



No. FCA/ 2535 /
H.P. Forest Department

Dated Chamba, the 28/7/23

From:-DCF Chamba

To:-CF (T) Chamba

Subject:-

Diversion of 1.8810 Ha. Of Forest Land in favour of HPPWD for the construction of Link road Gatti Ghar (Pukhri) to village Saluin Km. 0/0 to 3/338 within the jurisdiction of Chamba Forest Division

Memo.

Kindly refer to IRO office letter No. FC/HPB/06/147/2022 dated 18-10-

2022 on the subject cited above.

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The point wise reply to the observations on the subject as raised vide letter

under reference is submitted as under:-

Sl	Observation	Reply
1	Part-I, A -3 (xvii), the name mentioned in the authorization letter does not match the details of the person making the application.	User agency submitted that , as per authority letter given by Engineer-in Chief HPPWD Shimla all the Executive Engineer are do here by authorized for seeking the prior approval of Central Government under FCA, 1980, so there is no need to match the details of the person making the application.
2	As per the Part -II, Para -5, Working Plan prescription for the part forest land proposed for diversion is 'Protection Working Circle'. Hon'ble Supreme Court in Writ Petition No 202/1995 T.N. Godavarman Thirumulpad 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 diversion of the forest lands allotted to a Protection Working Circle in any Working Plan under FRA and FCA...' Therefore, State Govt. may review the same.	As per the working plan of Sh. RC Bergaal (IFS) the forest land proposed for diversion is Protection cum re-habitation.
3	KML of the proposed site reveals that a road already exists connecting the village named 'TIKRI,' and the proposed alignment overlaps the existing path/road. However, as per the site Inspection Report, no violation has been reported by the concerned DFO. Therefore clarification/justification regarding the same may be provided:- i. A fresh Site Inspection report and Joint Inspection report for the instant proposal. ii. The date/year of violation may be provided. iii. The Action Taken Report against the violators as per Para 1.21 (i) and/ or (ii) of FCA Guidelines may be submitted/ uploaded in the portal. iv. 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 pri or approval of Govt. of India. v. Current Status of the violation, whether continuing or stopped	Frest Joint inspection report and Site inspection report of DCF Chamba has been uploaded in MoEF portal in Part-II and Enclosed herewith.
4	As per the DSS analysis, the Proposed DA is 1.881 ha however, the calculated area is 0.76 ha. Therefore, State Govt. may review the difference in the proposed DA area and calculated area, and accordingly, fresh KML may be uploaded under the appropriate column of the online portal.	Needful has been done by user agency.
5	Penal NPV calculation sheet is required to be submitted as per the revised rates by MoEF&CC dated 06.01.2022.	As submitted in reply of point NO. 3 in this proposal no violation , hence the penal NPV bill is not required in the instant Proposal.
6	As per the justification, the proposed road is being constructed for the motor link from Ghatti Ghar (Pukhri) to village Saluin. However, all the villages along the proposed alignment are already connected by the road. Therefore, State Govt. may provide justification for the proposed road; otherwise, the	User agency submitted that in reply of point No. 3 the road visible in the KML is a bridle path and no any connectivity of motor able road is existing for the propose village.

	proposal is liable to be rejected	
7	Administrative Approval of the project from the competent authority needs to be provided.	Needful has been done by user agency.
8	A fresh KML of the instant proposal may be provided in the polygon of the diversion area along the Forest and Non-Forest area in a distinct colour	Needful has been done by user agency.
9	The layout plan must include a legend and the proper dimensions of each component, such as Carriageway, Paved Shoulder, Earth Filling, Drain, and Protection Work, as well as an area-wise calculation. Furthermore, the forest land and non-forest land involved in the proposal must be represented in the layout plan with distinct colors and need to be duly authenticated by the concerned DFO may be provided.	Needful has been done by user agency.
10	The diversion area is in hilly terrain and large numbers of trees will be affected; hence soil erosion is inevitable. Therefore, The Soil Moisture Conservation Plan (SMC), along with its cost of implementation as per MoEF&CC dated 07.06.2022, may be provided/uploaded.	User agency upload the undertaking regarding to pay the cost of soil moisture Conservation plan in online portal.
11	NoC/Sale deed/Gift deeds for non-forest land acquired from private individuals are required to be submitted	Needful has been done by user agency.
12	Enumeration list, including the compartment no and along with the date of tree enumeration, which is duly authenticated by the concerned DFO, needs to be provided.	Needful has been done and uploaded in online portal. But the compartment no of Dhurigatti DPF is un-allotted.
13	Large numbers of trees are getting affected. State Govt. shall ensure retaining of trees which are proposed for felling. Therefore, possibility of reducing the number of trees to be affected may be explored or rationalization may be done in the layout of the proposal to reduce the green feeling, further list of trees which are required to be felled and retained (Not to be felled) may be provided.	User agency submitted that , in this proposal only 83 nos. of trees are enumerated for felling which are minimum considering all other possible alternative. Further, the maximum efforts to save the tree will be made during the construction of proposed road.
14	Muck Management Plan and Reclamation Plan needs to duly authenticate by the concerned DFO.	Needful has been done by user agency.
15	All the dumping sites are proposed on forest land. The state government shall explore non-forest land for the same. If a dumping site is necessarily required to be proposed in forest land, the area of forest land involved in muck dumping shall be reduced. Further, a separate enumeration list of trees for the dumping site may be provided.	User agency submitted to this office that, there is no trees in proposed dumping site . Further the maximum effort to explore the non-forest land for dumping purposes were made, but the local land holders having very less land which is very essential for their living hood and are not agreed to gift his land for dumping purposes.
16	State Govt. must ensure all existing water sources and drain within and adjacent to this site are free from interruption and contamination.	User agency submitted that necessary compliance for existing water sources and drains shall be ensured during the construction of road.
17	FRA certificate is provided. However, it has to be provided with all annexures and a copy of records of all the consultation and meetings of FRC(s) and Gram Sabha(s) of the concerned villages before Stage-II approval.	Needful has been done by user agency.
18	The Status of Proposed CA land may be provided, whether it is a Govt. Wasteland is declared as PF under HP Govt. notification, 1952, or it is notified as UPF/DPF under IFA 1927.	The status of proposed CA land was declared DPF vide HP Govt. notification No. Ft. 8-3/74-SF (Part-II) Dated 23-8-1976 and published to HP Rajpatra dated 11-12-1976.
19	In Part II, column – 14, the District profile and geographical area are incorrect. Needful may be done in this regard.	Needful has been done.

Hence the proposal is forwarded for favour of kind information and further necessary action at your end please.



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