To,

1. The Hon’ble Chief Minister,
   Government of Manipur.

Subject: Notification of Zeilad Wildlife Sanctuary in Tamenglong District, Manipur and notification of Eco-Sensitive Zone around this wildlife sanctuary – violation of procedures established by law – violations of relevant laws – withdrawal of notifications requested for - Reg.

Sir,

The undersigned would like to draw your immediate attention to the above subject matter for taking necessary action.

1. That Zeilad Wildlife Sanctuary notified under the Wildlife (Protection) Act 1972 (WLPA) vide Notification No. 60/2/95, dated 24th April, 1997 covers an area of 21.00 square kilometres in Tamenglong District of Manipur.

2. That further the Ministry of Environment, Forest and Climate Change, Government of India, vide Gazette Notification No. S.O. 3309(E) dated 20th October, 2016 notified 235 square kilometres to an extent varying from 3.5 to 13.0 kilometres from the boundary of the Zeilad Wildlife Sanctuary as the Zeilad Wildlife Sanctuary Eco-Sensitive Zone, a buffer area, under Sections 3(1), 3(2)(v) & (xiv) and 3(3) of the Environment (Protection) Act, 1986.

3. That the above notification of Zeilad Wildlife Sanctuary of 21 square kilometres comprises 4 villages namely, (i) Zeiladjang, (ii) Makuai (Atengba), (iii) Tajijang and (iv) Tongtao is in violation of the procedures established under the WLPA as outlined below:
   a. The entire area with the villages mentioned above have been in existence since time immemorial and are recognized by the Government of Manipur as revenue villages;
b. The entire area of the sanctuary are lands held by the communities residing in the area under their control subject to their customary laws and institutions, and recognised as such by the government and therefore not under the purview of any other laws;

c. No reserved or protected forests have been notified under the Indian Forest Act 1927 and as such the area is not under the control of the Forest Department;

d. The entire area of the above mentioned villages were arbitrarily declared as Zeilad Wildlife Sanctuary vide Notification No. 60/2/95, dated the 24th April, 1997 violating all the provisions of the WLPA whereby “any area other than an area comprised within any reserve forest or the territorial waters” (Sec.18 of WLPA(A), the three step process has to be followed to notify a Wildlife Sanctuary, namely (i) State government issues the notification of intention vide Sec.18 of WLPA on which the District Collector is to “inquire into, and determine, the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary” (Sec.19 of WLPA); (ii) within a period of sixty days the District Collector is to "publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation— (a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and (b) requiring any person, claiming any right mentioned in section 19, to prefer before the Collector, within two months from the date of such proclamation, a written claim in the prescribed form, specifying the nature and extent of such right with necessary details and the amount and particulars of compensation, if any, claimed in respect thereof” (Section 21 of WLPA), conduct inquiry (Section 22 of WLPA), acquire the rights if required (Section 24 & 25 of WLPA) within a period of 2 years from after issue of notice of intent vide Section 18, and (iii) issued the final notification of the Sanctuary under Section 26A. It is hereby confirmed that no notice of intent under Sec.18 was issued, no inquiry was made by the District Collector as required under Sec.19, no proclamation was made by the District Collector as required under Sec.21, no inquiry was conducted by the District Collector as required under Sec.22 nor rights acquired as required
under Sec.24 and 25 prior to the final notification of the Sanctuary on 24th April, 1997;

e. The final notification was issued without the knowledge of or obtaining the consent of the affected villagers, the villages and their Gram Sabhas;

f. The notice of intent under Sec.18 inviting objections was itself actually issued only after five months after the final notification on 24th April 1997 vide Notification No.55/14/97-FOR: dated 08 October 1997 published by Forest Department, Govt. of Manipur under Sub-Section 18 (Chapter IV-Protected Areas) of the Wildlife Protection Act, 1972 which was not published and made known to the general public as required by law;

g. Only after the lapse of 25 years of the final notification followed by notification of intent in 1997, on 31st August 2022 vide NO.DC(TML)11/315(WLS)97 did the District Collector of Tamenglong issue a notification under Section 19 of the Wild Life Protection Act 1972 “to determine rights, inquire into, and determine, the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the Zeilad Wildlife Sanctuary' calling for claims from interested persons within two months specifying the nature and extent of such rights with necessary details and the amount and particulars of compensation, if any, claimed in respect thereof”.

h. That for all these above facts, it is notified that the notification of Zeilad Wildlife Sanctuary was in complete violation of the procedures of WLPA;

i. In addition and importantly, even though the said area is not notified as forest under Indian Forest Act 1927 requiring abrogation / settlement of rights, and even if it were to fall within any other definition of ‘forest land’, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA), which overrides the both the Indian Forest Act 1927 and WLPA 1972, in Section 4(1) unambiguously states that ‘Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in’ the forest dwelling Scheduled Tribes and the other traditional forest dwellers in respect of all forest rights mentioned in section 3 of FRA. Therefore, all rights on any forest land, if any, in the said area of Zeilad Wildlife
Sanctuary and its Eco-Sensitive Zone as well if any, is already recognised and vested on the forest dwelling communities anyway.

j. The FRA is applicable in all respects without any legal doubt to ‘forest lands’ as defined in Section 2(d) of FRA viz. "'forest land' means land of any description falling within any forest area and includes unclassified forests, undermargated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks". FRA is therefore applicable as well to Zeilad Wild Sanctuary. Therefore, the said notification No.DC(TML)11/315(WLS)97 dated 31st August 2022 is in gross violation of FRA, an offense punishable with a fine of Rs.1000 under Section 7 of FRA for which the Gram Sabhas can issue a notice to the Chief Secretary of the Government of Manipur for initiating action against the concerned officer within 60 days under Section 8 of FRA, and also an act falling within the purview of Section 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended in 2016 which treats ‘interference with rights including rights over forest (as defined under Forest Rights Act) as an offence;

k. Hence, the determination and demarcation of the rights on forest lands by the habitation level Gram Sabhas, and issue of titles by the District Level Committee constituted under FRA and their entry into the Record of Rights of the revenue and forest departments are, on the contrary, a pre-requisite now to the notification of wildlife sanctuary. FRA implementation is yet to be completed in the said area;

4. That considering all the above facts, the act of notifying the said area as Zeilad Wildlife Sanctuary and the Zeilad Ecosensitive Zone, including the present attempt to deny our rights are illegal as the said areas are community lands under the purview of customary laws, not notified as ‘forests’ under any forest laws and no consent of any kind been granted by the concerned villages.

5. The notification of Zeilad Wildlife Sanctuary is illegal and therefore require to be withdrawn. By virtue of this illegality, the notification of Zeilad Wildlife Sanctuary Eco-Sensitive Zone too becomes invalid.
In the light of the above stated facts, we request you to initiate action to rectify all the illegalities to ensure the laws are upheld and justice is delivered at the earliest.

Yours Sincerely,

Copy to:

1. The Chief Secretary, Government of Manipur
2. The Secretary, Department of Environment & Forest
3. The District Collector, Tamenglong District