

**HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT**

No. PW/NHN/WA-I/FCA-11/2023-24- 5789
To

Dated:- 12/10/2023

The Divisional Forest Officer,
Nahan Forest Division,
District Sirmaur, Nahan.

Subject: Diversion of 7.565 hectare of forest land in favour of HPPWD for the construction of link road from Sainwala to Bogheria Jhameria Charuwala Katola kms. 0/0 to 11/500 kms within the jurisdiction of Nahan Forest Division Sirmaur, HP.

Reference: MOEF Shimla letter No. FC/HPC/06/175/2022 dated 29.11.2022.

Sir,

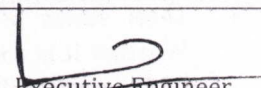
This is with reference to the letter quoted under reference on the above captioned subject cited matter. The FCA case was returned back with the observations as raised by the Forest Department. The reply of observations is as under:-

Sr. No.	Observations	Reply
1.	<p>From KML file it can be observed that the proposed alignment is overlapping existing roads at many locations, therefore it may be clarified whether these existing roads overlapping with the proposed roads has been constructed violating the provisions of FCA, 1980, although DFO in the SIR has clearly mentioned that user agency has not violated the provisions of FCA. If violations has been done than the clarifications/justification/documents on following points may be provided</p> <p>(i) The details of violation (year/area violated)</p> <p>(ii) The action taken report against the violators as per Para 1.21 (i) and or (ii) of FCA Guidelines may submitted/uploaded in the portal.</p> <p>(iii) Action taken by the State government against the officials concerned for not being able to prevent the use of forest land for non-forestry purpose without prior approval of Govt. of India.</p> <p>(iv) The Penal NPV calculation sheet may be submitted.</p>	<p>It is intimated that there exist various partially Katcha pedestrian path and C.C. paths to approach the villages Bogheria, Charuwala upto Katola which have been constructed by the concerned Panchayat in past in forest and non-forest land. The grades of this road (path) are very up steep and widths are quite narrow in the existing pedestrian path. As such this road is not suitable for plying of traffic as this road does not follow the guidelines as laid by the IRC/HPPWD specification. Only Cars and jeeps can utilise this road at their own risk. The proposed alignment is on the downstream side of the existing take off point of old Katcha road. Only partial width of the old katcha road has been taken in the alignment of the proposed road where the proposed alignment is overlapping the old katcha mule path. Since, PWD is not going to utilize this entire stretch of old katcha path due to its up steep gradient, neither any violation has been carried out by the PWD, as such there is no need of action taken against the violators as per Para 1.21(i) and or (ii) of FCA guidelines.</p> <p>As per the IRC/HPPWD specifications minimum 5/7 metres width for the road are required for plying of Buses and others vehicles. Hence, 6.00 metre average width has been taken in the proposal, so that the road could be passed by the road fitness committee.</p>
2.	<p>If violation of FCA, 1980 is not being reported/committed, documentary</p>	<p>There are no violations carried out by the user agency. At present, the existing katcha path has</p>

	evidence in the form of FCA approval granted for the overlapping roads with proposed roads may be provided.	been constructed by the inhabitations in past and same has been improved time to time by the villagers for plying of two wheelers only at their own risk, as shown in the Kml file.
3.	From KML file it can be clearly observed that all the beneficiary villages in the proposed project are already well connected with roads. Therefore, proper justification regarding necessity of more roads in an already well connected area, by diverting Reserve Forest land and felling of 639 trees may be provided.	The take-off point of the proposed road is at Village Sainwala and this road will finally terminate at Village Katola which shows the connected habitations. Village Sainwala and Katola located on the existing road Sainwala Burma Papri Kaulwala Bhood Road. The rest of the villages i.e. Bhogeria, Jhameria, Charuwala, and Jamanwala are not connected with the road facilities. Only existing mule katcha path leads to the proposed habitations at present.
4	Brief Note on the project is required to be submitted/uploaded.	Revised Brief Note on the project has been prepared and submitted online Named as "Revised Brief Note of the project" and uploaded in Parivesh Portal in additional information at Sr. No. 17 of Part-I.
5.	In Part-II para 5, the working plan prescription for the forest land proposed for diver has been mentioned as "Protection and Bambo(overlapping) working circle and protection cum Rehabilitation Circle". Further, Hon'ble supreme court in Writ petition No. 202 of 1995 T.N. Godaarman Thirumpulated vs. Union of India and others in its judgement vide Interlocutory application No. 3840 dated 11 March 2019 has ordered that there shall be no violation of the forest lands allotted to a protection working circle in any working plan under FRA and FCA. The state government may provide necessary comments regarding the same.	Action to be taken by the forest department.
6.	A large number of trees (639 individual) are going to be effected in the extent proposal. Therefore, the State Govt. shall explore all the possibilities to reduce the number of trees to be affected in the proposal. Accordingly the proposal may be reviewed and revised enumeration list of the trees may be submitted	The alternative alignment and possibilities to reduce the number of trees was carried out during the site visit by the undersigned with the official forest department. The emphasizes on alternatives route was done during the visit. Alternative Alignment No. 1 was sought by the worthy Forest Conservator during visit. The total length of the alternative alignment will be 8.500 Km, and entire length of the alternative road proposal will be passing through the private land, whereas the owners of the private land are not ready to gift their land in favour of PWD. Hence, the alternative road proposal is not feasible. Hence, existing proposed road is to

		be finalised for connecting the unconnected habitations which is unavoidable and shortest which covering lesser felling of trees as well as forest land.
7.	As large number of trees are going to be affected and the proposed road being on hilly terrain. Accelerated soil erosion during and after construction period will be inevitable. Also in Part II, para 6, it has been submitted that the area is severely vulnerable to soil erosion. Therefore, the State Govt. may provide soil Moisture conservation Plan (SMCP) as per recent guidelines of MoEFCC letter dated 7 th June, 2022.	The provisions for accelerated soil erosion during and after construction have been taken in the detailed project report (DPR). The Breast Walls as well as Retaining Walls in Cement Concrete and boulder apron have been proposed at various RDs in the proposed road to protect the hilly terrain and soil erosion along the road alignment. An undertaking has been placed in the proposal folder regarding SMCP as per the recent guidelines of MoEFCC letter No. 7 th June, 2022. Supporting documents has been uploaded named as " SMCP Undertaking " and uploaded in Parivesh Portal in additional information at Sr. No. 22 of Part-I.
8.	Separate enumeration list of trees standing at dumping sites is required	Action to be taken by the forest department.
9.	A total of 639 trees are going to be effected in the proposal, however in Part-II the density of vegetation has been mentioned 0.1 only. Therefore, density figure may be reviewed and rectified, if required.	Action to be taken by the forest department
10.	NoC/Sale deed/Gift deeds for non-forest land acquired from private individuals are required to be submitted.	The entire length of the proposed road has been considered in forest land due to its land status " Jungle-Jhari ". Hence, there is no need of NOC/Sale deed/Gift deeds in this regard.
11.	As per DSS report, the area of CA land is 13.04 ha instead of 15.13 ha. Therefore, the kml file may be revised	Action to be taken by the forest department
12.	AS per DSS report, the proposed CA site is covering 1 Hect. Moderately Dence Forest (MDF). Therefore, CA site may be revised to avoid the MDF.	Action to be taken by the forest department
13.	Legal status of proposed CA land. Whether it is a forest land as per IFA 1927 under the control of state government shall be clarified.	Action to be taken by the forest department
14.	The amount of NPV shall be rounded off to nearest digit of point decimal.	Action to be taken by the forest department
15.	In Muck Management plan the calculation of muck to be generated is required to reviewed and rectified.	The revised Muck Management plan has been prepared and uploaded in Addl. Information named as " Revised Muck Management Plan " and uploaded in Parivesh Portal in additional information at Sr. No. 20 of Part-I.
16.	All the dumping has been proposed in forest land. Therefore, the State Govt.	In this regard, it is intimated that there exists shamlat land and private land in the proposed

	may explore non-forest land for muck dumping site.	road alignment. 3 Nos dumping sites have been proposed in the non-forest land i.e. Shamlat/Private land, but due to the land kism/status as "Jungle-Jhari" which attracts the FCA, 1980. Hence, there is no escape to use the forest land(jungle-jhari) for the dumping site.
17.	Undertaking to submit the FRA certificates along with all annexures of FRC and Gram Sabha before Stage-II is required to be submitted	Needful has been done. All Annexure related to FRA certificate along with NOC of VLC shall be submitted before final approval. An undertaking in respect of FRA certificates been placed in the proposal folder named as "FRA Undertaking" and uploaded in Parivesh Portal in additional information at Sr. No. 16 of Part-I.
18	From KML it can be observed that the proposed alignment of the road is crossing a river. However no bridge component has been included in the component wise breakup and layout plan. The same is required to be included in component wise breakup and layout plan.	There is a proposal for construction of 27.60 meter span bridge on the proposed alignment at RD 8/616. The width of the proposed road will be 6 metres, covering 0.01656hectare which has been included in online component wise breakup.
19.	Administrative Approval of the proposed project is required to be submitted.	The DPR for the cost of 1054.75 lakhs has been sent to the Planning Department for approval, as and when Stage-I Approval will be received, the Administrative approval will be conveyed before stage-II approval of FCA.
20	Since the proposed diversion area is more than 5 hectare, therefore SIR of CF may be also be provided.	Site Inspection Report is to be provided by the CF Nahan.
21	Since the proposed diversion area is more than 5 hectare, therefore Cost Benefit Analysis may also be provided	The Cost Benefit Analysis has been prepared and uploaded in the appropriate column named as "Revised Cost of benefits" and uploaded in Parivesh Portal in additional information at Sr. No. 18 of Part-I.
22	Chain-age wise length and width of road in forest and non-forest land and dumping site is a tabulated form may be provided/uploaded	Chain-age wise length and width of the road has been prepared including mentioning the dumping sites and uploaded named as "Area Details" and uploaded in Parivesh Portal in additional information at Sr. No. 8 of Part-I.


 Executive Engineer
 B & R Division
 HPPWD Nahan