

No. 3023
H.P. Forest Department.

Dated Nahan, the 23/11/22

From: DFO Nahan.

To: Conservator of Forests,
Nahan Circle, Nahan.

Subject:

Diversion of 0.327 ha of forest land in favour of HPPWD for
The construction of link Road from Village Bhogpur Simbalwala
Km.0/0 to 3/440 (portion 1/730 to 2/120 and 3/285 to 3/440
i.e. 0.545 kms with in the Jurisdiction of Nahan Forest Division
Distt. Sirmour. H.P.

Memo:

Kindly refer to Regional office Shimla file No. FC/HPB/ 06/29/ 2021
dated 11.04.2022 on the subject cited above

In this regard, vide above memo referred to point wise reply of
observations is give as under:-

S.N.	Query	Reply
1.	In the Site Inspection report it has been submitted the proposed road has violated the FCA guidelines. As such following clarification/justification may be provided:-	
i	The Action Taken Report against the violators as per Para 1.21 (i) and (ii) of FCA Guidelines may be uploaded in the portal.	Needful has been done by this office. The action taken is in the form of financial implication of revised Penal NPV has been calculated as per guideline of Ministry of Environment, Forests and Climate Change new Delhi letter No. 11-42/2017-Fc dated 29.01-2018 maximum up to five time of NPV plus 12% simple interest. The revised Penal NPV has been calculated as per joint Inspection report violation starred since 1990 to till date upto 31.12.2021 for 31 years with the simple interest @ 12%. (Copy enclosed).is enclosed. Annexure-I
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.	The road from Bhogpur Simbalwala km.0/0 to 3/440 (portion 1/730 to 2/120 and 3/285 to 3.440) was already constructed. The work was started during year 1977 as a footpath track by the Gram Panchayat. The road construction was initially started by the Gram Panchayat in the year 1990 probably in a length of nearly 200 mtrs. & later its formation cutting was completed by the HPPWD during 2001-2002. This case has been listed in approval to cases of construction of road in compliance of directions passed by the Hon'ble High Court H.P. on 08.08.2013 and 05.09.2013 in CWP No. 5600 of 2012 a/w CWP No. 9797/2012 and COPC no. 56/2009. Also Hon'ble High Court of H.P. has given the orders to regularize 2183 roads including this road which have already been constructed in

		Division given by HPPWD to Hon'ble High Court of Himachal Pradesh constructed in violation of FCA, 1980 highlighting the Sr. No.412 and name of the road of the extant proposal is attached as Annexure 2. A committee has been formed by the Govt. of Himachal Pradesh as per the notification vide letter no. FFE-B-F-(3)-31/2012 dated 24-10-2013 as instructed by the Hon'ble High Court of H.P. The joint inspection was done by the committee on dated 02-11-2015. The joint inspection report is attached as Annexure 3. An appropriate amount calculated by the Forest department will be paid by the user agency as a penal action for violation.
2.	The clarification/documents regarding the following may also be provided:	
i	Complete legible list of 2183 roads provided by HPPWD to Hon'ble High Court of Himachal Pradesh constructed in violation of FCA, 1980 highlighting the Sr. no. and name of the road of the extant proposal.	The complete list of roads in Nahan Division given by HPPWD to Hon'ble High Court of Himachal Pradesh constructed in violation of FCA, 1980 highlighting the Sr. No.412 and name of the road of the extant proposal is attached as Annexure 2 .
ii	Copies of orders of the Hon'ble High Court of H.P. which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provisions of FCA, 1980.	1. The Case no. CWP No. 5600 of 2012 was listed in Hon'ble High Court of H.P. on 08.08.2013 in which Hon'ble High Court of H.P. ordered that "joint meeting to be held between the officials of the concerned departments and Authorities, broad guidelines will be worked out on the basis of which the plan can be taken forward. 2. The "joint meeting was held on 19th August, 2013, in the office of Conservator of Forests (Central), Government of India, Chandigarh" in which it was decided to constitute the committees to carry out the inspection of the roads in accordance with the guidelines worked out in the joint meeting between the officials of Govt. of HP and MoEF&CC, Gol. 3. A committee has been constituted vide Govt. of Himachal Pradesh Department of Forest notification no. FFE-B-F-(3)-31/2012 dated 24.10.2013 in respect of Link road to village Bhogpur Simbhawala on dated 02.11.2015. 4. The case (CWPIIL No. 91 of 2017) was listed in Hon'ble High Court of H.P. on dated 16.11.2017 in which it was clearly mentioned that approximately 2183 roads have been constructed in the State of Himachal Pradesh in violation of the Forest Conservation Act, which is a large number and cannot be overlooked and in

		CWP No. 5600 of 2012 and COPC no. 56 of 2009, wherein, directions were issued to the State of Himachal Pradesh as well as Ministry of Environment and Forests, Government of India, for inspection of such roads by Committees and thereafter to report the matter to the Northern Regional Officer, Ministry of Environment and Forests, Chandigarh, for consideration of proposal for approval.
3.	The aerial distance of the project from Kalesar WLS has been provided. However, the exact aerial distance of the proposed project from notified or proposed ESZ of Kalesar WLS from competent authority may also be provided.	Needful has been done by this office. The exact aerial distance of the proposed project from Kalesar WLS is 22.09 km. Annexure 4.
4.	FRA Certificate has been submitted. However, the records and annexures of consultations and proceedings of FRC and Gram Sabha of all the concerned villages are required to be submitted before Stage-II.	The FRA Certificate with all the records and annexure of consultations and proceedings of FRC and Gram Sabha of all the concerned villages are already been submitted with the proposal folders. However photocopy of the same enclosed. Annexure 5.

This is for favour of kind information and further necessary action at your end please.

Encl.:- As Above

Sourabh
Divisional Forest Officer,
Nahan Forest Division, Nahan