deployment of certain personnel, do not fall under these categories. Those staffs as mentioned in the order dated 19.03.2026, were not Forest staffs in the strict sense of the term. Also the Drawing and Disbursing Officer (DDO) for the battalion personnel are Commandants in the rank of Superintendent of Police (SP) deputed from Assam Police.

11. In connection to para 6 of the Original Application, the answering respondent begs to place before the Hon'ble Tribunal the following facts of the case as stated below : -

There are three (3) battalions of Assam Forest Protection Force (hereinafter mentioned as AFPF) established under the Assam Forest Protection Act, 1986. The force is manned under Commandants who are Senior Superintendent of Police in rank and on deputation from Assam Police HeadQuarter. All posts from Assistant Commandant to Commandant are filled from Assam Police only.

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19 MAY 2026



Ramesh Chandra
 Commissioner & Secretary
 To The Govt Of Assam
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only target is to bring the temporary issue of manpower deployment of forces, but he is using the shield of Biological Diversity Act, 2002, which has no jurisdiction and/connection with the deployment of forces.

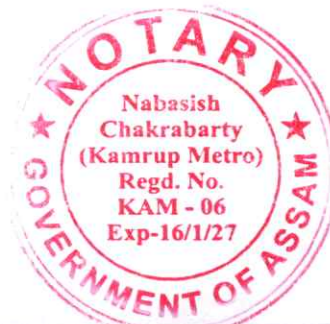
13. In this connection, I again state that the State of Assam has never compromised with the question of the protection of Forest. It is pertinent to mention that the Department has recently recruited 265 nos. Forester Gr-I, 1231 nos. Forest Guard, 50 nos. Forest Rangers in the year 2023. Out of this 1231 Forest Guards, the Department issued modern arms to 800 Forest Guards recently and now they are fully equipped to protect the forest and wildlife. They are also trained by Assam Police. Additionally, 334 nos. of Grade-IV staff of the department have also been promoted as Forest Guards in March, 2026 and deployed in forest protection duty on 14'h march, 2026. It is to be noted that these 334 nos. of Grade-IV staff have now become 'Forest Officers' as per the Assam Forest Regulation, 1891, Section 3(1).

14. With regards to the averments made by the petitioner in the instant original practically holds no merit, and are totally made with a malafide intendment, simply to malign the image of the Forest department and the image of a particular officer. This is clear from the above submissions made by the answering respondent with evidences, and hence the same are vehemently denied and it is reiterated once again that the petition holds no merit and has no ground to survive.

15. Therefore the answering respondent begs to submit that the prayer to petitioner was totally misleading and confusing and was liable to be quashed without any further deliberation, and to levy heavy

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19 MAY 2026



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 Commissioner & Secretary
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penalties on the petitioner for wasting valuable time of the Hon'ble Tribunal as a matter in which the petitioner has no primary knowledge or stake and has acted in haste with ulterior motives. The applicant has raised an issue of deployment of forest staff and obtained a stay order/ injunction with the shield of Biological Diversity Act, 2002, which is not at all applicable. Besides, the applicant has also mentioned about the orders of the ECI regarding the exemption of deployment of certain staffs, and the staffs who were supposed to be deployed vide order dtd. 19.03.2026, does not come under the exempted category of the ECI Notification. Hence this Original Application is liable to be dismissed with cost.

16. That the statements made out in the foregoing paragraphs are true to the best of my knowledge and belief and the same are also my respectful submissions before this Hon'ble Court and that I have not suppressed any material facts.

Ramesh Chandra...

Deponent
Commissioner & Secretary
To The Govt Of Assam
E,F&C. Change Deptt.
Dispur, Ghy-6

IDENTIFIED BY

[Signature]
ADVOCATE

SOLEMNLY AFFIRMED and
declared before me by the
Deponent on being identified
learned Advocate

[Signature]



NABASISH CHAKRABARTY
NOTARY Govt. of Assam
Regd. No. KAM - 06
Panbazer, Guwahati - 781001

19 MAY 2026



GOVERNMENT OF ASSAM
DEPARTMENT OF ENVIRONMENT, FOREST & CLIMATE CHANGE
JANATA BHAWAN, DISPUR, GUWAHATI-06

SCS/MKY/MISC/2026/20

Dated Dispur, the 2nd April, 2026

To,

1. The Chief Secretary to the Govt. of Assam, Dispur, Guwahati-06
2. The Director General of Police, Rehabari, Guwahati- 08
3. The Principal Chief Conservator of Forests & Head of Forest Force, Assam, Panjabari, Guwahati- 37

Sub: Order passed by Hon'ble NGT in connection with OA No. 76/2026/ EZ on 02/04/2026- regarding.

Sir,

With reference to the above, I am directed to forward herewith a copy of order dated 02/04/2026, sent by Standing Counsel, Hon'ble NGT, Eastern Zone Bench, Kolkata in connection with OA No. 76/2026/ EZ. The Hon'ble NGT has opined that "operation of the impugned order dated 19/03/2026 is stayed till further orders to the contrary".

This is for favour of your kind information.

Encl:

- i. Order passed by Hon'ble NGT on 02/04/2026.
- ii. OA No. 76 of 2026.

Yours faithfully

(Ramen Chandra Malakar, ACS)
Commissioner & Secretary to the Govt. of Assam
Environment, Forest & Climate Change Department
Janata Bhawan, Dispur, Guwahati-06

Memo No.SCS/MKY/MISC/2026/20-A

Dated Dispur, the 2nd April, 2026

Copy to :

PS to Special Chief Secretary to the Govt. of Assam, Environment, Forest & CC Department, Janata Bhawan, Dispur, Guwahati – 06, for kind information.

Commissioner & Secretary to the Govt. of Assam
Environment, Forest & Climate Change Department
Janata Bhawan, Dispur, Guwahati-06