

I/11148/2022



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: .10.2022

सेवा में,

अतिरिक्त मुख्य सचिव (वन)
हिमाचल प्रदेश सरकार,
आर्म्सडेल बिल्डिंग, शिमला।

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

विषय: Diversion of 4.6092 ha. of forest land in favour of HPPWD for the construction of link road from Dhurasapar toe Purkhera (Portion Kutpayana to Purkhara (Kms 4/040 to 11/540), within the jurisdiction of Dalhousie Forest Division, Distt. Chamba, Himachal Pradesh. (Online Proposal No. FP/HP/Road/48439/2020).

संदर्भ: नोडल अधिकारी-सह-अतिरिक्त प्रधान मुख्य अरण्यपाल (एफ.सी.ए.), हि0प्र0 के पत्रांक 48-5090/2020 (एफ.सी.ए.) दिनांक 19.09.2022.

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. Part-1, A -3 (xvii), the name mentioned in the authorization letter does not match the details of the person making the application.
2. As per Part -II, Para -5, the Working Plan prescription for the part of 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.
3. Since it is submitted by the State Govt that the diversion of 1.7086 ha forest land has been accorded approval by the Central Government vide letter No. 9-HPB078/2009-CHA/6983 dated 12.04.2009. Therefore, KML of the alignment of the already approved case may be superimposed on the proposed alignment of the extant proposal in distinct colors, and the same may be uploaded under the appropriate column of the online portal.
4. KML of the proposed site and as per the detail note of the project reveals that already a footpath from KM.4/040 to 11/540 was constructed, which is further required to be new construction as a motorable 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.
5. Administrative Approval of the project from the competent authority needs to be provided
6. 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.
7. 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

I/11148/2022

- represented in the layout plan with distinct colors and need to be duly authenticated by the concerned DFO may be provided
8. NoC/Sale deed/Gift deeds for non-forest land acquired from private individuals are required to be submitted.
 9. 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.
 10. Proposed RoW of the Road is not provided. Therefore State Govt may clarify whether the proposed RoW has been planned to meet the provision of IRC codes for Hill State. If Yes, details thereof.
 11. All the dumping sites are proposed on forest land. The State Government may 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 with minimum forest cover may be explored, and muck dumping shall be reduced. Further, a separate enumeration list of trees for the dumping site may be provided.
 12. A document showing the capacity of muck dumping sites, muck to be dumped, and balance capacity in tabulated form, along with a reclamation plan of the area with financial implications duly authenticated by DFO, may be provided.
 13. As per the DSS analysis, the Proposed DA is 4.6092 ha however, the calculated area is 1.61 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.
 14. Since the proposed alignment passes through Nallah/Rivulet, the State Govt. may clarify whether there is any Provision for a Bridge or Other Components. If yes, the same may be incorporated in Part-I, B. 2.4 (Component wise break up). Further, State Govt Must ensures conserving such natural springs and perennial sources of water need to be properly considered and measure for conserving the same.
 15. As per the Site Inspection report of the concerned Conservator of Forest, 349 trees were proposed to be felled. However, as per the information provided by the concerned DFO under column 4 (ii) of Part-II online mentioned 416, there are contradictions in girth-wise details. Therefore, State Govt. Complete the enumeration list of trees, including the compartment no and the date of tree enumeration, which is duly authenticated by the concerned DFO.
 16. (i) As per DSS analysis, the proposed area for CA is found to have VDF of 1 ha and MDF of 3 ha, which leaves only 5.2184 ha for restocking. Therefore, State Govt. may look for additional/alternate CA sites. Further, State Govt. may review and submit documentation 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.
(ii) A fresh CA scheme needs to be provided as per Para 2.8 (iii) of the Handbook OF FCA, 1980 and FC Rules, 2003 (Guidelines and Clarifications), MoEF&CC, 2019
(iii) 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.
 17. In Part II, column – 14, the District profile and geographical area are incorrect. Needful may be done in this regard.

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).
2. वन मण्डल अधिकारी, डलहौजी वन मण्डल, जिला- चम्बा हिमाचल प्रदेश (E-mail: dfocha-hp@nic.in).