

I/11876/2022



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 1.8686 ha of forest land in favour of Technical Education, Vocational & Industrial Training H.P. Sundernagar, Distt. Mandi, H.P. for the construction of Govt. Polytechnical College Dalash, within the jurisdiction of Ani at Luhari Forest Division, Distt. Kullu, H.P. (Online Proposal No. FP/HP/Others/147489/2021).

संदर्भ: Online Proposal No. FP/HP/Others/147489/2021 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. The extant proposal is a non-site specific project. As per Para 1.15 of FCA guidelines and as well as recent directions from MoEF & CC letter dated 24.01.2022 has categorically instructed that non site specific activities cannot be considered on forest land as a rule. For that matter, no non-site specific proposal can be entertained for considered approval under FCA, 1980. Therefore, State Govt. may explore non-forest land (private land) for the project.
2. Since this is a non-site specific project, the State Government may explore the alternatives in non-forest land in more details.
3. Additionally, as per the Online Application Form-A, Part-II, Para-5, Working Plan prescription for the part of forest land proposed for diversion is mentioned as '**Since the Working Plan of Ani Forest Division has been expired on dated 31.03.2015 and as per new draft Working Plan, the area falls under Protection Working Circle.**'. Hon'ble Supreme Court in Writ Petition (Civil) No. 202 of 1995 T.N. Godavarman Thirumulpad Vs. Union of India and Others in its order in its Order in Interlocutory Application No. 3840 of 2014 dated 11 March 2019 has directed that '*... There shall be **no diversion** of the forest lands allotted to a Protection Working Circle in any Working Plan under FRA and FCA..*'.

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Therefore, the State Government must explore alternative sites for the extant proposal outside Protection Working Circle.

In view of the above, the instant proposal is not plausible to process at the IRO level in the absence of essential documents and necessary comments from the State Govt.

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,

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(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).
2. वन मण्डल अधिकारी, आनी वन मण्डल, जिला-कुल्लू, हिमाचल प्रदेश (E-mail: dfoani-hp@nic.in).