

GOVERNMENT OF ARUNACHAL PRADESH  
DEPARTMENT OF ENVIRONMENT, FORESTS & CLIMATE CHANGE  
ITANAGAR

No.FOR.3-217/Cons/2019/ 1061-65

Itanagar, dated, 19/3/24 March '2024

To

✓ The Deputy Director General of Forests (Central),  
Sub Office, Guwahati (under Regional Office, Shillong)  
4<sup>th</sup> Floor, Housefed Building , Rukminigaon  
Guwahati- 781022

Sub:- Proposal for diversion of 18.60 ha forest land for widening/improvement of existing road to NHDL specification Hunli-Metengliang-Hayuliang road from 158.00 km to 165.00 km by Border Roads Organization under Anjaw District of Arunachal Pradesh.

Ref:- Your letter F.No. 3-AN C 171/2023/GHY/4607-08 dated 09.10.2023.

Madam,

With reference to above letter on the subject, this is to enclose herewith following information:

1	The action taken against the erring officials of the State Forest Department who failed to prevent occurrence of violation in the three stretches of reported violation by GREF.	The detail action taken report on violation is enclosed at Annexure-I
2	The detail muck disposal plan approved by concerned DFO mentioning along with the quantity of muck to be generated and dumped as the submitted plan indicates only the GPS coordinates.	The detail muck disposal plan approved by concerned DFO is enclosed at Annexure-II
3	The corrected shape/kml file of the proposed area as the submitted kml/shape file of the proposed road and muck dumping areas are overlapping as per the DSS report.	The corrected shape/kml file of the proposed area is enclosed at Annexure-III

It is therefore, requested to kindly issue necessary formal approval for diversion of 18.60 ha forest land for construction of above road under Section-2 of the Forest (Conservation) Act' 1980.

Yours faithfully,

(S.S.Kandpal)

Addl. PCCF (Cons) & Nodal Officer (FCA)

Copy to:-

1. The Chief Conservator of Forest, EAC, Tezu for information
2. The Officer Commanding, 116 RCC (GREF), C/o 99 APO, Pin-930116 for information
3. The Chief Engineer (P), Udayak, C/o 99 APO for information.
4. The DFO, Anjaw FD for information and necessary action.

(S.S.Kandpal)

Addl. PCCF (Cons) & Nodal Officer (FCA)

GOVT. OF ARUNACHAL PRADESH  
OFFICE OF THE CHIEF CONSERVATOR OF FORESTS  
EASTERN ARUNACHAL CIRCLE: TEZU

No. EAC/CONS-79/2019/ 325-26

Dt: 14.2.2024

To,

The APCCF & NO (FCA),  
Govt. of Arunachal Pradesh,  
Itanagar.

Sub: Hunli-Metengliang-Hayuliang (HMH) - reg

Ref: FOR.3-217/Cons/2019/ dt. 9.2.2024

Sir,

With reference to your above letter regarding action taken against the erring officials of the SFD who failed to prevent occurrence of violation it is to mention that the first violation over 0.69 Ha by GREF was detected by SFD officials on 11.1.2022 and reported in the project proposal itself forwarded vide No. EAC/Cons-79/2019/709-10 dt. 24.2.2022 while the second violation by GREF was detected on 25.1.2023 which was forwarded vide this office letter No. EAC/CONS-291/2022/575-78 dt. 10.3.2023 so there were no erring officials of SFD and no action was required to be taken upon SFD officials. In view of above, I would once again clarify the following.

1	<p>The action taken against the erring officials of the SFD who failed to prevent occurrence of violation in the three stretches of the reported violation by GREF</p>	<p>Three stretches of violations by GREF have not been reported but two stretches of the violation have been reported to have been committed by GREF while the third violation has been reported to have been committed by RWD in 2009 as shown below.</p> <p><b>0.69 Ha by UA</b> – No action taken against the officials of the SFD who did not fail to detect the violation but actually detected it and offence report No. HLG/01/2022 dt. 12.1.2022 drawn by RO Hayuliang as per rules/ guidelines.</p> <p><b>3.50 Ha by UA</b> – No action taken against the officials of the SFD who did not fail to detect the violation but actually detected it and offence report No. HLG/01/2023 dt. 25.1.2023 drawn by RO Hayuliang as per rules/ guidelines.</p> <p><b>4.20 Ha by RWD</b> – The offence is stated to have occurred in 2009 based on sanction order No. RWD/PMGSY/145/2009-10 dt. 25.6.2009. But after telephonic discussion with NO (FCA) on 6.3.2023, the O/R No. HLG/02/2023 dt. 7.3.2023 was drawn by RO Hayuliang against RWD officials as per rules/ guidelines with date of detection of offence as 7.3.2023 for an offence allegedly occurred in 2009.</p> <p>No action was taken on officials of SFD posted in 2023 for an offence alleged to have occurred in 2009. The DFO Anjaw in his note on violation (copy enclosed) had stated that no detection of violation was done in 2009 and no records of violation of FCA in 2009 by RWD for PMGSY km 158-165 and no action taken against any SFD official posted in 2009 were found in his office files</p> <p>(also refer reply to EDS (i), (ii), (iii) sent vide No. EAC/Cons-79/2022/1255-56 dt. 15.5.2023).</p>
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1. The Column 5 of format for submission of report for alleged violation of FCA, 1980 submitted by DFO and forwarded vide No. EAC/Cons-79/2019/709-10 dt. 24.2.2022 states that RO Hayuliang wrote to OC 116 RCC Pin-730116, C/o 99 APO vide No. HLG/HM/Road-51/715-717 dt. 14.12.2021 asking the UA to stop construction works on the road with copy to DFO Anjaw. The DFO Anjaw in-turn wrote to UA vide No. ANJ/Cons-01/2011/1740-41 dt. 30.12.2021 to immediately stop construction works on HMH road.
  2. Thereafter, Offence report No. HLG/01/ 2022 dt. 12.1.2022 was drawn by RO Hayuliang for 0.69 Ha against UA.
  3. The UA was also directed vide this office letter No. EAC/Cons-79/2019/3288-91 dt. 13.10.2022 with copy endorsed to NO (FCA), not to undertake any works till clearance from competent authority.
  4. Meanwhile, during the intervening period of more than one year since forwarding of proposal to NO (FCA) Itanagar by CCF Tezu on 24.2.2022 and ultimately forwarding it to IRO Gauhati by NO (FCA) on 24.3.2023, yet another fresh violation by present UA (GREF) was detected by RO Hayuliang over 3.50 Ha on 25.1.2023.
  5. On detection second time that work was again started by UA, the second Offence report No. HLG/01/ 2023 dt. 25.1.2023 was drawn by RO Hayuliang for 3.50 Ha against UA.
  6. The DFO Anjaw forwarded the O/R dt. 25.1.2023 for 3.50 Ha against GREF to CJM Anjaw vide No. ANJ/Cons-36/2021/373-76 dt. 9.3.2023 for trial under AFR, 1891 and FCA, 1980.
  7. These details were brought to the information of NO (FCA) vide No. EAC/Cons-291/2022/575-78 dt. 10.3.2023 and copy was endorsed to UA directing it again to refrain from further violations till formal clearance was granted.
  8. Neither it was desirable nor feasible for SFD officials to engage in physical combat with a Lt Col (Army) of GREF to stop the work and SFD was also ill equipped to physically stop UA or its labour force so O/R etc was drawn by the SFD and forwarded by DFO to court. No action taken on officers of SFD as detected and reported by RO/ DFO.
  9. The present status has been informed to NO FCA vide No EAC/cons-79/2022/2138-39 dt. 17.7.2023 that Judicial Magistrate First Class-cum-Civil Judge (Jr Division) Hawai Anjaw Distriict vide order dt. 17.4.2023 had returned the O/R CR/01/ 2023 drawn by RO Hayuliang against Lt. Col Satyendra Singh along with violation report etc observing that:
    - (a) 60 days notice was not served upon the concerned authorities as per proviso to rule 9 (1) of the FC(A) rules, 2003.
    - (b) Prosecution sanction against the concerned officials had not been obtained/ found.
  10. The DFO Anjaw served 60 days notice to OC 116 RCC (GREF) vide No. ANJ/Cons-36/2021/1366-68 dt. 26.5.2023 for violation against (i) O/R No. HLG/01/2022 dt. 12.1.2022 over 0.69 Ha and (ii) HLG/01/2023 dt. 25.1.2023 over 3.50 Ha.
  11. Similarly, the DFO Anjaw vide his No. ANJ/Cons-36/2021/1360-65 dt. 26.5.2023 also served 60 days notice to RWD for violation against (iii) O/R No. HLG/02/2023 dt. 7.3.2023 over 4.20 Ha.
  12. The DFO Anjaw vide No. ANJ/Cons-36/2021/2012-13 dt. 17.8.2023 has requested to obtain prosecution sanction from MoD/ Central Govt/ State Govt, as the case may be, for compliance of court order dt. 17.4.2023.
  13. In this connection this office letter No. EAC/Cons-79/2019/2240-41 dt. 1.8.2023 addressed to DFO Anjaw with copy to NO FCA is also relevant.

All these above details have been informed to NO (FCA) from time to time and are already available in your office record. The matter of no action taken against officials of SFD since the violations were detected and informed by RO/ DFO was informed earlier also and an abstract of which is given below for the sake of recall. The APCCF (Cons) vide his letter No. FOR.3-217/Cons/ 2566-69/2019/ dt. 28.4.2023 had asked for reply from CCF Tezu against SN



(i), (ii) and (iii) of IRO Guwahati letter No. 3-AN C/171/ 2023/GHY/3862-63 dt dt. 21.4.2023 enclosed with it. The same was replied vide this office letter No. EAC/CONS-79/2022/1255-56 dt. 15.5.2023 enclosing a four page point wise reply. The EDS at SN (i) b) of the said IRO letter dt. 21.4.2023 was very similar to the present one asked vide letter dt. 9.10.2023 and the relevant extract of point wise reply submitted earlier against it vide letter dt. 15.5.2023 is reproduced verbatim below.

(i) b)	Names of persons/ officials/ officers of SFD and UA responsible for this act of violation and action taken by the SFD against this officials on (a) above.	<p><u>0.69 Ha – UA</u>  <i>Violation detected and reported by RO/ DFO on 12.1.2022, <b>no action taken on officers of SFD yet</b></i></p> <p><u>3.50 Ha – UA</u>  <i>Violation detected and reported by RO/ DFO on 25.1.2023, <b>no action taken on officers of SFD yet</b></i></p> <p><u>4.20 Ha – RWD</u>  <i>Further, as regards officials of SFD, the DFO Anjaw has given names of DFOs around 2009 but has said that no detection of violation was done in 2009 so <b>no action has been taken against forest officials yet.</b></i></p>
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In the end, it is to further inform that as regards O/R dt. 7.3.2023 over 4.20 Ha against RWD for an offence alleged to have occurred in 2009 (based on A/A & ES dt. 25.6.2009), it had been informed by UA at SN “e” of letter dt. 21.4.2022 with copy to NO (FCA) that RWD road was existing since perhaps before 1980. The DFO Anjaw FD at SN 8 of his “note on violation” has also mentioned that as per his enquiry, road was in existence prior to 1980 which was maintained by CPWD and later by PWD/ RWD after formation of State in 1987. These details were also highlighted in this office letter No. EAC/Cons-291/2022/575-78 dt. 10.3.2023 which may be referred.

Yours faithfully

  
 Chief Conservator of Forest  
 Eastern Circle, Tezu.

Copy to DFO Anjaw FD for information. It is directed to inform if any more/ further action was taken against the erring officials of the SFD who failed to prevent occurrence of violation in the three stretches of the reported violation and the present update, if any. Further, he is reminded to refer letter No. EAC/Cons-79/2019/3772-73 dt. 22.12.2023 and take necessary action as per instructions therein since notice period given by him is over.

  
 Chief Conservator of Forest  
 Eastern Circle, Tezu.

V225/72

**Note on Violation of FCA, 1980 on  
Hunli-Metengliang-Hayuliang PMGSY Km 158 to Km 165 Road**

1. A proposal for construction/ widening of 7 km of Hunli-Metengliang-Hayuliang road from Km 158.00 to Km 165.00 was applied by 116 Road Constr Coy (GREF) vide Proposal No. FP/AR/ Road/114789/2020. The proposal was revived by UA in Sept, 2021 which was forwarded by DFO Anjaw Forest Division vide letter No. ANJ/Cons-36/2021/74-76 dt. 13.1.2022 and by CCF Eastern Circle Tezu vide No. EAC/ Cons-79/2019/709-10 dt. 24.2.2022 **Since the work was already started by the UA over 0.69 Ha so an offence report and violation report in format was also submitted to NO (FCA) with the proposal.**
2. Certain clarifications were sought by PCCF & NO (FCA) vide No. FOR.3-217/Cons/2019/ 1125-28 dt. 21.3.2022 from DFO and UA. The DFO Anjaw submitted clarification directly to PCCF & NO (FCA) vide No. ANJ/Cons-36/2021/1312-13 dt. 28.5.2022. The reply of UA was submitted vide No. 224/A/ Parivesh/71/E2 dt. 21.4.2022. Both replies were forwarded to NO (FCA) vide No. EAC/Con-79/2019/3182- 29.9.2022 and No. EAC/Con-79/2019/1788-90 27.5.2022 respectively.
3. The UA in its clarification vide No. 224/A/ Parivesh/71/E2 dt. 21.4.2022 mentioned above had submitted the details of area as below while informing that the existing PMGSY road was taken over from RWD of Arunachal Pradesh by the UA for widening/ improvement to NHDL specification.

(a) For widening/ improvement of existing road -	(Row 24 mtr) = 16.80 Ha
(b) For MDPs	= 1.80 Ha
Total	18.60 Ha
4. It had been informed by UA that since no FCA clearance of earlier PMGSY road was found so the BRO had applied over entire stretch of 7 Km length with 24 mtr RoW with an area of 16.80 Ha plus the MDP area. In support, the BRO enclosed a handing over note in a format as Annexure B showing A/A & E/S No. RWD/PMGSY/145/2009-10 dt. 25.6.2009 of 684.39 lacs for formation cutting, cross drainages, protection work and 24 mtr span bridge over 8.05 km PWD road Matliang (Stage-I) at SN 3 and 10 of the said format (copy attached). This reply dt. 21.4.2022 of UA had already been forwarded to PCCF & NO (FCA) Itanagar by CCF Tezu vide No. EAC/ Cons-79/2019/1788-90 dt. 27.5.2022.
5. Although, the SN 1 of the said handing over note/ format submitted by BRO mentioned **PWD road to Matliang (Stage I)** and SN 2 stated **PWD road** as take off point of PMGSY road and SN 6 of the handing over note/ format as **village road** and the clarification against SN 5 at "e" of UA letter dt. 21.4.2022 mentioned that road was constructed **before 1980**, but the PCCF Itanagar & NO (FCA) took cognizance of the matter and directed DFO Anjaw to take action for violation of AFR, 1891 and submit violation report as per proforma vide No FOR. 3-217/Cons/2019/2538-40 dt. **06.7.2022**.
6. Since Anjaw Forest Division was created in 2008 and before it was part of DFO Lohit Forest Division, Tezu so there were no records in any file of present Anjaw Forest Division about construction of PMGSY road from km 158 to km 165 or any violation. The matter was also enquired from DFO Lohit Forest Division who informed that all files related to Anjaw Forest Division were handed over to then then DFO Anjaw in



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- 2008 and there is no record about construction of PMGSY road from km 158 Km 165 km or any violation in 2009 or thereafter.
7. It has also been enquired from the present staff of DFO office Lohit and Anjaw about construction of PMGSY road in 2009 from km 158 to km 165 or any violation after 1980 or after E/E & A/S dt. RWD/PMGSY/145/2009-10 dt. 25.6.2009 as stated by PCCF & NO (FCA) Itanagar in his letter No FOR. 3-217/Cons/2019/2538-40 dt.06.7.2022. The present staff of both Anjaw and Lohit Forest Divisions have expressed their inability to any knowledge when the said road was originally constructed and by which department and there are no records of violation having occurred are found in concerned files.
  8. On enquiry from village elders of concerned area it was verbally informed that village road was existing since much before 1980 and was maintained by Central Govt and by Govt of Arunachal Pradesh after formation of the State of Arunachal Pradesh in 1987.
  9. Therefore, the road is apparently in existence since before 1980 was perhaps maintained by CPWD and later by PWD/ RWD after formation of State. The UA in its clarification at "e" of letter dt. 21.4.2022 has also stated it to be a village road constructed before 1980.
  10. In the light of above, there is not much relevance of A/A & E/S No. RWD/PMGSY/145/2009-10 dt. 25.6.2009 of 684.39 lacs for formation cutting, cross drainages, protection work and 24 mtr span bridge over 8.05 km PWD road Matliang (Stage-I) mentioned at SN 3 and 10 of the Annexure B submitted by UA vide its clarification No. 224/A/ Parivesh/71/E2 dt. 21.4.2022.
  11. The A/A & E/S No. RWD/PMGSY/145/2009-10 dt. 25.6.2009 enclosed as Annex B by BRO in its reply vide No. 224/A/ Parivesh/71/E2 dt. 21.4.2022 is not available in this office to know which actual road is mentioned in it. But as per direction of PCCF & NO (FCA) Itanagar vide No. FOR 3-217/Cons/2019/2538-40 dt.06.7.2022, and based on A/A & E/S No. RWD/PMGSY/145/2009-10 dt. 25.6.2009 **an offence report and violation report in format is being drawn against Chief Engineer, RWD, Itanagar of 2009 and the two Executive Engineers RWD posted at Hawaii during 2009 as per records** who were perhaps responsible for implementation of works mentioned in A/A & E/S dt. 25.6.2009. The instructions to draw O/R and violation report against RWD was reiterated by APCCF & NO FCA during VC on 6.3.2023.
  12. Therefore, **offence report No HLG/ 02/ 2023 dt. 7.3.2023** against Chief Engineer RWD of 2009 (by name) and two Executive Engineers, RWD, posted in Hawaii in 2009 to 2012 (by name) who may be responsible for implementation of works as per charge held, is drawn along with the violation report in proper format which is enclosed.
  13. As per enquiry by RO Hayuliang from incumbency board of Executive Engineers, RWD, Hawaii one Shri. A.C Borah was posted from 3.9.2007 to 29.9.2010 and another Shri K.K. Hazariika from 30.9.2010 to 25.6.2012 both of whom have now retired. As per enquiry the Chief Engineer of RWD during 2009 at the time of A/A & E/S dt. 25.6.2009 was Shri. T. Welly who has also retired.
  14. As per records, the DFO of undivided Lohit Forest Division (including part of present Anjaw FD) was Shri K. Pertin, IFS who expired in 2010. Thereafter, Shri AK Deka, IFS was posted as DFO Anjaw FD from 2.9.2008 to 20.1.2011 but no records of violation of FCA against construction of PMGSY km 158- to 165 HMH road are found in concerned file of Anjaw Forest Division. Therefore, no action has been taken on any

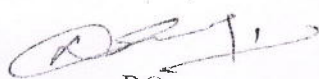
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- forest officials for abetment of violation for construction of PMGSY km 158- to 165 HMH road if the road was constructed during 2009 till date are found in office records.
15. As per guidelines and procedure, PMGSY roads are 6 mtr wide. So the existing 7 km PMGSY road of 7 km length from km 158 to km 165 of 6 mtr width/ RoW and presuming it was built as PMGSY road by RWD around 2009-10, after the A/A & E/S dt 25.6.2009, the area involved will be  $7000 \times 6 = 42,000$  sq mt = 4.2 Ha.
16. The NPV for Eco class I dense forest @ Rs. 14.3667 lac/ ha will be Rs. 60.3401 lacs
17. The O/R No HLG/ 02/2023 dt 07.03.2023 has been filed by RO Hayuliang under Section 34 of AFR, 1891 vide No. HLG/12/12/22 dt. 7.3.2022. The same has been forwarded by the present DFO Anjaw Forest Division to Judicial Magistrate, Aajaw vide No. ANJ/Cons-36/2021/373-74 dt. 9.3.2023. A copy of violation report in format is enclosed.
18. In view of above, a penalty two times to the NPV of effected area (max up to 5 times) in terms of 1.21 (ii) (b) for public utility project of the government @ Rs. 14.3667 lakh /Ha for Eco-Class I is proposed on RWD as shown below.
- $4.2 \text{ Ha} \times 14.3667 \text{ lakh/ Ha} = 60.3401 \text{ lakh} \times 2 \text{ times} = 120.6802 \text{ lakh}$
- Plus 12% simple interest till deposit is made.

It is requested to kindly advise if prosecution sanction against the following retired govt servants will be required, for works done by them about 15 years back while in service in line of their official duties when in service

- Er. T. Welly Chief Engineer of RWD during 2009 (retired)
- Er. A.C Borah Executive Engineer, RWD Hawaii from 3.9.2007 to 29.9.2010 (retired)
- Er. K.K. Hazariika Executive Engineer, RWD Hawaii from 30.9.2010 to 25.6.2012 (retired)

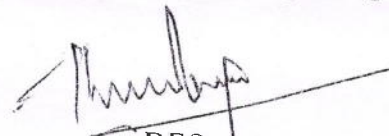
Since the FCA clearence of HMH Km 158 to km 165 is pending since last 2 years, it is also requested to kindly inform if any other action is required to be taken from this end. It is also proposed that the proposal No. FP/AR/Road/114789/2020 Hunli-Metengliang-Hayuliang Road by 116 RCC (GREF) may be delinked from the offence report matter of 2009 so that early clearance is obtained. Meanwhile two new O/R have also been drawn against the present UA GREF in proposal No. FP/AR/Road/114789/2020 Hunli-Metengliang-Hayuliang.



RO

Hayuliang Range

Range Forest Officer  
Hayuliang Range



DFO

Anjaw Forest Division

Divisional Forest Officer

Anjaw Forest Division

Hawai



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Appendix 'A'

MUCK DISPOSAL PLAN FOR HUNLI-METENGLIANG-HAYULIANG ROAD

BRIEF HISTORY

1. Border Roads Organisation (BRO) is deployed along the Eastern (LAC) borders of the country to develop the Line of Communication to forward posts thereby reducing time to mobilize its troops during Operational emergency. The works executed by BRO are of strategic in nature and is of national importance. The construction of road between Eastern part of Arunachal Pradesh bordering China is most sensitive and important from strategic point of view. Two important rivers namely Dibang and Lohit have been developed by constructing all weather roads. But there is no lateral connectivity between these two important axis i.e. Hunli and Hayuliang. Both these obligatory points are on different axis and planned to connected for inter valley connection with main land by constructing NHDL specification road.


2. The Hunli-Metengliang-Hayuliang road is a major axis for inter valley connection in Arunachal Pradesh. Construction of NHDL specification road would essentially require diversion of forest land. The road Hunli to Hayuliang passes through hilly and mountainous terrain. The proposed road falls under Anjaw Forest Division area. The proposal for Construction/ Improvement of Hunli-Metengliang-Hayuliang road (H-M-H) road to NHDL specification for a part of road stretch of 7.00 Km between Hunli – Metengliang- Hayuliang Km 158 to 165. (Design Chainage) has been prepared as per Forest Conservation Act, 1980 for obtaining.


Muck Disposal Plan

3. Approximately 9202.50 cum of muck has to be disposed off per Km for 07 Km with this rate: 64417.52 cum of muck has to be disposed off. Out of this 15.04% of muck amounting to 9689.25 cum will be utilized for embankment filing in raising the level of the road in fill sections and hard rock retrieved shall be reused in permanent work. Hence, the quantity of unusable muck which needs to be disposed off is 84.96% of total 54728.17 cum. For muck disposal, 04 Nos of muck dumping sites have been identified between Hunli – Metengliang- Hayuliang road Km 158.00 to Km 165.00 (Design Chainage) of a length of 07 Km" with an area of 1.800 Ha of land being requisitioned in addition to the land required for construction of road Muck Disposal Sites is marked on strip plan with their design chainage.

Station: C/o 99 APO

Dated: 20 Sep 2023

  
Divisional Forest Officer  
Anjaw Forest Division  
Hawai

  
(P Ankush)  
Maj  
Officer Commanding



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APPX "A"

GEO-COORDINATES OF MUCK DUMPING POLYGONS				
SI No	Area in (HA)	Location (KM)	Latitude	Longitude
MD-1	0.6	162.180	28.072062°	96.483003°
			28.071950°	96.482838°
			28.071779°	96.482962°
			28.071974°	96.483231°
MD-2	0.4	160.270	28.080396°	96.470228°
			28.080189°	96.470185°
			28.080173°	96.470362°
			28.080367°	96.470397°
MD-3	0.4	159.380	28.082815°	96.463971°
			28.082815°	96.464269°
			28.082684°	96.464237°
			28.082669°	96.463985°
MD-4	0.4	158.720	28.085104°	96.458541°
			28.085367°	96.458422°
			28.085259°	96.458284°
			28.085074°	96.458412°
Total Area	1.8 Ha			

*B. Kumar*  
 Joint Officer  
 District Survey Office  
 Bangalore