

Detailed Note on violation of Provisions of IFA 1927 and action taken by the Forest Department so far:-

- As is evident from the detailed report on the project submitted by the then DFO Nalagarh in the proposal folder, the local residents exercised their rights of way for their agricultural activities, but after the declaration of BBN as special Industrial Zone, the industrial units were set up and also the vehicular traffic started to use these paths as the terrain is plain and with time it converted into the Kacha road.
- That there was consistent demand of local people and the industrialists for construction of road. The then Hon'ble Industry Minister during his visit to Nalagarh on 18.06.2014 also desired that this road should be constructed on priority basis, hence the then DFO has requested SDM Nalagarh vide letter No. 4781 dated 25/08/2015 to take up the matter with HP.PWD/BBNDA/Industry Department to prepare proposal under FCA 1980 for diversion of forest land for construction of this road for convenience of local people and to stop unauthorized use of forest land but no action was taken in this regard till 2018. During the year 2018 the BBNDA had submitted online FCA proposal No. FP/HP/Road/34897/2018 for diversion of land for construction of this road.
- During March, 2020 SDM Nalagarh vide letter No. 492-93 dated 16/03/2020 has forwarded a complaint made by local residents regarding bad condition of road from Guru Farm to village Bir Plassi with a request to metal the road. On receipt of complaint from SDM Nalagarh vide letter quoted above, the ACF Nalagarh was requested to enquire into the matter and it was revealed that this road was constructed in the year 2006-07 in PPP mode by HPSIDC, M/s Asian Cement Company, M/s AIMIL Pharmaceuticals, M/s Purna Pharmaceuticals, M/s Rupana Paper Mills. The relevant record was sought from Dy. Director Industries, SWCA, Baddi. Dy. Director Industries vide letter No. 1621 dated 02/12/2020 had submitted record confirming that the road was constructed and completed in April, 2008. The record of Divisional Office Nalagarh as well as Range Office Nalagarh was also traced to find out whether any correspondence was made regarding illegal construction of this road but no correspondence in this regard was found. The Divisional Office came to know about the incidence on 02/12/2020 and DFO Nalagarh immediately directed Range Forest Officer, Nalagarh to file complaint under section 32 & 33 of IFA, 1927 for violation of provisions of ibid Act, before Ld. Court of Civil Judge, Senior Division Nalagarh on 22/03/2021 against the erring officers/officials and the same has been registered as Case No. 01/2022 in the Court of law. This case is under trial now which has been verified by Range Forest Officer Nalagarh vide his office letter No. 313/N dated 04/08/2023 (Annexed as annexure-I). From the above fact it is clear that the cognizance of offence has been taken immediately as and when the offence came to the notice of this Department.

- From the perusal of record, it was noticed that the following staff was posted in Bir Plassi beat of Saini Majra Block of Nalagarh Range during the currency of work:-

Sr.No.	Year	Name of Officers/Officials	Remarks
1.	04/2006 to 05/2006	Shri Mahinder Singh Chandel, RFO	Transferred (Now retired)
2.	During 2006 to 30.11.2009	Shri Hem Raj, DR Block officer, Saini Majra	Retired on 30.11.2009 [Since deceased]
3.	During 2006 to 19.08.2009	Shri Gopal Chand, Fgd I/C Bir Plassi beat	Expired on 19.08.2009
4.	06/2006 to March 2009	Shri Jawahar Sarup Sharma, RFO	Retired on 30.11.2019

Show cause notice has been issued to the officer at Sr. No. 4 to explain his position as per enquiry report vide this office letter No. RK/ACL/1359 dated 30/04/2022.

- The Dy. Director of Industries was requested to identify such personnel of HPSIDC who were directly responsible for the violation vide this office letter No. RK/ACL/1357 dated 30/04/2022. The Dy. Director of Industries has supplied the list of staff posted at Division Office Baddi & H.O Shimla, who were involved in execution of the work during the year 2006-08 vide his office letter No. HPSIDC/EE-bdi/Gen./021-400 dated 07/06/2022.
- Recommendation regarding suitable action to be taken against the officers/officials of HPSIDC as per section 3B of Forest Conservation Act, 1980 in accordance with provisions of the Act was sent to CF Solan vide this e-office letter No. I/142713/2022 dated 29.06.2022.

It is further requested that the user agency may kindly be imposed Penal CA and Penal NPV keeping in view the damage caused by them to the Forest Land.


 Divisional Forest Officer,
 Nalagarh, Forest Division,
 Nalagarh, H.P.
 Nalagarh, Distt. Solan, (HP).

ANNEXURE - I

No 213/N

HP Forest Deptt.

Dated 04/8/2023

From : RO Nalagarh

To: DFO Nalagarh

Subject: - Complaint under sec. 32 & 33 of Indian Forest Act 1927 for Violation the Provisions of IBID Act.

Memo,

On above cited subject a complaint has been filed by this office against Direction Industries and others in the court of Ho'ble LD. Civil Judge Senior Division, Nalagarh Distt. Solan and court had registered this complaint for hearing Vide Case No. 1/2022 file No 40/3 of 2022 and is listed 17/08/2023.

R/K
4/8/23


Range Forest Officer
Nalagarh Forest Range