

LAWYERS' ASSOCIATION, GOALPARA

P.O, P.S & Dist.- Goalpara, Assam, PIN - 783101

President:

R. JITEN DAS
Advocate, Goalpara
Phone : 9435023524



Secretary :

MR. WAZED ALI
Advocate, Goalpara
Phone : 9435001213

Date ..17/10/2022



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Memorandum submitted

To

The Commissioner, Secretary Environment and
Forest Department to the govt. of Assam, Janata
Bhawan, Dispur, 6

Through

The Deputy Commissioner, Goalpara

And

In the matter of implementation of Order of
Hon'ble Gauhati High Court dtd. the 5th
September 2022, passed in PIL (Suo Moto) No.
1 of 2022.

Submitted

On 17th October, 2022

By

The Lawyers' Association, Goalpara

AWYERS' ASSOCIATION, GOALPARA

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Respected Sir,

We, on behalf of the people of Goalpara District in General and the legal fraternity of Goalpara district in particular, would like to beg your permission to lay before your good office the following few lines for favour of your kind perusal and sympathetic consideration.

That Sir,

It is undisputed that all sorts of illegal and unauthorized encroachment shall be evicted from the forest land as directed by the Hon'ble Gauhati High Court.

That Sir,

It is our considered view that while executing the court's order by constituting a TASK FORCE the opinions and suggestions of the stake holders and civil society may kindly be considered in the greater public interest.

That Sir,

For smooth implementation of the scheme and to avoid any public outrage, as experienced from the past incidents, it has become necessary to consider the following factual matrixes.....

- (a) It is an admitted fact that about 25.67% of total forest land of Goalpara forest Division, is under encroachment either in the form of habitations or agriculture, specially in the form of Rubber, Tea, and Battle-Nut plantations.

Contd.....2

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P/2

Date ...17/10/2022

(b) At the time of survey as directed by the Hon'ble Gauhati High Court, out of 25.67 % of encroached area of forest land it is required necessary to ascertain how much hectors of forest land have been encroached by illegal inhabitants and by way of cultivation of Rubber, Tea and Battle-Nut plantations. Moreover the vulnerable encroached areas of forest land need to be identified for smooth movement of the wild animals like elephant etc.

Besides there are many revenue lands of individual land-holders and Revenue villages scattered within the forest land of Goalpara which need to be taken into consideration.

It is pertinent to mention here that in the year 1959 dtd. 23rd October the Governor of Assam was pleased to declare that it was proposed to constitute as Reserve Forests, the name of the forests are as under

- (i) Name of proposed reserve forest, Kurhiamari, Approx. area 198.0 acres
- (ii) Name of proposed reserve forest, Damra Approx. area 1472.0 acres
- (iii) Name of proposed reserve forest, Dairong
- (iv) Name of proposed reserve forest, Paikan Approx. area 1828.0 acres
- (v) Name of proposed reserve forest, Doshikota Approx. area 4385.0 acres

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Date ...17/10/2022

P/3

- (vi) Name of proposed reserve forest, Salpara Approx. area 610.0 acres
- (vii) Name of proposed reserve forest, Deosila Approx. area 1010.0 acres
- (viii) Name of proposed reserve forest, Burabure Approx. area 768.0 acres
- (ix) Name of proposed reserve forest, Raikhushini Approx. area 6810.0 acres.
- (x) Name of proposed reserve forest, Bagulamari Approx. area 3110.0 acres.
- (xi) Name of proposed reserve forest, Tukreswari Approx. area 849.9 acres.

It is noteworthy to mention here that as per aforementioned notification dtd. 23rd October 1959 the Governor of Assam appointed Deputy Commissioner of the then undivided Goalpara District to be the Forest Settlement Officer to enquire into and determine the existence, nature and extent of any rights/ claimed by or alleged to exist in favour of any person in or over any land comprised within such limits as described in the schedule of the Proposed Reserve Forest and any claim relating to the practice within such limits of Jhum Cultivation and to deal with the same as provided in Chapter II of Assam Forest Regulation 1891.

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P/4

Further under provisions of section 5 (2) of Assam Forest Regulation the Governor of Assam appointed Divisional Forest Officer Garo-Hills Division to assist Forest Settlement Officer in enquires prescribed by Chapter II of Regulation in connection with the proposed Reservation. Furthermore under the provisions of section 15 of Assam Forest Regulation the Governor of Assam appointed the Director of land records, Assam to hear the appeals from the orders of the Forest Settlement Officer.

That Sir,

In respect of the aforementioned XI numbers of Proposed Reserve Forests (PRF) the mandatory provisions of Assam Forest Regulation 1891 as embodied in the notification dtd. 23rd October 1959 have not been complied with till date as a result of which the lawful right and claim of many people over the land of PRF remain unsettled till date and because of which the PRF also could not have been declared as the Reserve Forests.

Annexure -1 are the copies of Government Notification dtd. 23rd October, 1959 published in the Assam Gazette November 11, 1959, (part IIA) 16 pages (Page No. 4013 to 4027)

Contd.....5



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P/5

Date ...17/10/2022

Respected sir,

In view of above, during the course of survey and eviction from encroached forest land the above referred legal complications may kindly be taken into consideration.

Here we would like to bring before your notice another kind of encroachment of PRF land in the district of Goalpara which can be termed as an "Administrative Encroachment". Be it mentioned that when Goalpara Sub-Division was elevated to a District in the year 1983 the District Civil Administration, ignoring the opposition of Forest Department, had allotted hundreds of bighas of PRF land to Government, Semi-Government and other Private institutions for instance, the Goalpara District Court Complex, Goalpara Sadar Thana Complex, Kandriya Vidhyalaya Complex, District Head Post Office Complex, Additional Circuit House Complex, Pratima Panday Children Park Complex, Agia Village Indoor Stadium Complex, etc. etc.

Annexure-2 are a few examples of allotment of PRF land to some Institution by District Civil Administration... 5 Pages.

Be it mentioned here that after the big earthquake of 1950 Goalpara District (then Sub-Division) was badly effected, almost one -half of land area of the head Quarter Town Goalpara was

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P/6

Date 17/10/2022

eroded by the river Brahmaputra and as there was no Sarkari Khass land nor there was sufficient patta land for acquisition in and around Goalpara town, so the Goalpara District Civil Administration had no other option but to move to the PRF land.

Similarly during last forty years 472 number of villages of Goalpara District were washed out by erosion of river Brahmaputra, as a result of which hundreds and thousands of people had become homeless and landless. Many of these people having found no alternative for their survival took shelter in the PRF land erecting shed over their head.

That Sir,

In a welfare state like India and under Provisions of our Constitution every person has right to live his life. So prior to the eviction of the inhabitants from the forest land the issue of their rehabilitation in alternative places is required necessary to be discussed and finalized with Deputy commissioner and proper Revenue Authorities, otherwise there would be human catastrophic and lakhs of people, we apprehend would be pushed to become environmental refugees and it would also adversely effect the Sustainable Development of the area.

Under the facts and circumstances setforth above we humbly pray

Contd.....7



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P/7

Date ..17/10/2022



- (a) For compliance of the mandatory provisions of appointment of " **FOREST SETTLEMENT OFFICER**" and resolution of all the issues of right/claims of individuals within the PRF areas , as embodied in the notification dtd. 23rd October,1959 (Annexute-1) prior to start the operation of eviction particularly in the PRF areas.
- (b) For strict adherence to a judicial mind and not to adopt an arbitrary, discriminatory or and selective manner of operation of eviction from the Forest land particularly from PRF land.
- (c) For making alternative arrangement of rehabilitation of the would be evicted persons with the help of appropriate Authorities of the Government prior to the impending operation of eviction from the PRF for the cause of humanity.

Contd.....8



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P/8

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We Remain sir

Yours faithfully

Dated Goalpara the

17th October, 2022

(Jiten Das)
President
Lawyers' Association
Goalpara
Association Goalpara)

(Wazed Ali)
Secretary
Lawyers' Association
Goalpara
Association Goalpara)

Copy forwarded to

1. The Chief Conservator of Forests, Rihabari, Ghy-8
2. The Deputy Commissioner Goalpara, Goalpara
3. The Divisional Forest Officer, Goalpara Division, Goalpara,
for favour of their kind information and necessary action

(Wazed Ali)
Secretary
Lawyers' Association
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