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

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

Itanagar, dated, 20th Sept'2023

To

The Deputy Director General of Forests (Central),
Sub Office, Guwahati (under Regional Office, Shillong)
4th 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 road 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 agencies 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).

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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 'INOVIOLATE' 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 BRTF, 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] 20.9.23

(K.B. Singh)

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

O/c

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**GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DIVISIONAL FOREST OFFICER
ANJAW FOREST DIVISION**

NO.ANJ/CONS-36/2021/2012-13

Dated 17.08.2023

To,

The PCCF (A & V) and Nodal Officer (FCA)
Govt. of Arunachal Pradesh, Itanagar

Sub:- Proposal for diversion of 18.60 Ha of forest land for widening/improvement of existing road to NHDL specification Hunli-Metengliang-Hayuliang Road from 158.00 km to 165.00 km by BRTF in Anjaw District.

Ref:- (i) Your Letter No. FOR.3-217/Cons/2019/2566-67 Dtd. 28.04.2023.
(ii) IRO Letter F.No.3-AN C/171/2023/GHY/3862-63 Dtd. 21.04.2023.

Sir,

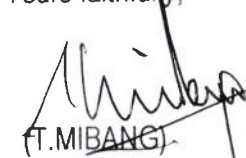
With reference to the letters No. cited above on the subject, I am furnishing herewith the detail clarification/documents pertaining to this Division for favour of your kind information and further necessary action please.

SI No	QUERIES	REPLY
I.	The detail action taken on violation as per 1.21 of FCA 1980 guideline.	In compliance to Court Order Dtd.17.04.2023 & as per Proviso to Rule 9(1) of FCA Rules 2003, 60(sixty) days Show cause Notice were issued to the UA & RWD vide this Office letter No. ANJ/Cons-36/1366-68 Dtd 26.5.23 and ANJ/Cons-36/1360-65 Dtd. 26.5.23. Reply/response from the UA & RWD Dept is still awaited. Meanwhile, Obtaining of Prosecution Sanction against the violators is required which may be kindly arranged from your end please.
II.	In the violation report submitted for 3.5 ha at SI 9, the violation is still continuing. State govt. to take action immediately as per the IFA,1927 & F (C) Act'1980 and the submit the current report on the same.	As per report of RO Hayuliang, No fresh violation was noticed (copy enclosed)
IV.	The aerial distance of the proposed area from the nearest boundary of the wildlife Sanctuary/Protectd aea/National Park.	Kamlang wildlife Sanctuary – 2 to 5 km Approx. Dibang Wildlife Sanctuary – 10 km
VII	To Submit the Muck Disposal Plan approved by concerned DFO.	Enclosed.
VIII	To upload the kml/shape file of the identified CA area on Parivesh portal.	CD enclosed.

Enclosures:-

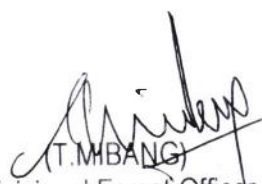
1. Copy of Court Order Dtd. 17.04.23
2. Copy of Show cause Notice.
3. Sol map showing MDPs with geo coordinates
4. Report of RO Hayuliang
5. Kml/shape file (CD) Saved in Desktop.

Yours faithfully,


(T.MIBANG)
Divisional Forest Officer
Anjaw Forest Division

Copy to:-

1. The Chief Conservator of Forests, EAC Tezu for his kind information please.
2. Office copy.


(T.MIBANG)
Divisional Forest Officer
Anjaw Forest Division

ORDER SHEET FOR MAGISTRATE RECORDING

District : Anjaw

In the Court of: **Judicial Magistrate, First Class, Hawai, District Anjaw (A.P).**

Case No. : **CR No. 01/2023.**

Sh. Nosing Pul, RFO

VS

Lt. Col. S. Singh & 3 Ors.

Under Section: **FCA, 1980 & AFRA, 1891.**

DATE	ORDER	Accused's Name & Signature
17/04/2023	<p>CR is put up.</p> <p>Perused the offence report filed by Shri Nosing Pul, Range Forest Officer, Hayuliang Forest Range. The offence report is drawn against (i) Lt. Col. Shri Satyendra Singh, Officer Commanding 116 Road Construction Company (GREF), (ii) Shri Prem Nath, A.E, 116 Road Construction Company (GREF), (iii) Shri R. Barmara, A.E, 116 Road Construction Company (GREF) and (iv) Shri R. Kumar, J.E, 116 Road Construction Company (GREF) for violation of provisions of Forest Conservation Act, 1980 and Assam Forest Regulation Act, 1891.</p> <p>Having carefully perused the offence report, I found that 60 days' notice was not served upon the concerned authorities as per proviso to rule 9(1) of the Forest (Conservation) Rules 2003. Furthermore, prosecutions sanctioned against the concerned officials is not found.</p> <p>In view of the above, Divisional Forest Officer, Anjaw/ Range Forest Officer, Hayuliang shall obtain prosecution sanction and comply with the aforesaid provisions of Forest (Conservation) Rules 2003 before filing the offence report/ complaint against the concerned officials of GREF.</p> <p>Let the offence report be returned to RFO, Hayuliang for filing of the offence report/ complaint after obtaining the prosecution sanctioned and necessary compliance with the above-mentioned rule.</p> <p>Registry shall take steps accordingly.</p> <p>Let the copy of this order be furnished to the DFO, Anjaw/ RFO, Hayuliang for information and compliance.</p>	

(Utumiso Boo)

Dated 26/05/2022

ANI/CONS-36/2021/366-69

The Officer Commanding
116 RCC (GREF)
Pin - 930116.

Sub: - Show Cause Notice for violations of FCA'1980 against Hunli-Metengliang-Hayuliang (HMH) Road.

Sir,
I would like to bring to your attention that a various forest offence has been drawn against Officers/Officials of your Organisation (GREF) as per FCA'1980. The specific details of offence are mentioned below -

Sl No	Offence Report No. & Date	Name of Officer/Officials responsible for Violations	Date of Detection	By whom Detected	Remarks
1.	HLG/Q1/2022 Dtd 12.01.22	i) Lt. col Satyendra Singh, OC 116 RCC Pin930116 ii) Shri Prem Nath, AE camp-Khupa Anjaw	11.01.2022	N.Pul, RFO Hayuliang Forest Range	Violation over 0.69 Ha.
2.	HLG/Q1/2023 Dtd. 25.01.23	i) Lt. col Satyendra Singh, OC 116 RCC Pin930116 ii) Shri Prem Nath, AE camp-Khupa Anjaw iii) Shri R. Bamara, AE iv) Shri R. Kumar, JE	25.01.2023	-do-	Violation over 3.50 ha

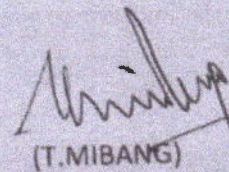
As you are well aware that the breaking of any forest land and felling of trees without Forest Clearance is a grave violations of FCA 1980 & AFR'1891 and need immediate attention to stop such violations which can lead to further delaying of FC proposal, Huge Penalty etc.

Therefore, in view of above you are requested to submit a written response clarifying your positions and reason why legal action should not be initiated against the Officers/Officials responsible for the violations of FCA'1980. Your response/reply should reach this office within 60 (Sixty) days from the date of receipt of this Notice, failing which necessary legal action as per appropriate section of Forest Act or Rules in force shall be initiated against those involved in the aforementioned offence.

This is for favour of your information and further necessary action please.

Encl: All copies of O/R drawn by RO Hayuliang.

Yours faithfully,



(T.MIBANG)
Divisional Forest Officer
Anjaw Forest Division

Copy to:-

1. The Officer Commanding, HQ 48 BRTF, Pin - 930048 C/o 99 APO for information and necessary action please.
2. The Addl.PCCF (CONS) & NO (FCA), Govt. of A.P Itanagar for information please.
3. The Chief Conservator of Forest, EAC Tezu for information please.
4. The Range Forest Officer, Hayuliang Forest Range for information with an instruction to keep strict vigilance over the stretch Hunli-Metengliang-Hayuliang Road to ensure no further violations takes place.
5. Office copy.

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DIVISIONAL FOREST OFFICER
ANJAW FOREST DIVISION

Dated 26/05/2023

C ANJ/CONS-36/2021/1360-65

To,
The Chief Engineer
Rural Works Department
Govt. of Arunachal Pradesh

Sub: - Show Cause Notice for violations of FCA'1980 against Hunli-Metengliang-Hayuliang (HMH) Road.

Sir,
I would like to bring to your attention that a forest offence has been drawn against Officers of your Department (RWD) as per FCA'1980 for construction of PMGSY road without prior approval from competent authority/forest clearance in Hunli-Metengliang-Hayuliang Road during the year 2009. The specific details of offence are mentioned below -

Sl No	Offence Report No. & Date	Name of Officer/Officials responsible for Violations	Nature of Offence	By whom Detected	Remarks
1.	HLG/02/2023 Dtd 07.03.2023	i) Er. T. Welly, CE, RWD Itanagar during 2009. ii) Shri A.C Borah, EE, RWD, Hawai from 03.09.2007 to 29.09.2010 iii) Shri K.K Hazarika, EE, RWD, Hawai from 30.09.2010 to 25.06.2012.	Construction of PMGSY road without Forest clearance (for 8.05 KM vide No. RWD/PMGSY/ 145/2009-10 Dtd. 25.06.2009).	Shri N.Pul, RFO, Hayuliang Forest Range	Violation over 4.20 Ha.

As you are well aware that the breaking of any forest land and felling of trees without Forest Clearance is a grave violations of FCA 1980 & AFR'1891 which can lead to Huge Penalty of monetary fines.

Therefore, in view of above you are requested to submit a written response clarifying your positions and reasons why legal action should not be initiated in the court against those Officers responsible for the violations of FCA'1980. Your response/reply should reach this office within **60 (Sixty)** days from the date of receipt of this Notice, failing which necessary legal action as per appropriate section of Forest Act or Rules in force shall be initiated against Officers involved in the alleged offence.

This is for favour of your information and further necessary action please.

Encls: 1. copy of O/R drawn by RO Hayuliang.
2. copy of Handing taking between RWD & BRTF (GREF)

Yours faithfully,

(T.MIBANG)
Divisional Forest Officer
Anjaw Forest Division

Copy to:-

1. The Addl.PCCF (CONS) & NO (FCA), Govt. of A.P Itanagar for information please.
2. The Chief Conservator of Forest, EAC Tezu for information please.
3. The Executive Engineer, Rural Works Deptt, Hawai for information and necessary action please.
4. The Range Forest Officer, Hayuliang Forest Range for information.
5. Office copy.