

No. W-11013/10/22-SE(L)/PHED/35
GOVERNMENT OF MIZORAM
OFFICE OF THE SUPERINTENDING ENGINEER, PHED
LUNGLEI WATSAN CIRCLE LUNGLEI: MIZORAM

Dated Lunglei, the 10th November, 2022

To,

✓ The Deputy Conservation of Forest (FC)
Aizawl, Mizoram.

Subj:- Proposal of Tlawngnhar Recharging Dam for Aug & Imp of Zobawk WSS reg.

Ref:- 1) No. B.22015/5/2022-FC/PCCF/27 Dt.19/9/2022
2) No. W-11012/42/22-EE/PHE-MD(L)/12 Dt 31.10.2022

Sir,

With reference your no. and the subject cited above, and as per EE, LWSM letter under reference. I have the honour to submit herewith points of clarification to the query set by the Department of Environment, Forests & Climate Change vide their letter No indicated at Sl. No. 1 referred above stating formation of verification team by the Chief Secretary, visit of verification team at site on 18.07.2022 & 19.07.2022, report submission of verification team, findings and recommendations regarding thereof.

1. Construction work of Check Dam at Tlawngnhar, Zobawk was initiated by PHED in April 2022 and work was stayed by DFO Lunglei in April, 2022 vide his letter No. C.18015/1/2019-DFO(L)/ Dt.22.04.2022 claiming the area being a Reserved Forest, and stated that Forest Clearance is required for non-forestry activity to be taken up. Accordingly, work had been stopped immediately as per order received, and Forest Clearance application had been applied as per direction of EF & CC department Office, Aizawl.
2. The purpose Check Dam construction is purely for supply of drinking water to the people of Zobawk 'N&S' habitations. The work is sanctioned by Government of Mizoram funded under Special Central Assistance during 2021-2023. Fund is fully released to the PHED.
3. Construction Work was awarded to M/S. Leitlang Consultant, Lunglei through open tendering. But now the progress is halted due to Stay Order from DFO, Lunglei since 25.04.2022 till date.

P/B OF PCCF

Receipt No. 7017
Date 17.11.22

on file
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DFO (FC)
17/11
ACF (FC)
D.A.

4. The proposal for construction of Check Dam / Impounding Dam at Tlawngghnar was initiated in conformity with the '*Jal Shakti Abhiyan: Catch the Rain*' campaign launched by the Hon'ble Prime Minister on 22.03.2021, the World Water Day and for the aim to the creation/ rejuvenation of Amrit Sarovars in order to commemorate Azadi Ka Amrit Mahotsav (Govt. Letter enclosed) (Annexure – III). The primary objective of JSA: CTR being creation / maintenance of water conservation & rainwater harvesting structures; renovation of traditional and other water bodies; water reuse and groundwater recharging; watershed development; and intensive afforestation. The proposed check dam / impounding dam at Tlawngghnar will serve the objectives of the *Jal Shakti Abhiyan: Catch the Rain* in a positive manner.
5. **Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications):** At Part-A page 4, depicted as Annexure-I (enclosed) that is "Forest (Conservation) Act, 1980 with Amendments made in 1988". Under Explanatory note for non-forest purpose, certain items of work / activity were mentioned as exempted; like *any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, pipelines or other like purposes.*

In this case, the proposal for Construction of Check Dam / Impounding Dam seems to be an exempted item. The check dam will conserve water at source for human as well as wildlife consumption, it will retain / increase soil moisture for green vegetation, it will recharge the groundwater (acts as waterholes). The construction will not destroy any trees as well as the impounded water will not inundate any forest trees to extinction since water cover area is shallow and small.

6. **Rule 16 of The Mizoram Water Supplies (Control) Acts, 2004 & Rule 6 of The Mizoram Water Supplies (Control) (Amendment) Rules, 2011** says that the PHE Department may exercise the right to preserve any water source including catchment area and has empowered the Executive Engineer concerned to issue notification to reserve water source(s) and its catchment area(s) for the purpose of protecting any water resources for human consumption.

In view of the paragraphs mentioned above, contents and comments highlighted; the clarification to the 2nd para of the reference no. 2 is that 'construction of check dam / impounding dam at the source is one of the best and economical methods for impounding / conserving water bodies'; it also enhances source security in the long run as storing water on ground recharges groundwater effectively.

Regarding water collection tanks by private / individual persons doing in primitive methods, PHE department is not the authority to stop them, but those land pass ownership certificate(s) are first to be removed. Their present activities really deplete the surface / sub-surface flow due to over-exploitation / over-withdrawal; the over-exploitation at the source adversely affects the natural discharge of Tlawng river which is ultimately being suffered in the Greater Lunglei Water Supply Scheme operation now.

Since the proposal of Constructing Check Dam / Recharging Dam at Tlawngnhar is for the purpose of providing drinking water to the citizens of Zobawk 'N & S' villages during dry periods, the plan and construction of this proposed dam is so designed not to encroach the reserved forest even during highest flood level during Monsoon; and the activities incorporated in the construction and the follow-up maintenances would not cause harm to the water resources and to the forest habitat itself and hence, the Forest Clearance need to be granted to PHED by the appropriate authority and allow to continue the construction works at the proposed site at the earliest.

Enclo:- Annexure-I, II & III

Yours faithfully,

(NGENTLUANGA)

Superintending Engineer, PHED
Lunglei WATSAN Circle, Lunglei

Memo No. W-11013/10/22-SE(L)/PHED/35

Dated Lunglei, the 10th November 2022

Copy to:

1. The Engineer-in-Chief, PHED, Mizoram, Aizawl for favour of kind information.
2. The Chief Engineer, Zone – II, PHED, Mizoram, Aizawl for favour of kind information.
3. The Deputy Commissioner, Lunglei District, Lunglei for favour of kind information.
4. The District Forest Officer, Lunglei for favour of kind information.
5. The Executive Engineer, PHED LWSM Division for information.

Superintending Engineer, PHED
Lunglei WATSAN Circle, Lunglei

FOREST (CONSERVATION) ACT, 1980 WITH AMENDMENTS MADE IN 1988

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows: -

1. Short title, extent and commencement-

- (1) This Act may be called the Forest (Conservation) Act, 1980.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall be deemed to have come into force on the 25th day of October 1980.

2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose

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 -

- i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- ii) that any forest land or any portion thereof may be used for any non-forest purpose;
- iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;
- iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

- a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- b) any purpose other than reafforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

3. Constitution of Advisory Committee

The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to-

- i) the grant of approval under Section 2; and
- ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

3A. Penalty for contravention of the provisions of the Act

PART-II

**THE MIZORAM WATER SUPPLIES (CONTROL)
(AMENDMENT) RULES, 2011**

In exercise of the powers conferred by section 18 of the Mizoram Water Supplies (Control) Act, 2004 (No.11 of 2004) the Governor of Mizoram is pleased to make the following rules namely:-

1. Short title, Extent and commencement :

- 1) These rules may be called the Mizoram Water Supplies (Control)(Amendment) Rules, 2011.
- 2) It shall have the like extent as the Principal Act.
- 3) It shall come into force from the date of its publication in the Mizoram Gazette.

2. Definitions :

- 1) In these rules, unless the context otherwise requires,-
 - a) "Act" means The Mizoram Water Supplies (Control) Act, 2004(No.11 of 2004);
 - b) "consumer" means any person or owner or occupier of any premises provided with House Water connection, Public Water Point or Hand Pump Tube Well by Public Health Engineering Department;
 - c) "disconnection" means stoppage of supply of water due to certain reason which requires payment of re-connection fee and other expenses if any;

- Amendment - II*
- d) "casual water" means a short period
 - e) "habitation" means permanently
 - f) "kilolitre" means
 - g) "premises" means
 - h) "reconnection" means supply on payment
 - i) "suspension" means certain period for payment of expenses if any
 - j) "temporary water" means for a period not exceeding 3(three) months
 - k) "Supply Tank" means house water connection Hydrant(s) are connected
 - l) "T-Cluster" means line(s) or end of pipe(s) of house water Point(s) or hydrant
 - m) "Catchment area" means source of water as concerned Division

6. Right of reservation of Water sources with the Catchment areas for human consumption: The Department may exercise the right to preserve, protect and reserve any water source(s) including Ground Water with the catchment area(s) which is or are found suitable for human consumption for any habitation. No person(s) do any activities which can cause depletion, contamination and pollution of water in the catchments areas of the reserved source(s). No person shall use or utilize water from the reserved source(s) without prior permission of the Department. Whoever-disobey or offend the Rule may be punished as per 17(5) of the Mizoram Water Supplies (Control) Act, 2004. The Executive Engineer of the concerned Division is empowered to issue the notification of the reserved water source(s) and the catchment area(s) within his or her own jurisdiction."

7. Rate of water and other charges :

- (1) A non-refundable connection fee of Rs.500/- (Rupees five hundred) only shall be charged for each new pipe water

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 - m) "Catchment area" means source of water as notified by concerned Division

Annexure - III

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PANKAJ KUMAR
SECRETARY,

Ministry of Water Resources, River
Development & Ganga
Rejuvenation



सत्यमेव जयते

NAGENDRA NATH SINHA
SECRETARY,

Department of Rural Development

SUNIL KUMAR
SECRETARY,

Ministry of Panchayati Raj

AJAY TIRKEY

SECRETARY,

Department of Land Resources

VINI MAHAJAN

SECRETARY,

Department of Drinking Water &
Sanitation

LEENA NANDAN

SECRETARY,

Ministry for Environment, Forests &
Climate Change

DO # L-11012/1/Amrit Sarovar/RE-VII-2022 (e.379839)

April 18, 2022

Dear Chief Secretary,

India is celebrating the Azadi Ka Amrit Mahotsav, marking 75 years of Independence from British rule this year. In order to commemorate this momentous occasion, it has been decided that at least 75 water bodies may be created or rejuvenated in every district. These may be called Amrit Sarovars.

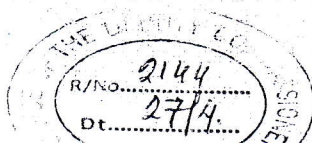
2. You are already implementing the Jal Shakti Abhiyan: Catch the Rain Campaign. The creation/rejuvenation of the Amrit Sarovars will be a special effort under this programme. The Central Nodal Officers under Jal Shakti Abhiyaan-Catch the Rain campaign will also monitor the progress of Amrit Sarovar works during their field visits.

3. The size of Amrit Sarovars should be befitting the occasion that they commemorate. Following discussion with various stakeholders and field officials, it is suggested that a minimum pondage area of 1 Acre may be planned for. If the district is unable to create as many new Amrit Sarovars, they may take up rejuvenation/desilting of the existing structures for restoring their ecological and productive utility.

(i)

In order to optimise the benefit of the Amrit Sarovars and to ensure that the implementation is done in the most credible manner, technology including remote sensing/geospatial will be used extensively from site selection stage till its completion. AMRIT SAROVAR portal developed by Bhaskaracharya Institute of Space Application and Geomatics-National (BISAG-N) will be used to generate list of potential sites, monitor progress and upload media.

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- (ii) Such development proposal may include removal of encroachments both within the body as well as in the catchment and drainage, treatment of greywater flowing to it, plantation of tree such as नीम (Azadirachta indica), पीपल (Ficus religiosa), बरगद (Ficus benghalensis) etc. Special care be taken to ensure treatment of bund around the structure by ensuring layerwise compaction, including through use of machinery, turfing and appropriate slope thereof. However, public funds should not be used for beautification works. Citizens and non-government bodies may contribute, if they want such work to be taken up.
- (iii) A district wise plan of action regarding the Amrit Sarovars may be prepared and shared with the Department of Rural Development as well as with the National Water Mission, Ministry of Jal Shakti. The action plan should include GPS coordinates of the selected sites, as well as the time required to complete the activity. While finalising the sites, District may provide focus on water stressed blocks, especially with reference to Drinking Water.
- (iv) Peoples' participation is key to entire initiative as it is meant to evoke collective spirit of the community. Equally important for the Campaign is to remember and recognize the families of freedom fighters and martyrs (of post-independence era). They and those elder citizens who have watched the nation grow would lead their communities in foundation laying, inauguration and flag-hoisting on the eve of Amrit anniversary of Independence along with women, youth, school children and others. The sites of the Sarovars located in the villages of freedom fighters and martyrs would also be prioritised over others.
- (v) It will be necessary to also plan for use of the Amrit Sarovars a priori and users association be accordingly created largely drawn from members of the SHGs. They should be

contd....

encouraged to participate in its development through their labour and also observe vigil on scrupulous implementation.

(vi) If feasible Amrit Sarovars sites are located such that they lie partly or fully in the forest areas, the same may be taken up by the forest agencies or consent may be provided to other agency who may be entrusted with the work.

(vii) This exercise may be begun as early as possible so as to complete a substantial number of structures by August 15, 2022. Those States, which may find it difficult to adhere to the above timetable on account of early rains e.g. the states in the North-East, may seek permission for following a different timetable within the financial year 2022-2023. In any case, all such structures must be completed by end of Amrit Varsh i.e. 15th August 2023.

(viii) Every Amrit Sarovar worksite will have a common signage (Board) of standard size and logo. A template of the board will be shared by Ministry of Rural Development.

4. Resources for this activity available from MGNREGS, XV Finance Commission Grants (both tied and untied), PMKSY-WDC, PMKSY-HKGP-RRR or similar schemes from the State/ Central Govt. either singly or in combination may be accessed for this purpose.

5. Following calendar for development of the Amrit Sarovar is proposed: ✓

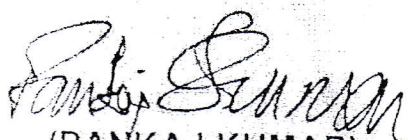
- (i) **By 23th April 2022:** Identification of the potential site, site examination and stakeholder consultation
- (ii) **24th April 2022:** Start of Amrit Sarovar Work
- (iii) **By 15th August 2023:** Completion of construction

6. Central/State Nodal Officers may assist the Distt. in following the above timetable and provide feedback to Central/State Govts. in this regard for corrective action, if any.

7. District and States should separately document the entire initiative recording various vignettes of development of Amrit Sarovar, unique features of mobilisation of the community, donations provided by the citizens etc.

8. We look forward to your whole-hearted support in commemorating the Azadi Ka Amrit Mahotsav by creating "Amrit Sarovars".

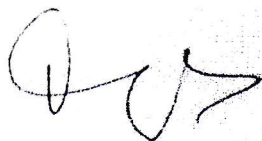
Yours sincerely,



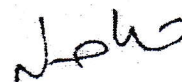
(PANKAJ KUMAR)
SECRETARY (WR, RD & GR)



(SUNIL KUMAR)
SECRETARY (PANCHAYATI RAJ)



(VINI MAHAJAN)
SECRETARY (DRINKING WATER
& SANITATION)



(NAGENDRA NATH SINHA)
SECRETARY (RURAL
DEVELOPMENT)



(AJAY TIRKEY)
SECRETARY (LAND
RESOURCES)



(LEENA NANDAN)
SECRETARY (ENVIRONMENT,
FORESTS & CLIMATE CHANGE)

To
Chief Secretaries of all States/UTs