

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

No.FOR.3-217/Cons/2019/ 5383- 88

Itanagar, dated, 20<sup>th</sup> Sept'2023

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/3862-63 dated 21.04.2023.

Madam,

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

i	The detail action taken report on violation as per 1.21 of F ( C ) Act,1980 guideline, 2019 mentioning in chronological order of the reported violation area 0.69 ha by GREF, 4.20 ha by Chief Engineer, RWDD and two Executive Engineers and 3.50 ha by GREF along with the following:- a) The stretch of the riad where violation has been taken place, date of detection of violation, date of offence report drawn by the State Forest Department and current status of the proceedings as per the IFA, 1927 on (a) above along with copies of the letters. b) Names of the persons/officials/officials of State Forest Department and user agency responsible for this act of violation and action take by the State Govt against this officials on (a) above.	The detail action taken report on violation is enclosed at Annexure-I
ii	In the violation report submitted for 3.5 ha, at Sl. No. (9), the violation is still continuing, State Govt to take action immediately as per the IFA, 1927 & F (C)Act,1980 and submit the current report on the same.	Details at Annexure-I, Sl.No. (ii).

iii	The GPS coordinates points of the identified muck disposal polygons as submitted only for 4 Nos. point GPS coordinates each.	The GPS coordinates points of the identified muck disposal is enclosed at Annexure-II
iv	The aerial distance of the proposal area from the nearest boundary of the Wildlife Sanctuary/ Protected Area/National Park.	The shortest aerial distance is 2 km from the Protected Area i.e. Kamlang WLS.
v	The existing RoW of the existing PMGSY road (158.00 km to 165.00 km) and proposed RoW.	The details as per Annexure-I (Sl.No. v) and proposed RoW-24 mtr.
vi	State Govt to comment on the 'INVIOLATE' status of the proposed area due to the presence of hydrological layer as per DSS.	The road is of strategic importance for security of the Country. The area diverted is very small compared to area of the forest, therefore may not any impact on hydrological layer. Hence diversion of forest land of the proposed area is required.
vii	To submit the muck disposal plan approved by concerned DFO.	A copy of geo-coordinate along with map enclosed.
viii	To upload the kml/shape file of the identified CA area on parivesh portal.	Uploaded.
ix	To submit the corrected kml/shape file of the proposal road and identified muck dumping area.	The corrected kml/shape file is enclosed at Annexure-III.
x	To complete the processing of the proposal on parivesh portal as it is showing pending at Nodal officer (FCA) level.	Completely Uploaded.

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,

*[Signature]*  
20.9.23

(K.B. Singh)

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 with the request to submit detailed muck disposal plan duly signed by DFO.
3. The Commander, HQ 48 BRTE, Pin-930048, C/o 99 APO for information.
4. The Chief Engineer (P), Udayak, C/o 99 APO for information.
5. The DFO, Anjaw FD for information and necessary action.

*[Signature]*  
(K.B. Singh)

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



Annexure - I

SN	EDS	Reply of CCF office, Tezu
(i)	Details action taken report on violation as per 1.21 of FCA, 1980 guideline, 2019 mentioning in chronological order of the reported violation over 0.69 Ha by GREF, 4.20 Ha by CE (RWD) and 2 ExEns and 3.50 Ha by GREF along with the following:	<p><b>Details of action taken on violations as per 1.21 of FCA 1980 guidelines, 2019 in chronological Order as per this office records is mentioned below and also informing about filing of O/Rs to court by DFO Anjaw and proposing penalty</b></p> <p><b><u>Over 0.69 ha against GREF</u></b></p> <ol style="list-style-type: none"><li>1. Violation over 0.69 ha by GREF was observed by RO Hayuliang on 11.1.2022.</li><li>2. The O/R No. HLG/01/2022 dt. 12.1.2022 was drawn by RO Hayuliang and submitted to DFO Anjaw vide his memo No. HLG/12/12/05 dt. 12.1.2022.</li><li>3. The DFO Anjaw submitted a copy of O/R with the diversion proposal itself along with violation report in format to CCF Tezu vide No. ANJ/Cons-36/2021/74-76 dt. 13.1.2022 <b>with copy to NO (FCA)</b> proposing a penalty of Rs. 6.47 lacs on the UA.</li><li>4. The CF Tezu forwarded the diversion proposal No. FP/AR/Road/114789 with Part III highlighting the violation to NO (FCA) vide No. EAC/ Cons-79/2019/ 709-10 dt. 24.2.2022 and recommending penalty as per 1.21 of FCA guidelines.</li><li>5. The CCF Tezu vide No. EAC/ Cons-79/2019/1461-63 dt. 2.5.2022 again directed to DFO Anjaw to take action as per AFR 1891 against concerned officer responsible for violation and to submit ATR.</li></ol> <p><b><u>Over 4.20 Ha against RWD</u></b></p> <ol style="list-style-type: none"><li>1. The NO (FCA) vide his letter No. For.3-217/Cons/2019/2538-40 dt. 6.7.2022 informed that RWD had constructed the PMGSY road vide sanction order No. RWD/PMGSY/145/2009-10 dt. 25.6.2009 and enclosed a handing over proforma signed between RWD and present UA. The NO (FCA) asked DFO Anjaw to draw O/R against RWD as per A/A &amp; E/S of 2009 enclosed with his above letter.</li><li>2. Since matter was a decade old so DFO Anjaw could not draw O/R against RWD for an offence allegedly committed in 2009 inspite of several reminders from NO (FCA) and from CCF Tezu vide his letters dt. 12.8.2022, 29.9.2022, 13.10.2022.</li><li>3. After telephonic discussion with NO (FCA) on 6.3.2023, the DFO Anjaw ultimately submitted the O/R, violation report, note on violation against RWD for PMGSY road allegedly constructed a decade back in 2009 vide his No. ANJ/Cons-36/2021/373-74 dt. 9.3.2023 to CCF Tezu with copy to NO (FCA).</li><li>4. The note and violation report in format submitted by DFO Anjaw explained the date of detection of offence as 7.3.2023 for offence occurred in 2009.</li></ol>

95

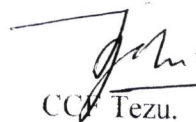
	<p>5. The OR No. HLG/02/2023 dt. 7.3.2023 drawn by RO Hayuliang for 4.5 Ha against RWD officials for PMGSY road was forwarded by DFO Anjaw to CJM Hawai vide memo No. ANJ/Cons-36/2021/373-74 dt. 9.3.2023 for trial.</p> <p>6. The said report dt. 9.3.2023 of DFO Anjaw has already been forwarded by CCF Tezu with detailed comments to NO (FCA) vide his No. EAC/Cons-291/2022/575-78 dt. 10.3.2023. It also informed that the O/R etc against RWD submitted by DFO Anjaw vide his letter dt. 9.3.2023 for an offence allegedly occurred in 2009 may not stand the scrutiny of law due to lapse of time and may be a futile exercise.</p> <p><b><u>Over 3.50 Ha against GREF</u></b></p> <p>1. 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.</p> <p>2. The O/R No. HLG/01/2023 dt. 25.1.2023 was drawn by RO Hayuliang and forwarded to DFO Anjaw vide his memo No. HLG/12/12/11 dt. 25.1.2023.</p> <p>3. 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.</p> <p>4. The matter of new third violation was also submitted by DFO Anjaw to CCF Tezu vide his No. ANJ/Cons-36/2021/373-74 dt. 9.3.2023 with copy to NO (FCA) along with violation report in format, note on violation proposing a penalty of Rs. 39.09 lacs.</p> <p>5. The said report dt. 9.3.2023 of DFO Anjaw has already been forwarded by CCF Tezu with detailed comments to NO (FCA) vide his No. EAC/Cons-291/2022/575-78 dt. 10.3.2023 highlighting the fresh third violation over 3.5 Ha by present UA (GREF). Certain instructions were also given to DFO Anjaw in the said letter dt. 10.3.2023 while directing the UA to refrain from further violations.</p>																
(a) The stretch of road where violation has been taken place, date of detection of violation, date of offence report drawn by Forest Deptt and	<p><b>As per this office records, violation taken place over 158 to 165 Km stretch of Hunli-Metengliang road.</b></p> <table><tr><th>SN</th><th>Date of detection</th><th>Area and UA</th><th>Date of O/R drawn by FD</th></tr><tr><td>i</td><td>11.1.2022</td><td>0.69 Ha by GREF</td><td>12.1.2022</td></tr><tr><td>ii</td><td>25.1.2023</td><td>3.50 Ha by GREF</td><td>25.1.2023</td></tr><tr><td>iii</td><td>7.3.2023</td><td>4.20 Ha by RWD</td><td>7.3.2023</td></tr></table>	SN	Date of detection	Area and UA	Date of O/R drawn by FD	i	11.1.2022	0.69 Ha by GREF	12.1.2022	ii	25.1.2023	3.50 Ha by GREF	25.1.2023	iii	7.3.2023	4.20 Ha by RWD	7.3.2023
SN	Date of detection	Area and UA	Date of O/R drawn by FD														
i	11.1.2022	0.69 Ha by GREF	12.1.2022														
ii	25.1.2023	3.50 Ha by GREF	25.1.2023														
iii	7.3.2023	4.20 Ha by RWD	7.3.2023														




<p>current status of proceedings as per IFA, 1927 on (a) along with copies of the letters.</p>	<p>The current status is that no response has been received in CCF's office from court of CJM against three (3) O/R dt. 12.1.2022, 7.3.2023 and 25.1.2023 submitted by DFO Anjaw to him. The O/Rs, violation reports etc as forwarded by DFO Anjaw to CJM Anjaw have already been enclosed with this office letter No. EAC/Cons-291/2022/575-78 dt. 10.3.2023.</p>
<p>(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>	<p><b>0.69 Ha – UA –</b> Chief Engineer Udayak Lt. Col Satyender Singh Prem Nath, AE.</p> <p>O/R drawn against above officers of UA by DFO Anjaw and forwarded to CJM Anjaw. Letters also written by CCF Tezu directing UA to refrain from violation. Since SFD is ill equipped to physically stop UA so O/R etc has been forwarded by DFO and submitted to court. Violation detected and reported by RO/ DFO on 12.1.2022, no action taken on officers of SFD yet.</p> <p><b>3.50 Ha – UA –</b> Lt. Col. Satyender Singh P.Nath AE R. Bamara, AE R. Kumar, JE</p> <p>O/R drawn against above officers of UA by DFO Anjaw and forwarded to CJM Anjaw. Letters also written by CCF Tezu directing UA to refrain from violation. SFD ill equipped to physically stop UA from carrying out work and it would not be in the fitness of things to engage in bodily combat with Lt. Col (OC of GREF) and arrest him so O/R etc drawn by RO/ DFO and forwarded to court. Violation detected and reported by RO/ DFO on 25.1.2023, no action taken on officers SFD yet.</p> <p><b>4.20 Ha – RWD –</b> T. Welly CE (retired) posted in 2009 AC Borah, EE (retd) posted in 2009 KK Hazariks, EE (retd) posted in 2009</p> <p>CCF Tezu vide his No. EAC/Cons-291/2022/575-78 dt. 10.3.2023 informed NO (FCA) that the O/R etc submitted by DFO Anjaw vide his letter dt. 9.3.2023 against RWD for an offence allegedly occurred in 2009 may not stand the scrutiny of law due to lapse of time and may be a futile exercise.</p>

113  
93


		<p>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 no action has been taken against forest officials yet. The DFO Anjaw in his note on violation { (already submitted to NO (FCA) } has stated that Shri K. Pertin (expired) was DFO of undivided Lohit FD including present Anjaw FD and Shri AK Deka DFO Anjaw while also stating that no records of violation of FCA by RWD for PMGSY km 158-165 was found in his office files so no action had been taken against any SFD officials for construction of PMGSY km 158-165 HMH road if the road was constructed in 2009 till date.</p>
(ii)	In the violation report submitted for 3.5 Ha at Sl. No. (9), the violation is still continuing. State Govt to take action immediately as per IFA, 1927 & FCA 1980 and submit current report of the same.	<p>The current status is the latest violation over 3.50 Ha by the UA for which O/R No. HLG/01/2023 dt. 25.1.2023 has been drawn by RO Hayuliang and violation report etc has been forwarded by DFO Anjaw to CJM Anjaw vide No. ANJ/Cons-36/2021/373-76 dt. 9.3.2023. The detailed report forwarded to NO (FCA) vide No. EAC/Cons-291/2022/575-78 dt. 10.3.2023 highlighting the fresh third violation over 3.5 Ha by present UA (GREF) while directing the UA to refrain from further violations and giving five specific instructions to DFO Anjaw.</p>
(v)	The existing RoW of the existing PMGSY road (158.00 to 165.00 km) and proposed RoW	<p>The width of existing PMGSY is usually 6 mtr so the violation over 158 to 165 km (7 km x 6 mtr = 4.2 Ha) as per norms has been calculated by concerned RO/ DFO whose reports may be referred. But since no FCA for PMGSY road was found by the UA so UA has applied for the entire 24 mtr width RoW over 7 km length = 16.80 Ha from 158 to 165 km length for widening of existing PMGSY road plus 1.80 Ha for MDPs.</p>

  
 CCA Tezu.

  
 9.

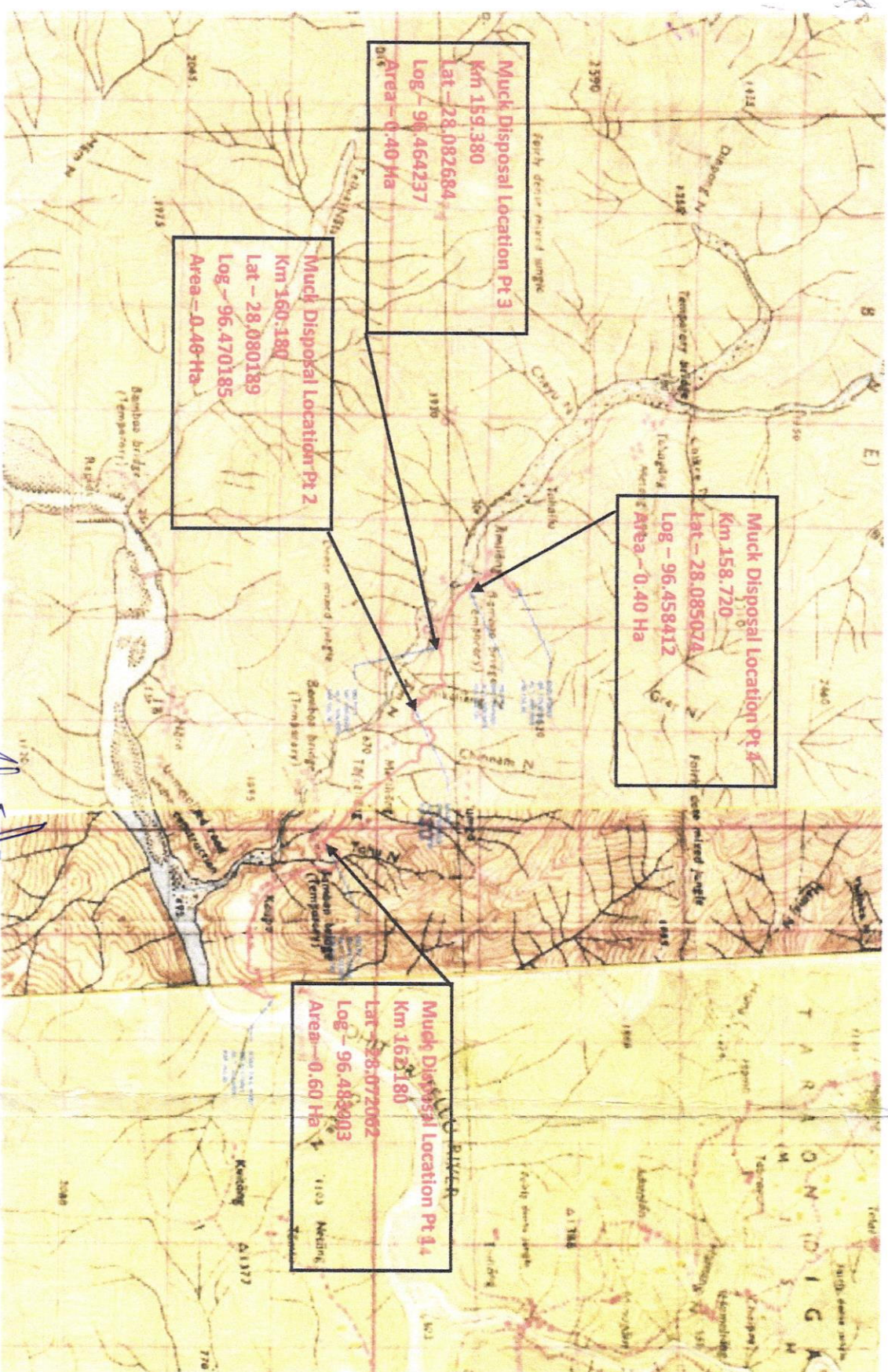
GEO-COORDINATES OF MUCK DUMPING POLYGONS				
SI No	Area in (HA)	Location (KM)	Latitude	Longitude
MD-1	0.6	162.180	28.072062°	96.483003°
			28.071950°	96.482838°
			28.071779°	96.482962°
			28.071974°	96.483231°
MD-2	0.4	160.270	28.080396°	96.470228°
			28.080189°	96.470185°
			28.080173°	96.470362°
			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°
<b>Total Area</b>	<b>1.8 Ha</b>			

  
 Divisional Forest Officer  
 Anjaw Forest Division  
 Hawaii

  
 AEE (Civ) / AE (Civ)  
 Offg Officer Commanding  
 118 RCC (GREF)



APR - '01



*Amaka*  
Divisional Forest Officer  
Anjaw Forest Division  
Hawaii

*Blues*  
AEE (Civ) / AE (Civ)  
Offg Officer Commanding  
116 RCC (GREF)