

No.G.20015/3/2019 – FST/II
GOVERNMENT OF MIZORAM
ENVIRONMENT, FORESTS & CLIMATE CHANGE DEPARTMENT

Dated Aizawl, the 29th March, 2023

To,

Dy. Inspector General of Forests (C),
Ministry of Environment, Forests & Climate Change
Integrated Regional Office,
Law-U-Sib, Lumbatngen,
Near MTC Workshop, Shillong-793021
Email : ro.nez.shil@gmail.com

Subj: *Diversion of Land for construction of 132 KV line Bairabi to West Phaileng via. Mamit-reg.*

Sir,

I am directed to enclose herewith copy of letter No.B.22014/47/2020-FC/PCCF/212 dt.24.03.2023 regarding Action Taken Report for violation of Mizoram (Forest) Act, 1955 in respect of construction of 132 KV line Bairabi to West Phaileng via. Mamit (i.e. clearing and damage of forest area of 0.4 ha) for information and necessary action. The Action Taken Report consist of issue of Show Cause Notice to concerned Government Officials and imposition of penalty amounting to ₹16,000/- for damage to bamboos in the forest area.

Enclo: As stated

Yours faithfully,

(H.C.ZONUNTHARA)

Under Secretary to the Govt. of Mizoram,
Environment, Forests & Climate Change Department.

Memo No.G.20015/3/2019 – FST/II

Dated Aizawl, the 29th March, 2023

Copy to :- ✓ The Principal Chief Conservator of Forests for information and necessary action.

P/C OF PCCF

Receipt No 10808

Date 31.3.23

Under Secretary to the Govt. of Mizoram,
Environment, Forests & Climate Change Department.
Ph :- (0389) 2335237(O)

Urgent

**GOVERNMENT OF MIZORAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
DEPARTMENT OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
MIZORAM::AIZAWL**

No.B.22014/47/2020-FC/PCCF/212

Dated Aizawl the 24th March, 2023

To,

Principal Secretary to the Government of Mizoram,
Environment, Forests & Climate Change Department,
Mizoram.

Subj: Proposal for construction of 132 KV line Bairabi to West Phaileng via Mamit - reg.

Ref: No. B. 11011/1(b)/2020-FDM/1019-1022 dated 06.03.2023

Sir,

In pursuance of discussions held in the meeting of Regional Empowered Committee (REC) on 28.02.2023, I am directed to forward herewith a copy of Action Taken Report received from DFO, Mamit. Further, action has been taken in accordance with the provisions of Mizoram (Forest) Act, 1955 by compounding the Forest offence with imposition of penalty amounting to Rs. 16,000 for damage to bamboos in the forest area.

Further, show cause notices to Forest official concerned and User Agency have also been issued pertaining to violation of Mizoram (Forest) Act, 1955 (copies enclosed).

This is for information and onward submission to IRO, Shillong please.

Enclo: As above.

Yours faithfully,

[Signature]
24/3/2023
(IMZ SINGSON)

Deputy Conservator of Forests (FC)

Dated Aizawl the 24th March, 2023

Memo No.B.22014/47/2020-FC/PCCF/212

Copy to :

1. Deputy Director General of Forests (C), Ministry of Environment, Forests & Climate Change, North Eastern Regional Office, Law-U-Sib, Lumbatngen, near MTC Workshop, Shillong-793021, E-mail:ro.nez.shil@gmail.com
2. Conservator of Forests (NC) for information.
3. Divisional Forest Officer, Mamit Forest Division for information.
4. Executive Engineer, Mamit Power Division, Mamit for information.

[Signature]
24/3/23

Assistant Conservator of Forests (FC)

o/c

211(a)



भारतसरकार
GOVERNMENT OF INDIA
एकीकृतक्षेत्रीयकार्यालय
INTEGRATED REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लॉउसीबलुम्बतंगेन/LAW-U-SIB, LUMBATNGEN,



शिलांग/SHILLONG-793021
TEL: 0364-2537278; FAX: 0364-2536041
E-mail: moefro.shillong@gov.in

No. 3-MZ C 015/2022-SHI 2404-05

9th March, 2023

To,

Principal Secretary,
Government of Mizoram,
Environment, Forests & Climate Change Department,
Aizawl-796001.

Sub: Proposal for diversion of 11.17 ha of Forest land for construction of 132 KV Line Bairabi to West Phaileng via Mamit by Department of Power And Electricity, Government of Mizoram-reg.

Sir,

In inviting a reference to the subject cited above, I am to inform you that this instant proposal for diversion of 11.17 ha of Forest land for construction of 132 KV Line Bairabi to West Phaileng via Mamit was discussed in the REC held on 28.02.2023. The proposal was recommended by the Committee subject to submission of the following information:

- 1) Submission of Action Taken Report on the violation with concrete supporting documents.

The State Govt is requested to submit the information as desired by the REC at the earliest so as to enable this office to take further necessary action.

Yours faithfully,

(Mrs. Laetitia J. Syiemiong)
Deputy Inspector General of Forests (C)

Copy to:

1. Additional Principal Chief Conservator of Forests & Nodal Officer (FC), Govt. of Mizoram, Environment, Forests & Climate Change Department, Aizawl.

Deputy Inspector General of Forests (C)

P/D OF PCCF

Receipt No. 10119

Date 10.3.23

DCP (FC)

10/3
ACFC/FC

10/3

10/3

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**GOVERNMENT OF MIZORAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
MAMIT FOREST DIVISION
MAMIT: MIZORAM**

Forest Tlang, Luangpawl Veng

Email id: mamitforestdivision@gmail.com

Dated. Mamit, the 6th March, 2023

No.B.11011/1(b)/2020-FDM/1019-1022

To,

✓ The Principal Chief Conservator of Forests,
Mizoram, Aizawl.

Subj: *Proposal for construction of 132 Kv Tr. Line Bairabi to West Phaileng via Mamit-reg.*

Sir,

Referring to the subject cited above, I am to inform you that necessary action has been taken against the then forest officials and the user agency who have committed violation in respect of the above mentioned project. Further, it is to inform that action has been taken in accordance with section 24 of the Mizoram Forest Act, 1955 by realizing minimum six times royalty and compounding fee amounting to Rs 16,000/- for clearing and damage to bamboos in the forest area.

A copy of show cause notice to forest officials and user agency and cash receipt is enclosed herewith for favour of your kind information and necessary action.

Enclo: As above

Yours faithfully,



(JENNY SAILO)

Divisional Forest Officer

Mamit Forest Division

Dated. Mamit, the 6th March, 2023

Memo No.B.11011/1(b)/2020-FDM/

Copy to: 1. The Conservator of Forests (NC), Kolasib for kind information.
2. The Executive Engineer, Mamit Power Division for kind information.

P/B OF PCCF

Receipt No10057.....

Date 9. 3. 23.

Divisional Forest Officer
Mamit Forest Division

205 (167)

GOVERNMENT OF MIZORAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
MAMIT FOREST DIVISION
MAMIT : MIZORAM

Forest Tlang, Luangpawl Veng
Email id: mamitforestdivision@gmail.com
Dated Mamit, the 10th Jan, 2023

No.B.11011/1(b)/2020-FDM/ pt
To,

Pu Thanglura Sailo
Executive Engineer
Mamit Power Division

Subj: Show Cause Notice for Violation of The Mizoram (Forest) Act, 1955.

Sir,

With reference to the subject cited above, the undersigned is to serve show cause notice to you in discharge of her duty as Divisional Forest Officer, Mamit Forest Division as follows:

It is observed that clearing and damage of forest area of 0.4 ha had been undertaken for the project proposal for diversion of 11.17 ha of forest land for construction of 132 Kv line between Bairabi to W.Phaileng via Mamit Transmission line inside Tut- Langkaih Protected Council Reserved Forest and Teirei and Tlawng Riverined Reserve Forests which are the recorded Reserved Forests declared under The Mizoram (Forest) Act, 1955 vide Assam Gazette Notification dated 19th May, 1965 and Vide Notification No. 1 of 1970 dt. 24th June, 1970.

The Mizoram (Forest) Act, 1955 Section 24 prohibits any person who in the Government Reserved Forest (3) fells, cuts, girdles marks, lops, taps or injures by fire or otherwise any trees, or (4) quarries stones, burns lime or charcoal or collects subject to any manufacturing process or removes any forest produce, or (5) clears or breaks up any land for cultivation or any other purpose or in contravention of any rule made by the State Government shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

The Forest (Conservation) Act, 1980 as well as orders of the Hon'ble Supreme Court banned taking up of any non forest activity on forest area without prior approval of the Central Government under the Forest (Conservation) Act, 1980. Section 2 of the Forest (Conservation) Act, 1980 imposes restriction on de-reservation of forest area and use of forest area for non-forest purpose as follows:

"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 expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to reserved;*

- (ii) *that any forest 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 organization not owned, managed or controlled by Government;*

For the purpose of the above section, the terms "Forest" and "Forest land" have been defined by the Hon'ble Supreme Court of India in the landmark order on 12.12.1996 in W.P(C) 202/1995 read with W.P(C) No.171/1996 as follows :-

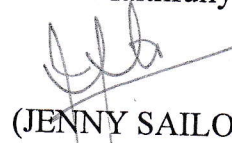
The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2 of the Forest Conservation Act.

The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest (Conservation) Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. Para 1 of the same order clearly says that prior approval of the Central Government is required for any non-forestry activity within the area of any forest and in accordance with section 2 of the Act, all on-going activities within any forest in any State throughout the country without prior approval of the Central Government, must cease forthwith.

In view of the above, it is obvious that the provisions stated above have been violated as you had undertaken activities inside the above mentioned Reserved Forest areas without prior permission and clearance from the Competent Authority.

You are hereby informed to explain as and why such activities had been undertaken in violation of The Mizoram (Forest) Act, 1955. Your reply must reach this office within 10 days after date of receipt of this notice, failing which it shall be construed that you have nothing to say in this regard and necessary action shall be initiated against you without further notice.

Yours faithfully,



(JENNY SAILO)
Divisional Forest Officer
Mamit Forest Division

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GOVERNMENT OF MIZORAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
MAMIT FOREST DIVISION
MAMIT : MIZORAM

Forest Tlang, Luangpawl Veng
Email id: mamitforestdivision@gmail.com

No.B.11011/1(b)/2020-FDM/pt

Dated Mamit, the 10th Jan, 2023

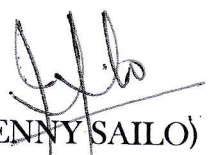
To,

Lalringliana, F/R
Bungkawn, High School veng,
Aizawl, Mizoram

Subj: Show Cause Notice for Violation of The Mizoram (Forest) Act, 1955.

Sir,

Project proposal for diversion of 11.17 ha of forest land for construction of 132 Kv line between Bairabi to W.Phaileng via Mamit Transmission line inside Tut-Langkaih Protected Council Reserved Forest, Teirei and Tlawng Riverine Reserved Forests hnuaiah phalna nei lovin 0.4 ha forest land tihchhiat a ni tih hriat a ni a. He thil thlen laia in-charge, Range Officer i nih angin thil thlen dan kimchang leh Reserved Forest chhunga dan bawhchhiatna a mawhphurtute he lehkha i hmuh atanga ni 10 ral hmain a hnuaia hming ziaik hnenah hian report thehlut tura hriattir i ni e.


(JENNY SAILO)
Divisional Forest Officer
Mamit Forest Division

**GOVERNMENT OF MIZORAM
OFFICE OF THE EXECUTIVE ENGINEER
MAMIT POWER DIVISION: MAMIT -796441
POWER & ELECTRICITY DEPARTMENT**

email:mamitpowerdivn@gmail.com

Tele fax: 0389-2565397

No. T-18022/1/21-EE(MPD)/35:

Dated Mamit the 12th Jan. 2023.

To

✓ The Divisional Forest Officer
Mamit Forest Division.

Subject : Reply of Show Cause Notice

Ref: B.11011/1(b)/2020-FDM/pt Dt 10th.Jan.2023

Madam,


With reference to the above, I have the honor to clarify as below in reply of the Show Cause Notice for Violation of The Mizoram (Forest) Act, 1955:

1. In order to improve Power Distribution system in the Western Region i.e Mamit District, Detail project '**Construction of 132kV Line Single Circuit Line on Double Circuit Tower from Bairabi to West Phaileng via Mamit**' incorporating No Objection Certificate regarding Forest Clearance issued by the Competent Authority of your Deptt even vide no B.23013/63/2014-FC/PCCF/153 Dt 23.March.2015 was submitted to North Eastern Council Shillong for acceptance and sanctioned. The Copy of No Objection Certificate issued by competent Authority is enclosed herewith. Accordingly, North Eastern Council Shillong had approved the Detail Project and fund was release vide NEC/POW/577/MIZO/2014-15/5867 Dt 19.4.2017
2. As soon as the Project was accepted by the competent Authority and to complete the work within target period Work was started on war footing basis since in the year 2017.
3. In course of execution of the 132kV Line you had relaised that some locations of 132kV Towers alignment falls within Forest Reserve Area, as such you had cancelled NOC and issued Stay Order accordingly.
4. As NOC was cancelled Forest Clearance had been applied by this Deptt and uploaded @ parivesh.nic.in which is under process.
5. After receiving Stay order and cancellation of No Objection Certificate '**no new activities was executed by this Deptt till date inside your Forest Reserve Area**'.

6. While executing the Construction line, if any violation of any section of The Mizoram (Forest) Act, 1955, had been observed by you, for which we are ready to bear any fine thereof and it is felt deeply regretted and appologised for the same and shall not be repeated in due course.

This is for favor of your kind information with a request to accept and seeking your kind cooperation for the success of the project.

Your's faithfully,


(THIANGLURA SAILO)
Executive Engineer
Mamit Power Division

Memo No: No. T-18022/1/21-EE(MPD)/35: Dated Mamit the 12th Jan. 2023

1. The Chief Engineer (Distribution) Aizawl: For favor of kind information. Xerox copy of the above Show Cause Notice is enclosed herewith.
2. The Superintending Engineer Project Circle-I Aizawl : For favor of kind information. Xerox copy of the above Show Cause Notice is enclosed herewith.
3. The Sub-Divisional Officer Mamit Power Sub-Division, Mamit : For information and not to violate the above Act inside Forest Land.

Executive Engineer
Mamit Power Division

A.Sch.L(Part I) Form No. 19P 194/42
ORIGINAL
FOREST DEPARTMENT MIZORAM

Mamit Division

Book No. 144

Receipt No. 2

Cash Book Dr item No.

Date

Received from E.E. P&E Mamit Power Division

The sum of Rs. 16000/- Rupees sixteen thousand Only

On account of six times royalty + compounding fee of Bamboos

Dated Mamit-
the 16/2/2023

J.F.H.
Divisional Forest Officer
Mamit Forest Division
Mamit, Mizoram

15/2/23
[Signature] Officer-In-charge
Range/Depot
Range Officer,
Mamit Forest Range
Mamit, Mizoram

A.Sch.L(Part I) Form No. 19P 194/42
ORIGINAL
FOREST DEPARTMENT MIZORAM
Mamit Division

Book No. 144

Receipt No. 2

Cash Book Dr item No.

Date

Received from E.E. P&E Mamit- Power Division

The sum of Rs. 16,000/- Rupees sixteen thousand only

On account of six times royalty + compounding fee of Bamboos

Dated Mamit

the 16/2/2023

J.F.B.
Divisional Forest Officer
Mamit Forest Division
Mamit, Mizoram

16/2/23
[Signature] Officer-In-charge
Range/Depot
Range Officer,
Mamit Forest Range
Mamit, Mizoram