

I/11870/2022



सत्यमेव जयते

भारत सरकार/GOVERNMENT OF INDIA  
एकीकृत क्षेत्रीय कार्यालय  
Integrated Regional Office  
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest and Climate Change  
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Dated: 05.12.2022

सेवा में,

अतिरिक्त मुख्य सचिव (वन)  
हिमाचल प्रदेश सरकार,  
आर्म्सडेल बिल्डिंग, शिमला।  
(Email:- forestsecy-hp@nic.in)

**विषय: Diversion of 5.828 ha of forest land in favour of HPPWD for the construction of Link road from Jabbal ka Kaindiawala Kharkon road Kms. 0/00 to 12/255), within the jurisdiction of Nahar Forest Division Distt. Sirmour HP. (Online Proposal No. FP/HP/Road/140946/2017).**

**संदर्भ: Online Proposal No. FP/HP/ROAD/140946/2021 uploaded by State Government on dated 29.10.2022**

महोदय,

उपरोक्त विषय पर संदर्भित पत्र का आशय ग्रहण करते हुए सूचित करना है कि प्रस्ताव में निम्नलिखित कमियां पाई गयी है। अतः राज्य सरकार निम्न बिन्दुओं पर आवश्यक सूचनाएं प्रेषित करने का कष्ट करें, ताकि अग्रिम कार्यवाही सुनिश्चित की जा सके:-

1. State Govt. may upload the forwarding letter of proposal submitted to IRO, Shimla in PARIVESH portal.
2. 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 Join Inspection Report. Therefore, in view of above, following clarification/justification may be provided:-
  - 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.
  - 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.
  - iii. State Govt. may provide the present status of the violation whether the work is continuing or halted.
  - iv. The column/table in Part-II, Para-11 may also be filled up.
  - v. Length and width of the existing road may be provided.
  - vi. The penal NPV calculation sheet/bills as per revised NPV rate by MoEF & CC dated 06.01.2022 may be provided.
3. State Govt may provide the Fresh Sight Inspection Report and Join Inspection Report.
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. Therefore, 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 along with detail cost of its implementation as per MoEF & CC vide letter No. FC-11/43/2021-FC dated 07.06.2022.

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5. Undertaking regarding the FRA Certificate has been provided. Therefore, all prescribed annexures including records of all consultations & meetings with Gram Sabha (s) & FRC (s) of all the concerned villages may be provided before stage-II approval.
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.
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.
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). Therefore, the State Govt. may 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).
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.
10. Layout Plan and KML file showing all the components(Forest land/Non-forest land/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.
11. Layout plan showing chain-age wise length and width of forest and Non-forest land may be provided.
12. In part-II, para-2, the legal status of the Diversion area is mentioned as “Reserve Forest”. Therefore, State Govt. may give proper justification for the requirement of construction of the proposed road in the Reserve Forest.
13. 326 number no. of ecologically and economically important trees of are proposed for felling. Therefore, possibility of reducing the numbers 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 trees which are required to be felled and retained may be provided.
14. In part-I, para-8 (i), detail of wildlife is mentioned as “NIL”. Therefore, State Govt may justify the same.
15. Abstract of the trees with khasra no details needs to be uploaded on the PARIVESH portal duly authenticated by DFO concerned.
16. Details of beneficiary villages with village code, population status is required to be uploaded on the PARIVESH portal.
17. The project approval document issued by Competent Authority may be provided.
18. The NPV calculations sheet/bills as per revised NPV rates by MoEF & CC dated 06.01.2022 may be provided.
19. Clarification/justification regarding the CA area may be provided :-
  - (i) As per DSS analysis, the proposed area for CA is found to touch a patch of Moderately Dense Forest towards North-West. Therefore, State Govt may review the same
  - (ii) Comprehensive CA scheme with 10 year maintenance is required to be submitted as per Para-2.8 (ii), of FCA guidelines.
  - (iii) State Govt. may submit document regarding the suitability of land for CA in lieu of forest land proposed for diversion 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.

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As per the latest direction of the Ministry of Environment, Forest and Climate Change, Government of India vide File No. FC-7/43/2020-FC dated 22.03.2022, the proposals for use of forest land for non-forest purposes which includes violation of Forest (Conservation) Act, 1980 as specified in Para-1.21 (i) and (ii) will be examined at the level of Ministry after discussion in REC. Therefore, the State Government is requested to submit the reply to this office at the earliest.

यदि चाही गई सूचना पत्र जारी होने की तिथि के 60 दिनों के भीतर (अधिकतम 90 दिन) इस कार्यालय में प्राप्त नहीं हुई तो प्रस्ताव को निरस्त किया जा सकता है।

भवदीय,  
ह0/-  
(सत्य प्रकाश नेगी)  
क्षेत्रीय अधिकारी

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. नोडल अधिकारी-सह-अतिरिक्त प्रधान मुख्य अरण्यपाल (एफ.सी.ए.), हिमाचल प्रदेश सरकार, वन विभाग, टालैंड, शिमला (E-mail: [nodalcahp@yahoo.com](mailto:nodalcahp@yahoo.com)).
2. वन मण्डल अधिकारी, नाहन वन मण्डल, जिला-सिरमौर, हिमाचल प्रदेश (E-mail: [dfonah-hp@nic.in](mailto:dfonah-hp@nic.in)).