

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
Original Application No.74/2017/EZ

TAI MAYA

.....APPLICANT

VS

UNION OF INDIA & Ors

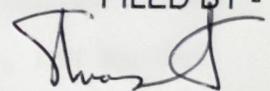
.....RESPONDENTS

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FILED : 27-09-2021

FILED BY -



(ANIL SHRIVASTAV)

Counsel for State of Arunachal Pradesh

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
Original Application No.74/2017/EZ

IN THE MATTER OF:

TAI MAYA

.....**APPLICANT**

VS

UNION OF INDIA & Ors

.....**RESPONDENTS**

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5 PURSUANT TO
THE ORDER DATED 17-08-2021 PASSED BY THIS HON'BLE
TRIBUNAL**

I, Shri R.K. Singh, age 58 years, working as PCCF & Principal Secretary (Environment & Forests) in the office of the Principal Chief Conservator of Forests, Government of Arunachal Pradesh, Itanagar do hereby solemnly affirm on oath as under:

1. That this Affidavit is being filed pursuant to the Order dated 17.08.2021 passed by this Hon'ble Tribunal directing the State Government to place on affidavit the criminal action taken against the defaulting contractors/ violators who have acted in gross violation of the Environmental norms.
2. It is submitted that action as required for illegal muck dumping and use of forest area in excess of the area diverted has been taken against the violators by the various Forest Divisions. FIR's have been filed and offence cases have been registered against the User Agency for violation of forest laws and report for taking action under the Forest (Conservation) Act, 1980 as also the provisions of the Assam Forest Regulations, 1891 has been submitted to the relevant authorities. A copy of the Status of Criminal action taken by the Field Officers of the Department against the Violators is annexed as **ANNEXURE "A"**.

2

~~Amg's~~
DEPONENT (R.K Singh)
PCCF & Principal Secretary (E&F)

VERIFIED at Itanagar on this the 24th day of September, 2021 that the contents of the above affidavit are true to my knowledge and belief based on official records that I believe to be true and that nothing false has been stated herein or anything material concealed there from.

~~Amg's~~
Atlast

~~Amg's~~
DEPONENT (R.K Singh)
PCCF & Principal Secretary (E&F)

27/9/2021
Additional Deputy Commissioner
Itanagar Capital Complex
Itanagar

3

ANNEXURE "A"

**STATUS OF CRIMINAL ACTION TAKEN BY FIELD OFFICERS AGAINST THE VIOLATORS IN
RESPECT OF ROADS MENTIONED IN O. A. NO. 74/2017/EZ**

Sl. No.	Name of Division	Name of the Road	Status of Criminal action taken by the DFO
1	2	3	4
1	Deputy Chief Wildlife Warden, Naharlagun	1 .Papu-Yupia-Hoj-Potin road (0 to 7 km)	Papu-Yupia-Hoj-Potin road (0 to 7 km) In the instant case, the Wildlife Clearance of project has been accorded by MoEF & CC vide letter no. 6-147/2015 wl (36 th Meeting) dated 13.11.2015.
2	Banderdewa FD	1 .Papu-Yupia-Hoj-Potin road (7 to 20 km)	1. Papu-Yupia-Hoi-Potin road (7 to 20 km) The final approval was accorded by MoEF &CC vide No. FOR. 5-47/Cons/2009/Pt-I/1734-38 dtd. 13.11.2016 for

			improvement up gradation. No violation of F C Act, 1980 reported.
		2.Papu-Yupia-Hoj-Potin road (20 to 50 km)	2.Papu-Yupia-Hoj-Potin road (20 to 50 km) The final approval was accorded vide No. FOR. 5-47/Cons/2009/Pt-II/1 911-1916 dtd. 17.01.2018. No violation of F (C) Act, 1980 reported.
		3.Itanagar Gohpur road (Phase-I)	3. Itanagar- Gohpur road (Phase-I) The final approval was granted vide No. FOR. 3-49/ Cons / 1998 /1269-74 dtd. 25.07.2016 .It is to inform that an offence report was drawn for illegal construction of 4- lane road from Chimpu Nallah to Holongi by PWD (Highway) Under Section 24 (a) and (b) and Section 25 (a) (d) and (f) of Assam Forest Regulation'1891 by the Range Forest Officer,

5

			Daflagar Forest Range of Banderdewa Forest Division against the Executive Engineer vide Memo No. vide Memo No. DG08/01/60 dtd. 17.07.2017 and thereafter the DFO forwarded the same to Chief Judicial Magistrate. (Copies enclosed at Annexure-I)
3	Likabali FD	Akajan-Likabali- Bame road (Gol accorded approval for three stretch Km 12 to Km 22, Km22 to Km 40 km and Km40-Km65)	Approval of Road for Km 12 to Km65 was granted by MoEF & CC for the three segments ie Km 12 to Km 22 (Final approval vide letter No. 3-ANC 090/2010-SHI/706- 57dated 22.09.2014), Km 22 to Km 40 (Final approval vide letter No 3-ANC098/2013-SH1/362-63 dated 27.07.2015) and Km 40 to Km 65 (Final

6

			<p>letter vide letter No. 3-ANC 026/2013-SH1/902-03 dated 12.09.2017)</p> <p>However, illegal muck dumping was noticed by Range Officer Likabali during the construction of Akajan-Likabali-Bame Road Km 12 to Km65. Therefore, Range Officer, Likabali Forest Range, of Likabali Forest Division has drawn offence report against Shri Vivek Shrivastav. General Manager, NHIDCL on 08.08.2017 and submitted as per prescribe format to Deputy Commissioner/ Chief Judicial Magistrate, West Saing District, Along through DFO, Likabali vide Memo No. LB/01/2012/366 dtd. 08.08.2017 under Section 34 (1) of Assam Forest Regulation'</p>
--	--	--	---

			1891 for damage and use of forest produce by NHIDCL and due to illegal muck dumping on the valley site damaging tree, herb and shrubs. DFO, Likabali vide Memo 2-21/LKFD/2483-84 dated 18.08.2017 forwarded the Offence Report submitted by Range Officer, Likabali with the request for issue of process alongwith all relevant documents. (Copy Offence Report and Show cause notice enclosed at Annexure-II)
4	Along FD	Akajan- Likabali- Bame road (Km65 to Km70)	Final approval for diversion of forest land accorded vide MoEF letter no 3-ANC 023/2013-SH1 2089-90 dated 27.04.2017. The construction work has been taken up after approval of Gol under FCA. Muck Disposal Plan

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			was a part of the proposal submitted by User Agency.
5	Pasighat FD	1. Pasighat-Pangin road (0 to 20 km)	<p>On the direction of DFO, Range Officer Pasighat inspected the construction site of Pasighat Pangin Road (Km 0 to Km 20) and it was found that at 35 locations along the Trans-Arunachal Highway the muck was dumped without prior approval affecting an area of 6.69 ha.</p> <p>For aforesaid violation an offence was drawn Under Section 34 (I) of Assam Forest Regulation" 1891 by Range Officer Pasighat vide No. P/1 of 2017-18 dated 23.06.2017 under Section 34(1) of Assam Forest Act, 1891 against General</p>

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			Manager Projects. NHIDCL. (Detailed Report on the matter enclosed at Annexure-III.)
		2. Pasighat-Mariyang road (Ribi Nallah) (0 to 16 km)	MoEF accorded approval for diversion of forest land for (km 0 to km 16) for Pasighat- Mariyang road (Ribi Nallah) vide letter No. FOR. 5-43/Cons./2009/6951-55 dtd. 04.12.2013
6	Yingkiong FD	1. Yingkiong-Mariyang-Pasighat road (0 to 130.384)km	Final approval accorded vide No. FOR.5.48/Cons/2009/1643-48 dated 20 th Dec/2007
		2. Pasighat-Pangin road (20 to 76 km	Final approval accorded vide No.FOR.5-31/Cons/2008/Pt-1/1632-42 dated 20 th Dec/2017 (copy enclosed). In the instant case Range Officer, Pangin Forest Range drawn offence report against T.K Engineering and

			<p>consortium Private Limited and others vide Memo No. PR/03/06/Pt-11/433-34 dtd. 27.08.2016 and submitted a report to DFO, Yingkiong FD for violation of F (C) Act' 1980. The Range Officer, Panging Forest Range has also lodged a FIR to the O.C Police Station, Itanagar and further directed the Executive Engineer, PWD, Deputy General Manager, NHIDCL, T.K Engineering, consortium and Puna Hinda construction private limited at Pasighat for stopping further new formation cutting on remaining portion of the road. (A report is enclosed at Annexure-IV.)</p>
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Forest Department, Arunachal Pradesh

Annex I

Bamdehwa Forest - DIVISION

OFFENCE REPORT NO. 26/01 of 2017-18 Dated 17/07/2017

Dafflagash Forest Range [REVENUE STATION, RANGE.]

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NATURE OF THE OFFENCE

Illegal construction of 4 lane road from Chimpu Nallah to Hellingi by P.W.D (High Way) under Draping R.F

Date and hour of detection 17/07/2017 at about 10.30 Am

Place of occurrence Chimpu Nallah to Hellingi road

By whom detected Range Officer, Dafflagash Range & Staff

REFERENCE TO SECTIONS OF THE FOREST ACT AND INDIAN PENAL CODE 24(a) & (b) and 25(a) & (d) & (+) AFR 1891

Forest Conservation act 1980

(To be filled in by the Divisional Forest Officer)

Under sec. 24(a) & (b) and sec. 25(a), (d) & (+) of Assam Forest Regulation 1891

NAMES OF ACCUSED

Name	Father's name	Place of Residence		
		Village	Thana	District
Executive Engineer Tomas, P.W.D (High Way) Nirjali (A.P)		Nirjali	Nirjali	Papumpore (A.P)

NAMES OF WITNESSES

1. Shai Bisi Thang, Dy. SR	Beat Forest			
2. " B. Ramu Afd	Office, Hellingi	Hellingi	Balijim	P/Pore (A.P)
3. " B. Hanuya F/W				

(Full Report of facts overleaf)

FULL REPORT OF ALL THE FACTS IN DETAIL

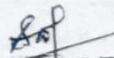
(To be framed not later than the day after the occurrence)

It has been observed dated 17/07/2017 at about 10.30 AM that a widening of existing road along Chimpur Nallah to Hallong has been undertaken by the Executive Engineer P.W.D (High Way) Diphu without obtaining prior formal approval from the Ministry of Environment & Forest Govt. of India which is mandatory for taking any non forest activity in the Reserved forest area. Since the area falls under Grouping Reserved area. The user agency has violated the provision of Section 24(a) & (b) and 25(a) & (d) & (f) laid down rules of Assam Forest Regulation act 1891.

The proposal for the diversion of the said road to 4 lane was submitted by the user agency for an area of 37.304 Hect. But without waiting for formal approval from the Ministry of Environment & Forest Govt. of India the user agency had initiated the widening work since 2013. This is a gross violation of forest conservation act as well as Assam forest Regulation act.

The Executive Engineer, P.W.D (High Way) was requested not to undertake any widening of road till approval is granted by Ministry of Environment & Forest Govt. of India vide SFO Boudhdevan's letter no. SUB/32/2010/452 dt. 12/6/2012 of another letter was issued to the Executive Engineer with copy endorsed to the Chief Engineer, P.W.D (High Way) vide SFO's NO. SUB/32/2010/504-07 dt. 20/06/2012.

Hence the offence report is drawn against the Executive Engineer, P.W.D (High Way) for violation of forest conservation act 1980 and Assam forest Regulation act 1891 for trial by the Hon'ble Court.


Range Forest Officer
Daflagarh Forest Range
Balpara (P)

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STATEMENT OF THE ACCUSED

14

Forest Department, Arunachal Pradesh

Banderderra forest DIVISION

OFFENCE REPORT NO. 26/01 of 2017-19

Dated 17/07/2017

~~Range Forest Officer~~
Daflagath Forest Range {REVENUE STATION.
Baljan (A.P) {RANGE.

Memo No. 26/08/01/60

Dated 17/07/2017

Forwarded to the deputy Conservator of Forests,
Banderderra forest Division, with a copy of the Seizure
Report and an application for issue of process.

~~Range Forest Officer~~ { Officer-in-charge.
Daflagath Forest Range { Revenue Station.
Baljan (A.P) { Range.

Memo No. Sua/15/2016/Cons/2873-76

Dated 03/8/2017

Forwarded to the Chief Judicial Magistrate
Commissioner
of Supia with an application for issue
of process, and the following documents.....

White
Divisional Forest Officer
~~Conservator of Forests.~~
In-charge..... Division.

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ANNEX II

F.D. Form No. 33

GOVERNMENT OF ARUNACHAL PRADESH
FOREST DEPARTMENT
(APPENDIX X)
APPLICATION FOR ISSUE OF PROCESS

Form
The OFFICER IN-CHARGE
Likabali Forest RANGE,

TO.

THE DEPUTY COMMISSIONER
POLITICAL OFFICER

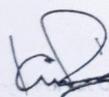
No. LB/01/2012/366 Dated 08/08/2017 199

Sir,

Whereas the marginally-noted persons have committed the offences specified in the accompanying offence report of this station, and Names of the Accused and the facts can be proved by the evidence of the witness the honour to request, named therein. I have honour to request, that the court will issue process against the accused and try the case under such section of the Indian penal Code, or of the Indian Forest Act or bort, as it may deem applicable.

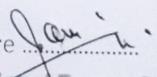
Assam Forest Regu

Section 340 of AFR. 1891

 Yours faithfully,

..... Officer- in- Charge,
..... Range,

Forwarding through the Add. Deputy Conservator of In -Charge Likabali Forest Division.

Signature 
Divisional Forest Officer
Likabali Forest Division
Likabali (A.P)

17

Forest Department, Arunachal Pradesh

OFFENCE REPORT NO. Likabali Forest Division
18/18 of 2017-18 Dated 08/08/2017
Likabali REVENUE STATION RANGE.

NATURE OF THE OFFENCE

Violation of AFR 1891 Under Section 34(1) by damage and use of Forest Produce by NHIDCL for improvement of Likabali-Bame road.
Date and hour of detection 08-08-2017.

Place of Occurrence Akagan-Likabali-Bame road 12 to 65 km

By whom detected Range Forest officer and team.

REFERENCE TO SECTIONS OF THE FOREST ACT AND INDIAN PENAL CODE.
ASSAM FOREST REGULATION

(To be filled by the Divisional Forest Officer)
Violation of Section 34(1) of AFR Act 1891 by damage and use of Forest Produce by NHIDCL for improvement of Akagan-Likabali-Bame road.

NAME OF ACCUSED

Name	Father's Name	Place of Residence		
		Village	Thana	District
<u>Shri Vivek Srivastava</u> <u>General Manager</u> <u>NHIDCL Project.</u>	<u>-</u>	<u>Namsai</u>	<u>Namsai</u>	<u>Namsai</u>

NAME OF WITNESS.

<u>1. Shri T. Nishu Deka</u>	<u>C/o R.F.O.</u> <u>Likabali</u>	<u>Range Forest</u> <u>Officer Likabali</u>	<u>Likabali</u>	<u>West Siang</u>
<u>2. " M. Koch Pr.</u>				
<u>3. " K. Taju Pr.</u>				
<u>4. " R. Lombi Pr.</u>				
<u>5. " A.K. Goux Pr.</u>	<u>C/o D.F.O.</u> <u>Likabali</u>	<u>Division Officer</u> <u>Likabali</u>	<u>Likabali</u>	<u>West Siang</u>

V U

18

(2)

FULL REPORT OF THE FACTS IN DETAIL.

(To be formed not later than the day after the occurrence)

Enclosed.

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(2)

FULL REPORT OF THE FACTS IN DETAIL

In compliance with the DFO's Order vide No. 2-21/LKFD/1722-27 Dtd. 12.05.2017, a team comprising of Shri Kenjum Membom, RFO Likabali Forest Range with the team member of committee constituted along with the representative of NHIDCL and representatives of contractual partner M/s JKM JV and M/s TK Engineering Consortium Pvt. Ltd. inspected the Akajan-Likabali-Bame road from stretch 12-22 KM, 22-40 KM and 40-65 KM.

The following observation is made in the matter of construction of road Akajan-Likabali-Bame about the violation of various Forest & Environmental Laws after thorough investigation-

1. The hill has been cut to widen the existing road on almost all stretches of the road using machinery and man power and lot of trees have been either cut or felled and the shrubs, herbs and other flora in the area has been totally damaged.
2. All the muck obtained from cutting the hills and construction of road has been thrown on the valley side damaging large number of trees, herbs and shrubs.
3. The muck thrown in the valley side has reached the river/rivulets in the valley and has caused blockage of the flow of water and has caused serious pollution to the water flowing in those rivers/rivulets, which could have caused serious damage of aquatic fauna.
4. The road construction activity has caused severe pollution of the atmosphere due to the dust produced by such activities.

It is found from the records that no approval of any kind for muck disposal along the valley or any area along the said road was given to NHIDCL and they have started muck dumping in the valley on these road stretches on their own, violating all related Forest & Environmental laws. Stage-II or final clearance from Govt. of India under Forest (Conservation) Act 1980 in case of 12-22KM stretch and 22-40KM stretch though is received, but it does not authorize to the NHIDCL to dump the muck on the valley side and thereby caused damage to flora existing there and also to make use of forest land in addition to the land for which, approval to them is granted. In case of the 40-65KM stretch, only Stage-I approval of Govt. of India is received and NHIDCL was not authorized to take up any work in this stretch until and unless final approval is received.

Show-Cause Notice was issued by DFO, Likabali Forest Division to NHIDCL for illegal muck dumping in 12-22KM and 22-40KM stretch vide No. 2-21/LKFD/1352-55 and No. 2-21 / LKFD / 1360-63 Dtd. 22/03/2017 and in reply, NHIDCL vide their letter No. NHIDCL/A-L-B/Bo-Ita/2015-16/Vol-I/1494 Dtd. 27/03/2017 and No. NHIDCL/A-L-B/Bo-Ita/2015-16/Vol-I Dtd. 27/03/2017 has not contested illegal muck dumping in case of 12-22KM stretch and 22-40KM stretch and has tried to put blame on the contractor, but it is NHIDCL only being the agency against whom approval has been granted for widening of the road to adhere to the laws and they are solely responsible for not adhering to the laws in vogue while executing the work. Show cause notice was also issued by the DFO, Likabali Forest division to NHIDCL vide No. 2-21/LKFD/1356-59 Dtd. 22/03/2017 for 40-65KM for stopping the work as no approval for said stretch of the road was obtained by the NHIDCL from Govt. of India. In reply vide No. NHIDCL/A-L-B/Bo-Ita/2015-16/Vol-I/1493 Dtd. 27/03/2017, NHIDCL has tried to put blame on the contractor by whom they are executing work without any approval. A committee thereafter was constituted by DFO, Likabali Forest Division vide No. 2-21/LKFD/1722-27 Dtd. 12/05/2017, which included the representative of NHIDCL and the executing contractors and it found muck disposal done at various site in 12-22KM stretch and 22-40KM stretch and all work executed in 40-65KM stretch without approval is illegal. The committee submitted its report to DFO, Likabali Forest Division vide No. LB/18/86/341 Dtd. 03/08/2017.

The muck disposal by NHIDCL on the valley sides of the road stretch 12-22KM and 22-40KM and all work involved in 40-65KM stretch road is thus in violation of Section 34(1) of Assam Forest Regulation 1891.

Following documents are attached to substantiate the above:-

1. DFO, Likabali letter No. 2-21/LKFD/1352-55, No. 2-21/LKFD/1360-63 and No. 2-21 / LKFD/1356-59 Dtd. 22/03/2017 to NHIDCL.
2. Reply to DFO, Likabali letter by NHIDCL vide No. NHIDCL/A-L-B/Bo-Ita/2015-16/Vol-I/1494 Dtd. 27/03/2017, No. NHIDCL/A-L-B/Bo-Ita/2015-16/Vol-I Dtd. 27/03/2017 and No. NHIDCL/A-L-B/Bo-Ita/2015-16/Vol-I/1493 Dtd. 27/03/2017.
3. Report of the committee constituted by the DFO, Likabali Forest Division vide No. LB/18/86/341 Dtd. 03/08/2017.
4. Photographs showing the damage caused. 7 (Seven) nos.

(Shri Kenjum Mombom) FR.
Range Forest Officer,
Likabali Forest Range.

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(4)

Forest Department, Arunachal Pradesh

Likabali Forest Division
OFFENCE REPORT No. LB/18 of 2017-18

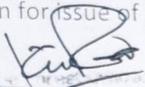
Dated 08/08/2017.

Likabali } REVENUE STATION
RANGE.

Memo No. LB/01/2012/366

Dated 08/08/2017.

Forwarded to the Addl. Deputy Conservator of Forests,
Likabali Forest Division, with a copy of the seizure
Report and as application for issue of process.



Officer-In-Charge.

_____ } REVENUE STATION
RANGE.

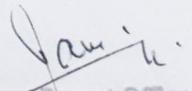
Memo No. 2-21/LKFD/2483-84

Dated 18/08/2017

Forwarded to the Chief Judicial Magistrate
Commissioner

West Siang District, Aalo.....with and an application for issue of process, and
the following documents ① Offence Report, ② Full Facts,
③ Verification Report ④ Photographs of dumping site and
damage caused for trial of the case.

Addl. Deputy Conservator of Forests.
In-Charge Likabali Forest Division.


Divisional Forest Officer
Likabali Forest Division
Likabali, (A.P.)

22. 1

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DIVISIONAL FOREST OFFICER
::LIKABALI FOREST DIVISION::

Memo No. 2-21/LKFD/2508-09 Dated Likabali, the 29.10.2017.

To,

✓ The Addl. Principal Chief Conservator of Forests,
Central Arunachal Circle,
Pasighat.

Sub: Detail report on violation of the provision of Forest (Conservation) Act 1980 by NHIDCL in widening of Akajan-Likabali-Bame road from 12KM point to 65KM point.

Sir,

I have the honour to furnish here the detail report on violation of the provision of Forest (Conservation) Act 1980 by NHIDCL in widening of Akajan-Likabali-Bame road from 12KM point to 65KM point.

The following observation was made in the matter of construction of road Akajan-Likabali-Bame and the violation of various Forest & Environmental Laws was recorded as below.

1. The hill has been cut to widen the existing road on almost all stretches of the road using machinery and man power and lot of trees have been either cut or felled and the shrubs, herbs and other flora in the area has been totally damaged.
2. All the muck obtained from cutting the hills and the road has been thrown on the valley side damaging large number of trees, herbs and shrubs.
3. The muck thrown in the valley side has reached the river/rivulets in the valley and has caused blockage of the flow of water and has caused serious pollution to the water flowing in those rivers/rivulets, which could have caused serious damage of aquatic fauna.
4. The road construction activity has caused severe pollution of the atmosphere due to the dust produced by such activities.

It is found from the records that there is no approval of any kinds for muck disposal along the valley or any area along the said road was given to NHIDCL and they have started muck dumping in the valley on these road stretches on their own, violating all related Forest & Environmental laws. Stage-II or final clearance from Govt. of India under Forest (Conservation) Act 1980 in case of 12-22KM stretch and 22-40KM stretch though is received, but it does not authorize to the NHIDCL to dump the muck on the valley side and thereby caused damages to flora existing there and make use of forest land in addition to the land for which, approval to them is granted. In case of the 40-65KM stretch, only Stage-I approval of Govt. of India is received and NHIDCL was not authorize to take up any work in this stretch until and unless final approval is received.

Show-Cause Notice was issued to NHIDCL for illegal muck dumping in 12-22KM and 22-40KM stretch vide No. 2-21/LKFD/1352-55 and No. 2-21 / LKFD / 1360-63 Dtd. 22/03/2017 and in reply NHIDCL vide their letter No. NHIDCL/A-L-B/Bo-lta/2015-16/Vol-I/1494 Dtd. 27/03/2017 and No. NHIDCL/A-L-B/Bo-lta/2015-16/Vol-I Dtd. 27/03/2017 has not contested illegal muck dumping in

case of 12-22KM stretch and 22-40KM stretch and has tried to put blame on the contractor but, it is NHIDCL only being the agency against whom approval has been granted for widening of the road and they are solely responsible for adhering to the laws in vogue while executing the work. Show cause notice was also issued to NHIDCL vide No.2-21/LKFD/1356-59 Dtd. 22/03/2017 for 40-65KM for stopping the work as no approval for said stretch of the road was obtained by the NHIDCL from Govt. of India. In reply vide No. NHIDCL/A-L-B/Bolta/2015-16/Vol-I/1493 Dtd. 27/03/2017, NHIDCL has tried to put blame on the contractor by whom they are executing work without any approval. A committee thereafter was constituted vide No. 2-21/LKFD/1722-27 Dtd. 12/05/2017, to find muck disposal done at various site in 12-22KM stretch and 22-40KM stretch and all work being illegal in 40-65KM stretch. The committee submitted its report vide No. LB/18/86/341 Dtd. 03/08/2017. Copy enclosed as **ANNEXURE-I**.

The muck disposal by NHIDCL on the valley sides of the road Stretch 12-22KM and 22-40KM and all work involved in 40-65KM stretch road is thus in violation of *Section 34(1) of Assam Forest Regulation 1891*. Accordingly, Range Forest Officer, Likabali has drawn offence against General Manager, NHIDCL vide No. OR No. LB/18 of 2017-18 Dtd. 08/08/2017 and the case is forwarded to the Chief Judicial Magistrate, West Siang District, Aalo for trial of the case vide No. 2-21/LKFD/2483-84 Dtd. 18/08/2017. Copy enclosed as **ANNEXURE-II**

This is for favour of your information please.

Encl: As above.

Yours faithfully,



(B. Taba)

Divisional Forest Officer,
Likabali Forest Division.

Copy to:-

1. The Principal Chief Conservator of Forests, Govt. of AP, Itanagar for his information please.



(B. Taba)

Divisional Forest Officer,
Likabali Forest Division.

DFD
Serial no P/10/2005/153-54

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Annex III

S/Man
23/06/17

F. D. Form No. 33

GOVERNMENT OF ARUNACHAL PRADESH
FOREST DEPARTMENT
(APPENDIX X)
APPLICATION FOR ISSUE OF PROCESS

From The OFFICER IN-CHARGE,
Pasighat Forest RANGE,
To THE DEPUTY COMMISSIONER
POLITICAL OFFICER

No. P/10/2005/153-54

Dated 23/06/2017

Sir,
Whereas the marginally-noted persons have committed the offences specified in the accompanying offence report of this station, and whereas the facts can be proved by the evidence of the witnesses named therein. I have the honour to request, that the court will issue process against the accused and try the case under such sections of the Indian Penal Code, or of the Indian Forest Act or both, Assam Forest Regulation as it may deem applicable,

Sec 34 (1) of AFR, 1891

Yours faithfully

~~RANGE FOREST OFFICER
PASIGHAT FOREST RANGE,
PASIGHAT (A.P) Range,~~

Forwarded through the..... Conservator of Forest in-Charge.....
Division.

Signature.....

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(4) Forest Department, Arunachal Pradesh

Pasighat forest DIVISION

OFFENCE REPORT NO. P/1 of 2017-18

Dated 23/08/2017

Pasighat (REVENUE STATION, RANGE)

Memo No. P/10/2005/153-54

Dated 23/06/2017

Forwarded to the Conservator of Forests, Division, with a copy of the Seizure Report and an application for issue of process.

Range Forest Officer, Pasighat Forest Range, Pasighat (A.P.)

Memo No. PFD/131/09/1364

Dated 23/6/2017

Forwarded to the Deputy Commissioner, Pasighat, with an application for issue of process, and the following documents: 1) offence report 2) full facts 3) Verification report

DIVISIONAL FOREST OFFICER, PASIGHAT FOREST DIVISION, PASIGHAT (A.P.)

o/e

OFFENCE REPORT

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ARUNACHAL PRADESH Schedule L (Part I) Form No. 32
Forest Department, ARUNACHAL PRADESH

Pasighat Forest DIVISION

OFFENCE REPORT No. P/1 of 2017-18 Dated 23/08/2017

Pasighat | RENEUE STATION
RANGE.

NATURE OF THE OFFENCE

Violation of AFR, 1891 Section 34 (1);
Unauthorised dumping of Muck at Forest Area.

Date and hour of detection 27/09/2016

Place of occurrence Tran Arunachal Highway (Pasighat - Pargim road)

By whom detected RFO, Pasighat, Draftman O/o The DFO, Pasighat

REFERENCE TO SECTIONS OF THE FOREST ACT AND INDIAN PENAL ASSAM FOREST REGULATION CODE.

(To be filled by the Divisional Forest Officer)

Section 34 (1) AFR, 1891

NAMES OF ACCUSED

NAME	Father's Name	Place of Residence.		
		Village	Thana	Dist.
<u>General Manager Projects NHIDCL</u>	<u>-</u>	<u>Namsai</u>	<u>Namsai</u>	<u>Namsai</u>

NAMES OF WITNESSES

<u>Jungo Gegi RFO.</u>	<u>Range Office Pasighat</u>	<u>Pasighat</u>	<u>Pasighat</u>	<u>East siming</u>
<u>Philip Tayen D/M</u>	<u>DFO office Pasighat.</u>	<u>- do -</u>	<u>- do -</u>	<u>- do -</u>
<u>Leegang Moberg Site Engineer</u>	<u>NHIDCL</u>	<u>- do -</u>	<u>- do -</u>	<u>- do -</u>

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(FULL REPORT OF FACTS)

In compliance with the direction of the Divisional Forest officer, Pasighat Forest Division vide letter No. PFD/131/09/2558-65 Dated 26/09/2016, the team comprising Shri Jumgo Geyi, RFO, Pasighat, Shri Philip Tayeng, Draughtman, O/o the DFO, Pasighat and Shri Leegang Mobing, Site Engineer, PUNA HINDA/NHIDCL, Namsai has inspected the muck disposal site of the Pasighat Pangin Road (0.00-20.00 Km) on dated 27/09/2016 (Details of Inspection Report enclosed).

On inspection, it was found that the NHIDCL, Namsai have disposed the muck in 35 (Thirty Five) stations along the said Trans-Arunachal Highway without prior diversion proposal which amount to the violation of Forest Laws. The area measured on the day of inspection was 6.69 hectares including.

There were 130 nos.of trees per hectare as per enumeration report of the diversion proposal for the said road, and the numbers of trees affected by illegal dumping work out to be 870 nos.

~~RANGE FOREST OFFICER
PASIGHAT FOREST RANGE
PASIGHAT (A.P.)~~

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GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DIVISIONAL FOREST OFFICER
PASIGHAT FOREST DIVISION
PASIGHAT.

PFD/131/09/ 3182

Dated Pasighat the 30/06/2017

To,

The Chief Conservator of Forests,
Central Arunachal Circle,
Pasighat.

Sub:-

Proposal for diversion of additional area of 7.33 ha involved in muck disposal in respect of proposal for diversion of 14.45 ha of forest land for construction/improvement of Trans Arunachal Highway (NH-52) from Pasighat to Pangin from 0.00 km from C1-9 road to NHDL specification by PWD in upper Siang district of Arunachal Pradesh.

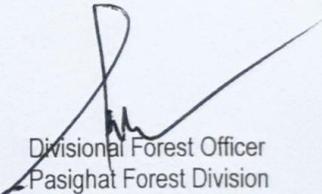
Ref:-

Your No. CAC/73/FCC/09/6916. Dtd. 23/06/2017.

Sir,

With reference to your letter no. cited above on the subject, I am submitting herewith the report as per format alongwith an offence report received from the Range officer Pasighat for your further needful action please.

Yours faithfully,


Divisional Forest Officer
Pasighat Forest Division
Pasighat.

Enclose:- As above

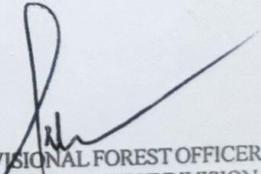
b/c

FORMAT FOR SUBMISSION OF REPORT FOR ALLEDGED VIOLATION OF FAC, 1980

Annex IV

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1. Name of Offence : Unauthorised Dumping of muck at Forest Area.
2. Location of site (Division, District, Range, Forest Block, Compartment no., name of PF/RF etc. with details of Gazette notification regarding PF/RF. : Trans Arunachal Highway Pasigaht to Pangin road under Pasigaht Forest Division.
3. Extent (Area affected under violation, photographs, video films etc. : 6.69 ha
4. Number, species and details of tree felled, cut turn, Value. : 870 Nos.
5. Date of detection of offence : 27/09/2016
6. Action taken under India Act/ Local Forest Act. POR/. FIR number. : Sec 34 (1) of AFR, 1891
7. State local Act/Rule-violated : Do
8. Order of any authority/officer vide which violation has taken place, issuing authority name and designation of the officer who passed the order, present posting. : General Manager Project NHIDCI
9. Whether violation is still continuing. : No
10. Officials responsible for statement of violation, provide Complete details. : Nil
11. Topo sheet of survey of India map of the site with relevant details (either colored photography or on a tracing paper). : Map enclosed


DIVISIONAL FOREST OFFICER
PASIGHAT FOREST DIVISION
PASIGHAT (A.P.)