

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.76/2026/EZ

Gaurav Kumar Bansal

Applicant

Versus

Union of India & Ors.

Respondents

Date of hearing: 02.04.2026

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Advocate for the applicant (Physically in PB).

ORDER

1. The applicant has filed the present application under Sections 14 and 18 of the National Green Tribunal Act, 2010 seeking following reliefs:-

“a. Quash and set aside the impugned order dated 19.03.2026 issued by the Respondents, being illegal, arbitrary, and contrary to the provisions of the Biological Diversity Act, 2002 and the directions of the Hon’ble Supreme Court;

b) Stay the operation and implementation of the impugned order dated 19.03.2026 during the pendency of the present Original Application;

c) Direct the Respondents to ensure that the Assam Forest Protection Force (AFPF) personnel are not diverted from their core duties of forest protection, monitoring, and conservation of biological resources;

d) Pass such other order(s) as this Hon’ble Tribunal may deem fit and proper.”

2. The applicant has submitted that on 19.03.2026 the Office of the Special Chief Secretary to the Government of Assam issued order dated 19.03.2026 mentioning that the Assam Forest Protection Force is required to be deployed to assist the Assam Police in connection

with the forthcoming Assam Assembly Elections scheduled to be held on 09.04.2026. By way of the aforesaid order, directions were issued for the mobilization of approximately 1600 Assam Forest Protection Force personnel, requiring them to report to the office of the Additional Director General of Police on or before 03.04.2026. By way of diverting the Assam Forest Protection Force personnel from their primary duties of protection and conservation of biological resources for election and allied purposes, the Respondents have not only failed to discharge their statutory obligations under the Biological Diversity Act, 2002, but have also severely compromised the protection and conservation of forests, wildlife, and ecological systems in the State of Assam. Such large-scale diversion of Assam Forest Protection Force personnel from their core duties of forest protection and surveillance significantly heightens the risk of illegal activities, particularly poaching. The forests of Assam, which are known to harbour a rich and diverse range of biological resources, including several endangered and near-extinction species, require constant vigilance and monitoring. The absence of adequate frontline staff creates a vulnerable environment, thereby increasing the likelihood of poaching, illegal wildlife trade, and other exploitative activities. This not only poses a grave threat to species already on the verge of extinction but also undermines the ecological balance and conservation efforts mandated under the Biological Diversity Act, 2002.

3. The Applicant has prayed for issuance of appropriate directions to the Respondents to ensure strict compliance with the provisions of the Biological Diversity Act, 2002 and to refrain from diverting the Assam Forest Protection Force personnel from their core duties of forest protection and biodiversity conservation.

4. We have heard the applicant and gone through the material on record.

5. The applicant-Mr. Gaurav Kumar Bansal, Advocate has argued that Section 36 of the Biological Diversity Act, 2002 mandates the Central Government to develop national strategies, plans and programmes for conservation, promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources. Section 36 B thereof places a corresponding obligation on State Governments to develop and implement strategies, plans and programmes for conservation and sustainable use of biological diversity which also includes identification and monitoring of biodiversity-rich areas, promotion of in-situ and ex-situ conservation etc. Forests including Tiger Reserves and Protected Areas, constitute critical ecological zones and repositories of invaluable biological resources. These areas are not only environmentally sensitive but also serve as vital biodiversity reserves requiring continuous monitoring and protection. By diverting critical forest protection personnel for non-conservation purposes by issuing the impugned order dated 19.03.2026, the respondents have not only failed in discharging their statutory obligations under Section 36 of the Biological Diversity Act, 2002 but have also acted in complete derogation of the letter and spirit of the Biological Diversity Act, 2002.

6. The applicant has further argued that apart from being violative of the mandate under Section 36 of the Biological Diversity Act, 2002, the impugned order is also violative of order dated 15.05.2024 passed by the Hon'ble Supreme Court in Civil Appeal No. 1249 of 2019- the State of Uttarakhand and Another Vs. In the Matter of Protection of Forest,

Environment, Ecology, Wildlife etc., from the Forest Fire etc whereby the Hon'ble Supreme Court directed that in all the States the forest staff as well as the forest vehicles shall not be requisitioned for the election purposes or any other purposes like Char Dham Yatra.

7. The applicant has accordingly submitted that the impugned order is liable to be quashed and therefore operation of the impugned order may be stayed.

8. *Prima facie* the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

9. In view of the above, notice of the application along with copies of the documents attached with the same is ordered to be issued to the respondents requiring them to file their responses and/or make their submissions on the next date of hearing fixed.

10. List on 06.04.2026 for further hearing.

11. In view of the provisions of Section 20 of the National Green Tribunal Act, 2010, which mandates this Tribunal to apply the Precautionary Principle, the provisions of the Biological Diversity Act, 2002, the Indian Forest Act, 1927, the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the urgent need for conservation, protection and monitoring of areas rich in biological resources, the risk of illegal activities particularly poaching, illegal wildlife trade, illegal felling and removal of trees and in exercise of powers conferred under Section 19(4)(j) of the National Green Tribunal Act, 2010, respondent no.5-Special Chief Secretary to Government of Assam, Environment, Forest and

Climate Change Department is directed to desist from violating the provisions of the Biological Diversity Act, 2002 specified in Schedule-I of the National Green Tribunal Act, 2010 and operation of the impugned order dated 19.03.2026 is stayed till further orders to the contrary.

12. A copy of this order may be sent to the Chief Secretary, Government of Assam and the Special Chief Secretary to Government of Assam, Environment, Forest and Climate Change Department for requisite compliance.

Arun Kumar Tyagi, JM

Ishwar Singh, EM

April 2nd, 2026
Original Application No.76/2026/EZ
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