

288

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

No.B.22013/57/2021-FC/PCCF/288-289

Dated Aizawl the 24th January, 2023

To,

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

Subj: Proposal for diversion of 63.441 ha Reserved Forest land for the construction of National Institute of Technology under the Aizawl District of Mizoram and State Online Proposal No. FP/MZ/SCH/148602/2021 - reg.

Ref: F. No. 8-02/2022-FC dt. 23.08.2022

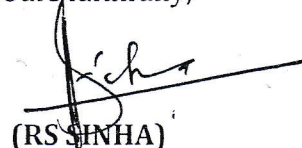
Sir,

With reference to the Ministry of Environment, Forest & Climate Change, Govt. of India letter dated 23.08.2022, followings are herewith submitted for onward submission to MoEF&CC, Govt. of India:

1. Despite repeated direction, the User Agency has made the violation by felling of trees and starting works on the said forest Land.
2. Divisional Forest Officer, Mamit has issued show cause notice dated 14.10.2022 to the then User Agency i.e. IRCON International Ltd. and subsequently file a case in the court under Mizoram Forest Act, 1955. (Copy of DFO letter dated 14.10.2022 is enclosed)
3. Also, Divisional Forest Officer, Mamit has issued show cause notice to the then Range Officer dated 06.01.2023 (Copy enclosed).
4. It is to mention that the User Agency had applied earlier on Parivesh vide proposal No. FP/MZ/SCH/30578/2017 dt 18.12.2017 which was subsequently withdrawn as the User Agency i.e. IRCON International Ltd. was no more associated with the project and hence subsequently fresh application on Parivesh was submitted vide proposal No. FP/MZ/SCH/148602/2021 dt. 24.12.2021 by the Higher & Technical Education Department, Govt. of Mizoram.
5. Since the action on violation may take some time, the Competent Authority may consider giving In-Principle Approval in view of the fact that the said project is of National importance and Mizoram has limited window of working season.

Enclo: As above

Yours faithfully,


(RS SINHA)

✓ Addl. Principal Chief Conservator of Forests(FC)


ok

289

Memo No.B.22013/57/2021-FC/PCCF/ ²⁸⁸⁻²⁸⁹ : Dated Aizawl the 24th January, 2023

Copy to:

1. Assistant Inspector General of Forests, Ministry of Environment, Forests & Climate Change (FC Division), Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi-110003.
2. 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
3. Conservator of Forests (NC) for information.
4. Divisional Forest Officer, Mamit Forest Division for information.
5. Registrar, National Institute of Technology, Mizoram for information.
6. Under Secretary to the Government of Mizoram, Higher & Technical Education Department for information.


Deputy Conservator of Forests (FC)

**Action taken report against those responsible for violation as sought
by the MoEF&CC, GoI on 23.08.2022**

1. Show cause notices were given to the then User Agency i.e IRCON International Ltd. and the then Range Officers, Lengpui Forest Range for 3070 trees that have been felled without prior permission from the competent authority.
2. Case was registered against the then User Agency i.e IRCON International Ltd. under the relevant local Act for violations as reply to the show cause notice was not received from the person/agency responsible for violations.
3. A copy of show cause notices and the case filed against the responsible person / agency is enclosed as Annexure I, II, & III.
4. Action by the court is awaited.

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 14th Oct., 2022

No. B.11011/1(e)/2020-FDM/
10,

Mr. Rajeev Kumar,
Manager,
IRCON International Ltd,
Aizawl, Mizoram.

Subj: *Show Cause Notice for Violation of The Mizoram (Forest) Act, 1955 & The Forest (Conservation) Act, 1980.*

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 encroachment and subsequent felling of 3070 trees have been undertaken inside the Government Plantation, 1999 at Kawntengek ram, Lengpui which is also a recorded Riverine Reserved Forest area of Tlawng River declared under The Mizoram (Forest) Act, 1955 vide Assam Gazette Notification dated 19th May, 1965.

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.

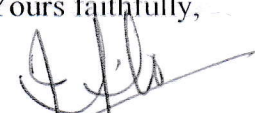
The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions 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 have undertaken unauthorized activities inside recorded Government Plantation and recorded Tlawng Riverine Reserved Forest areas without prior permission and clearance from the Competent Authority.

You are hereby informed to explain as to why such activities have been undertaken in violation of The Mizoram (Forest) Act, 1955 & The Forest (Conservation) Act, 1980. 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

Memo No.B.11011/1(e)/2020-FDM/ 597
Copy to:-

Dated Mamit, the 14th Oct., 2022

1. The Principal Chief Conservator of Forests, Mizoram for kind information and necessary action.
2. The Conservator of Forests, Northern Circle, Kolasib for kind information and necessary action.
3. The Director, National Institute of Technology, Mizoram for kind information and necessary action.
4. The Range Officer, Lengpui Forest Range for information.


Divisional Forest Officer
Mamit Forest Division

o/c

280

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 January, 2023

No.B.11011/1(e)/2020-FDM/

To,


Pu C.Thanthuama, Range Officer (Retd.)
Luangmual Veng
Mizoram:Aizawl

Subj: Show cause notice.

Ka Pu,

Mamit Forest Division hnuai a Range Officer, Lengpui Forest Range hna i thawh lai ah Kawntengek ram, Tlawng RRF-a Thlanvawng (*Gmelina arborea*) Plantation, 1999 leh 2000 chu NIT, Mizoram campus siamna turin tihchhiat a ni tih dt.15.11.2016 hian hriat chhuah a ni a. He Campus sak huam chung Department plantation a thing awm 3070 nos tree assessment pawh nangmah ngeiin i ti a. Nimahsela, Department hriat pui lohin heng thlanvawng thingte hi kih a lak bo vek a ni a. Forest Clearance awm lovin department plantation leh Riverine Reserve Forests chungah NIT Campus sak hna hi chhunzawm a ni bawk. He thil thleng hi sawrkarin a ngai thutak hle a. Thil thlen laia Incharge, Range Officer i nih avangin thil thlen dan kimchang, RRF chungah dan bawhchhiatna a mawhphurtute leh Plantation thing bo chungah mawhphurtute, he lehkha i hmuh atanga ni 10 ral hmain a hnuai a hming ziak hnenah report theh lut tura hriattir i ni e.

I rintla!.,



(JENNY SAILO)
Divisional Forest Officer
Mamit Forest Division

**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 13th January, 2023

No. B.19011/1/08-FDM/
To,

The Hon'ble Chief Judicial Magistrate,
Mamit District, Mizoram.

Subject: Complaint U/S 190 (1) (a) CrPC, 1973 for an offence mentioned below committed by the below mentioned accused person.

Your Honour,

This is to state that the land donated by the Village Council/Court Lengpui for establishment of National Institute of Technology (NIT) Mizoram lies within the Tlawng Riverine Reserved Forests where gomari (*Gmelina arborea*) plantations (deemed forest) have been raised during 1999 & 2000 under Social Forestry Scheme (copy enclosed as Annexure I A, B&C). On 15th November 2016, the then Divisional Forest Officer, Mamit Forest Division visited the site and found encroachment and subsequent illegal felling of 3070 gomari trees (copy enclosed as Annexure II). The Environment, Forests & Climate Change Department have informed the officials of NIT Mizoram several times to seek prior permission/approval of the competent authority on matter relating to diversion forest lands for non-forestry purposes (copy enclosed as Annexure III). As the works undertaken by the NIT Mizoram being illegal and there was no reply from the officials of NIT Mizoram or its work agency, i.e IRCON International Limited, Aizawl Mizoram to the Environment, Forests & Climate Change Department, the then DFO Mamit issued stay order to the Director, NIT Aizawl, Mizoram to stop all forms of encroachment and felling of trees within the encroached forest land (Copy enclosed as Annexure IV). Incomplete project proposal for forest clearance for construction of NIT Mizoram was applied and uploaded through online by the User Agency (Applicant Name: Rajeev Kumar, IRCON International Ltd) vide Proposal No. FP/MZS/SCH/30578/2017 dated 18.12.2017 (Copy enclosed as Annexure V). IRCON International Ltd, Mizoram was informed to stop all forms of works/illegal activities and submit complete proposal for forest clearance but no reply was received from the work agency or NIT Mizoram. All forms of works were stopped as per the report of the then Range Officer (copy enclosed as Annexure VI). A fresh project proposal was applied for establishment of NIT Mizoram by the Higher and Technical Education Department, Government of Mizoram as the User Agency vide Proposal No. FP/MZS/SCH/148602/2021 dated 24.12.2021 (copy enclosed as Annexure VII). As

fresh proposal was submitted, site inspection was conducted by DFO Mamit and Conservator of Forests (Northern Circle) on 20.01.2022 & 21.01.2022 and during site inspection it was found that all forms of works have been stopped and gomari trees that were felled during the initial stages of works undertaken by the then User Agency was not found in the proposed site for NIT Mizoram. Therefore, the below- mentioned accused person/agency was reported to be involved at the place and time mentioned in connection with the offence stated below and from the documents recorded against the accused person and from the inquiry done and documents available so far at this juncture, there is *prima facie* case found against him/agency. Therefore, he/agency may be summoned to answer the charges and be tried and punished in accordance with the law under the penal section mentioned below as may be appropriate. It is also prayed that I, being the Complainant may be allowed to submit additional report/ complaint/documents in this regard at the subsequent stages before this Hon'ble Court. It is humbly prayed that presumption may be drawn against the accused that he/agency actually committed the offence, unless the contrary is proved by him that no offence is committed.

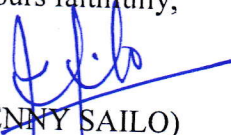
Particulars of the accused persons	Offence committed and the Penal sections	Place and time of occurrence	Brief history/ facts of the case	Witness
1	2	3	4	5
1. The General Manager, IRCON International Ltd. 2. The Registrar, NIT Mizoram	Felling of 3070 Gomari (Gmelina arborea) trees of 1999 & 2000 Government Plantations within Tlawng Riverine Reserved Forests. Offence committed under Section 24(3) (5) of the Mizoram Forest Act, 1955 which is punishable under Section 24 (6) of the Mizoram Forest Act, 1955 & committed theft under Section 378 which is punishable under Section 379 IPC.	Place: 1999 & 2000 Government Gomari Plantation, Kawntengek ram, Lengpui & Tlawng Riverine Reserved Forests. Time of occurrence and detection: 15/11/2016 20/1/2022	Separate sheet attached as Annexures	1. Lalnunsanga Khawlhring DFO (Aizawl) 2. Jose LP Thanga, Lengpui Forester 3. C. Thanthuama RO Retd.,

It is further prayed that the relevant documents which are annexed herewith may kindly be admitted to form a part of the Complaint and for which act of kindness your humbly Complainant as in duty bound shall ever pray.

Enclosures:

- 1. Documents, Notification / Plantation Journal - Annexure I - III
- 2. Stay Order - Annexure - IV
- 3. Relevant Documents - V- VII

Yours faithfully,



(JENNY SAILO)
Divisional Forest Officer
Mamit Forest Division