



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ENVIRONMENT AND FOREST DEPARTMENT

NOTIFICATION

The 18th July, 2020

No. FRS.171/2018/272.- Whereas there have been widespread electronic and print media reports in recent times, alleging illegal coal mining activities in Saleki Proposed Reserved Forest under Digboi Forest Division including in Tikok Open Cast Project (OCP) area by organizations such as Coal India Limited and its subsidiaries and by some unscrupulous individuals and its adverse environmental impact on the flora and fauna of the aforesaid area;

-AND-

Whereas, there are also allegations of violation of the Forest (Conservation) Act, 1980, the Assam Forest Regulation, 1891, the Wildlife (Protection) Act, 1972, in the process of coal mining activities carried out by Coal India Limited or its subsidiaries in Saleki Proposed Reserved Forest and also in Tikok Open.Cast Project area,

-AND-

Whereas, wide powers have been vested in the State Government by the Mines and Minerals (Development & Regulation) Act, 1957 and the Rules framed thereunder, regulating mining lease, period of lease, collection of different royalties, preservation of area for conservation, penalty and recovery for unauthorized mining, restoration and rehabilitation of mined area, prevention of illegal mining, transportation and storage, besides powers conferred under the Assam Forest Regulation, 1891, the Environment (Protection) Act, 1986 & the Air (Prevention and Control of Pollution) Act, 1981 and other related laws;

-AND-

Whereas, it has now become expedient and necessary, in public interest and also in the interest of protection of Environment, Forests and Wildlife in and around Saleki Proposed Reserved Forest and Tikok Open Cast Project Area, to enquire into any violation of the aforesaid laws related to Forests, Wildlife, Mining and Environment, during the last 20 years, while carrying out any mining or any other activities by any corporation, organization or individual in the aforesaid forest areas;

As such, in exercise of powers conferred under section 3 of the Commissions of Inquiry Act, 1952, the Governor of Assam is pleased to constitute a "One-Man Enquiry Commission" headed by Justice (Retd.) B. P. Katakey, retired Judge of the Hon'ble Gauhati High Court to cause an enquiry into the aforesaid allegations with the following Terms of Reference for the Commission:-

1. To enquire as to whether since the year 2003 till date, any illegal activities have been undertaken by any organization or individual in and around Saleki Proposed Reserved Forest (PRF) under Digboi Forest Division, including the Tikok Open Cast Project of Coal India Limited (North Eastern Coalfields).
2. To enquire and identify organization(s) and individual(s) responsible for undertaking such illegal mining activities, if any, in and around the aforesaid forest area.
3. To enquire into the manner of processing of any application, if made, by any organization or individual for grant of mining lease in the aforesaid forest area during the period from 2003 onwards, and also to enquire as to whether grant of any mining lease during the said period was in compliance and in conformity with the provisions of applicable laws i.e. the Mines and Minerals (Development & Regulation) Act, 1957, the Assam Forest Regulation, 1891, the Forest (Conservation) Act, 1980, the Environment (Protection) Act 1986, the Wildlife (Protection) Act, 1972 and other applicable Laws and Rules.
4. To enquire and assess, the extent of illegal mining activities, if any, in and around the aforesaid forest areas and also the impact of such activities, if any, on the flora and fauna generally found in and around the aforesaid forest area.
5. To enquire into and fix responsibility upon government officials of any department found involved in commission of any illegal mining or any other illegal activity in commission or abetment of the aforesaid forest area.
6. To enquire into and suggest measures for recovery of loss, if any, caused due to unlawful coal mining activity under the jurisdiction of Digboi Forest Division, either in the form of rent, royalty, penalty, land arrears or tax in terms of Section 21 (5) of the Mines and Minerals (Development & Regulation) Act, 1957 or under any other law in force during commission of offence of illegal mining or commission of any other illegal activity.
7. To enquire into and suggest measures to be taken for restoration, rehabilitation and reclamation of areas damaged due to illegal coal mining and ancillary activities, if any, and approximate amount of costs to be incurred for such purpose.
8. To enquire into any other prohibited regulated activities inside all forests (RF/PRF) and wildlife sanctuary under Digboi Forest Division and to suggest remedial measures to be taken to check such activities.

The Commission is also hereby vested with the additional powers as mentioned in Section 5 (2) to 5 (5) of the Commissions of Inquiry Act, 1952. For the purpose of conducting any investigation pertaining to enquiry, the Commission is vested with the powers conferred under Section 5 (A) of the Commissions of Inquiry Act, 1952. Sri P. N. Goswami, Advocate & Standing Counsel, Environment & Forest Department shall represent the Government of Assam before the Commission. The Commission shall submit its report within a period of 6 (Six) months from the date of issuance of this notification.

KUMAR SANJAY KRISHNA,
Chief Secretary,
Government of Assam,
Dispur, Guwahati.