

o/c

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

IN

ORIGINAL APPLICATION NO.150/2022/EZ

1902124007102022
D+ - 11/07/23

NATIONAL GREEN TRIBUNAL
EZB, KOLKATA

DY. No.: 1059/2023/16

DATE: 12/07/23

Sign. of receiving Officer.....

IN THE MATTER OF:

Pi Vanramchhuangi

.....Petitioner

Versus

Union of India & Ors

.....Respondent(s)

AND IN THE MATTER OF:

**Reply Affidavit on behalf of
Ministry of Environment, Forest
& Climate Change (Respondent
No. 1)**

.....Respondent

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**PLACE: SHILLONG
DATED: 02/06/2023**

COUNSEL FOR RESPONDENT:

**Ms. Anamika Pandey,
Hasting Chambers,
7C, Kiran Shankar Roy Road,
2nd Floor, Room No. 6,
Kolkata-700001.**

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IN

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REPLY AFFIDAVIT ON BEHALF OF MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, RESPONDENT NO. 1

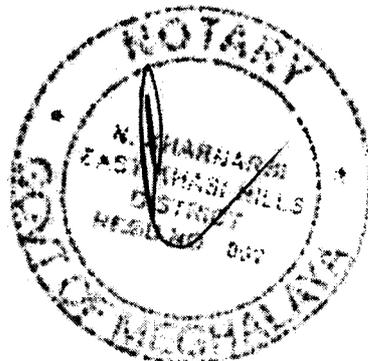
I, Ms. Laetitia Jean Syiemiong, D/o (L) Andrew Ranee aged about 46 years, presently working as Deputy Inspector General of Forests (C) in the Ministry of Environment, Forest & Climate Change (MoEF&CC), I.R.O, Shillong do hereby solemnly affirm and state as under:

*Deputy Inspector General of Forests (Central)
Govt. of India Ministry of Environment, Forest & Climate Change
North Eastern Regional Office, Shillong*

Sl. Instrument No 03

Date 02/06/2023

- 1. That, the deponent in her official capacity is conversant with the facts of the case and duly authorized to file the present reply affidavit of this answering respondent No.1.

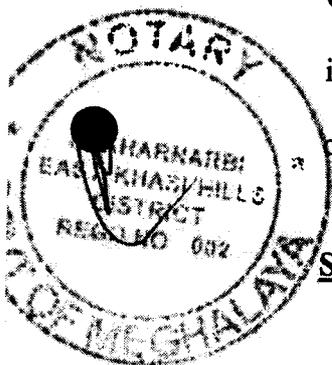


2. That at the onset, I state that this respondent, Ministry of Environment, Forest & Climate Change is the nodal agency of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country's forests, lakes and rivers, its biodiversity, natural resources and wildlife. That most of the averments contain in the application pertains to the State Respondent and the same may be testified by the State Government who is also the respondents in the instant matter as the land is under the control and management of the concerned State Government.

3. That, the deponent has been served with a copy of the Original Application in which the deponent have perused and understood the contents / allegations / averments / statements and / or tenor thereof made in the said application. However, nothing stated in the application may be deemed to have been admitted by this answering respondent no. 1.

Statement of Facts

4. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That

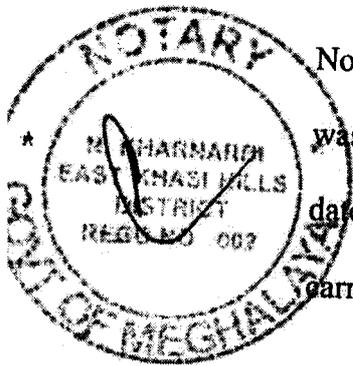


[Signature]
 Deputy Inspector General of Forests (Central)
 Govt. of India Ministry of Environment, Forest & Climate Change
 North Eastern Regional Office, Shillong

being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court.

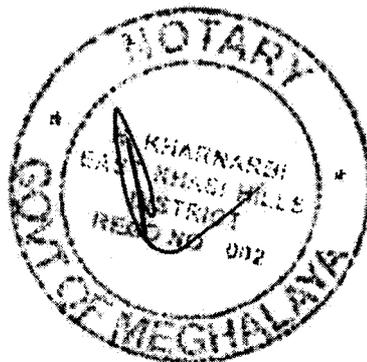
5. That prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 (FC Act) is required for carrying of any non-forestry activity on forest land and no State Government or any authority shall make a de-reservation of forest land or use of any forest land for non-forest purposes without prior approval of the Central Government.
6. It is submitted that the answering respondent has not received any proposal for diversion of forest land under Section 2 of the Forest (Conservation) Act, 1980 from the State Respondents till date with respect to the alleged illegal construction.
7. The answering respondent humbly submits that in response to the Legal Notice dated 04.07.2022 preferred by the applicant, the said Legal Notice was forwarded by this respondent to the State Respondents vide letter dated 18.07.2022 with a request to stop illegal construction, if any, carried out on forest land immediately and take appropriate action as per


Deputy Inspector General of Forests (Central)
Govt. of India Ministry of Environment, Forest & Climate Change
North Eastern Regional Office, Shillong



law and under the provisions of FCA, 1980 and thereafter submit Action Taken Report to this respondent for further action. Furthermore, based on the said letter, the regional office (Integrated Regional Office (IRO), Shillong) of this respondent carried out site inspection on the alleged violations within Tlawng Hnar Reserved Forest and Tlawng Riverine Reserved Forest on 20.01.2023. The team from IRO, Shillong were accompanied by State Forest Officials consisting of Divisional Forest Officer, Lunglei, Range Officer, Lunglei and Forester, Lunglei. IRO, Shillong submitted its Site Inspection Report to the Ministry vide letter RONE/E/NGT/O.A No. 150/2022/EZ/MZ/3159-60, dated 20.02.2023. The Site Inspection Report concluded that *“ The Inspection done for the Mini-Sports Complex, District Park, Impounding Water Recharge Dam and the 6 (six) Stone Quarries in Zobawk and Lungpuizawl Village were all seen to be located within Tlawng Hnar RF or Tlawng RRF, or parts in both. All the structures were constructed without approval of Central Govt. which constitutes violation of Forest Conservation Act, 1980.....*

It is clear that there has been gross dereliction of duty or utter negligence on the part of the Forest Officers that violation of this extent has taken place. The Forest Officers started detecting violation only after many PILs, Court Cases etc., started for protection of Tlawng Hnar RF and Tlawng RRF, after huge infrastructure have already come



Deputy Inspector General of Forests (Central)
Govt. of India Ministry of Environment, Forest & Climate Change
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up. Nevertheless these issues were not prevalent at the time of the conception of the plans and implementation of this project way back in 2011.

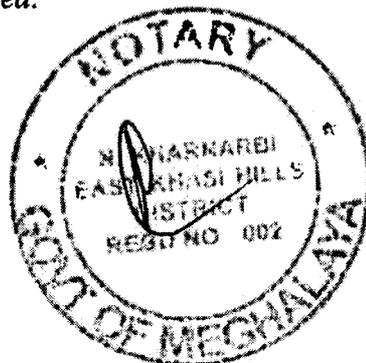
The DFO, Lunglei started to write to Districts Sports & Youth Services Officer, Lunglei regarding Mini Sports Complex in his letter dated 5.7.2021, when actually all construction had already been almost completed. This letter dated 5.7.2021 is treated as date of detection of offence although the construction of the Sports Complex started on 29.07.2011.

As for the District Park, Impounding Water Recharge Dam and the Stone Quarries there is no communication regarding Forest Clearance under Forest Conservation Act, 1980."

The Site Inspection Report also suggested steps to be taken as under:

1. The Local Administration Department (LAD) and the Sports Department should submit Forest Clearance as per FC Act, 1980. If there are problems with regard to area for Compensatory Afforestation related to the application for Forest Clearance, then it should be resolved at the earliest in connection with the Sports Complex. The Sports Department has applied for FC only on 25.02.2022 for the Mini Sports Complex for which is already more or less completed.

[Signature]
 Deputy Inspector General of Forests (Central)
 Govt. of India Ministry of Environment, Forest & Climate Change
 North Eastern Regional Office, Shillong



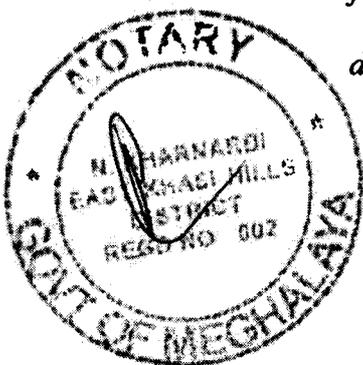
2. The same should apply to the District Park for FC which is under the Local Administration Department (LAD) and Land & Revenue Department, Govt. of Mizoram. Also, for the Zobawk Impounding Recharge Dam and the 6 (Six) Stone Quarries need FC.

3. Lungpuizawl Village has been established inside the Tlawng Hnar Reserve Forest and the village notified by the Local Administrative Department, Government of Mizoram, vide Notification dated 04.04.1997 in spite of the fact that the notification of RF was dated 04.05.1978.

The Government of Mizoram should ensure that henceforth no houses/buildings/any structure along with stopping of issuing new Land Settlement Certificates, Periodic Pattas, House Pass inside both Tlawng Hnar RF and Tlawng RRF as encroachment is already too large scale.


Deputy Inspector General of Forests (Central)
Govt. of India Ministry of Environment, Forest & Climate Change
North Eastern Regional Office, Shillong

4. The Judgment of Hon'ble NGT in OA No. 145/2017/EZ (M.A No. 13/2021/EZ) dated 19.01.2022 on the use of Chalfilh Reserved Forest is a turning point which should be an example for restoring forest to its original form. This should be the same yardstick for dealing with these encroachments also.



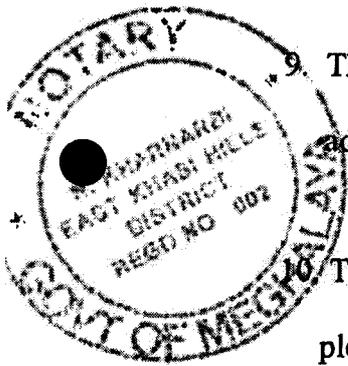
5. As per the FC Act, 1980 for violation there is the provision for Penalty for contravention of the provisions of the Act which is Section 3A and 3B. The Forest Conservation Rules 2003 also has provisions Ex-post Facto approval and Penal Provisions which is Clause 1.21.

Copy of letter RONE/E/NGT/O.A No. 150/2022/EZ/MZ/3159-60, dated 20.02.2023 along with Site Inspection Report carried out on 20.01.2023 by IRO, Shillong is enclosed as ANNEXURE-R/1-A.

8. That in view of the forgoing submissions, this reply affidavit being filed by this respondent No. 1 be admitted and accepted by this Hon'ble Tribunal.

9. That this answering respondent craves leave of this Hon'ble Court to file additional information, if any till pendent lite.

That in view of the forgoing submissions, the Hon'ble Court may be pleased to pass such or further Orders as it may deem fit and proper in the given circumstances of this case.



Identified By:

A. Barua
Advocate, Shillong

Solemnly Affirmed before me this Day
02/06/2023
BY *A. Barua, Adv*
I Certify that the contents of the Affidavit
are read over and Explained to the Deponent
who verified the same before me

DEPONENT

Deputy Inspector General of Forests (Central)
Govt. of India Ministry of Environment, Forest & Climate Change
North Eastern Regional Office, Shillong

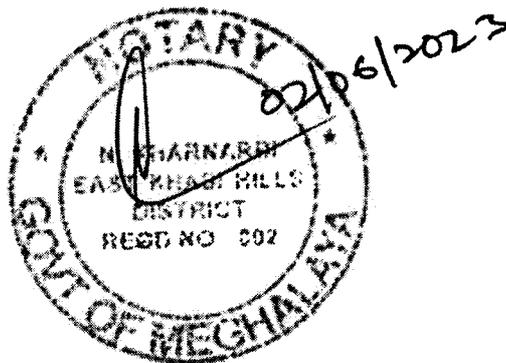
NELSON KHARNABBI
NOTARY
East Khasi Hills District
Government of Meghalaya
02/06/2023

VERIFICATION

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and area based on official records and nothing material is concealed therein.

Verify at Shillong on this 02nd day of June, 2023.


Deputy ~~Commissioner~~ Forests (Central)
Govt. of India Ministry of Environment, Forest & Climate Change
North Eastern Regional Office, Shillong





भारत सरकार
GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लाउसीबलुम्बतंगेन/LAW-U-SIB, LUMBATNGEN,
शिलांग/SHILLONG-793021
Tel. 0364-253-7609/7395/4650; Fax. 0364-2536041
E-mail: ro.nez.shil@gmail.com /moefro.shillong@gov.in



RONE/E/NGT/O.A. No. 150/2022/EZ/MI/3189-60

Dated 20.02.2023

To,

The Inspector General of Forests,
RoHQ Division,
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj,
New Delhi - 110 003.

Sub: Site Inspection Report of Sports Academy, Zobawk and other illegal non-forest activities in TlwangHnar Reserve Forest and Tlwang Riverine Reserve Forest.

Ref: Hon'ble NGT Order dated 21.11.2023 and 05.01.2023.

Sir,

In inviting a reference to the above cited subject and letter referred to, I am directed to submit my Site Inspection Report on the "alleged illegal" construction of 'Mini Sports Complex' and other non-forest activities in the TlwangHnar Reserve Forest and Tlwang Riverine Reserve Forest (RRF).

The area of Zobawk Sports Complex is 4 ha of which 3.11919 ha is built - up or affected area. While for District Park, the area is 3 ha of which 0.5 ha is the built-up /affected area. The Zobawk and Lengpuizawl villages have affected the said RF and RRF.

This issues with approval of Competent Authority.

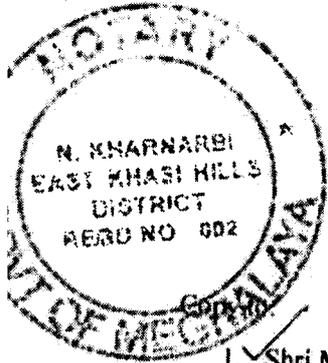
Encl: As stated.

Yours faithfully,

(Mrs. L.J. Syiemiong)
Deputy Inspector General of Forests (Central)

1. Shri Manoj Khandelwal, Technical Officer, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj New Delhi- 110 003.

Deputy Inspector General of Forests (Central)



X

SITE INSPECTION REPORT

Inspection on the alleged illegal construction of 'Mini Sports Complex' and other non-forest activities in the Tlwanng Hnar Reserved Forest and Tlwanng Riverine Reserved Forest (RRF) by I.R.O, Shillong, MoEF&CC and State Forest Department, Govt. of Mizoram on 20th January, 2023.

INTRODUCTION:

The Site Inspection was conducted on the alleged illegal construction of "Mini Sports Complex" and other non-forest activities in Tlwanng Hnar Reserve Forest and Tlwanng Riverine Reserved Forest at Zobawk, Lunglei, Mizoram by IRO, Shillong, MoEF&CC, on 20th January, 2023 represented by:

- (i) Mrs. L.J. Syiemiong, Deputy Inspector General of Forests (Central) and
- (ii) Shri Gary R. Majaw, Legal Assistant.

Accompanying the team were Officials from State Forest Department represented by:

- (i) Shri P.C. Lalchhandama, DFO, Lunglei.
- (ii) Shri VanlalzarZoliana, Range Officer, Lunglei and
- (iii) Shri Lalramnghiglova, Forester, Lunglei Range

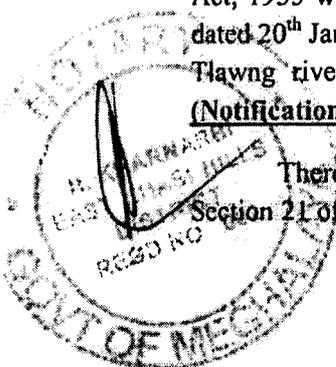
BACKGROUND NOTE OF THE INSPECTION:

The Ministry of Environment, Forest and Climate Change, New Delhi vide letter F. No.FC-11/97/2022-FC, dated 18th July, 2022 had written to the Principal Secretary (Forest), Govt. of Mizoram forwarding therein the Legal Notice dated 04.07.2022 as received from Shri. Gaurav Kumar Bansal, Advocate, Supreme Court of India informing the illegal construction activities carried out by the State Sports Academy at Zobawk, Lunglei in the Tlwanng Riverine Reserved Forest/ Recorded Forest. The Addl. Principal Chief Conservator of Forests and Nodal Officer (FC) vide his letter dated 09.11.2021 had written to Director, Directorate of Sports and Youth Service, Aizawl, Mizoram to apply for Forest Clearance before any kind of construction activities in said Reserve Forest. Despite of issuance of the letter dated 09.11.2021, construction activities has neither stopped nor Forest Clearance under Forest Conservation Act, 1980 been applied.

Now, other non-forest activities allegedly a District Park in same Reserve Forest without following the due procedure under the Forest (Conservation) Act, 1980 have also been constructed. Ministry vide the said letter had requested the State Government to stop all illegal constructions, if any, carried out on forest land immediately and to take action as per law and submit Action Taken Report to the Ministry. A copy of the letter was addressed to MoEF& CC, IRO, Shillong with a request to carry out Site Inspection Report and submit detailed report in the matter.

The Mizo District Council under Section 14 read with Section 21 of the Mizo District (Forest) Act, 1955 was pleased to constitute the Tlwanng River as Riverine Reserved Forest vide Notification dated 20th January 1965 whereby para (I) (a) provides for forest within half a mile on either sides of the Tlwanng river (i.e., 804.7m on both sides of Tlwanng river) as Riverine Reserved Forest (RRF) **(Notification enclosed as Annexure I).**

Thereafter, another Notification was issued on 4th May 1978 by the State Government under Section 21 of the Mizo District (Forest) Act, 1955 constituting Tlwanng Hnar in the Lunglei Sub-



Division (now Lunglei District) as Tlawng Hnar Reserved Forest (RF) which translates as "Reserved Forest at the source of the river Tlawng" (**Notification enclosed as Annexure II**).

The Tlawng River is the longest river in the State of Mizoram having an approximate length of 185.15 Kms and provides water to Lunglei, Aizawl and other villages near where the river flows. Recently, the volume of water in the Tlawng River has apparently shrunk in the year 2021 and the source of the Tlawng River has run dry in the past years.

I. Alleged Construction of Mini Sports Complex by Mizoram State Sports Council

Observations & Findings:

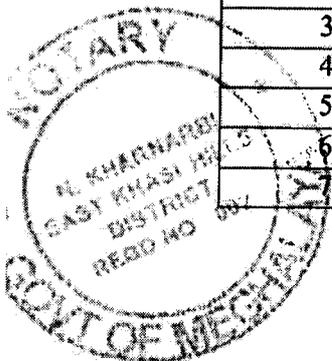
The team from IRO, Shillong accompanied by State Forest Officials commenced on the site inspection at 10:00AM starting from the alleged illegal construction of 'Mini Sports Complex or State Sports Academy'. The Mini Sports Complex is located adjacent to the Tlawng River which is around 30-50 meter from the River or inside the Riverine Reserved Forest (RRF). The Mini Sports Complex is housed in 4 ha of the RRF at about 22° 50'57".94 N and 92°48'54".95 E latitude and longitude (**Map enclosed as ANNEXURE III**) and is very near the source of Tlawng River with its northern boundary wall along the river (**ANNEXURE IV – PHOTOGRAPHS**).

DFO, Lunglei informed that the Mini Sports Complex started construction on 29.07.2011 with approved cost of 1751.24 lakh under NLCPR Scheme without Forest Clearance. The original date of completion was 31.07.2012 but date of completion was on 30.10.2017 as per the Director of Sports & Youth Affairs, Aizawl, Govt of Mizoram's letter dated 22.6.2022. The District Sports & Youth Affairs were reminded several times starting with DFO, Lunglei letter dated 5.7.2021 by the Forest Department to initiate Forest Clearance. The Director of Sports & Youth Affairs, Aizawl, Mizoram did initiate proposal under Section 2 of the F (C) Act, 1980 on 25.02.2022. However, the Sports Department had failed to provide alternate land for Compensatory Afforestation (CA) resulting in the proposal being pending with the User Agency and the construction work continued without any Forest Clearance despite 'Stay Order on all construction activities by Hon'ble NGT'

On site, it is observed that in the encroached forest land, already constructed were an indoor stadium, Pavilion, Football Field (with racing track) one academic building, Hall, Multi-purpose Hall, Staff Quarters, Principal Quarters, Girls and Boys Hostels. After thorough survey of the area, it can be said that the construction work was recently abandoned with only minor construction works to be completed. Some construction materials and covered barbed wires were seen. Next to the incomplete football field is a hill with dense forest. All the building structures fall within half a mile of the RRF and located in Zobawk village. The total area encroached by the Mini Sports Complex and its facilities is 4.00 Ha (Kindly see captioned photographs at Annexure IV).

The details of area encroached is detailed in the table as under:

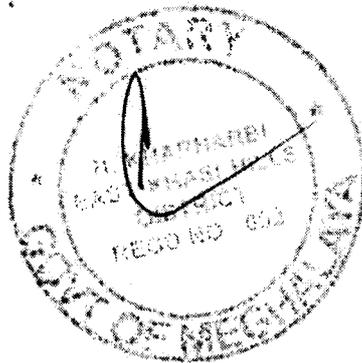
Sl. No.	Buildings	Dimension (in m)	Area (in sq.m)
1.	Quarters 1	9 x 7.5	67.5
2.	Quarters 2	12.25 x 7.5	91.875
3.	Quarters 3	14.30 x 8.20	117.26
4.	Academic Building	11.80 x 58.5	690.3
5.	Pavilion	28.60 x 17	486.2
6.	Hall	29 x 51.9	1505.1
7.	Multipurpose Hall	13.60 x 25	340



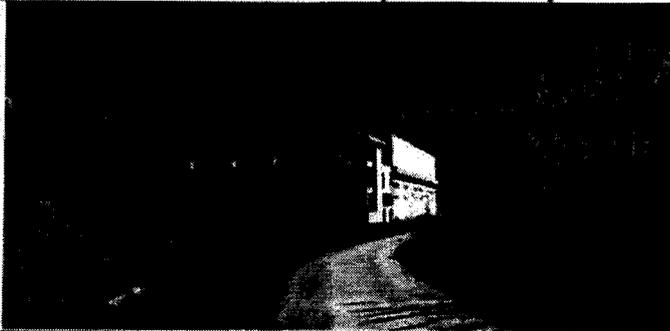
8.	Staff Quarters	7.60 x 18	136.8
9.	Principal Quarters	10.70 x 13.3	142.31
10.	Girl's Hostel 1	23 x 9	207
11.	Girl's Hostel 2	31 X 17	527
12.	Boy's Hostel 1	13 x 24.50	318.5
13.	Boy's Hostel 2	31 x 17	527
14.	Football Field (with racing track)		14704

Total area = 19860.8 Sq.m OR 1.98608 Ha

As per Digitization from Google Earth the area affected due to Non Forest Activities like Construction is 3.11919 out of 4 Ha		
Sports Mini Complex		
Name	Area - Sq.m	Area - Ha
Footpath	1373.096	0.13731
Hostel	265.903	0.02659
Hostel	320.029	0.032
Quarters	1143.703	0.11437
Football Field	15346.354	1.53464
Pavilion	352.03	0.0352
Indoor Stadium	1360.849	0.13608
Nehemia Prayer Mountain	939.702	0.094
Other Buildings	10089.642	1.009
Total	31191.308	3.11919



ANNEXURE IV – PHOTOGRAPHS
State Sports Academy or Mini Sports Complex and its facilities



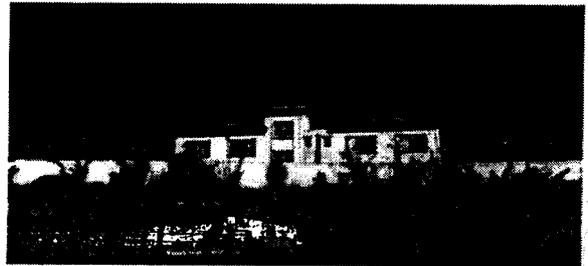
1. Indoor Stadium



2. Pavilion of Football field



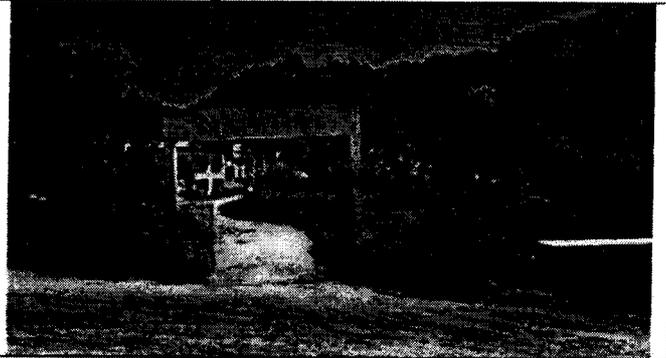
3. Academic Buildings



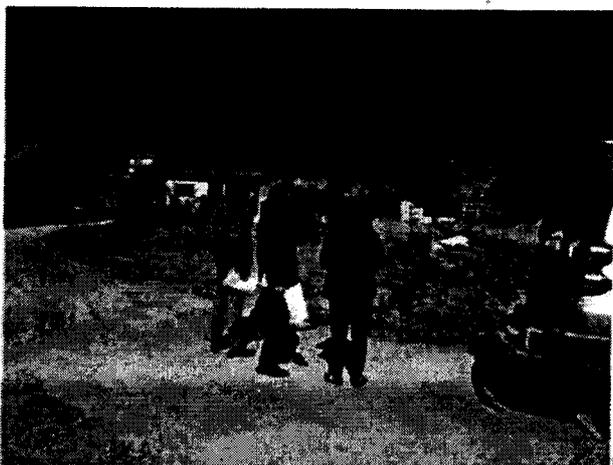
4. View of Mini Sports Complex Gallery from the Tlawng River



5. Staff Quarters, Boys and Girls Hostel in Forested Area



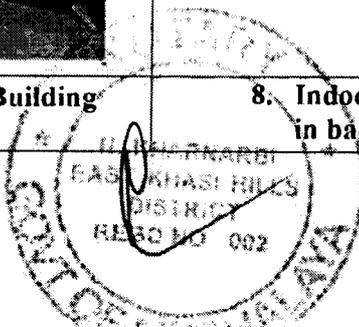
6. Entrance to Mini Sport Complex

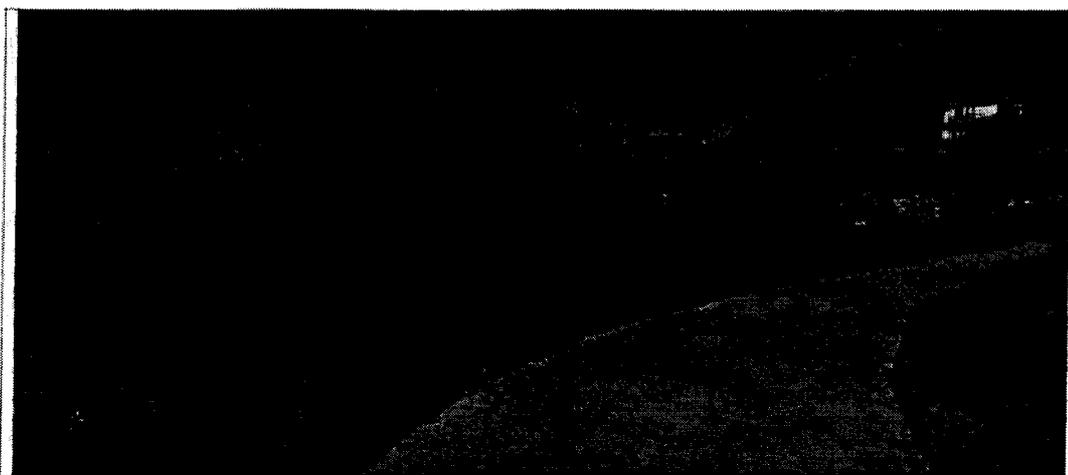


7. Viewing Gallery & Academic Building are seen



8. Indoor Stadium with Boys & Girls Hostel in background





9. Northern Boundary Wall of Mini Sports Complex next to Tlawng River (In the background is a household that is encroached upon and inside the RRF)



10. Most of the Constructed buildings seen here (Academic Building, Staff Quarters, Boys and Girls Hostel)

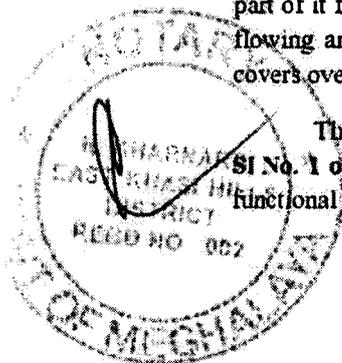
II. Inspection on District Park.

Observations & Findings:

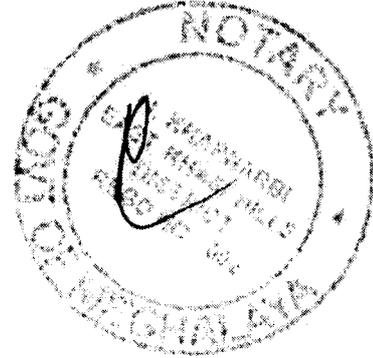
The District Park is located north from where the Mini Sports Academy stands at co-ordinates at $22^{\circ}50'52''.65$ N and $92^{\circ}49'7''.68$ E. The road leading to the District Park is a Dirt Road (Katcha Road) which to the left is along the Tlawng River (with no current/flow as it was winter and can be consider as at the source of the River Tlawng). To the right of the road were small wooden structures/households along with one stone quarry. The wooden structures, stone quarry and the dirt road falls under the Tlawng RRF as well as the TlawngHnar Reserved Forest.

On arrival in the District Park, it is observed that the Tlawng River runs through the District Park dividing the park into two parts whereby part of it falls within the Tlawng Hnar RF (80%) and part of it falls within the Tlawng RRF (20%). The Tlawng River which divides the Park has no water flowing and is currently dried up. It gives an expression of a spring than a river. The District Park covers over 3 Ha of the forest land.

The park was inaugurated on 20.08.1996 by the Chief Minister of Mizoram (photo enclosed at SI No. 1 of Annexure V) as per the inauguration stone and on site it is observed that the park is fully functional with lots of visitors. The facilities developed in the District Park are:



- i. One Parking lot
- ii. Halls
- iii. Children's Playground
- iv. Two Swimming Pools
- v. Cabins
- vi. Kitchen
- vii. Park Office
- viii. Toilet shed
- ix. Small RCC Foot Bridges
- x. PCC ground with gallery
- xi. Waiting shed
- xii. Unfinished Abandoned Buildings



(ANNEXURE V – PHOTOGRAPHS).

On enquiry from the DFO with respect to the above facilities developed in the park, he informed that the Land & Revenue Department (LAD), Govt. of Mizoram had issued Land Settlement Certificate (LSC) and is now being owned by a private individual who runs the Park. On further enquiry as to whether the LAD has initiated for Forest Clearance, the DFO informed that the Revenue Department was informed for applying Forest Clearance under Section 2 of the F (C) Act, 1980 however, till date no proposal for FC was received with respect to the District Park. Besides the above observations and queries, some other abandoned buildings were found near the park in which these buildings fall under the Thlawng Hnar RF.

The total area encroached is detailed under this table as under:

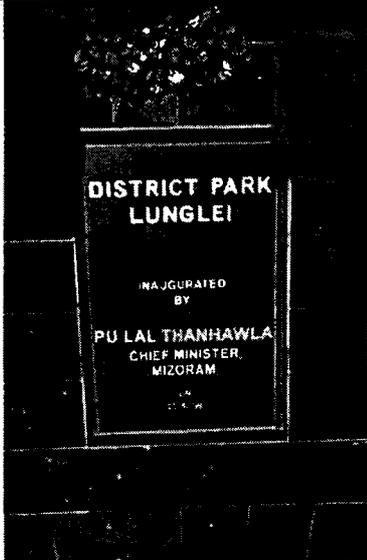
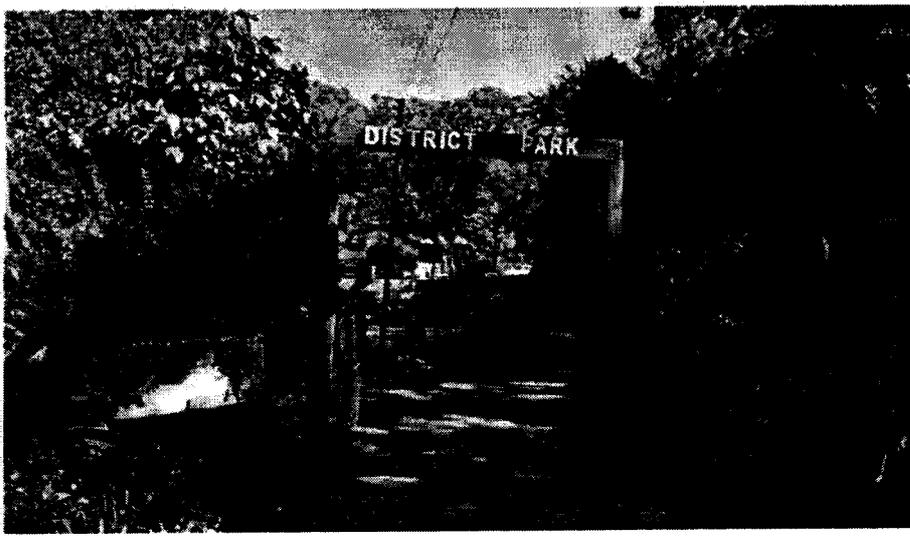
Sl No.	Construction	Dimension	Area (in sq.m)
1.	Zopui Hall	9 x 14	126
2.	Chowkidar Quaters	12 x 9.5	114
3.	Tlawng Hall	12 x 9.5	114
4.	Senglawn cabin	11 x 15	165
5.	Zongaw cabin	12 x 7.2	86.4
6.	Kitchen	5 x 3.5	17.5
7.	Cabin Park Office	8.3 x 5.2	43.16
8.	Public Urinal Shed	3.4 x 2.6	8.84
9.	Reservior	9 x 7	63
10.	Tank (Small)	8.5 x 4	34
11.	Initial Construction of Check dam (stopped by Forest Department)	11.5 x 5.5	63.25
12.	RCC Bridge No 1	11.5 x 1.5	17.25
13.	RCC Bridge No. 2	13.6 x 1.4	19.04

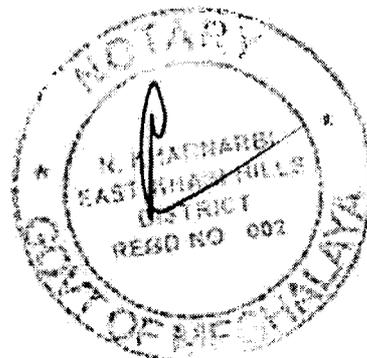
14.	Swimming Pool with diving board and dressing room	47 x 30	1410
15.	Children's playing area with fencing	38.7 x 15	580.5
16.	PCC ground with gallery	38.2 x 35	1337
17.	Unfinished Abandoned Building No. 1.	20 x 18	360
18.	Unfinished Abandoned Building No. 2.	13 x 9	117
19.	Unfinished Abandoned Building No. 3.	14 x 10	140
20.	Unfinished Abandoned Building No. 4.	14 x 9	126
21.	Waiting shed	10 x 3.5	35

Total area = 4976.94 Sq.m OR 0.497694 Ha

As per Digitization from Google Earth the area affected due to Non Forest Activities like Construction is about 0.5 out of 3 Ha since mostly in the park area only Children's playing area, Swimming Pool, big parking area etc.

**ANNEXURE V - PHOTOGRAPHS
District Park**

 <p>A photograph of a stone plaque. The text on the plaque reads: "DISTRICT PARK LUNGLEI", "INAUGURATED BY", "PU LAL THANHAWLA", "CHIEF MINISTER, MIZORAM".</p>	 <p>A photograph showing the entrance to District Park. A sign above the gate reads "DISTRICT PARK". The area is surrounded by trees and a path leads through the gate.</p>
<p>1. Inauguration Stone of District Park</p>	<p>2. Entrance to District Park</p>





3. Boundary Pillar No. 4 of Tlawng Hnar RF inside the District Park



4. Parking lot of District Park



5. Children's Playground of District Park



6. Swimming Pools of District Park



7. Abandoned building near District Park

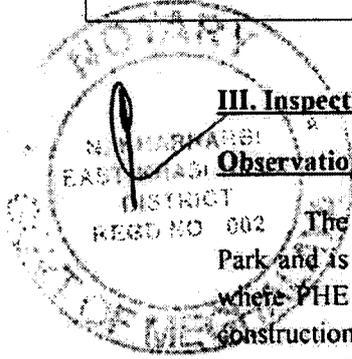


8. Abandoned building near District Park

III. Inspection on the Recharging Dam

Observations & Findings:

The path leading to the site of the Recharging Dam starts from the Parking lot of the District Park and is about a 20 minute hike. Around 100 meter from the starting point of the hike, is a site where PHE Department, Govt of Mizoram tried to construct a new Recharging Dam. However, the construction was stopped by Forest Department in the initial stages (Photo enclosed at SI No. 8 of Annexure VI). The forest path passes through dense forest of the Tlawng Hnar RF and pipelines from the Recharging Dam were also found crossing the forest path (Photos at SI No. 9 & 10 of Annexure VI).



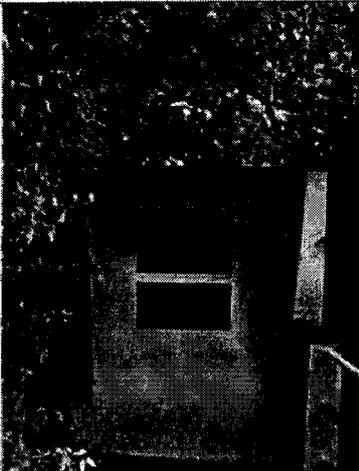
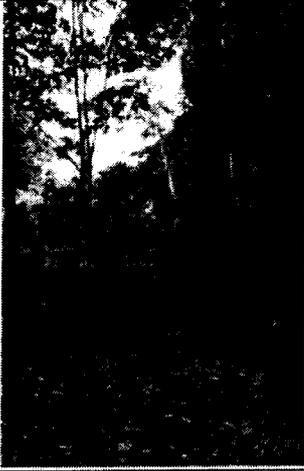
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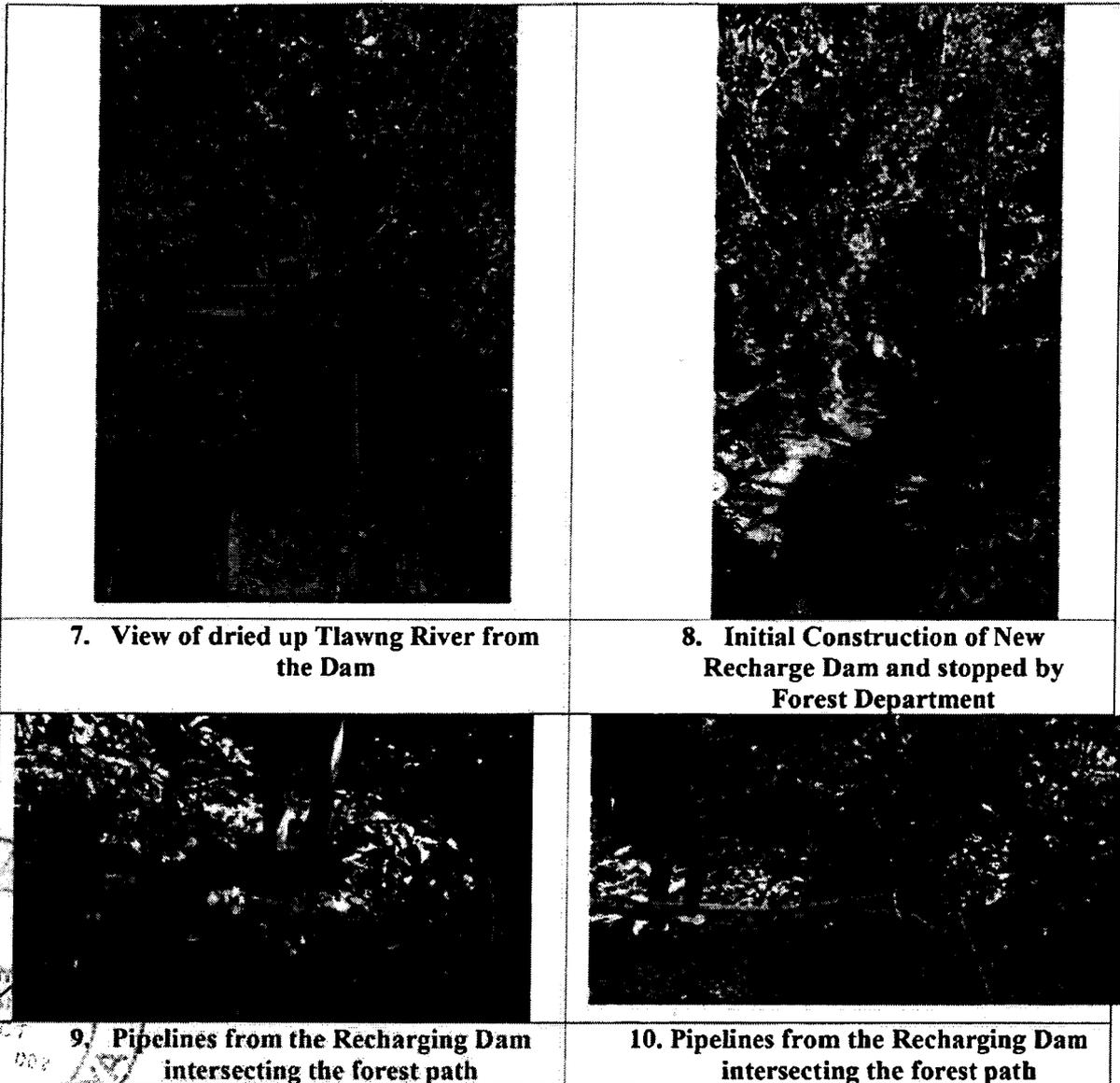
On arrival in the site of the Recharging Dam, it is observed that the Dam is located in a very dense Forest area within the Tlawng Hnar Reserved Forest (as marked on the map Annexure III) with coordinates of 22°50'31".2 N and 92°49' 7".68 E. On one side of the Dam is the Tlawng River left stagnant due to the Dam and the other side is the dried up river path of the Tlawng River which explains why the Tlawng River located in the District Park and along the site of the Mini Sports Complex is mostly dried or stagnant. The Recharging Dam was inaugurated on 17.02.2005 as per the Inauguration stone present at the site.

On enquiry from DFO, Luglei as to whether PHE Department had applied for Forest Clearance for this Zobawk Impounding Recharge Dam, it was made known that there was no application for FC for the inaugurated Dam. Only FC was applied in the case of the new Recharging Dam on Parivesh Portal for which work was stopped for now and can be considered as a proposed project.

ANNEXURE VI – PHOTOGRAPHS

	
<p>1. Inauguration stone of Recharging Dam</p>	<p>2. Starting point to Recharge Dam</p>
	
<p>3. Zobawk Recharging Dam</p>	<p>4. Zobawk Recharging Dam</p>
	
<p>5. Zobawk Recharging Dam</p>	<p>6. Zobawk Recharging Dam</p>





IV. Inspection on Stone Quarries

The team then visited the quarry sites located within the Tlawng Hnar Reserved Forest. DFO informed that there are six illegal stone quarries located within the Tlawng Hnar Reserved Forest (marked as No. 1 to No. 6 of the map enclosed as Annexure III). He also informed that Forest Department had also filed a complaint before the District Court, Lunglei and the Court has taken cognizance on the matter and the 6 stone quarry owners were summoned before the District Court vide Order dated 12.12.2022.

Out of the six quarries located in the enclosed map, the team visited 3 quarries and the observations and findings are as under:

- i) Stone Quarry of Mr. Raymond Zonunsanga, established in 2015.(marked as No. 5 on the map enclosed as Annexure III)

The team firstly inspected the stone quarry of Mr. Raymond Zonunsanga. The quarry was not functional at the time of visit and the quarry was located at the boundary of the Tlawng Hnar RF as well as the Tlawng RRF. There were also some wooden households near the quarry falling inside the RF as well as the RRF.

ii) Stone Quarry of Mr. Thanchhuma established in 2010 (marked as No. 3 on the map enclosed as Annexure III)

The team then stop at another Stone Quarry site belonging to Mr.Thanchhuma. The Stone Quarry was located along the road of the Zobawk-Lunglei road. As per map verification and on site, it is observed that the Stone Quarry is also within the Tlawng Hnar RF.

iii) Stone Quarry of Mr. Malsawma Murray established in 1987. (marked as No. 1 of the map enclosed as Annexure III)

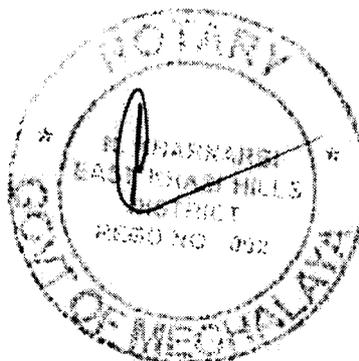
The road leading to the Stone Quarry of Mr. Malsawma Murray is the oldest and biggest quarry inspected. The road passes through the locality road of Lungpuizawl Village in which the village of around 100 households is also an encroached village inside the Tlawng Hnar RF. On site, it was observed the presence of a number of bolder stones near the Stone Crusher, a truck near the quarry suspected to be transporting the crushed stones. The area surrounding the quarry is a thick dense forest.

The DFO informed that the Stone Quarries do operate illegally at any time despite the order to stop by District Court, Lunglei. The people have protested by saying that it is their only means of livelihood.

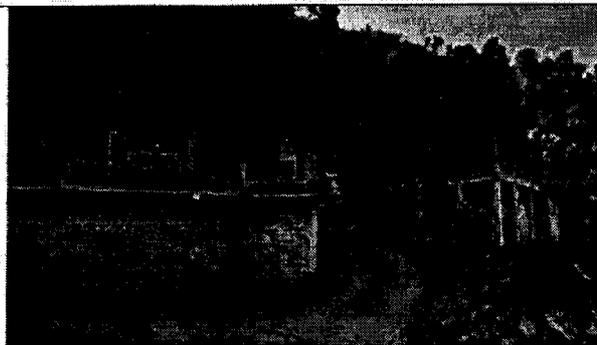
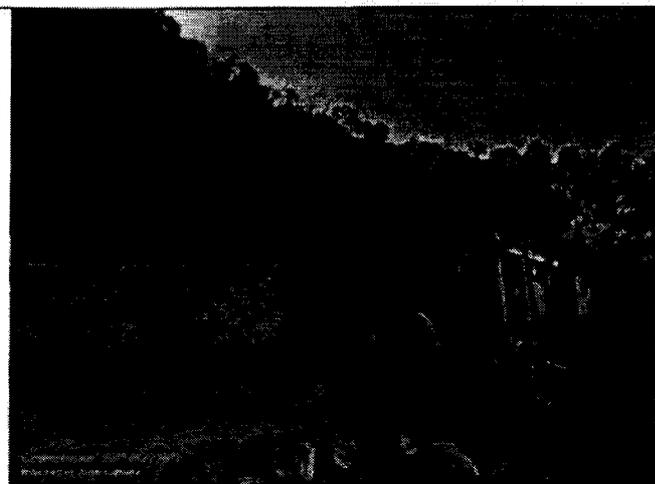
V. Inspection of encroached Lungpuizawl Village

After the Stone Quarries were inspected, the team then observed a number of households scattered around the hills of Tlawng Hnar RF and the encroached village is called Lungpuizawl Village. DFO, Lunglei informed that in the early 90's, the early residents of Lungpuizawl Village came to Tlawng Hnar RF as labour to work in the Stone Quarries. As time gradually passes, the labour started constructing small households near the stone quarry and thereafter had turned into a big village with around 100 households including a Community Hall, a Church and other facilities. DFO, Lunglei had also shown the team a Government Notification dated 4th April 1997 issued by LAD Department (enclosed as Annexure VIII) recognizing the said encroached Village as a Community Village.

On site, it was observed that the village does fall within the Tlawng Hnar RF which is surrounded by dense forest. The main source of income of the villagers is mainly through the illegal Stone Quarries which they have been dependent since the early residents of the village. However, the quarries were not functional at the time of visit but may be presume to be operational afterwards since it is the main source of income of the villagers. It is also important to note that since the Village around 100 households was erected since their settlement till the date of inspection in the TlawngHnar RF, indiscriminate felling of trees inside the RF and further encroachment may be carried out by the villagers to accommodate the growing population of the village. State Government is required to take urgent necessary action on the matter to prevent further encroachment.

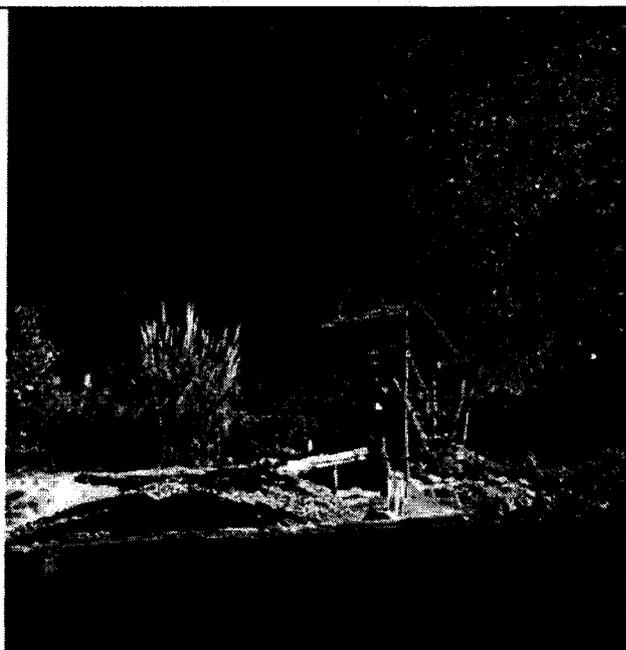


ANNEXURE VII - PHOTOGRAPHS



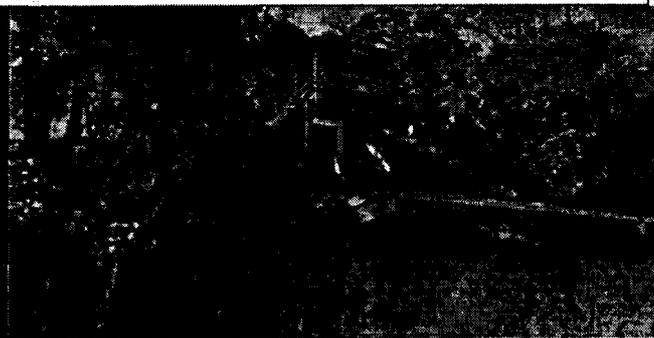
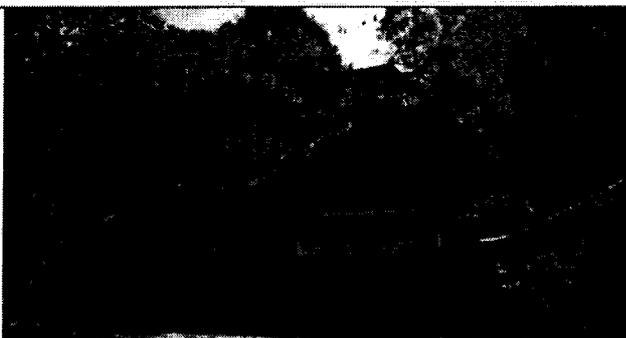
1. Stone Quarry of Malsawma Murray

2. Stone Quarry of Malsawma Murray



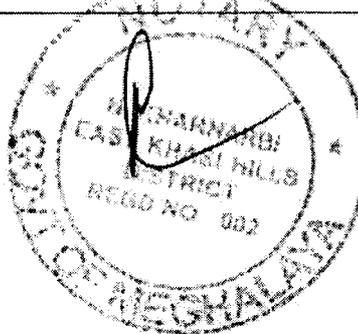
3. Stone Quarry of Thanchhuma

4. Stone Quarry of Thanchhuma



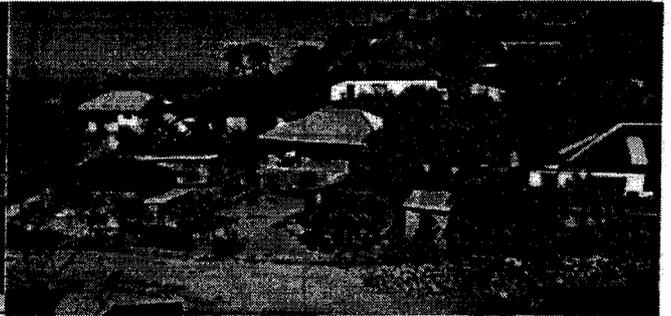
5. Stone Quarry of Raymond Zonunsanga

6. Stone Quarry of Raymond Zonunsanga





7. Encroached households in Lungpuizawl Village



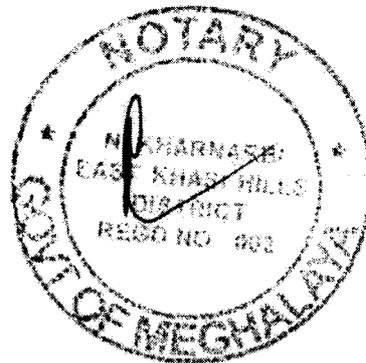
8. Encroached households in Lungpuizawl Village



9. Lungpuizawl Community Hall

6) Inspection of encroached Zobawk Village

DFO, Lunglei informed that to the North of the Mini Sports Academy, towards Zobawk village, around 20 buildings/households have encroached the RRF which is within half a mile of the River Tlawng.



Annexure - I

Registered No.A -12

**AUTONOMOUS DISTRICT COUNCILS
SUPPLEMENT
TO**

The Assam  **Gazette**

PUBLISHED BY AUTHORITY

No.8 Shillong, Wednesday, May 19, 1965, 29th Vaisakha
1887 S.E.

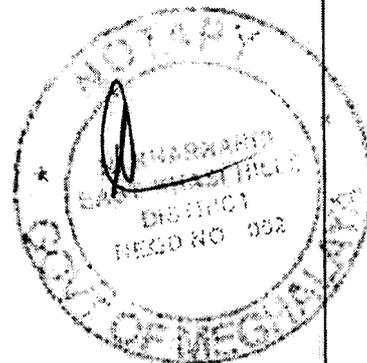
Separate paging is given to this part in order that it may be filed as a separate compilation

The 8th April 1965

No. DC. XIV- (A)- 3/65.-Pursuant to Rule (18) of the United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests Rates of Royalty) Rules, 1949, it is hereby notified for general information that for the year ending 31st March 1966, the royalty on all minor forest produces shall be charged as specified hereunder.

The rate is charged per quintal, a 'quintal' is equal to 100 Kilograms or, 2 mounds 27 seers in the old system of measurement.

Minor Forest produces	Rates of royalty in full Rs. P.	
1. Honey (Ngap) -	52.00	per quintal
2. Tezpatta (Sla Tyrpad) -	4.50	-do-
3. Wild Pepper (Sohmrit Khlaw)	42.50	-do-
4. Chalmukgra (Sohlab)	13.00	-do-
5. Lac (Laha)	6.00	-do-
6. Pine Fire-wood (Kseh)	1.00	-do-
7. Cassia Bark (Sesia)	18.00	-do-
8. Charcoal (Rnga)	1.66	-do-
9. Bee Wax (Bthing)	88.25	-do-
10. Rauwalfia Serpentina (Sarpanch)	65.00	-do-
11. Tupchini	8.00	-do-
12. Elephant Tusk (Bmat Hati)	642 .00	-do-

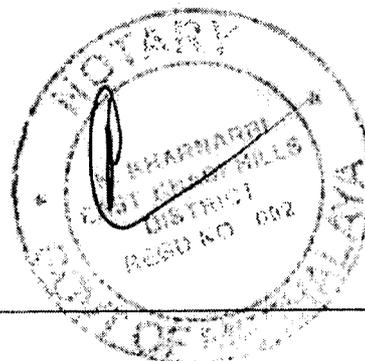


Annexure - I

13.	Cinnamamum Pauciflorum Bark (Snep Latyrdop)	4.42	-do-
14.	Sukund Matara	6.69	-do-
15.	Broom Stick	0.75	per 100 bundles. Each bundle of 6 to 9 inches circumference.
16.	Skin of Sambhar (Snieh Sier)	1.25	Each.
17.	Skin of Barking Deer (Snieh Skei)	0.31	"
18.	Tiger skin (Snieh Khla)	37.50	"
19.	Leopart Skin (Snieh Labasa)	18.65	"
20.	Horn of Sambar (Reng Sier No.1)	3.50	"
21.	" " (Reng Sier No.2)	2.25	"
22.	" " Barking Deer (Reng Skei No.1)	1.37	"
23.	" " " " (Reng Skei No.2)	1.31	"
24.	Fodder Grass (Phlang bam jingri)	0.15	per head load. Each head load to be of 6 feet in circumference.

Any other minor forest produce will be charged at such rates as will be fixed in consideration of the prevailing market rates.

B. SWER,
for Secretary, Executive Committee
United K - J Hills District Council,
Shillong.



Annexure - I

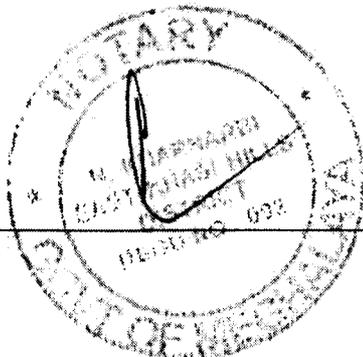
The 28th January 1965.

In exercise of the powers conferred by Section 14 read with section 21 of the Mizo District (Forest) Act, 1955, the Mizo District Council is pleased to continue the following areas at the disposal of Mizo District Council as Council Reserved Forest with effect from the date of notification issued on 16th April 1956 and 16th September 1957.

A.D.C. SUPPLEMENT TO THE ASSAM GAZETTE, MAY 19, 1965

- (i) Forests within half a mile on either side of the following rivers. ?
- (a) Tlawng, (Doleswari)
 - (b) Tut, (Gutur).
 - (c) Teirei, (Pakwa)
 - (d) Langkaih, (Longai).
 - (e) Chemlui
 - (f) Serlui
 - (g) Tuivai
 - (h) Tuivawl
 - (i) Tuirini
 - (j) Tuirial
 - (k) Tuiruang
 - (l) Khawthlangtuipui (Kamaphuli)
 - (m) Tuichawng
 - (n) Kau
 - (o) De
 - (p) Phairuang
- (ii) Forests within half a mile on either side of the following roads, but excluding the land within 100 feet or 30 metres on both sides of Government roads.
- (1) Aijal - Silchar Road Via Sairang.

Chief Executive Member,
Mizo District Council.



Annexure - II

Regd. No N.E 907



The Mizoram Gazette

EXTRA ORDINARY
Published by Authority

Vol. VII. Aizawl, Thursday 4.5.1978. Vaisakha, 14, S.E. 1900, Issue No. 22

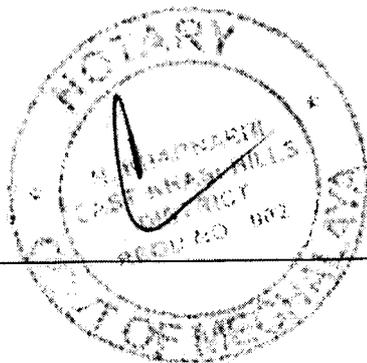
NOTIFICATIONS

No FOR. 133/76-78/27, the 4th May, 1978. Under section 21 of the Mizo District (Forest) Act, 1955 and in supersession of Executive Order No. 4 of 1963 issued by the Erstwhile Mizo District Council under Memo No. EL. 12/63/125-32 dated the 10th October, 1963 the Lt Governor (Administrator) of the Union Territory of Mizoram is pleased to issue final Notification constituting a Reserved Forest at Tlawng hnar in the Lunglei Sub-Division (now Lunglei District), the limit of which is described below. The area described as such shall be deemed to have become a Reserved Forest under the said section with effect from the 1st February, 1963.

DESCRIPTION OF BOUNDARY

Starting from the point where the Aizawl-Lunglei road crosses the Tlawng river near Zobawk up the Tlawng river to the junction of the first small stream on the right bank and near Pu Rosama's garden, and thence the small stream to its source on the Arthladawa ridge and thence along the Arthladawa ridge towards Sairep till it meets again Tlawng hnar stream, and thence up the Tlawng hnar stream to its source to the Ramri kawn on the Lunglei-Tuipang road, where boundary pillar between Theiriat ram and Sairep ram stands. Then, it follows the ridge northwards towards Theiriat to the Leisekawt where it meets the Lunglei-Tuipang road, and thence along the road to the source of Lungpher stream (a saddle where the Zobawk-Sairep pumpela path branches from the main road) and thence down the Lungpher stream till it meets the Aizawl-Lunglei road, and thence along the Aizawl-Lunglei road towards Zobawk to the starting point.

Lalkhama,
Development Commissioner &
Ex-Officio Secretary to the Govt. of Mizoram.

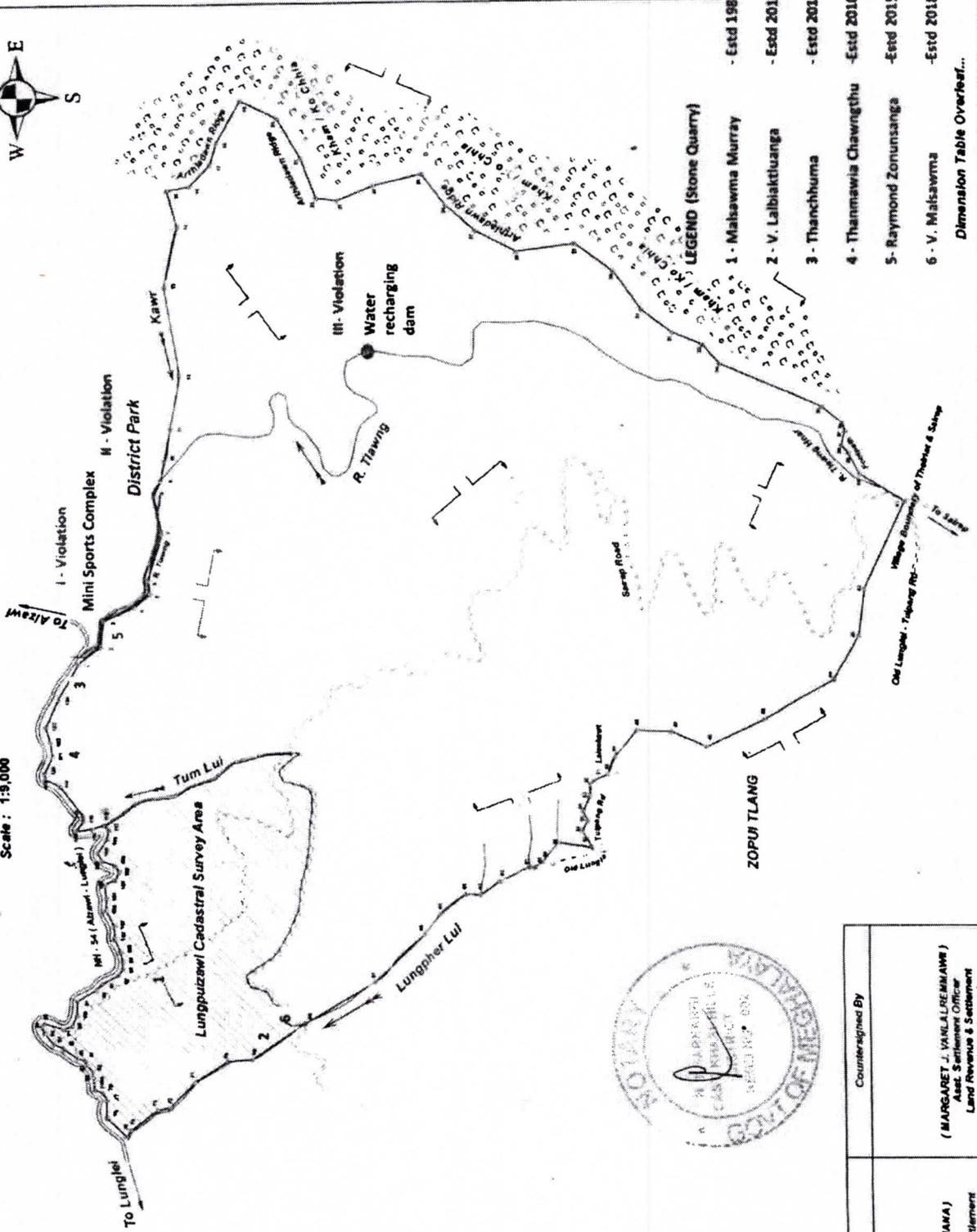


Map No. 2

MAP OF TLAWNGHAR RESERVE AS PER BOUNDARY DESCRIPTION OF RESERVE FOREST AS NOTIFIED ON 4.05.1978

Date of Survey : 25, 26.02.2021 & 1, 2.03.2021

Scale : 1:9,000



LEGEND (Stone Quarry)

- 1 - Malsawma Murray - Estd 1987
 - 2 - V. Lalbiaktluanga - Estd 2018
 - 3 - Thanchhuma - Estd 2010
 - 4 - Thanmawia Chawngthu - Estd 2010
 - 5 - Raymond Zonunsanga - Estd 2015
 - 6 - V. Malsawma - Estd 2018
- Dimension Table Overleaf...

Surveyed Area : 2459778.90 Sq.m
 26487221.00 Sq.ft
 1838.00 Bighas
 246.97 Hectare
 607.82 Acre

Boundary Survey Guided By

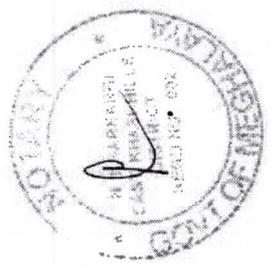
(R. VANLALMALSAWMA)
 Range Officer, Lunglei Forest Range
 Divisional Forest Officer
 Lunglei Forest Division
 Lunglei

(LALRAMSANGLOVA)
 Forester
 Divisional Forest Officer
 Lunglei Forest Division
 Lunglei

(H. LALGHETA)
 Forester
 Divisional Forest Officer
 Lunglei Forest Division
 Lunglei

(JOSEPH LALRINDIKA)
 FGO, Lunglei Forest Range
 Divisional Forest Officer
 Lunglei Forest Division
 Lunglei

(LALSANGZUALA)
 FGO, WFO(S) Office
 Working Plan Forests Division (S)
 Lunglei

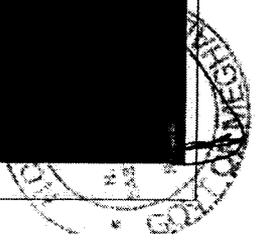
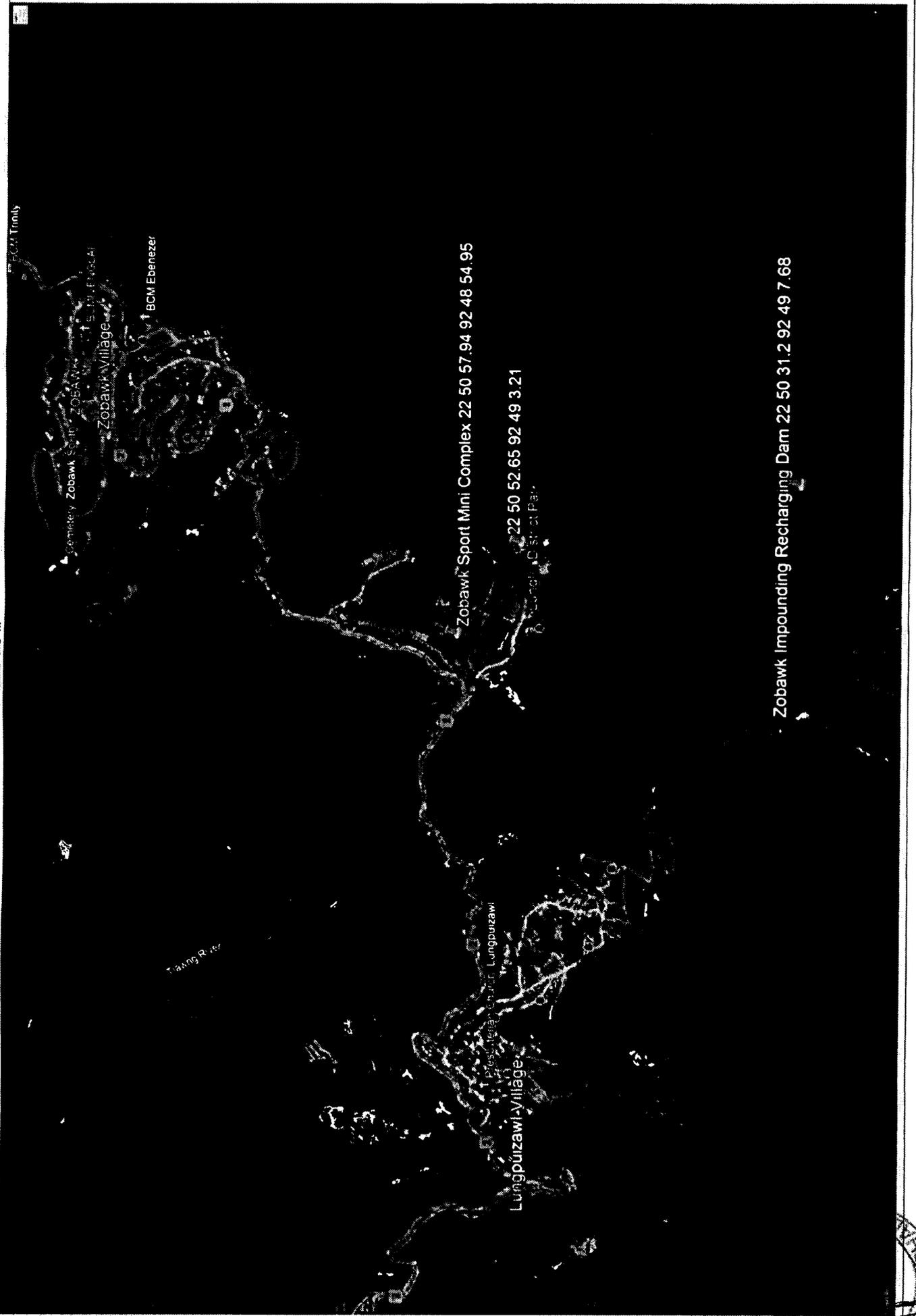


Surveyed By	Checked By	Countersigned By
(MALSAMZUALA) Surveyor Land Revenue & Settlement	(K. LALHACHUMAMA) Surveyor - I Land Revenue & Settlement	(MARGARET J. VANLALREMMAMA) Asst. Settlement Officer Land Revenue & Settlement Lunglei Dist. Lunglei

87

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Annexure - III



TUMBUK DAW KHAW

BOUNDARY DESCRIPTION OF TUMBUK DAW KHAW VILLAGE

- 1. BRTD Road atanda Sairep Kawng hluid Lungphar
Lai zawnng zawb chhoin.
- 2. Sairep Kawng hluid zawb phei in Tumbuk daw khaw
- 3. Tumbuk zawb chhoin BRTD Road a pawb a BRTD
Road chu zawb a phei in Mlawng lui a fin
a. Mlawng lui chu zawb chhoin ko khua Sih
Lai nen a a intawm thlengin.
- 4. Sih lui chu zawb chhoin vety ram Boundary
zawb phei zelin lungphar lui a fin a, chuta
lang chuan lungphar lui zawb chhoin BRTD Road
Starting Point a pawb leh a m.

DAWN KHAW VILLAGE COUNCIL RAMRI

Dawn Khaw Village Council ramri hi siamtel
a hma chuan an parent village council, z bawk nwe
ramri an intawm rih ang.



TRANSLATED TYPED COPY

No.LAD/VC.5/94
GOVERNMENT OF MIZORAM
LOCAL ADMINISTRATION DEPARTMENT

NOTIFICATION

Dated Aizawl, the 4th April/97.

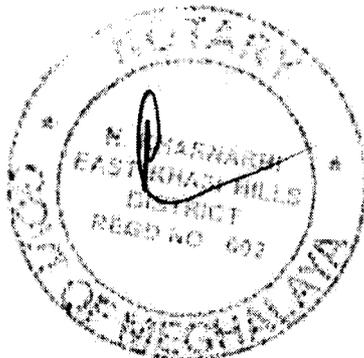
As per Lushai Hills District Village Councils Act, 1953 (as amended in 1986) section 3(6), the boundary of a newly given Village Council within the territory of Aizawl District and Lunglei District which is described at the given annexure are proclaimed as their acquired boundary by the Mizoram Governor.

Sd/-DENGHNUNA
Secretary to the Govt. of Mizoram

Memo No.LAD/VC-5/94(A): Dated Aizawl, the 4th, April, 1997.

- Copy to: 1. Secretary to Governor of Mizoram.
2. P.S. to Chief Minister, Mizoram.
3. P.S. to all Ministers/Speaker/Dy Speaker.
4. P.S. to Chief Secretary, Mizoram.
5. Dy Commissioner/R.O. Aizawl/Lunglei.
6. Director, LAD.
7. Controller, P & S with 6 spare copies for publication in the Mizoram Gazette,
Extra-Ordinary 500 copies may be sent to LAD.
8. All Pol. Party Presidents (Hqrs), Mizoram.
9. All Returning Officers, Aizawl/Lunglei.
10. Dist. Local Admn. Officer, Aizawl/Lunglei.
11. All Administration Deptts.
12. Guard File.

(LALTLANA J. BACHUAU).
Under Secy, to the Govt. of Mizoram



TRANSLATED TYPED COPY**LUNGLEI DISTRICT****BOUNDARY DESCRIPTION OF LUNGPUIZAWL VILLAGE**

- 'N' - From BRTF road to Sairep old road at the adjacent of Lungphei river
- 'E' - From Sairep old road towards till Tumlui.
- 'S' - From Tumlui going down towards BRTF road, from BRTF going towards joining Tlawng river. Going down from Tlawng river toward the boundary of Sih lui at its joining point.
- 'W' - From Sih river going upwards to Vety boundary till its joining point at Lungpher river. From Lungpher river going upwards till the starting point of BRTF road.

....

Dawn Khaw Village Council Boundary

Until the Dawn Khaw village council boundary is not settle, the parent village council Zobawk boundary is to be shared.



Conclusion:

The Inspection done for the Mini-Sports Complex, District Park, Impounding Water Recharge Dam and the 6 (six) Stone Quarries in Zobawk and Lungpuizawl Village were all seen to be located within Tlawngnar RF or Tlawng RRF, or parts in both. All the structures were constructed without approval of Central Govt. which constitutes violation of Forest Conservation Act, 1980.

There was some question about the legality of Riverine Reserve Forest but as per High Court Order dated 17.1.2023, the "Status quo as regards to the condition of Forests qua the notification dated 21.1.1965" shall be maintained. Matter listed again on 6th Feb. 2023.

It is clear that there it has been gross dereliction of duty or utter negligence on the part of the Forest Officers that violation of this extent has taken place. The Forest Officers started detecting violation only after many PILs, Court Cases etc.. started for protection of Tlawngnar RF and Tlawng RRF, after huge infrastructure have already come up. Nevertheless these issues were not prevalent at the time of the conception of the plans and implementation of this project way back in 2011.

The DFO, Lunglei started to write to Districts Sports & Youth Services Officer, Lunglei regarding Mini Sports Complex in his letter dated 5.7.2021, when actually all construction had already been almost completed. This letter dated 5.7.2021 is treated as date of detection of offence although the construction of the Sports Complex started on 29.07.2011.

As for the District Park, Impounding Water Recharge Dam and the Stone Quarries there is no communication regarding Forest Clearance under Forest Conservation Act, 1980.

Steps to be taken:-

In the light of the above mentioned observations and findings, it can be said that there has been gross violation of Section 2 of Forest Conservation Act, 1980 as well as Section 23 (1) of the Mizoram (Forest) Act, 1955.

From the findings of the Site Inspection, the following facts and steps forwarded need to be done:-

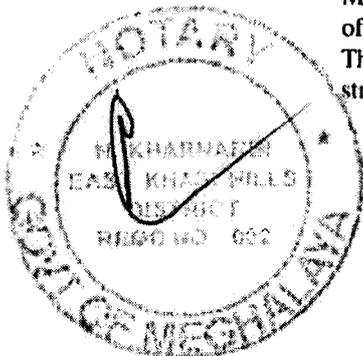
1. The Local Administration Department (LAD) and the Sports Department should submit Forest Clearance as per FC Act, 1980. If there are problems with regard to area for Compensatory Afforestation related to the application for Forest Clearance, then it should be resolved at the earliest in connection with the Sports Complex. The Sports Department has applied for FC only on 25.02.2022 for the Mini Sports Complex for which is already more or less completed.

2. The same should apply to the District Park for FC which is under the Local Administration Department (LAD) and Land & Revenue Department, Govt. of Mizoram.

Also, for the Zobawk Impounding Recharge Dam and the 6 (Six) Stone Quarries need FC.

3. Lungpuizawl Village has been established inside the Tlawngnar Reserve Forest and the village notified by the Local Administrative Department, Government of Mizoram, vide Notification dated 04.04.1997 in spite of the fact that the notification of RF was dated 04.05.1978.

The Government of Mizoram should ensure that henceforth no houses/buildings/any structure along with stopping of issuing new Land Settlement Certificates, Periodic

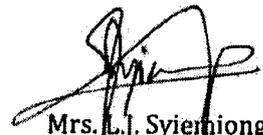


Pattas, House Pass inside both Tlawngnar RF and Tlawng RRF as encroachment is already too large scale.

- 4. The Judgment of Hon'ble NGT in OA No. 145/2017/EZ (M.A No. 13/2021/EZ) dated 19.01.2022 on the use of Chalfih Reserved Forest is a turning point which should be an example for restoring forest to its original form. This should be the same yardstick for dealing with these encroachments also.
- 5. As per the FC Act, 1980 for violation there is the provision for Penalty for contravention of the provisions of the Act which is Section 3A and 3B. The Forest (Conservation) Rules, 2003 also has provisions Ex-post Facto approval and penal Provisions which is Clause 1.21.

(i) In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC.

- a. The diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the State will be dealt under the provisions of Indian Forest Act, 1927 and other State Acts dealing with the conservation of Forests by the State Government concerned. The land in question will not be considered as diverted under FCA 1980 and the status of the land shall continue to be forest.
- b. If the permission for use of forest land for non-forestry purposes have been granted by the State authority without the prior approval of the Central government under Section 2 of the Forest Conservation Act, 1980 then action under section 3A and/or 3B of Fc Act, as may be applicable, shall be taken against the authority causing the diversion. A report with full details of violation shall be submitted by the State Government on the recommendation of the Forest Department of the State to the Ministry of Environment, Forests & Climate Change Government of India, New Delhi and formal enquiry shall be conducted by the Regional Office of the MoEF&CC.



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