

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SITTING AT KOLKATA
ORIGINAL APPLICATION NO. 26 OF 2023**
(Under Section 19 of the National Green Tribunal Act, 2010)
IN THE MATTER OF:
PI VANRAMCHHUANGI **.....APPLICANT**
VERSUS
UNION OF INDIA AND OTHERS **.....RESPONDENTS**

PAPER BOOK

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ADDITIONAL AFFIDAVIT ON BEHALF OF APPLICANT

NANDITA DHAR

ADVOCATE FOR APPLICANT

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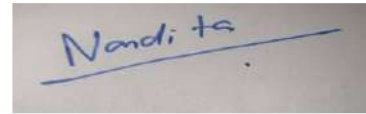
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18/04/2023

**BEFORE THE NATIONAL GREEN TRIBUNAL,
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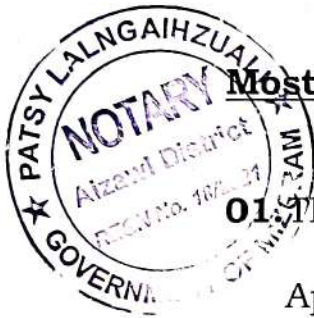
VERSUS

UNION OF INDIA AND OTHERS

.....**RESPONDENTS**

ADDITIONAL AFFIDAVIT ON BEHALF OF APPLICANT

Most Respectfully Sheweth:



01. That the deponent is the applicant on the present Original Application and as such is well conversant with the facts and circumstances of the present case.

02. That the applicant wishes to draw kind attention of this Honble Court on the following facts and circumstances:

- i.** It is respectfully submitted that by way of Original Application No. 26 of 2023, applicant has sought intervention of this Honble Court on the issue of 'illegal and unscientific muck disposal' by Respondent No.03 in constructing NH54. The contents of the said Original Application may be read as part of the present Application and the same are not repeated for the sake of brevity.

ii. That as far as construction of NH54 is concerned, applicant has learnt that National Highway & Infrastructure Development Corporation has been assigned the task of "Widening and Upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Ks. 8.00 to 380.00 in the State of Mizoram.



iii. That vide its letter dated 21/11/2016, National Highways and Infrastructure Development Corporation Limited (hereinafter referred as NHIDCL) has been assigned the task of "Widening and Upgradation of NH-54 to 2 Lane with paved shoulder and geometric improvements from Km 8.00 to Km380.00 in the State of Mizoram (JICA Funded).

True copy of the letter dated 21/11/2016 issued by National Highways and Infrastructure Development Corporation Limited is annexed and marked hereto as Annexure P-15.

iv. That vide its letter dated 24/01/2017, the Additional Principal Chief Conservator of Forests & Nodal Officer (FCA) conveyed the permission to General Manager (Projects), NHIDCL for uploading the proposals in 3 packages viz Km 8.00 to Km 125.00 (Package 1), Km

125.00 to Km 250.00 (Package 2) and Km. 250.00 to 380.00 (package 3).

True copy of the letter dated 24/01/2017 issued by the Additional Principal Chief Conservator of Forests & Nodal Officer (FCA) is annexed and marked hereto as Annexure P-16.



- v. That vide its letter dated 03/02/2017, the General Manager (Project), NHIDCL issued "JUSTIFICATION FOR LOCATING THE PROJECT IN FOREST AREA" in the following manner: "Road Alignment for 'Widening and Upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km380.00 in the State of Mizoram (JICA Funded), has been examined for the Social, Technical and Economical consideration and possible efforts were made to avoid the forest land by National Highways and Infrastructure Development Corporation Limited, Branch – Office Aizwal, Mizoram, but Forest Land can not be avoided as we are widening and upgrading the existing road alignment which is partially passing through the forest land, so we have no option other than to acquire some land in forest area. It is also to be mentioned that we don't have any alternative alignment. It

is further stated that the forest land involved in the proposed alignment for “Widening and Upgradation of NH-54 to 2 Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded), Km 8.00 to Km 125.00 (in Package 1)” has been kept minimum.”



True copy of the letter dated 03/02/2017 issued by General Manager (Project), NHIDCL is annexed and marked hereto as Annexure P-17.

- vi. That vide its letter dated 26/09/2017, the Principal Secretary to Government of Mizoram, Environment, Forest and Climate Change Department issued “Recommendation of Principal Secretary”. That for the sake of convenience of this Honble Court, relevant part of the Recommendation Letter is reproduced herein below:

“The National Highway, NH-54 which runs across the whole length of Mizoram from the Northern tip at Vairengte up to Tuipang in the extreme southern end of the State near Indo Myanmar border is the lifeline for the people of Mizoram. The NH-54 from the Northern tip of Mizoram up to the State Capital has been widened and upgraded to 2-Lane and the

remaining stretch of about 370 Km distance from Aizawl to Tuipang still requires widening and improvement to 2-Lane standard for the economic upliftment of the local people. The total forest land required to be diverted due to widening of the existing highway over the stretch of 117 km in Pacakge - I is only 11.61 Ha and that too along the existing highway and near habitation, and only few trees of miscellaneous species, shrubs and bushes are required to be felled / removed. Hence there would hardly be any adverse effect on the environment. In view of the benefit that would accrue to the people of Mizoram due to widening and upgradation of the existing NH-54, the project is recommended for approval.”



True copy of letter dated 26/09/2017 issued by Principal Secretary to Government of Mizoram, Environment, Forest and Climate Change Department is annexed and marked hereto as Annexure P-18.

- vii.** That the Respondent No. 01 vide its letter dated 20/08/2019 granted FINAL APPROVAL under section 02 of the Forest Conservation Act -1980 for diversion of 11.61

Ha of Forest Land for widening and upgradation of NH-54 to 2 Lane paved shoulder and Geometric improvement from Km 8.00 to KM 380.00 in the State of Mizoram (JICA Funded) by BHIDCL Km. 8.00 to Km.125.00 (Pacakge I). Applicant herein wishes to highlight that followings are some of the important conditions which Respondent No. 01 has imposed vide its Final Approval letter dated 20/08/2019:



- i.** The user agency will undertake comprehensive soil and water conservation measures at the project cost.
- ii.** Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designated dumping sites and in no case the muck / debris will be allowed to roll down the hill slopes.
- iii.** The muck dumping area shall be stabilized and plantation of suitable species shall be carried out over stabilized dumps on

the cost of user agency under the supervision of State Forest Division.

iv. No damage to the Flora Fauna of the area shall be caused.

v. The designing of culverts / bridges, if any, over the natural streams / rivers / canals should be done in such a manner that it does not hamper the natural course of the water, does not give rise to water logging and also does not hamper the movement of the wild animals.

vi. All the site specific engineering structures like retaining walls, breast wall and drainage shall be constructed to avoid any soil erosion and to provide slope stability of the concerned hills.

vii. The user agency shall obtain the Environmental Clearance under Environment Protection Act, 1986 if applicable.



viii. This approval may be revoked if the above condition of approval is not complied to the satisfaction of the North Eastern Regional Office, Shillong.



True copy of letter dated 20/08/2019 issued by Respondent No. 01 is annexed and marked hereto as Annexure P-19.

PACKAGE 2

viii. That as far as Package 2 of the NH-54 is concerned, NHIDCL vide its letter dated 03/02/2017 issued the "JUSTIFICATION FOR LOCATING THE PROJECT IN FOREST AREA". That for the sake of convenience of this Honble Court the relevant part of the Justification letter dated 03/02/2017 issued by NHIDCL is reproduced herein below:

"Road Alignment for Widening and Upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km380.00 in the State of Mizoram (JICA Funded) (Km 134.600 to Km 280.00 in Lunglei

District), has been examined for the Social, Technical and Economical consideration and possible efforts were made to avoid the forest land by National Highways and Infrastructure Development Corporation Limited, Branch - Office Aizwal, Mizoram, but Forest Land cannot be avoided as we are widening and upgrading the existing road alignment which is partially passing through the forest land, so we have no option other than to acquire some land in forest area. It is also to be mentioned that we don't have any alternative alignment. It is further stated that the forest land involved in the proposed alignment for "Widening and Upgradation of NH-54 to 2 Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded), Km 125.00 to Km 250.00 (in Package 2)" has been kept minimum."



True copy of the letter dated 03/02/2017 issued by NHIDCL is annexed and marked hereto as Annexure P-20.

ix. That vide its letter dated 09/10/2017, the Conservator of Forests, Southern Circle, Lunglei, Mizoram issued "Recommendation Letter". That for the sake of convenience of this Honble Court, relevant part of the Recommendation Letter is reproduced herein below:



"The project, "widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded), Km 125.00 to Km. 250.00 (Package - 2)" passes through a small portion of forest land across Tlawng River adjacent to Zobawk village under Lunglei Forest Division. The road is an important route for the people of Mizoram as it passes through 5 Districts (Aizawl, Serchhip, Lunglei, Lawngtlai and Saiha Districts). The project includes widening of the existing road of single lane to 2-

Lane NH Standard. Out of the total road length of 125 km in package 2 of the project, only 0.48 Ha of notified forest land adjoining to habitation is to be affected. There is no rare and endangered species of fauna, no archaeological / heritage site, defence establishment or important monument in the area proposed to be diverted. There is no better and alternative option to connect the towns and villages of the 5 districts along the road other than the existing road which requires widening and upgradation. Hence in view of the facts stated above and after carrying out the site inspection, the project is recommended for approval by the competent authority.”

True copy of letter dated 09/10/2017 issued by Conservator of Forests, Southern Circle, Lunglei, Mizoram is annexed and marked hereto as Annexure P-21.



x. That the Respondent No. 01 vide its letter dated 10/10/2018 granted FINAL APPROVAL for diversion of 0.48 ha of forest land for widening and upgradation of NH-54 to 2 Lane paved shoulder and Geometric improvement from Km 125.00 to KM 250.00 within Lunglei District (Package II). Applicant herein wishes to highlight that followings are some of the important conditions which Respondent No. 01 has imposed vide its Final Approval letter dated 10/10/2018:



- i.** The felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under the strict supervision of State Forest Department.
- ii.** The layout lad of the proposal shall not be changed without prior approval of the Central Government.
- iii.** The permission granted by the State Government shall be subject to monitoring by the concerned Regional Office of the Ministry of Environment, Forests and Climate Change.

True copy of letter dated 10/10/2018 issued by Respondent No. 01 is annexed and marked hereto as Annexure P-22.

PACKAGE III

xi. That vide its letter dated 06/02/2017, the General Manager (Project), NHIDCL issued "JUSTIFICATION FOR LOCATING THE PROJECT IN FOREST AREA" in the following manner:

"Road Alignment for Widening and Upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km380.00 in the State of Mizoram (JICA Funded) (Km 250 to Km 380 in Package 3 excluding 5.06 Km Lawngtlai City Portion), has been examined for the Social, Technical and Economical consideration and possible efforts were made to avoid the forest land by National Highways and Infrastructure Development Corporation Limited, Branch - Office Aizwal, Mizoram, but



Forest Land can not be avoided as we are widening and upgrading the existing road alignment which is partially passing through the forest land, so we have no option other than to acquire some land in forest area. It is also to be mentioned that we don't have any alternative alignment. It is further stated that the forest land involved in the proposed alignment for "Widening and Upgradation of NH-54 to 2 Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded), (Km 250 to Km 380 in Package 3 excluding 5.06 Km Lawngtlai City Portion)" has been kept minimum."



True copy of letter dated 06/02/2017 issued by General Manager (Project), NHIDCL is annexed and marked hereto as Annexure P-23.

- xii.** That vide its letter dated 13/10/2017, the Principal Secretary to Government of Mizoram, Environment, Forest and Climate Change Department issued "Recommendation

of Principal Secretary". That for the sake of convenience of this Honble Court, relevant part of the Recommendation Letter is reproduced herein below:

"The National Highway, NH-54 which runs across the whole length of Mizoram from the Northern tip at Vairengte up to Tuipang in the extreme southern end of the State near Indo Myanmar border is the lifeline for the people of Mizoram. The NH-54 from the Northern tip of Mizoram up to the State Capital has been widened and upgraded to 2-Lane and the remaining stretch of about 370 Km distance from Aizawl to Tuipang still requires widening and improvement to 2-Lane standard for the economic upliftment of the local people which is proposed under the project, "Widening and Upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded)" in 3 Packages. The total forest



land required to be diverted due to widening of the existing highway over the stretch of 130 km in Package - III of the project is only 11.18 Ha and that too scattered here and there along the existing highway. Only few planted trees of Teak, Michelia and Gomari and other miscellaneous local tree species, shrubs and bushes are required to be felled / removed. Hence there would hardly be any adverse effect on the environment. In view of the benefit that would accrue to the people of Mizoram due to widening and upgradation of the existing NH-54, the project is recommended for approval.”

True copy of letter dated 13/10/2017, the Principal Secretary to Government of Mizoram, Environment, Forest and Climate Change Department is annexed and marked hereto as Annexure P-24.

- xiii.** That the Respondent No. 01 vide its letter dated 20/08/2019 granted FINAL APPROVAL under section 02 of the Forest Conservation Act -1980 for diversion of 11.18



Ha of Forest Land for widening and upgradation of NH-54 to 2 Lane paved shoulder and Geometric improvement from Km 250.00 to KM 380.00 (Package 3). Applicant herein wishes to highlight that followings are some of the important conditions which Respondent No. 01 has imposed vide its Final Approval letter dated 20/08/2019:



- i.** The user agency will undertake comprehensive soil and water conservation measures at the project cost.
- ii.** Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designated dumping sites and in no case the muck / debris will be allowed to roll down the hill slopes.
- iii.** The muck dumping area shall be stabilized and plantation of suitable species shall be carried out over stabilized dumps on the cost of user agency under the supervision of State Forest Division.

- iv.** No damage to the Flora Fauna of the area shall be caused.
- v.** The designing of culverts / bridges, if any, over the natural streams / rivers / canals should be done in such a manner that it does not hamper the natural course of the water, does not give rise to water logging and also does not hamper the movement of the wild animals.
- vi.** All the site specific engineering structures like retaining walls, breast wall and drainage shall be constructed to avoid any soil erosion and to provide slope stability of the concerned hills.
- vii.** The user agency shall obtain the Environmental Clearance under Environment Protection Act, 1986 if applicable.
- viii.** This approval may be revoked if the above condition of approval is not complied to the satisfaction of the North Eastern Regional Office, Shillong.



True copy of letter dated 20/08/2019 issued by Respondent No. 01 is annexed and marked hereto as Annexure P-25.

xiv. It is also respectfully submitted that observing the irregular Muck Disposal in connection with the Project 'Widening and Upgradation of NH-54 to 2 Lane paved shoulder configuration and Geometric improvements from Km 8.00 to KM 380.00 on Aizawl – Tuipang Section of NH-54 in the State of Mizoram (Package-2)' the Divisional Forest Officer, Thenzawl Forest Officer, Thenzawl Forest Division, Thenzawl, Mizoram issued a letter dated 31/05/2022 to General Manager (Projects), NHIDCL and accordingly informed him to immediately stop all the construction activities of NH-54 Road Project (Package – 2 and Chhiahtlang and Serchip Bypass) within Thenzawl Forest Division (Serchhip and Hnahthial Districts) unless and until State – I approval (IPA) is obtained from MoEFCC, Government of INDIA to avoid further course Legal Action. For the sake of convenience of this Honble Court relevant part of the Letter dated 31/05/2022 is reproduced herein below:



“With reference to the above, I am to bring to your attention that there has been irregular muck disposal in many places along NH-54 stretch within the jurisdiction of Thenzawl Forest Division (Serchhip and Hnahthial District) while executing the above mentioned project. The followings are specific and GPC Locations other than designated spoil bank as per your Muck Disposal Plan where dumping of large volume of excavated soil have been done by NHIDCL.

Sl. No.	Specific Locations	GPS Locations	Approx. damaged Area (in Ha)
1	0.4 Km from Chhingchhip towards Buhkangkawn	23°29'39.3" N 92°51'14.52" E	0.7
2	9.5 Km from Chhiahtlang towards Chhingchhip	23°26'41.7" N 92°51'18.3" E	0.5
3	7.8 Km from Chhiahtlang towards Chhingchhip	23°25'7.74" N 92°51'19.98" E	0.5
4	8.0 Km from Chhiahtlang towards Serchhip	23°25'48.3" N 92°51'12.48" E	0.6
5	1.0 Km from Chhiahtlang towards Chhingchhip	23°24'4.74" N 92°50'56.4" E	0.7
6	7.1 Km from Chhiahtlang towards Chhingchhip	23°24'39" N 92°51'4.74" E	0.5
7	7.8 Km from Chhiahtlang towards Chhingchhip	23°25'2.52" N 92°51'15.24" E	0.5



8	0.5 Km from Chhiahtlang towards Chhingchhip	23°23'52.38" N 92°50'57.3" E	0.6
9	Serchhip to Keitum Road near Dumping Ground Chhingchhip	23°15'47.66" N 92°52'47.46" E	0.2



Further there are some designated spoil banks where there has been large scale dumping of muck without construction/erection of retaining walls or Gabion in advance which adversely affect forest, biodiversity, river and stream ecosystems in downhill Terrains. This kind of responsible action from NHIDCL is highly unexpected and unwelcome specifically after signing undertakings to the effect that atmosphere shall be taken to protect and conserve the environment and that no violation of forest conservation act 1980 shall be ensured while executing the road project. The irregular disposal of large volume of excavated soil and non compliance with muck disposal plan result not only in extensive destruction of valuable fauna and flora diversity and but loss of river ecosystem and aquatic life due to siltation, which have ultimately impacted public drinking water supply in a negative manner. The non-complaints of muck disposal plan and undertaking submitted by you to PCCF office Aizwal vide No.208/NHIDCL/PMU-Seling/2020-21/NH54/WK/Forest/888 dated 2/11/2020 is the clear violation of Forest (Conservation) 1980.

Some of the photograph showing irregular muck disposal along NH 54 road project are also enclosed here with.

Further it may also be reiterated that as of today Stage I (In principal approval) approval is under process and not yet given to NHIDCL for the projects under Serchipp District such as Widening and Upgradation to 2 lane paved shoulder Configuration and Geometric improvement from Km 8.0 to Km 380.0 on Aizwal – Tuipang Section of NH-54 in the State of Mizoram (Package 2) and “Construction of Bypasses at Chhiahtlang and Serchipp (Package I) on Aizwal Tuipang Section of NH-54 in the State of Mizoram.” However, NHIDCL had initiated execution of work on the ground without Stage - I approval (IPA) which is again gross violation of Forest Conservation Act 1980.

Therefore you are here by inform to immediately stop all the construction activities of NH 54 road project (package 2 an Chhiahtlang and Serchip bypass) within Thenzawl Forest Division (Serchipp and Hnahthial Districts) unless and until Stage – I Approval (IPA) is obtained form MOEFCC, Government of INDIA to avoid further course Legal Action.”

**True copy of letter dated 31/05/2022 issued by
Divisional Forest Officer, Thenzawl Forest Officer,
Thenzawl Forest Division, Thenzawl, Mizoram to**



General Manager (Projects), NHIDCL is annexed and marked hereto as Annexure P-26.

xv. It is also respectfully submitted that observing the irregular Muck Disposal in connection with the Project 'Widening and Upgradation of NH-54 to 2 Lane paved shoulder configuration and Geometric improvements from Km 8.00 to KM 380.00 on Aizawl – Tuipang Section of NH-54 in the State of Mizoram (Package-2)', the Divisional Forest Officer, Thenzawl Forest Officer, Thenzawl Forest Division, Thenzawl, Mizoram issued another letter dated 31/05/2022 to General Manager (Projects), NHIDCL and accordingly informed him to immediately stop all the construction activities of NH-54 Road Project (Package – 2 and Chhiahtlang and Serchip Bypass) within Thenzawl Forest Division (Serchhip and Hnahthial Districts) unless and until State – I approval (IPA) is obtained from MoEFCC, Government of INDIA to avoid further course Legal Action.

For the sake of convenience of this Honble Court relevant part of the Letter dated 31/05/2022 is reproduced herein below:

"With reference to the above, I am to bring to your attention that there has been irregular muck disposal in many places along NH-



54 stretch within the jurisdiction of Thenzawl Forest Division (Serchhip and Hnahthial District) while executing the above mentioned project. The followings are specific and GPC Locations other than designated spoil bank as per your Muck Disposal Plan where dumping of large volume of excavated soil have been done by NHIDCL.



Sl. No.	Specific Locations	GPS Locations	Approx. damaged Area (in Ha)
1	Herhse Kawn (1989 Gomari Platation, Rawpui VC Area)	23*06'43.75" N 92*53'27.92" E	2.0
2	Dapzarkawn (2003 VFDC Plantation, Pangzawl VC Area)	23*06'35.06" N 92*53'25.83" E	1.5
3	Dapzar ram (2003 VFDC Bamboo Plantation, Pangawl VC Area)	23*06'29.72" N 92*53'37.29" E	1.5

Further there are some designated spoil banks where there has been large scale dumping of muck without construction/ erection of retaining walls or Gabion in advance which adversely affect forest, biodiversity, river and stream ecosystems in downhill Terrains. This kind of responsible action from NHIDCL is highly unexpected and unwelcome specifically after signing undertakings to the effect that atmosphere shall be taken to protect and conserve the environment and that no violation of forest conservation act 1980 shall be ensured while executing the road project.

The irregular disposal of large volume of excavated soil and non compliance with muck disposal plan result not only

in extensive destruction of valuable fauna and flora diversity and but loss of river ecosystem and aquatic life due to siltation, which have ultimately impacted public drinking water supply in a negative manner. The non-complaints of muck disposal plan and undertaking submitted by you to PCCF office Aizwal vide No.208/NHIDCL/PMU-Seling/2020-21/NH54/WK/Forest/888 dated 2/11/2020 is the clear violation of Forest (Conservation) 1980. You are hereby informed to immediately stop further irregular muck disposal and take any appropriate remedial measures to restore the extensive environmental damages caused by you due to such irregular muck disposal. Some of the photograph showing irregular muck disposal along NH-54 Road Project are also enclosed herewith.

Further it may also be reiterated that as of today Stage I (In principal approval) approval is under process and not yet given to NHIDCL for the projects "Widening and Upgradation to 2 lane paved shoulder Configuration and Geometric improvement from Km 8.0 to Km 380.0 on Aizwal – Tuipang Section of NH-54 in the State of Mizoram (Package 2). However, NHIDCL had initiated execution of work on the ground without Stage - I approval (IPA) which is again gross violation of Forest Conservation Act 1980.

Therefore you are here by inform to immediately stop all the construction activities of NH 54 road project (package



2 and Chhiahtlang and Serchip bypass) within Thenzawl Forest Division (Serchipp and Hnahthial Districts) unless and until Stage - I Approval (IPA) is obtained from MOEFCC, Government of INDIA to avoid further course Legal Action.”



True copy of letter dated 31/05/2022 issued by Divisional Forest Officer, Thenzawl Forest Officer, Thenzawl Forest Division, Thenzawl, Mizoram to General Manager (Projects), NHIDCL is annexed and marked hereto as Annexure P-27.

xvi. That vide its letter dated 01/06/2022 the Divisional Forest Officer, Lunglei Forest Division, Lunglei, Mizoram by way of issuing STAY ORDER AGAINST THE PROJECT (PACKAGE - 2) directed General Manager (Project), NHIDCL, PMU Lunglei to stop all the On-going works. **True Copy of letter dated 01/06/2022 issued by Divisional Forest Officer, Lunglei Forest Division, Lunglei, Mizoram is annexed and marked hereto as Annexure P-28.**

xvii. That vide its letter dated 01/06/2022 the Divisional Forest Officer, Lunglei Forest Division, Lunglei, Mizoram by way of issuing STAY ORDER AGAINST THE PROJECT (PACKAGE - 3) also directed General Manager (Project),

NHIDCL, PMU Lunglei to stop all the On-going works. **True copy of letter dated 01/06/2022 the Divisional Forest Officer, Lunglei Forest Division, Lunglei, Mizoram is annexed and marked hereto as Annexure P-29.**

xviii. That by way of the present additional affidavit applicant requests this Honble Court to direct Respondent No. 03 to stop all the On Going Works at Package 2 and Package 3 in accordance with letters dated 01/06/2022 issued by Divisional Forest Officer, Lunglei Division, Lunglei, Mizoram.

xix. That applicant also requests this Honble Court to direct Respondent No. 01 and Respondent No. 06 to initiate Legal Proceedings under the Environment (Protection) Act, 1986 against Respondent No. 03.

xx. Furthermore, the applicant also requests this Honble Court to direct Respondent No. 01 and Respondent No. 06 to impose Penalty as per the guidelines of Forest (Conservation) Act, 1986 for Non Compliance of Conditions imposed in Final Approvals letters issued by Respondent No. 01.



3. That the above information was not available with the applicant at the time of filing of the Original Application, hence the present additional affidavit.



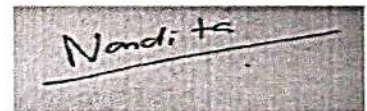
Chhuanis
DEPONENT

VERIFICATION

Verified on 18/04/2023 that the contents of the present affidavit are true and correct and nothing material has been concealed herein.

Chhuanis
DEPONENT

Filed By



**Nandita Dhar
Advocate**

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New Delhi - 110014
9811681635

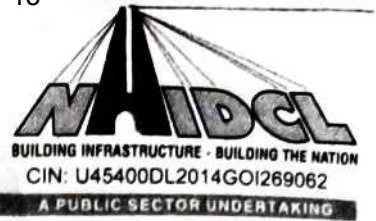
advocatenandita@gmail.com

**New Delhi
18/04/2023**

Saggy 18/4/23
(PATSY LALNGAIHZUALI)
Advocate & Notary Public
Aizawl : Mizoram

Notarial Register :
No. 8/4
Date 18/4/23

National Highways & Infrastructure Development Corporation Limited
Ministry of Road Transport & Highways, Govt. of India
3rd Floor, PTI Building, 4-Parliament Street, New Delhi-110001, +91 11 2335 1282, www.nhidcl.com



NHIDCL/NH-54/forest clearance/2016-17/ 236

Dated: 21.11.2016

TO WHOM IT MAY CONCERN

This is to certify that **National Highways & Infrastructure Development Corporation Limited (NHIDCL)**, Branch Office, Aizawl, Mizoram has been assigned the task of "*Widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded)*" for which finalization of Detailed Project Report is underway.

In order to obtain the necessary forest clearance for the above project road section, Shri Sanjiv Jain, General Manager (P), Branch Office Aizawl, Mizoram is hereby authorized to upload the district wise (for districts of Aizawl, Lunglei, Lawngtlai and Saiha) land transfer proposal on Ministry of Environment, Forest and Climate Change of Government of India portal www.forestsclearance.nic.in along with the requisites documents to the concerned Department/Agencies and he is also authorized to sign and submit such papers on behalf of National Highways & Infrastructure Development Corporation Limited.


(Sanjeev Malik)

Executive Director-III



**GOVERNMENT OF MIZORAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
MIZORAM-AIZAWL**

No.B.22013/64/2014-FC/PCCF/177

Dated Aizawl the 24th January, 2017

To,

General Manager (Projects),
National Highways & Infrastructure Development Corporation Limited,
Branch Office - Aizawl
C/o Shri Eddie Khawlhing Building, Nikang Veng, C.P Road,
Tlangnuam, Aizawl, Mizoram - 796005

Subj : *Permission for uploading the package District wise for obtaining Forest Clearance for the work of "Improvement, Up-gradation and Widening to 2 laning with Paved Shoulders of Existing National Highway from Km 8.0 to km 380.0 Aizawl to Tuipang on NH-54 in the state of Mizoram - reg*

Ref : Your letter No.NHIDCL/BO-Aizawl/16-17 dt.16.1.2017

In referring to your letter No. cited above, in respect of Improvement, Up-gradation and Widening of Aizawl-Tuipang road and in supersession of this office letter No.B.22013/64/2014-FC/PCCF/147 dt.6.1.2017, I am to convey permission for uploading the proposals in 3 packages viz km 8.00 to km 125.00 (package 1), km 125.00 to km 250.00 (package 2) and km 25.00 to km 380.00 (package 3).

/_____
(ROSIAMA VANCHHONG)

Addl. Principal Chief Conservator of Forests
& Nodal Officer (FCA)

Copy to :

1. Divisional Forest Officer, Aizawl for kind information.
2. Divisional Forest Officer, Lunglei for kind information.
3. Divisional Forest Officer, Thenzawl for kind information.
4. DCCF Lawngtlai for kind information.
5. DCCF Saiha for kind information.

335

25.1.17

Reuben

/_____
N. Vanchhong

Addl. Principal Chief Conservator of Forests
& Nodal Officer (FCA)

JUSTIFICATION FOR LOCATING THE PROJECT IN FOREST AREA

Road Alignment for "Widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded) (Km 134.600 to Km 280.600 in Lunglei District).", has been examined for the Social, Technical and Economical consideration and possible efforts were made to avoid the forest land by National Highways & Infrastructure Development Corporation Limited, Branch-Office Aizawl, Mizoram, but Forest Land can't be avoided as we are widening and upgrading the existing road alignment which is partially passing through the forest land, so we have no option other than to acquire some land in forest area. It is also to be mentioned that we don't have any alternative alignment. It is further stated that the area of forest land involved in the proposed alignment for "Widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded) Km 125.00 to Km 250.00 (Package 2)" has been kept minimum.

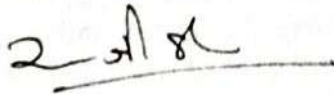
Place: Aizawl

Date: 03.02.2017

Signature:

Name: Sanjiv Jain

Office Seal:



General Manager (Projects)
National Highways & Infrastructure Dev. Corp. Ltd.
(A Government of India Undertaking)
Branch Office - Aizawl.

Designation: General Manager (Project)

National Highways & Infrastructure Development Corporation Limited

Branch Office- Aizawl, Mizoram

Mob. No.- +91-7085060523

RECOMMENDATION OF PRINCIPAL SECRETARY

The National Highway, NH-54 which runs across the whole length of Mizoram from the northern tip at Vairengte up to Tuipang in the extreme southern end of the State near Indo-Myanmar border is the lifeline for the people of Mizoram.

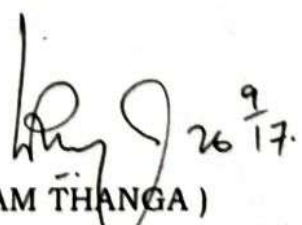
The NH-54 from the northern tip of Mizoram up to the State capital has been widened and upgraded to 2-Lane and the remaining stretch of about 370 Km distance from Aizawl to Tuipang still requires widening and improvement to 2-Lane standard for the economic upliftment of the local people.

The total forest land required to be diverted due to widening of the existing highway over the stretch of 117 Km in Package-I is only 11.61 Ha and that too along the existing highway and near habitation, and only few trees of miscellaneous species, shrubs and bushes are required to be felled/removed. Hence there would hardly be any adverse effect on the environment.

In view of the benefit that would accrue to the people of Mizoram due to widening and upgradation of the existing NH-54, the project is recommended for approval.

Date : 26.09.2017

Place : Aizawl


(LALRAM THANGA)

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



Government of India
Ministry of Environment, Forest & Climate Change
North Eastern Regional Office
Law-U-Sib Lumbatngen
Near MTC Workshop, Shillong-793021
Tel(0364)-253-7609,7340/7395/7278.
Fax No(0364)2536041/2536983.
Email:- ro.nez.shil@gmail.com & moefro.shillong@gov.in

भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
पूर्वोत्तर क्षेत्रीय कार्यालय, शिलांग
नॉउ सीब लुम्बतंगेन
एम् टी सी के पास, शिलांग - ७९३०२१
टेली(0364) 253-7609,7340/7395/7278
फैक्स (0364)-2536041/2536983
ईमेल ro.nez.shil@gmail.com/moefro.shillong@gov.in

No. 3-MZ C 076/2017-SHI 1830-31

20th August, 2019

सेवा मे .

प्रधान सचिव/ Principal Secretary,

पर्यावरण वन और जलवायु परिवर्तन विभाग /Environment, Forest & Climate Change Department,

मिजोरम सरकार/ Govt of Mizoram,

आइजोल / Aizawl- 796001

Sub: Proposal for diversion of 11.61ha of forest land for widening and upgradation of NH 54 to two lane paved shoulder and geometric improvement from KM 8.00 to KM 380 in the State of Mizoram(JICA funded) by NHIDCL km 8.00 to km 125.00 (Package I).

Sir,

This has got reference to the State Govt letter F.No.20015/2/91-FST dated 29.09.2017 on the subject mentioned above, seeking prior approval of the Central Government in accordance with Section 2 of the FCA, 1980.

After careful consideration of the proposal, In-Principle Approval was granted by Regional Office, Shillong vide letter F. No. 3-MZ C 076/2017-SHI/789-90 dated 18.05.2018 subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the In-Principle Approval and has requested the Central Government to grant Final Approval.

In this connection and on the basis of the compliance report furnished by the State Government vide letter F. No. B22013/6/2017-FC/PCCF/415 dated 31.10.2018 and No. B 22019/6A/2018-FC/PCCF/164 dated 03.07.2019 and confirmation of fund deposited for compensatory levies by the Ad hoc CAMPA, New Delhi vide letter No. 1-24/2013-CAMPA dated 19.08.2019, **Final Approval** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 11.61ha of forest land for widening and upgradation of NH 54 to two lane paved shoulder and geometric improvement from KM 8.00 to KM 380 in the State of Mizoram(JICA funded) by NHIDCL km 8.00 to km 125.00 (Package I) subject to the following conditions:

- (i) The legal status of the forest land shall remain unchanged.
- (ii) The compensatory afforestation shall be raised by the State Forest Department over equivalent non forest land of 11.61 ha identified at Suangpuilawn, Suangpuilawn Range, Darlawn Forest Division as per the fund deposited by the User Agency & scheme furnished by the State Govt. 20% of the plantation shall be carried out of indigenous medicinal plant, aromatic plants, shrubs, herbs and trees.
- (iii) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act,

- 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record.
- (iv) The concerned DFO shall prepare the scheme for raising avenue plantation on both side of the road and the cost shall be deposited to concerned Ad-CAMPA account and shall be borne by the user agency.
 - (v) The user agency shall restrict the felling of trees to minimum numbers in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 - (vi) The user agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
 - (vii) The speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
 - (viii) The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC, if any.
 - (ix) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
 - (x) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 - (xi) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
 - (xii) The User Agency shall not expand its occupation or use surrounding forest forest land in any manner otherwise expressed in this clearance.
 - (xiii) Land so diverted shall revert back to the Forest Department in case it is not needed for the above use after due restoration to its original status (as far as possible and to the satisfaction of State Forest Deptt.).
 - (xiv) The User Agency shall take all possible precautions & care all the time not to impact adversely the surrounding forests and forest land by their actions/activities.
 - (xv) The user agency will undertake comprehensive soil and water conservation measures at the project cost.
 - (xvi) Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
 - (xvii) The muck dumping area shall be stabilized and plantation of suitable species shall be carried out over stabilized dumps on the cost of the user agency under the supervision of State Forest Department.
 - (xviii) Wherever possible and technically feasible, the user agency shall undertake afforestation measures along the road within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
 - (xix) No damage to the flora fauna of the area shall be caused.
 - (xx) No labour camp shall be established inside the forest area.

- (xxi) The user agency shall provide fuel wood preferably alternate fuel to the labourers working at the site to avoid damage/felling of trees or buy the fuel wood from the extracted timber from the Forest Department to be used by labourers.
- (xxii) The designing of culverts/ bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of the water, does not give rise to water logging and also does not hamper the movement of the wild animals.
- (xxiii) All the site specific engineering structures like retaining walls, breast wall and drainage shall be constructed to avoid any soil erosion and to provide slope stability of the concerned hills.
- (xxiv) The user agency shall obtain the Environment Clearance under Environment Protection Act, 1986, if applicable.
- (xxv) The user agency will have to obtain the Forest (Conservation) Act, 1980 clearance for removal, if any, of the stone, river sand, river boulders in forest land.
- (xxvi) The proposal will be implemented under the overall supervision of the concerned Divisional Forest Officer.
- (xxvii) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (xxviii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- (xxix) The layout plan shall not be changed without the prior approval of the Central Government.
- (xxx) In case of any violation of the stipulated conditions immediate action is to be taken by the Forest Department as per Ministry's letter No 5-5/86/FC dated 07.12.1999, No 2-1-51/2004/RONE/Vol II/3181-02 dated 28.12.2006 and F. No. 11-42/2017-FC dtd 29/01/2018.
- (xxxi) All other clearances / NOCs under different rules / regulations / local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guideline No. 11-9/1998-FC(Pt) dated 03.08.2009 shall be complied with.
- (xxxii) Any other conditions as may be found appropriate in future for the betterment of environment & wildlife, may be imposed by North Eastern Regional Office, MoEF&CC, Shillong.
- (xxxiii) This approval may be revoked if the above condition of approval is not complied to the satisfaction of the North Eastern Regional Office, Shillong.

भवदीय,

(W.I. Yatbon)

वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

Copy to:

The Addl. Principal Chief Conservator of Forests & Nodal Officer (FC), Environment, Forest & Climate Change Department, Govt of Mizoram, Aizawl- 796001.

वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

JUSTIFICATION FOR LOCATING THE PROJECT IN FOREST AREA

Road Alignment for "Widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded) (Km 134.600 to Km 280.600 in Lunglei District).", has been examined for the Social, Technical and Economical consideration and possible efforts were made to avoid the forest land by National Highways & Infrastructure Development Corporation Limited, Branch-Office Aizawl, Mizoram, but Forest Land can't be avoided as we are widening and upgrading the existing road alignment which is partially passing through the forest land, so we have no option other than to acquire some land in forest area. It is also to be mentioned that we don't have any alternative alignment. It is further stated that the area of forest land involved in the proposed alignment for "Widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded) Km 125.00 to Km 250.00 (Package 2)" has been kept minimum.

Place: Aizawl

Date: 03.02.2017

Signature:

Name: Sanjiv Jain

Office Seal:


General Manager (Projects)
National Highways & Infrastructure Dev. Corp. Ltd.
(A Government of India Undertaking)
Branch Office - Aizawl.

Designation: General Manager (Project)

National Highways & Infrastructure Development Corporation Limited

Branch Office- Aizawl, Mizoram

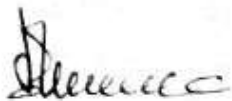
Mob. No.- +91-7085060523

The project, "**widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA funded), Km 125.00 to Km 250.00 (Package 2)**" passes through a small portion of forest land across Tlawng river adjacent to Zobawk village under Lunglei Forest Division. The road is an important route for the people of Mizoram as it passes through five districts (Aizawl, Serchhip, Lunglei, Lawngtlai and Saiha Districts).

The project includes widening of the existing road of single lane to 2-lane NH standard. Out of the total road length of 125 Km in package 2 of the project, only 0.48 Ha of notified forest land adjoining to habitation is to be affected. There is no rare and endangered species of fauna, no archaeological/heritage site, defence establishment or important monument in the area proposed to be diverted. There is no better and alternative option to connect the towns and villages of the five districts along the road other than the existing road which requires widening and upgradation.

Hence, in view of the facts stated above and after carrying out the site inspection, the project is recommended for approval by the competent authority.

Dated Lunglei
The 9th Oct, 2017


(LALTHLAMUANA PACHUAU)
Conservator of Forests
Southern Circle
Lunglei : Mizoram

1216

No.G.20015/2/91-FST

Annexure P-22

GOVERNMENT OF MIZORAM
ENVIRONMENT, FORESTS & CLIMATE CHANGE DEPARTMENT

Dated Aizawl the 10th October, 2018

To,

General Manager (P),
NHIDCL,
Branch Office, Aizawl,
SIRD & PR Campus,
Durtlang Leitan, Mizoram - 796025

Subj: Proposal for diversion of 0.48 ha of forest land for widening and upgradation of NH-54 to 2-lane with paved shoulder and geometric improvements from Km 125.00 to Km 250.00 within Lunglei District (Package-II).

Ref: i) Proposal no. FP/MZ/ROAD/23969/2017
ii) No.G.20015/2/91-FST Dt. 13.11.2017

This has a reference to the Nodal Officer(FCA) of the State Forest Department letter No.B.22019/6/2017-FC/PCCF/254 dated 28.09.2018 on the subject and letter No. mentioned above, seeking prior approval in accordance with the Forest (Conservation) Act-1980.

After careful consideration of the proposal, In-principle Approval was granted vide this office letter of even No. dated 13.11.2017 subject to fulfillment of certain conditions. The User Agency has made payment of Compensatory Afforestation, Net Present Value of the diverted forest land (0.48 ha), cost for extraction of project affected trees to the State Forest Department and furnished an Undertaking in respect of the conditions stipulated in the In-principle Approval and has requested the State Government to grant Final Approval.

In-line with the provision contained in the Ministry's guidelines conveyed vide letter F.No 11-9/98-FC Dt. 13.02.2014 empowering the State Government to grant permission for diversion of forest land which is less than 1.00 ha for such projects indicated therein, the Govt. of Mizoram is pleased to accord 'Final Approval' for diversion of 0.48 ha of forest land for widening and upgradation of NH-54 to 2-lane with paved shoulder and geometric improvements from Km 125.00 to Km 250.00 within Lunglei District (Package-II) subject to the following conditions :-

1. The legal status of the forest land shall remain unchanged.
2. The felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under the strict supervision of State Forest Department.

3. The layout land of the proposal shall not be changed without prior approval of the Central Government.
4. The permission granted by the State Government shall be subject to monitoring by the concerned Regional Office of the Ministry of Environment, Forests & Climate Change.
5. The User Agency shall furnish an undertaking to pay additional amount of the Net Present Value of the diverted forest land. If any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency.
6. Any other condition as may be specified from time to time by the State Government or the Ministry.

Sd/- (LALRAM THANGA)
Principal Secretary to the Govt. of Mizoram,
Environment, Forests & Climate Change Department.

Memo No. No.G.20015/2/91-FST
Copy for info and necessary action to-

Dated Aizawl, the 10th Oct' 2018

1. Addl. Director General of Forest (FC Division) Govt. of India, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 001
2. The Addl. Principal Chief Conservator of Forests, Ministry of Environment, Forests & Climate Change, North Eastern Regional Office, Shillong 793021.
3. Principal Chief Conservator of Forests, Mizoram.
- ✓ 4. Addl. Principal Chief Conservator of Forests & Nodal Officer (FCA), Mizoram
5. Conservator of Forests, Southern Circle, Mizoram.
6. Divisional Forest Officer, Lunglei Forest Division, Mizoram.

10/10/18
FC cell

10/10/18
(LALREM RUATI)

Under Secretary to the Govt. of Mizoram,
Environment, Forests & Climate Change Department.
Ph : (0389) 2300337 (0)

JUSTIFICATION FOR LOCATING THE PROJECT IN FOREST AREA

Road Alignment for "Widening and up gradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded) (Km 250.00 to Km 380.00 in Package 3 excluding 5.06 km Lawngtlai city portion)", has been examined for the Social, Technical and Economical consideration and possible efforts were made to avoid the forest land by National Highways & Infrastructure Development Corporation Limited, Branch-Office Aizawl, Mizoram, but Forest Land can't be avoided as we are widening and upgrading the existing road alignment which is partially passing through the forest land, so we have no option other than to acquire some land in forest area. It is also to be mentioned that we don't have any alternative alignment. It is further stated that the area of forest land involved in the proposed alignment for "Widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded) (Km 250.00 to Km 380.00 in Package 3 excluding 5.06 km Lawngtlai city portion)" has been kept minimum.

Place: Aizawl

Date: 06.02.2017



Signature:

Name: Sanjiv Jain

General Manager (Projects)
National Highways & Infrastructure Dev. Corp. Ltd.
(A Government of India Undertaking)
Branch Office - Aizawl.

Office Seal:

Designation: General Manager (Project)

National Highways & Infrastructure Development Corporation Limited

Branch Office- Aizawl, Mizoram

Mob. No.- +91-7085060523

The National Highway, NH-54 which runs across the whole length of Mizoram from the northern tip at Vairengte up to Tuipang in the extreme southern end of the State near Indo-Myanmar border is the lifeline for the people of Mizoram. The NH-54 from the northern tip of Mizoram up to the State capital has been widened and upgraded to 2-Lane and the remaining stretch of 372 Km distance from Aizawl to Tuipang still requires widening and improvement to 2-Lane standard for the economic upliftment of the local people which is proposed under the project, **"widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA funded)"** in three packages.

The total forest land required to be diverted due to widening of the existing highway over the stretch of 130 Km in Package-3 of the project is only 11.18 Ha and that too scattered here and there along the existing highway. Only few planted trees of Teak, Michelia and Gomari and other miscellaneous local tree species, shrubs and bushes are required to be felled and removed. Hence there would hardly be any adverse effect on the environment.

In view of the benefit that would accrue to the people of Mizoram due to widening and upgradation of the existing NH-54, the project is recommended for approval.

Date : 13.10.2017

Place : Aizawl



(LALRAM THANGA)

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



Government of India
Ministry of Environment, Forest & Climate Change
North Eastern Regional Office
Law-U-Sib Lumbatngen
Near MTC Workshop, Shillong-793021
Tel(0364)-253-7609,7340/7395/7278
Fax No(0364)2536041/2536983
E-mail - ro.nez.shil@gmail.com & moefrc.shillong@gov.in

भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
पूर्वीय क्षेत्रीय कार्यालय, शिलांग
लॉय उ-सिब लुम्बतंगेन
एम टी सी के पास, शिलांग - ७९३०२१
टेली(०३६४) २५३-७६०९, ७३४०/७३९५/७२७८
फैक्स (०३६४)-२५३६०४१/२५३६९८३
ईमेल ro.nez.shil@gmail.com/moefrc.shillong@gov.in

No. 3-MZ C 079/2017-SHI / 1528-29

20th August, 2019

सेवा में,

प्रधान सचिव/ Principal Secretary,

पर्यावरण वन और जलवायु परिवर्तन विभाग /Environment, Forest & Climate Change Department,

मिज़ोरम सरकार/ Govt of Mizoram,

आइजोल / Aizawl- 796001

Sub: Proposal for diversion of 11.18 ha of forest land for widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from km 8.00 to km 380.00 in the State of Mizoram (JICA Funded) km 250.00 to km 380.00 (**Package -3**) excluding 5.06 km in Lawngtlai City portion by NHIDCL.

Sir,

This has got reference to the State Govt letter F.No.20015/2/91-FST dated 20.10.2017 on the subject mentioned above, seeking prior approval of the Central Government in accordance with Section 2 of the FCA, 1980.

After careful consideration of the proposal, In-Principle Approval was granted by Regional Office, Shillong vide letter F.No. 3-MZ C 079/2017-SHI/791-92 dated 18.05.2018 subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the In-Principle Approval and has requested the Central Government to grant Final Approval.

In this connection and on the basis of the compliance report furnished by the State Government vide letter F. No. B22013/6A/2018-FC/PCCF/26 dated 29.11.2018 and No. B 22019/6A/2018-FC/PCCF/164 dated 03.07.2019 and confirmation of fund deposited for compensatory levies by the Ad hoc CAMPA, New Delhi vide letter No. 1-24/2013-CAMPA dated 19.08.2019, **Final Approval** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 11.18 ha of forest land for widening and upgradation of NH-54 to 2-Lane with paved shoulder and geometric improvements from km 8.00 to km 380.00 in the State of Mizoram (JICA Funded) km 250.00 to km 380.00 (**Package -3**) excluding 5.06 km in Lawngtlai City portion by NHIDCL subject to the following conditions:

- (i) The legal status of the forest land shall remain unchanged.
- (ii) The compensatory afforestation shall be raised by the State Forest Department over equivalent non forest land of 11.18 ha identified at Amobyoo (6.37 ha), Siaha Range of Mara Forest Department, and Mampui Ram(4.81 ha), Lawngtlai Range of Lai Forest Department as per the fund deposited by the User Agency & scheme furnished by the State Govt. 20% of the plantation shall be carried out of indigenous medicinal plant, aromatic plants, shrubs, herbs and trees.

- (iii) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record.
- (iv) The concerned DFO shall prepare the scheme for raising avenue plantation on both side of the road and the cost shall be deposited to concerned Ad-CAMPA account and shall be borne by the user agency.
- (v) The user agency shall restrict the felling of trees to minimum numbers in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- (vi) The user agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- (vii) The speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
- (viii) The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC, if any.
- (ix) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- (x) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (xi) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- (xii) The User Agency shall not expand its occupation or use surrounding forest/forest land in any manner otherwise expressed in this clearance.
- (xiii) Land so diverted shall revert back to the Forest Department in case it is not needed for the above use after due restoration to its original status (as far as possible and to the satisfaction of State Forest Deptt.).
- (xiv) The User Agency shall take all possible precautions & care all the time not to impact adversely the surrounding forests and forest land by their actions/activities.
- (xv) The user agency will undertake comprehensive soil and water conservation measures at the project cost.
- (xvi) Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
- (xvii) The muck dumping area shall be stabilized and plantation of suitable species shall be carried out over stabilized dumps on the cost of the user agency under the supervision of State Forest Department.
- (xviii) Wherever possible and technically feasible, the user agency shall undertake afforestation measures along the road within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
- (xix) No damage to the flora fauna of the area shall be caused
- (xx) No labour camp shall be established inside the forest area.

- (xxi) The user agency shall provide fuel wood preferably alternate fuel to the labourers working at the site to avoid damage/felling of trees or buy the fuel wood from the extracted timber from the Forest Department to be used by labourers.
- (xxii) The designing of culverts/ bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of the water, does not give rise to water logging and also does not hamper the movement of the wild animals.
- (xxiii) All the site specific engineering structures like retaining walls, breast wall and drainage shall be constructed to avoid any soil erosion and to provide slope stability of the concerned hills.
- (xxiv) The user agency shall obtain the Environment Clearance under Environment Protection Act, 1986, if applicable.
- (xxv) The user agency will have to obtain the Forest (Conservation) Act, 1980 clearance for removal, if any, of the stone, river sand, river boulders in forest land.
- (xxvi) The proposal will be implemented under the overall supervision of the concerned Divisional Forest Officer.
- (xxvii) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (xxviii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- (xxix) The layout plan shall not be changed without the prior approval of the Central Government.
- (xxx) In case of any violation of the stipulated conditions immediate action is to be taken by the Forest Department as per Ministry's letter No 5-5/86/FC dated 07.12.1999, No 2-1-51/2004/RONE/Vol II/3181-02 dated 28.12.2006 and F. No. 11-42/2017-FC dtd 29/01/2018.
- (xxxi) All other clearances / NOCs under different rules / regulations / local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guideline No. 11-9/1998-FC(Pt) dated 03.08.2009 shall be complied with.
- (xxxii) Any other conditions as may be found appropriate in future for the betterment of environment & wildlife, may be imposed by North Eastern Regional Office, MoEF&CC, Shillong.
- (xxxiii) This approval may be revoked if the above condition of approval is not complied to the satisfaction of the North Eastern Regional Office, Shillong.

भवदीय.

(W.I. Yabon)

वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

Copy to:

The Addl. Principal Chief Conservator of Forests & Nodal Officer (FC), Environment, Forest & Climate Change Department, Govt of Mizoram, Aizawl- 796001.

वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

9/c

ANNEXURE - VIII

**GOVERNMENT OF MIZORAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
THENZAWL FOREST DIVISION
THENZAWL, MIZORAM**

email id: thenzawlforest@gmail.com

No.B.13021/1/2021-TFD/144-146
To,

Dated Thenzawl, the 31st May, 2022

✓
The General Manger (Projects)
NHIDCL
PMU-Seling, Mizoram

Subject: *Irregular Muck Disposal in connection with the Project 'Widening and Up-gradation to 2-Lane paved shoulder configuration and geometric improvements from Km 8.0 to Km 380.0 on Aizawl-Tuipang section of NH-54 in the State of Mizoram (Package-2).*

Ref. : No.B.22019/18/2022-FC/PCCF/Pt. Dt.30.05.2022.

Sir,

With reference to the above, I am to bring to your attention that there has been irregular muck disposal in many places along NH-54 stretch within the jurisdiction of Thenzawl Forest Division (Serchhip & Hnahthial District) while executing the above mentioned project. The followings are specific and GPS locations other than designated spoil banks as per your Muck Disposal Plan where dumping of large volume of excavated soil have been done by NHIDCL.

Sl. No.	Specific locations	GPS Locations	Approx. damaged area (in Ha)
1	0.4 Km from Chhingchhip towards Buhkangkawn	23° 29' 39.3" N 92° 51' 14.52" E	0.7
2	9.5 Km from Chhiahtlang towards Chhingchhip	23° 26' 41.7" N 92° 51' 18.3" E	0.5
3	7.8 Km from Chhiahtlang towards Chhingchhip	23° 25' 7.74" N 92° 51' 19.98 E	0.5
4	8.0 Km from Chhiahtlang towards Serchhip	23° 25' 48.3" N 92° 51' 12.48" E	0.6
5	1.0 Km from Chhiahtlang towards Chhingchhip	23° 24' 4.74" N 92° 50' 56.4" E	0.7
6	7.1 Km from Chhiahtlang towards Chhingchhip	23° 24' 39" N 92° 51' 4.74" E	0.5
7	7.8 Km from Chhiahtlang towards Chhingchhip	23° 25' 2.52" N 92° 51' 15.24" E	0.5
8	0.5 Km from Chhiahtlang towards Chhingchhip	23° 23' 52.38" N 92° 50' 57.3" E	0.6
9	Serchhip to Keltum road near Dumping ground	23° 15' 47.66" N 92° 52' 47.46" E	0.2

Further, there are some designated spoil banks where there has been large scale dumping of muck without construction/erection of retaining wall or Gabion in advance which adversely affect forests, biodiversity, river and stream ecosystems in downhill terrains. This kind of irresponsible action from NHIDCL is highly unexpected and unwelcomed especially after signing Undertakings to the effect that utmost care shall be taken to protect and conserve the environment and that no violation of Forest Conservation Act 1980 shall be ensured while executing the road project.


The irregular disposal of large volume of excavated soil and non-compliance with Muck Disposal Plan result not only in extensive destruction of valuable faunal and floral diversity and but loss of river ecosystems and aquatic life due to siltation, which have ultimately impacted public drinking water supply in a negative manner. The non compliance of Muck Disposal Plan and Undertaking submitted by you to PCCF office, Aizawl vide No.208/NHIDCL/PMU-Seling/2020-21/NH54/Wk/Forest/888 Dt 2.11.2020 is the clear violation of Forest Conservation Act-1980. Some of the photograph showing irregular muck disposal along NH-54 road project are also enclosed herewith.

Further it may also be reiterated that as of today, Stage- I (In Principle Approval) approval is under process and not yet given to NHIDCL for the Projects under Serchhip District such as 'Widening and Up-gradation to 2-Lane paved shoulder configuration and geometric improvements from Km 8.0 to Km 380.0 on Aizawl-Tuipang section of NH-54 in the State of Mizoram (Package-2) and 'Construction of Bypasses at Chhiahtlang & Serchhip (Package -I) on Aizawl-Tuipang section of NH-54 in the State of Mizoram'. However, NHIDCL had initiated execution of works on the ground without Stage I approval (IPA) which is again gross violation of Forest Conservation Act 1980.

Therefore, you are hereby informed to immediately stop all the construction activities of NH-54 Road project (package -2 and Chhiahtlang & Serchhip Bypass) within Thenzawl Forest Division (Serchhip & Hnahtlial Districts) unless and until Stage -I approval (IPA) is obtained from MoEFCC, Govt of India to avoid further course legal action.

Encl: As above

Yours faithfully,


(LALBIAKCHAMA CHAWNGTHU)
Divisional Forest Officer
Thenzawl Forest Division
Thenzawl: Mizoram

Copy to:

- 1) Addl. Principal Chief Conservator of Forests & Nodal Officer (FC) Mizoram Aizawl for kind information.
- 2) Conservator of Forests, Central Circle for kind information.
- 3) Executive Director (Project), NHIDCL, BO - 3rd Floor, T-86, Tuikhuaitlang, Aizawl Mizoram-796001 for information and necessary action.

Divisional Forest Officer
Thenzawl Forest Division
Thenzawl: Mizoram

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ANNEXURE - V

1228

GOVERNMENT OF MIZORAM
OFFICE OF THE REGIONAL FOREST OFFICER
THENZAWL FOREST DIVISION
- THENZAWL, MIZORAM



No.B.13021/1/2021-TFD/147-149

email id: thenzawlforest@gmail.com
Dated Thenzawl, the 31st May, 2022

To,

✓
The General Manger (Projects)
NHIDCL
PMU-Lunglei, Mizoram

Annexure P-27

Subject: Irregular Muck Disposal in connection with the Project 'Widening and Up-gradation to 2-Lane paved shoulder configuration and geometric improvements from Km 8.0 to Km 380.0 on Aizawl-Tuipang section of NH-54 in the State of Mizoram (Package-2).

Ref. : No.B.22019/18/2022-FC/PCCF/Pt. Dt.30.05.2022.

Sir,

With reference to the above, I am to bring to your attention that there has been irregular muck disposal in many places along NH-54 stretch within the jurisdiction of Thenzawl Forest Division (Serchhip & Hnahthial District) while executing the above mentioned project. The followings are specific and GPS locations other than designated spoil banks as per your Muck Disposal Plan where dumping of large volume of excavated soil have been done by NHIDCL.

Sl. No.	Specific locations	GPS Locations	Approximate damaged area (in Ha)
1	Herhse kawn (1989 Gomari Plantation, Rawpui VC area)	23° 06' 43.75" N 92° 53' 27.92" E	2.0
2	Dapzarkawn (2003 VFDC Plantation, Pangzawl VC area)	23° 06' 35.06" N 92° 53' 25.83" E	1.5
3	Dapzar ram (2003 VFDC Bamboo Plantation, Pangzawl VC area)	23° 06' 29.72" N 92° 53' 37.29" E	1.5

Further, there are some designated spoil banks where there has been large scale dumping of muck without construction/erection of retaining wall or Gabion in advance which adversely affect forests, biodiversity, river and stream ecosystems in downhill terrains. This kind of irresponsible action from NHIDCL is highly unexpected and unwelcomed especially after signing Undertakings to the effect that utmost care shall be taken to protect and conserve the environment and that no violation of Forest Conservation Act 1980 shall be ensured while executing the road project.

The irregular disposal of large volume of excavated soil and non-compliance with Muck Disposal Plan result not only in extensive destruction of valuable faunal and floral diversity and but loss of river ecosystems and aquatic life due to siltation, which have

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2/6
2/6
2/6

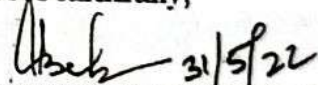
Ultimately impacted public drinking water supply in a negative manner. The non compliance of Muck Disposal Plan and Undertaking submitted by you to PCCF office, Aizawl vide No.208/NHIDCL/PMU-Seling/2020-21/NH54/Wk/Forest/888 Dt 2.11.2020 is the clear violation of Forest Conservation Act-1980. You are hereby informed to immediately stop further irregular muck disposal and take any appropriate remedial measures to restore the extensive environmental damages caused by you due to such irregular muck disposal. Some of the photograph showing irregular muck disposal along NH-54 road project are also enclosed herewith.

Further it may also be reiterated that as of today, Stage- I (In Principle Approval) approval is under process and not yet given to NHIDCL for the Project Widening and Up-gradation to 2-Lane paved shoulder configuration and geometric improvements from Km 8.0 to Km 380.0 on Aizawl-Tuipang section of NH-54 in the State of Mizoram (Package-2). However, NHIDCL had initiated execution of works in the field (forest areas) without Stage I approval (IPA) which is again gross violation of Forest Conservation Act 1980.

Therefore, you are hereby instructed to immediately stop all the construction activities of NH-54 Road project (package -2 and Chhiahtlang & Serchhip Bypass) within Thenzawl Forest Division (Serchhip & Hnahthial Districts) unless and until Stage -I approval (IPA) is obtained from MoEFCC, Govt of India to avoid further course legal action.

Encl: As above

Yours faithfully,


(LALBIAKCHAMA CHAWNGTHU)
Divisional Forest Officer
Thenzawl Forest Division
Thenzawl: Mizoram

Memo No.B.13021/1/2021-TFD/_____ Dated Thenzawl, the 31st May, 2022

Copy to:

- 1) Addl. Principal Chief Conservator of Forests & Nodal Officer (FC) Mizoram Aizawl for kind information.
- 2) Conservator of Forests, Central Circle for kind information.
- 3) Executive Director (Project), NHIDCL, BO - 3rd Floor, T-86, Tuikhuahtlang, Aizawl Mizoram-796001 for information and necessary action.

Divisional Forest Officer
Thenzawl Forest Division
Thenzawl: Mizoram

1228

No.F.20017/2/2022 -DFO(L)/ 48-49
- GOVERNMENT OF MIZORAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
LUNGLEI FOREST DIVISION
LUNGLEI : MIZORAM

(48)

ANNEXURE - V

BUANNEL RUN, Bazar veng, Lunglei
Email : lungleidfo@gmail.com

Dated Lunglei, the 15th June, 2022

To,

The General Manager (Project)
NHIDCL
PMU Lunglei

Annexure P-28

Subject

Stay order against the project entitled "Widening and upgradation of NH-54 to 2-lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 Aizawl - Tuipang in the State of Mizoram (JICA funded), Km 250.00 to Km 380.00 (Package - 3)

Sir,

Referring the above, I am to state that while visiting the above project sites on 30.5.2022, there were violations of The Forest (Conservation) Act, 1980 / The Environment (Protection) Act, 1986 as follows :

1. Dumping of muck is done in many places other than designated dumping ground.
2. None of the designated dumping grounds are properly labelled with sinage.
3. Most of the dumping places are without physical barriers (RCC / Gabion walls) to protect the entry of disposed muck into rivers / streams.

Therefore, I am to inform you to stop all the on-going works immediately except works mentioned in the last paragraph of this letter.

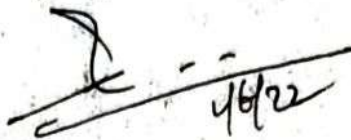
Further, I am to inform you to explain why -

- i) legal proceedings as per the relevant Acts / Rules should not be initiated against you.
- ii) penalty should not be charged against you as per the guidelines of FC (Act) for non-compliance of conditions imposed.

Contd.....2/-

Immediate urgent action should be taken to construct physical barriers (RCC / gabion walls) at the bottom of spoil banks / dumping grounds to prevent the entry of muck into the rivers / streams. This is urgently required as we are now reaching monsoon season where there is a high chance of the disposed muck being washed down into the rivers / streams.

Yours faithfully,



(PC LALCHHANDAMA)
Divisional Forest Officer

Copy to :

- 1) The Principal Chief Conservator of Forest, Mizoram, Aizawl for kind information.
- 2) The Conservator of Forests, Southern Circle, Lunglei for kind information.
- 3) All Range Officers under Lunglei Forest Division for kind information and necessary action with a request to ensure compliance of The Forest (Conservation) Act, 1980.



Divisional Forest Officer

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1230

No.F.20017/2/2022 -DFO(L)/ 50-51
GOVERNMENT OF MIZORAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
LUNGLEI FOREST DIVISION
LUNGLEI : MIZORAM

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ANNEXURE-VII
Annexure P-29

BUANNEL RUN, Bazar veng, Lunglei
Email : lungleidfo@gmail.com

Dated Lunglei, the^{1st} June, 2022

To,

The General Manager (Project)
NHIDCL
PMU Lunglei

Subject : Stay order against the project entitled "Widening and upgradation of NH-54 to 2-lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 Aizawl - Tuipang in the State of Mizoram (JICA funded), Km 125.00 to Km 250.00 (Package - 2)

Sir,

Referring the above, I am to state that while visiting the above project sites on 30.5.2022, there were violations of The Forest (Conservation) Act, 1980 / The Environment (Protection) Act, 1986 as follows :

1. Dumping of muck is done in many places other than designated dumping ground.
2. None of the designated dumping grounds are properly labelled with signage.
3. Most of the dumping places are without physical barriers (RCC / Gabion walls) to protect the entry of disposed muck into rivers / streams.

Therefore, I am to inform you to stop all the on-going works immediately except works mentioned in the last paragraph of this letter.

Further, I am to inform you to explain why -

- i) legal proceedings as per the relevant Acts / Rules should not be initiated against you.
- ii) penalty should not be charged against you as per the guidelines of FC (Act) for non-compliance of conditions imposed.

Contd.....2/-

Immediate urgent action should be taken to construct physical barriers (RCC / gabion walls) at the bottom of spoil banks / dumping grounds to prevent the entry of muck into the rivers / streams. This is urgently required as we are now reaching monsoon season where there is a high chance of the disposed muck being washed down into the rivers / streams.

Yours faithfully,

(PC LALCHHANDAMA)
Divisional Forest Officer

Copy to :

- 1) ✓ The Principal Chief Conservator of Forest, Mizoram, Aizawl for kind information.
- 2) The Conservator of Forests, Southern Circle, Lunglei for kind information.
- 3) All Range Officers under Lunglei Forest Division for kind information and necessary action with a request to ensure compliance of The Forest (Conservation) Act, 1980.


Divisional Forest Officer