

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

No. PW/NHN/CB/WA/I/FCA-11/2024-25- 8415

Dated: 21/11/2024

To

✓ The Divisional Forest Officer,
Nahan, District Sirmaur (H.P.).

Subject:-

Diversion of 5.828 ha of forest land in favour of HPPWD for the construction of link road from Jabbal ka bag, Kandiawala, Kharkon road (kms. 0/00 to 12/255), within the jurisdiction of Nahan Forest Division, District Sirmaur, H.P.

Online proposal no:- FP/HP/ROAD/140946/2021

Reference:

Online EDS from Nodal Officer, Shimla dated 06.11.2024.

Sir,

This is with reference to your online EDS quoted under reference on the above subject cited matter. In this regard, your kind attention is invited on the points, which is as under:-

| Sl. No. | Observations | Reply |
|---------|---|---|
| 1. | The reply of observation No. 1 is incomplete, the reply is silent about the detail of violation as asked by Gol vide letter dated 5-12-2022, necessary comments/ detail of violation may be provided. | Observation No. 1 forwarding letter has been uploaded PARIVESH portal in additional information in Part -I at Sl. No 24 and attached as Annexure 1 . As per the letter no. 1/11870/2022 dated 05.12.2022 from IRO Shimla, no violation has been done so far. Also, no violation was reported in the Site inspection report duly signed by DFO Nahan and CF, Nahan on dated 09.04.2021. Same has been uploaded in Parivesh Portal at Sl. No 33 and attached as Annexure 2 . |

You are requested to kindly scrutinize the documents for further process.

Executive Engineer
B & R Division
HPPWD Nahan

**HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT**

No. PW/NHN/WA-I/FCA-13/2023-24- 6921

Dated:- 20/11/23

To

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

**Subject: - Diversion of 5.828 Hectare of forest land in favour of HPPWD for construction of link road from Jabbal Ka Bag Kaindiawala Kharkon Road Km 0/00 to 12/255, with the jurisdiction of Nahan Forest Division, Distt. Sirmaur HP.
(Online Proposal No. FP/HP/140946/2017)**

Reference: MOEF Shimla letter No. FC/HPC/06/172/2022 dated 05.12.2022.

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 |
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| 1. | State Govt. may upload the forwarding letter of proposal submitted to IRO, Shimla in PARIVESH portal. | Action is to be taken by the forest department. |
| 2. | <p>KML file revealed that the some part of the road has already been constructed, without prior approval of the Govt. of India. However, no violation is mentioned in sight Inspection Report and joint Inspection Report. Therefore, in view of above following clarification/justification may be provided:</p> <p>(i) 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>(ii) 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>(iii) State Govt. May provide the present status of the violation</p> | <p>The wrong KML file was erroneously uploaded earlier on the PARIVESH portal. Now, the fresh and final KML file has been uploaded. The FCA proposal is in 2 No. patches due to the geographical condition as well as existing road approaches. The proposed road proposal will take off from existing Road Nahan Gadda at RD 0/500. The proposed road will connect the habitation Gadpela and Amaraiyon at RD 4/120 and terminates at existing road Sainwala Burma Papri Road at RD 7/745. The Jabbal ka Bag Kaindiawala Kharkon road will once again take off from the existing road Sainwala Burma Papri Road at RD 8/925 which start at Sainwala and finally terminates at village Kharkon at Km 12/255. The Revised Digital map, KML file and toposheet have been uploaded in appropriate column. The total length of proposed alignment is 12.255 Km with average width of 6.00 meter. The road alignment passes through forest and private land. The</p> |

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| | <p>whether the work is continuing or halted.</p> <p>(iv) The column/ table in Part-II, Para-11 may be also be filed</p> <p>(v) Length and width of the existing road may be provided.</p> <p>(vi) The Penal NPV calculation sheet/ bills as per revised NPV rate by MoEF&CC dated 06.01.2023 may be provided.</p> | <p>portion from Km 0/0 to 3/200, 3/735 to 4/650, 9/465 to 12/255 will be passing through forest land and portion from Km 3/200 to 3/735, 4/650 to 9/465 will pass through private land. Total 3 No. dumping sites have selected. Excavated earth will be dumped on valley side at RD. 2/105 to 2/175 & 10/465 to 10/530 in forest land which includes 1.685 Hectare additional area of forest land. Total forest 5.828 Hectare area are required for construction of this project. 1 No. dumping site has been proposed in the private land at RD. 6/810 to 6/880 which includes 0.91 hectare additional land. Thus, total land 9.948 hectare will be required for road construction project. Hence total land will be required for this project is 7.565 Hectare. Hence, total land will be required for this project is 9.948 hectare.</p> <p>Revised KML File has been uploaded in Column C of Part-I.</p> <p>Revised Digital Map has been uploaded in additional information at Sr. No. 26 of Part-I.</p> <p>Revised topotsheet has been uploaded in additional information at Sr. No. 25 of Part-I.</p> |
| 3. | State Govt. may provide the fresh Site inspection report and joint inspection report. | NA |
| 4. | As per the KML file and Part-II, Para-6 (vulnerability of the forest area to erosion: Moderate to Severe), the diversion area is prone to erosion. There, State Govt. may provide details of the mitigation measures to be adopted to arrest the accelerated soil erosion/ land slide during/ after execution of project. Additionally, the State Govt. may submit Soil and Moisture conservation plan. | Action is to be taken by the forest department. |
| 5. | Undertaking regarding, the FRA Certificate has been provided. There, all prescribed annexure including records of all consultations & meeting with Gram Sabha(s) & FRC(s) of all the | <p>Needful has been done. An undertaking in respect of FRA certificates along with annexure submission of FRC and Gram Sabha has been placed in the proposal folder.</p> <p>FRA Undertaking has been uploaded in</p> |

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| | concerned villages may be provided before Stage-II approval. | additional information at Sr. No. 22 of Part-I. |
| 6. | The Private land (non-forest) is also included in the proposal. Therefore, consent of the private land owners by way of sale/Gift deed/NOC or any other form is also required to be uploaded. | After FCA clearance, the Private land owners have agreed to gift their land in favour of HPPWD for this road project. NOC in this regard has been given by the land owners. NOC of private landowners has been uploaded in additional information at Sr. No. 23 of Part-I. |
| 7. | Out of three, one Muck dumping site is proposed in forest land. The suitable non-forest land/private land may be explored for disposal of muck. State Govt. may also provide the list of standing trees in the dumping sites, if it is in forest land. | Two dumping sites have been proposed in the forest area due to unavoidable circumstances and involved minimum area. The private land owners are not ready to allow dumped the muck into their agriculture land. Only 1 dumping site has proposed in the non-forest land. |
| 8. | It has been observed from KML file that the dumping sites 2&3 are in sloppy terrain from where debris can be easily rolled down into downhill side (Agriculture field and in the Nallah/stream). There, the state Govt. Submit mitigation measures to be adopted, so that debris could not be rolled down into the downhill side (Agriculture field and in the Nallah/stream) | The dumping sites has been selected with care to nil damages to agriculturists as well as to save the exists vegetation in forest. Revised KML File has been uploaded in Column C of Part-I. |
| 9. | As per the DSS analysis, the proposed DA is found to violate hydrological Layer Rule; Also, the proposed DA is 5.828 ha. While the calculated DA is 3.58 ha. Therefore, State Govt. May review rectify the same. | Needful has been done. Revised KML File has been uploaded in Column C of Part-I. |
| 10. | Layout Plan and KML file showing the all component (forest land/ Non-forest/ Violated part/ Non-violated part) with distinct colours duly authenticated by the concerned DFO is required to be submitted and the same shall be uploaded on the PARIVESH portal as well. | Needful has been done. The Layout plan has been prepared which shows all the component (forest land/ Non forest land) duly authenticated by the DFO. Layout plan showing Forest and Non-Forest land has been uploaded in additional information at Sr. No. 24 of Part-I. |
| 11 | Layout plan showing chain-age wise length and width of forest and non-forest land may be provided. | Needful has been done. The Layout plan showing chain-age wise length and width of forest and non-forest land has uploaded |

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| | | in Addl. Information. Layout plan has been uploaded in additional information at Sr. No. 21 of Part-I. |
| 12 | In part-II, para-2, the legal status of the diversion area is mentioned as "Reserve Forest" There, state Govt. may give proper justification for the requirement of construction of the proposed road in the Reserve Forest. | Action is to be taken by the forest department. |
| 13 | 326 number No. of ecologically and economically important trees of are proposed for felling. There, possibility of reducing the number of trees to be affected may be explored or rationalisation to be done in the layout of the proposal to reduce green felling. Further, a list of tree which are required to be felled and retained may be provided. | Total length of the road is 12.555 Km. which passes through the forest and private land. The shortest and economically route has been finalized to connect the unconnected habitation of the Nahan town. The alternative routes also were explored, but not found feasible due to more involvement of trees as well as forest land. |
| 14 | In part, Para-8(i) detail of wildlife is mentioned as "Nil" therefore, State Govt. may justify the same. | Needful has been done. The distance certificate has been uploaded in Addl. Information. Same had already been uploaded in additional information at Sr. No. 7 of Part-I. |
| 15 | Abstract of the trees with Khasra No. Details of needs to be uploaded on the PARIVESH portal duly authenticated by DFO concerned. | Action to be taken by the forest department. |
| 16 | Details of beneficiary village with Village Code, Population status is required to be uploaded on the PARIVESH portal. | Village benefits with this proposed road construction has been uploaded in Addl. Information. Revised KML File has been uploaded in Column C of Part-I. |
| 17 | The project approval document issued by the Competent authority may be provided. | Needful has been done. Copy of sanction received from the Engineer-in-Chief, HPPWD Shimla vide letter dated 28.08.2023 for Rs. 819.00 Lakh has been uploaded in Addl. Information column. Same has been uploaded in additional information at Sr. No. 28 of Part-I. |
| 18 | The NPV calculations sheet/bills as per revised NPV rates by MoEF & CC dated 06.01.2022 may be provided. | Action is to be taken by the forest department. |

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| 19 | <p>Clarification/justification regarding the CA area may be provided :</p> <p>(i) As per DSS analysis, the proposed area for CA is found to touch a patch of Moderately Dense forest towards North-West. There, state Govt. May review the same.</p> <p>(ii) Comprehensive CA scheme with 10 year maintenance is require to be submitted as per Para-2.8(ii), of FCA guidelines.</p> <p>(iii) State Govt. May submit document regarding the suitability of land for CA in lieu of forest land proposed for division in terms of its vicinity to the area being proposed for DA and/or contiguity with the existing forest area and also ensure the manageability as per the latest guidelines of MoEF & CC vide letter No. 11-423/2011-FC dated 13.07.2022.</p> | Action is to be taken by the forest department. |
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 Executive Engineer
 B & R Division
 HPPWD Nahan

Full Title of the Project: diversion of 5.828 hectare of forest land in favour of HPPWD for the construction of link road from Jabbal ka Bag Kaindiwala Kharkon Km 0/0 to 12/255 within the jurisdiction of Nahan Forest Division Sirmour , H.P.

File No.: **FP/HP/ROAD/140946/2021**

Date of Proposal: **09.04.2021**

CHECK LIST SERIAL NUMBER: 16 (a)
SITE INSPECTION REPORT NOT BELOW THE RANK OF DCF/DFO
(For the Forest land to be diverted under FCA)

1. A proposal has been received by this office from Executive Engineer, HPPWD Division Nahan for diversion of 5.828 hectare of forest land in favour of HPPWD for the construction of link road from Jabbal ka Bag Kaindiwala Kharkon Km 0/0 to 12/255 within the jurisdiction of Nahan Forest Division Sirmour , H.P. The site inspection of the land involved in the proposal has been done by me on dated **04.08.2023**. On inspection of the site, it is found that the land required by the user agency is a Forest area measuring **5.828 ha**.
2. The requirement of forest land as proposed by the user agency in Col. 2 of part-I is unavoidable and is barest minimum required for the project.
3. There are no rare/ endangered/ unique species of flora and fauna found in the area. If so, the details there of.
4. Whether any protected archaeological/ heritage site/defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.-No
5. **(a) The user agency has not violated the provisions of Forest (Conservation) Act, 1980 and no work has been started without proper sanction.**
~~(b) It has been found that the user agency has violated the Forest (Conservation) Act, 1980 Indian Forest Act, 1927 / any other forest Act. A detailed report as per para 1.9 of Chapter 1, Part C of Hand book of Forest (Conservation) Act, 1980 is attached).~~

(Note: Whichever of the above is applicable should be shown in bold letters)

Specific recommendation for acceptance or otherwise of the proposal- **Recommended**



Rajinder Singh
Forest Range Officer
Nahan/ Trilokpur Ranges
Nahan Forest Division.

Sourabh, IFS
DFO Nahan
Nahan Forest Division
Distt. Sirmour H.P.



Vasanta Kiran Babu, IFS
Conservator of Forests
Nahan Forest Circle Nahan
Distt. Sirmour H.P.



Place : **Nahan.**

Date: **08.09.2023.**

Joint Inspection Report

On dated **27.02.2018** joint inspection team comprising of following officers of P.W.D. department and Forest department inspected the proposed alignment for obstruction of link road Jabbal Ka Bag Kaindiawala Kharkon Road km. 0/0 to 12/255. The alignment was seen with view to minimize the involvement of forest land and also to minimize the adverse environment affect due the construction of road.

Out of two alignments, alignment No 1 has been found suitable whereas alignment No. 2 as shown in map have been rejected on the following grounds.

Alignment No. 2

The length of alignment no. 2 is 13.500 kms and its gradient is very steep at some locations. It involves more forest area, more trees as compared to alignment No. 1 Hence alignment No.2 is rejected.

Alignment No. 1.

The alignment No. 1 passes through reserve forest compartment No.C-3,R.F. Jabbal Ka Bag of Nahan Range and C-2 of R.F. Trilokpur of Trilokpur Block of Nahan division.. The total length of proposed alignment is 12.255 kms with average width of 6.00 meter. The road alignment passes through forest and private land. The portion from km. 0/0 to 3/200, 3/735 to 4/650, 9/465 to 12/255 will be passes through forest land and portion from km. 3/200 to 3/735, 4/650 to 9/465 will passes through private land. Total 3 Nos dumping sites have selected. Excavated earth will be dumped on valley side at RD. 2/105 to 2/175 & 10/465 to 10/530 in forest land which includes 1.685 Hectare addl. Area of forest land. Total forest 5.828 hecatre area are required for construction of this project. 1 No dumping has been proposed in the private land at RD. 6/810 to 6/880 which includes 0.91 hectare addl. Land. Thus, Total land 9.948 hectare will be required for road construction project.

Hence total land will be required for this project is 9.948 hectare.

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| a. Forest land including dumping site land | = 5.828 hectare |
| b. Private land i/c dumping site | = <u>4.12 hectare</u> |
| Total land | = 9.948 hectare. |


The involvement of forest land is unavoidable as whatever the alternative alignment is feasible that passes through forest land. Thus making it inescapable to involve forest land. The said final alignment identified at site by the PWD department is final and is not likely to be changed at any point of kind. The proposal for construction is aligned in such a way so that there is least possibility of ecological imbalance including soil erosion.

The joint inspection team has come to conclusion that the proposed alignment No. 1 whose length is less as compare to the alignment No. 2 and involves less forest area and trees as well as has easy gradient as compare to the alignment No. 2 has been finalized for the Jabbal Ka Bag Kaindiawala Kharkon Road km. 0/0 to 12/255.

The case has to be moved under section 2 of FCA 1980 before starting this project.

Divisional Forest Officer
Nahan Division


Assistant Engineer
Nahan Sub Division
HPPWD, Nahan


Executive Engineer
Nahan Division
HP.PWD, Nahan