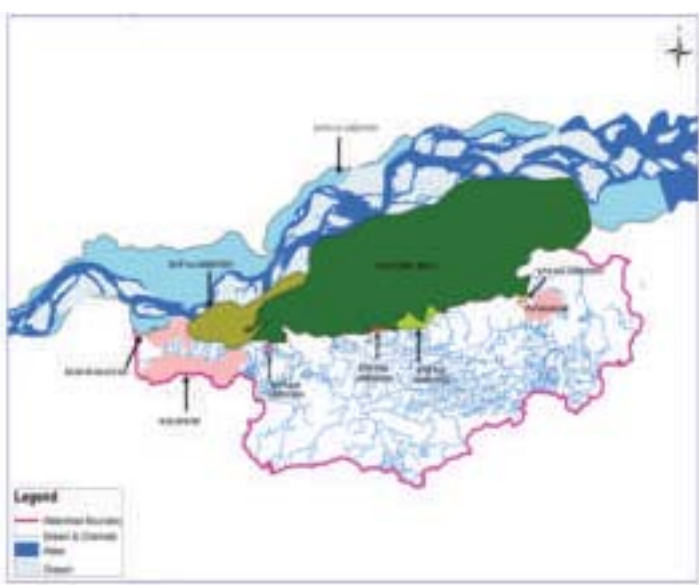




CHAPTER – VI

NOTIFICATION OF ADDITIONAL AREAS

Introductory



Map depicting the six additional areas

12.1.1 The erosion of Brahmaputra river and change of course of the river, regular floods in the KNP area necessitated the authorities to look for additional areas. Six additional areas had been identified and preliminarily notified between 1984 and 1993 as mentioned below:

Name of addition	Area (in sq km)	Date of notification	
		Preliminary	Final
1 st	43.79	28-9-1984	28-5-1997
2 nd	6.47	10-7-1985	Pending
3 rd	0.69	31-5-1985	
4 th	0.89	13-6-1985	3-8-1988
5 th	1.15	13-6-1985	Pending
6 th	376	10-9-1985 & 1-9-1993	7-8-1999

12.1.2 Of the above six areas, 1st and 4th additional areas are in possession of the park authorities duly handed over by the civil administration. But, 2nd, 3rd, 5th and 6th additional areas are yet to be formally taken over by the authorities. Results of scrutiny of the records and joint physical verification carried out by Audit Team along with Park Officials in the above additional areas are discussed separately in the following paragraphs.

The Wildlife Conservation strategy 2002 of MoEF, GoI prescribes – the settlement rights in NPs and Ws should not be used to exclude or reduce the areas that are crucial and integral part of the wildlife habitat.

1st Addition

12.2.1 Though the additional area was notified in 1997, the park authorities could take over the complete possession only in 2010. Scrutiny revealed that the civil as well as the park authorities had to carry out a number of eviction drives to make the area free from encroachment. It was observed from the records that **the entire population which was evicted from the 1st additional area in 2010 had settled just opposite NH 37 in Deosur chang adjacent to Deopani village.**



Glimpse of Deosur Chang - south of NH 37 opposite first addition area

12.2.2 From the letter of the Director, KNP to the Deputy Commissioner, Nagaon dated August 2006 it appeared that in

the past instances of harbouring poachers and recovery of wildlife products from that area are on record. Besides, the letter also highlights the fact that settlements were causing hindrance in migration of the endangered wild animals to a great extent especially during floods. Physical survey of the area by Audit revealed that the stretch where the evicted population had occupied (100 mtrs south of GPS location N 26° 34'13.3" and E 093° 07'06.6" from where photograph was taken) has clear signages of animal corridor. It was further noticed that the Public Works Department had constructed a permanent road under PMGSY scheme connecting NH 37 and the settlements.

12.2.3 During interaction with the President of the Eco-Development Committees (EDC) of villages adjacent to these settlements, it was learnt that there has been huge population growth in the past few years. **They have also stated that there is a constant inflow of fresh migrants in**



The signage of animal corridor on left side of NH 37 and the settlement of Deosur Chang on the right

that area. In view of the statement of the representatives of the EDCs, Audit had obtained the census data for the years 2001 and 2011 from the Directorate of Economics and Statistics, Assam. **Analysis revealed that the population of Deosur chang and Deopani had increased by 121 per cent and 73 per cent respectively between 2001 and 2011. The growth is abnormal when compared to the growth figures of Nagaon District (39 per cent) and that as the entire State of Assam (32 per cent).**

12.2.4 Despite such rapid increase in population just on the periphery of the park falling within the designated animal corridor, concerted efforts should have been taken by the park authorities in coordination with the civil administration to carry out further eviction drives and restrict migrants to free the area from illegal encroachment, which was not



Signage of PMGSY Road to Deosur Chang

done. The mushrooming growth in population in these settlements coupled with past instances of harbouring poachers had emerged as a great threat to the wild animals.

4th Addition

12.3.1 The fourth addition consists of 0.89 sq km which was historically used for tea cultivation. Initially notified in 1989, the park authorities ultimately took possession of the land in November 2010. The compensation for acquisition worked out as ₹ 1.77 crore and was deposited (October 2010) with the Sub-Divisional Officer, Kaliabor by the park authorities.



Fourth addition area carved out of area used as tea garden

12.3.2 Further scrutiny of the records revealed that the RO, western range informed (February 2011) the DFO that in view of tea gardens surrounding the fourth addition area, there is every risk of slow encroachment by the tea garden authorities in the long

run. In order to protect the integrity of the park area he proposed for erection of permanent boundary pillars along with plantation works in the area predominantly covered by tea bushes which were up-rooted at the time of taking over the area.

12.3.3 It was observed that no such boundary pillars were erected despite the fact that the area is surrounded by tea gardens and Kanchanjuri village which has registered a population growth of over 140 *per cent* in 2011 as compared to 2001. Since this addition area was taken over to provide shelter to the animals during floods, proper management of the habitat and undisturbed environment should have been ensured by the park authorities. However, due to the absence of grassland coupled with influence of creepers besides presence of ever increasing human settlements/mass movement of tea garden labourers, this additional area would undoubtedly not serve as the safe haven for wild animals during the floods.

6th Addition

12.4.1 The entire stretch of the Brahmaputra river on the north side of the KNP including the *chaporis*¹ of about 376 sq km had been notified as sixth addition. Initially notified in 1985 and re-notified in 1993, the final notification was issued in 1999.

12.4.2 It was observed that despite the final notification of 1999 and creation of a separate range named 'Northern Range' in 2008 to administer over the area, the park authorities are yet to obtain the formal possession from the district administration, even after 15 years. Audit



Khutis (settlements) on the 6th addition area

scrutiny revealed that the sixth addition has been marred with tricky problems like largescale encroachments coupled with other problems like illegal fishing, cattle rearing etc which necessitated repeated eviction drives. These drives, however, remained largely ineffective due to the following.

- (i) Protracted litigation due to cases filed by the encroachers in various Courts, some of them are still pending;

¹ River islands.

- (ii) Strong resistance from the encroachers assisted by poachers and criminal elements taking shelter in the encroached areas and *chaporis*.
- (iii) Indirect political interference during eviction drives.

The details are given in the **Annexure – ‘D’**.



Settlements and fishermen setting up nets inside the 6th addition area

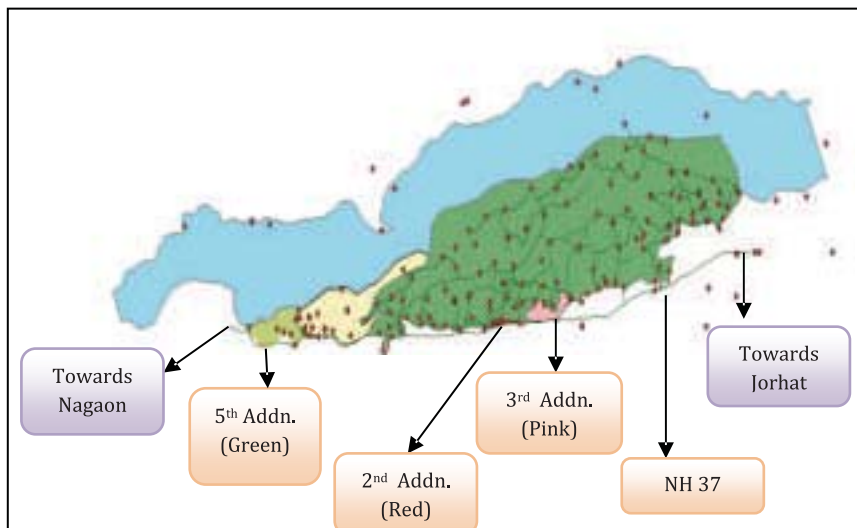
12.4.3 Further audit scrutiny revealed that the Gauhati High court in two separate cases upheld (4 and 12 June 2013) the eviction drives initiated by the KNP authorities. These Court orders were forwarded to the park authorities by the Directorate in August 2013. However, no further action was taken by them to expedite eviction operations to clear the area from illegal encroachment till date of Audit (July 2014). As a result, the encroachers continue to illegally occupy the land otherwise meant for wildlife conservation.

2nd, 3rd and 5th Additions

12.5.1 The 2nd, 3rd and 5th addition areas comprising 8.30 sq km² were preliminarily notified in 1985. These additions are strategic as they enjoin the core area of the park with NH 37 to facilitate free movement of animals towards higher land during flood as shown in the map.

² 2nd Addition = 6.46 sq km, 3rd Addition = 0.69 sq km and 5th Addition = 1.15 sq km.

12.5.2 Audit scrutiny revealed that ₹ 39.33 lakh³ was to be paid to the affected land holders as worked out by the Collector. The amount was deposited by the park authorities with the civil administration on various dates between June 1996 and January 1999. Records revealed that the amount of



₹ 39.33 lakh is still lying with the civil administration till date as the settlers are not ready to accept the compensation for some reason or the other. **As per the present status put forth by the park authorities, possession of the land falling under 2nd, 3rd and 5th addition areas are yet to be taken over by them.** It was observed that while calculating the compensation amount, land belonging to permanent *pattadars* as well as the annual *pattadars* was considered.

12.5.3 Audit had collected the detailed break-up of the land of the above additional areas which revealed that out of 8.30 sq km area, 3770 Bighas 17 Kathas and 75 Lechas⁴ were Government land, 511 Bighas 7 Kathas and 56 Lechas were annual *patta* (AP) land and 407 Bighas 9 Kathas and 44 Lechas

Addition	PP land			AP land			Govt land		
	B	K	L	B	K	L	B	K	L
2 nd	123	5	25	158	3	18	3287	12	56
3 rd	247	4	17	85	1	23	210	1	18
5 th	37	0	2	268	3	15	273	4	1
Total	407	9	44	511	7	56	3770	17	75

B - Bigha, K - Katha, L - Lecha
144 sq ft = 1 Lecha; 2,880 sq ft = 1 katha and 5 kathas = 1 Bigha

were permanent *patta* (PP) land. In this context, reference is drawn to Section 1.1 (2) (c) of Rules under the Land and Revenue Regulation (Assam) which clearly lays down that an '**annual *patta***' means a lease granted for one year only and confers no rights to the soil beyond a right of use for the year for which it is given. It confers no right of inheritance beyond the year of issue. It confers no right of transfer or of subletting and shall be liable to cancellation for any transfer or sub-letting even during the year of issue. **Thus, only permanent *pattadars* having land measuring about 408 Bigha were entitled to compensation as per the land and revenue regulation of Assam.**

12.5.4 Cross verification of records of the Circle Officer, Bokakhat, however, revealed that 3,407 out of 4,955 Bighas in 2nd addition, 101 out of 543 Bighas in

³ 2nd Addition = ₹12.14 lakh, 3rd Addition = ₹ 13.28 lakh and 5th Addition = ₹ 13.91 lakh.

⁴ 1 Lecha = 144 sq ft; 20 Lecha = 1 Katha and 5 Katha = 14,400 sq ft or 1 Bigha.

3rd Addition and 273 out of 578 Bighas in 5th addition area had already been handed over to the park authorities. Accordingly, some of the land records had been corrected in favour of the park authorities. The **'handing over - taking over'** certificate dated July 2005 available in the records of the KNP confirms the fact. However, it was observed that the KNP authorities had denied having possession of any land in these additional areas. Due to the above confusion, there has been steady increase in encroachment as discussed in the succeeding paragraphs.

12.5.5 During interaction with the Circle Officer, Bokakhat, it was ascertained that they have carried out a survey of the land falling under the additional areas in 2009 which revealed that Government land measuring 1,573 Bighas (which were yet to be handed over to the park authorities as per their records) **had been entirely encroached. However, the survey left out the portion of Government land which were shown to have been handed over to the park authorities.** Copy of survey report enclosed as **Annexure - 'E'**.



12.5.6 Audit had carried out physical verification of the area which revealed that **at present** the entire area including the Government land (both handed over and yet to be handed over) is under encroachment, either by construction of houses or by way of cultivation. Thus, due to inaction by the park authorities to protect the territorial integrity of the land already taken over in 2005, failure of the civil administration to process the acquisition of the remaining stretch of 408 Bighas land owned by permanent *pattadars* coupled with the prevailing confusion in both the departments regarding the handing over - taking over, majority of these three additional areas had been encroached by illegal settlers.



Human settlements in the additional areas

12.5.7 Incidentally, it was noticed from the records of the park authorities that the PCCF, Wildlife had in October 2012 requested all the divisions to intimate the position of encroachment. During verification of records in the PCCF, Wildlife office it was observed that none of the divisions, including the KNP had reported the position.

12.5.8 During verification of records as well as interaction with the presidents of EDCs/heads of villages falling under these additional areas, it was observed that the present occupants (both cultivators and dwellers), including the illegal ones, now demand huge compensation much above the approved Government rates. Besides, field verification revealed that the State Electricity Board has also extended electricity connection under Rajiv Gandhi *Grameen Vidyutikaran Yojana* (RGGVY) to some of these villages set up on the land of additional areas.



Electrification under RGGVY inside 2nd addition area

12.5.9 Needless to mention here, the three additional areas are strategically important as these form part of the vital animals corridors. Besides, in the wake of steady erosion of land by the river Brahmaputra on the north side of the core area, these additional tracts of land could have helped the park authorities to ensure some recoupment of land lost.

12.5.10 In view of the above observations, Audit is of the considered opinion that the possession of these three additional areas is fast going beyond a point of retrieval and reduced land mass would not only be detrimental for the well being of the animals but also would lead to more man animal conflict as the both continue to struggle for their share of the land.

The Wildlife Conservation strategy 2002 of MoEF, GoI prescribes – removal of encroachments and illegal activities from within forest land and protected areas.

12.5.11 *The Department admitted that due to negligence of the Revenue as well as the Forest Departments the areas falling under 2nd, 3rd and 5th additions could not be taken over resulting in rampant encroachments. They also accepted audit findings that constant construction activities, parking lots, erection of dhabas etc had led to blocking of most of the designated animal corridors. As regards the boundary demarcation, they stated that a new type of boundary pillar is being proposed to be established after proper survey of the boundaries.*

12.5.12 It was also stated that as per the latest report submitted by the Circle officer in September 2014, all the Government land in the periphery of the KNP falling under the Kaliabor Circle stand encroached.

Recommendations (additional areas)

- Distinct boundary pillars need to be installed and GPS mapping ensured at/of strategic locations of the additional areas which had been taken over from civil administration.
- PW Department may be coordinated to ascertain the rationale behind construction of road under PMGSY in Deosur chang which pre-dominantly is an encroached area. Besides, the executing Departments like PW, State Electricity Boards may be impressed upon to plan road constructions and other services in and around KNP only after discussion with the park authorities to ensure that the encroachers are not given any undue advantage in future.
- **1st additional area:** The illegal settlers in the Deosur chang and other adjacent areas need to be evicted immediately in a timebound manner. Alternatively, efforts may be made to classify the Deosur Chang area as another additional area to the Park.
- **6th additional area:** Immediate arrangements need to be made to take over the area from the civil administration and the illegal settlers evicted within a fixed timeframe. If need be, orders from the competent Courts may also be obtained in favour of eviction. As regards the control of fishing in the river, help from the district administration may be obtained for law enforcement at strategic points of the river.
- **2nd, 3rd and 5th additional areas:** Timebound action need to be taken in co-ordination with the civil administration to free these areas of occupation, both legal and illegal by (i) paying compensation to the permanent pattadars and (ii) evicting the encroachers to ensure direct control of the park authorities over the land and camps erected at strategic locations.