

File No: 19-156/2009-ROC

Dated: August 19, 2013

Proceedings of the Joint Meeting held on August 19, 2013 at 1100 hours with the officers of the Government of Himachal Pradesh in the Office of Additional Principal Chief Conservator of Forests (Central), Northern Regional Office, Ministry of Environment and Forests, Government of India, Chandigarh in pursuance of the directions of the Hon'ble High Court of Himachal Pradesh in CWP No. 5600 of 2012 dated August 8, 2013

The following officers were present:

S.No	Name of the Officer and Designation
1.	A K Goyal, Additional Principal Chief Conservator of Forests, MOEF, NRO, Chandigarh
2.	Narinder Chauhan IAS Principal Secretary, HP PWD
3.	Sh. Ajay Kumar, Additional Principal Chief Conservator of Forests and Nodal Officer, HP Forest Department, Shimla
4.	M.S. Thakur, Chief Engineer, PMGSY
5.	Sh. Ishwar Singh, Conservator of Forests (Central), MOEF, NRO, Chandigarh

The Hon'ble High Court of Himachal Pradesh while hearing the CWP No. 5600/2012 titled "*Sh Manoj Kumar, S/o Shri Shiv Charan v/s UOI and others*" ordered that keeping in view urgency of construction of roads for the larger public interest, as proposed by the Advocate General of Himachal Pradesh, a joint meeting of the officials of Government of Himachal Pradesh and the Ministry of Environment and Forests will be held in the office of Additional Principal Chief Conservator of Forests, Ministry of Environment and Forests, Northern Regional Office (NRO), Chandigarh on August 19, 2013 at 1100 hours to work out broad guidelines for processing of proposals to be submitted by the Government of Himachal Pradesh. The next date of hearing of the case has been fixed on September 05, 2013.

2 After detailed discussions, the following was agreed to:

- i. The State Government would provide the list of 841 roads (along with name of the road, starting from to, length, present status whether completed or still work to be undertaken, GPS coordinates at strategic points) mentioned in the order immediately after next hearing of the case or as directed by the hon'ble court. The state Government will also clarify whether 116 roads as mentioned in the order of the hon'ble High Court dated August 28, 2009 and list of 55 roads filed in an affidavit by the MoEF in COPC No. 56 of 2009 have been included in this list of 841 roads;
- ii. In view of the judgment of the hon'ble High Court dated August 8, 2013 wherein the order of the hon'ble High Court in CMP 56/2009 dated 28 August 2009 has been kept in abeyance, inspections of the proposed alignment of the roads/roads already constructed would not be mandatory for consideration of the proposals by the Ministry of Environment and Forests;
- iii. In these cases of violation of the provisions of Forest (Conservation) Act, 1980, penal compensatory afforestation costs will be levied as considered appropriate (depending on the extent and gravity of violations like area broken, number of trees felled, method of

disposal of tree produce and the muck generated and other harm caused to ecology of area, etc.) by the Ministry on case-to-case basis;



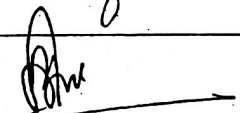
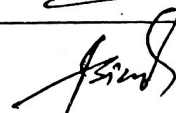
- iv. In addition to the penal compensatory afforestation, other conditions as considered appropriate by the Ministry including measures to arrest landslides and stabilize loose soil/rocks along the roads would be imposed for ensuring maintenance of ecological balance on case-to-case basis;
- v. The proposals in which no further construction work is to be undertaken will be inspected by a Committee comprising of the concerned District Officer, Executive Engineer and an officer from the office of the District Collector (not below the rank of SDM) which will give a detailed report on the violation and measures required, if any, for strengthening the ecology of the adjoining areas;
- vi. The proposals which would require additional works to be undertaken (including widening, extension of length, metalling, tarring, etc.,) will be inspected by a Committee comprising of the concerned Conservator of Forests/CCF, Superintending Engineer, Divisional Forest Officer, Executive Engineer and an officer from the office of the District Collector (not below the rank of SDM) which will make a detailed report on the violations taken place, necessity of undertaking additional works including diversion of additional forest land and the measures required for strengthening the ecology of the adjoining areas;
- vii. During the field inspections by this Northern Regional Office of the MoEF, it was observed that the subordinate forest officials were not able to inspect the proposed roads properly because of infrastructural constraints. Hence, it is necessary to create a 'Monitoring Cell' in each of the nine territorial Circles which will be provided costs for engaging services of a four-wheeler (type to be decided by the CF) by the PWD to strengthen the inspection machinery for inspections of the activities proposed as well as during the execution so that no further violations take place;
- viii. To complete the legal formalities in accordance with the law for this magnitude of work, presently the NRO does not have adequate manpower. Hence the services of a legal officer and a data entry operator will be provided to the NRO, Chandigarh at the cost of HP PWD. Costs in this regard will be realized by the State Forest Department along with the proposals and remitted to State CAMPA. The expenditure for hiring the services by the NRO will be made by the State Forest Department from the State CAMPA. The services of these persons will be discontinued once the above mentioned proposals are processed and disposed of. Similarly assistance of two data entry operators may also be provided to the office of the Nodal Officer, HP Forest Department to deal with this extra workload;
- ix. The PWD will ensure that adequate signage boards are displayed mentioning details of works taken up, date of starting and completion of works, etc.;
- x. The APCCF NRO, MoEF wanted to get the names, designations and complete addresses of the officers responsible for violation. However, the State Government officers had reservations on this mentioning that it would be demoralizing to the entire department

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and officers in service now and it would be extremely difficult to identify officers actually responsible in time and space and tenure. Principal Secretary, PWD pointed out that several employees have retired and alleged work was executed in good faith;

- xi. The State Government will submit the proposals based on priority and within a period of one year from now; and
- xii. The certificate from the District Collector in respect of settlement of rights under the Forest Rights Act, 2006 will be obtained and submitted in the new format circulated by the Ministry along with the proposal.

3. The above mentioned guidelines will be submitted to the hon'ble High Court by the State Government for further directions. The NRO, MoEF, Chandigarh will submit these guidelines to the MoEF for approval for submission as an affidavit in the hon'ble Court.

The meeting ended at 1300 hours.

1.	Narinder Chauhan IAS Principal Secretary, PWD, Government of HP	
2.	Sh. Ajay Kumar, APCCF and Nodal Officer, HP Forest Department, Shimla	
3.	M S Thakur, Chief Engineer, PMGYS	
4.	Sh. Ishwar Singh, Conservator of Forests (Central)	
5.	A K Goyal, APCCF, MOEF, NRO, Chandigarh	