

I/11032/2022



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: 10.10.2022

सेवा में,

अतिरिक्त मुख्य सचिव (वन)

हिमाचल प्रदेश सरकार,

आर्म्सडेल बिल्डिंग, शिमला।

(Email:- forestsecy-hp@nic.in)

विषय: Diversion of 0.8146 ha of forest land in favour of HPPWD for the construction of Link road from Ghyan Raika via Kehral (Kms. 0/00 to 1/945), within the jurisdiction of Rohru Forest Division Distt. Shimla HP. (Online Proposal No. FP/HP/Road/27419/2017).

संदर्भ: नोडल अधिकारी-सह-अतिरिक्त प्रधान मुख्य अरण्यपाल (एफ.सी.ए.), हि0प्र0 के पत्रांक 48-3641/2017 (एफ.सी.ए.) दिनांक 09.09.2022.

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 Site Inspection Report and Joint Inspection report revealed that Road has been constructed, without prior approval of the Govt. of India. 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. As per the State Govt., the proposed road is under the list of 2183 roads. State govt. may submit the complete legible list of 2183 roads provided by HPPWD to Hon'ble High Court of Himachal Pradesh constructed in violation of FCA, 1980 highlighting the Sl. No. and name of the road of the extant proposal.
 - vi. Copies of the Orders of the Hon'ble High Court of H.P. which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provisions of FCA, 1980.
2. As per the KML file and part-II, para-16 the diversion area is having slightly steep and 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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3. FRA Certificate has been provided, however all prescribed annexures including records of all consultations & meetings with Gram Sabha (s) & FRC (s) of all the concerned villages are not provided. Therefore same may be provided before stage-II approval.
4. 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.
5. The 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.
6. It has been observed from KML file that the dumping site is in steep slope from where debris can be easily rolled down into downhill side. Therefore, the State Govt. may submit mitigation measures to be adopted, so that debris could not be rolled down into the downhill side.
7. As per the DSS analysis, the proposed DA is 0.8146 ha however as per the calculated area is 0.43 ha. Therefore, State Govt may review the difference between the proposed area and calculated area.
8. The details of purpose wise and component wise breakup of proposed area showing khasra number wise Forest area and Non-forest is required to be uploaded.
9. 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.
10. Layout plan showing chain-age wise length and width of forest and Non-forest land may be provided.
11. Muck Management Plan duly authenticated by DFO concerned is required to be uploaded on the PARIVESH portal.
12. Large number no. of ecologically important trees and saplings of Kail (*Pinus Wallichiana*) and Deodar (*Cedrus Deodara*) (97 no.) 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.
13. Abstract of the trees needs to be uploaded on the PARIVESH portal duly authenticated by DFO concerned.
14. It has been observed from the KML file that the proposed alignment is passing through dense forest. However, the density of the vegetation is mentioned as 0.15. Therefore, Sate Govt may review the same.
15. Details of beneficiary villages with village code, population status is required to be uploaded on the PARIVESH portal.
16. Reclamation plan duly authenticated by DFO concerned required to be submitted.
17. The project approval document issued by Competent Authority may be provided.
18. The status of proposed DA area along with the documentary proof may be provided, whether it is a Govt. Wasteland declared as PF under HP Govt. notification, 1952 or is notified as UPF/DPF under IFA, 1927 and is in possession of H.P Forest department or not.
19. In the certificate of Aerial distance of PAs, name of PAs is not mentioned. Therefore, State Govt may upload the fresh copy of the same duly authenticated by DFO concerned.
20. Clarification/justification regarding the CA area may be provided :-
 - (i) Since the CA area is >1ha, State Govt may provide the KML and relevant maps of CA area. Same may be uploaded on the PARIVESH portal.
 - (ii) Comprehensive CA scheme with 10 year maintenance is required to be submitted as per Para-2.8 (ii), of FCA guidelines.

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- (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.

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,

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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, रोहडु वन मण्डल, जिला-शिमला, हिमाचल प्रदेश (E-mail: dforohp@nic.in).