

भारतसरकार  
GOVERNMENT OF INDIA  
एकीकृतक्षेत्रीयकार्यालय  
REGIONAL OFFICE  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE  
लॉडसीबलुम्बतंगेन/ LUMBATNGEN,  
शिलॉंग/SHILLONG-793021  
TEL. 0364-253-7609/7395/4650; FAX. 0364-2536041  
E-mail: [ro.nez.shil@gmail.com](mailto:ro.nez.shil@gmail.com) / [moefro.shillong@gov.in](mailto:moefro.shillong@gov.in)

ANNEXURE-I



471

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

Dated 14/05/2024

### NOTICE

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

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

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

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

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

(Contd..../-)

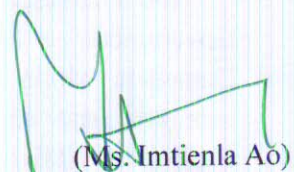


And whereas, after perusal of the said Factual Report, the Ministry vide letter No. FC/7/1/2024-FC, dated 18.03.2024 had pima facie observed that the use of forest land for non forest activities has been allowed without prior approval of the Central Government on the forest land in question which is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

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

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

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

  
(Ms. Imtiena Ao)

Deputy Director General of Forests (C)

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





## ANNEXURE-II

### ACKNOWLEDGEMENT RECEIPT

Sl. No.	Name and Address	Notice No.	Receipt with sign, seal and date
1	Shri M. K Yadava, Special Addl. Chief Secretary (Forest) Former Principal Chief Conservator of Forest, Forest and Environment Department, Government of Assam, Assam Secretariat, Dispur, Guwahati, Assam -781006	RONE/E/O.A No. 61/24/PB/AS/412 dated 14.05.2024	