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फाईल सं० ८ बी / एच.पी.बी. / ०६ / ४२ / २०१५ / २९७२

दिनांक: 13.01.2016

सेवा में,

नोडल अधिकारी एवं अपर प्रधान मुख्य वन संरक्षक (एफ.सी.ए.)
हिमाचल प्रदेश सरकार,
वन विभाग, टालैंड, शिमला।

विषय: Diversion of 1.634 ha of forest land in favour of M/s Shakti Hydro Electric Company Ltd., 204 Madan Lal Chowk Asiad Village Khel Gaon, New Delhi for the construction of approach road to 3.5 MW Project, Laying of Transmission Line & Drift within the jurisdiction of Nachan Forest Division, Distt. Mandi, H.P.

Ref.: Your letter No. Ft. 48-1747/2008 (FCA) dated 28.12.2015

Sir,

I am to refer to your letter mentioned above. On scrutiny of the proposal, following shortcomings are still remained:-

1. In reply of point-1 of this office EDS dated 10.10.2015. The State Govt. does not provided adequate reasons as to why a consolidated proposal was not submitted. The reason provided for not including the construction of road in earlier proposal but no such reason given in respect of T/L and tunnel (drift).
2. In reply of point-4 of this office EDS dated 28.08.2015 regarding evacuation plan, the State Govt. has provided earlier evacuation plan showing date of MoU as "Not Signed". The T/L is now shifted from Pvt. Land to forest land. Therefore the revised evacuation plan by mentioning the date of MoU/PPA may be provided.
3. Point 5 of this office EDS dated 28.08.2015 is not properly replied as the details provided have not been correctly ~~rightly~~ tabulated and also not authenticated by DFO. The revised answer of point- 5 may be submitted.
4. The bar diagram provided by the State Govt. shows that the Pvt. Land is also involved in road from 0/420 to 0/485 but the digital map does not show the presence of road in private land, which needs clarification.
5. The details of RoW and number of Poles provided by the State Govt. for T/L is showing 9 No. of poles in private land intermittent with forest land but the location of poles on private land on map is indicated only at one place at one end of the T/L. The State Govt. may clarify the same & provide the bar diagram showing location of each no of pole and the status of land.

6. As per para 3.2 (i) of the Govt. of India guidelines, Compensatory Afforestation (CA) shall be done over equivalent area of non-forest land. Further, as per para 3.2 (iv) & (v) where non-forest land is not available or available in less extent, CA may be carried out over degraded forest land twice in extent to the area being diverted and for non-availability of non-forest land for CA in entire state, a certificate to this effect is required to be furnished on prescribed performa by the Chief Secretary of the State. It was observed that in almost all proposals seeking diversion of forest land to non-forest use, the Govt. of Himachal Pradesh is proposing CA over degraded forest land twice in extent to the area being diverted along with the requisite certificate from the Chief Secretary, which certifies non-availability in the entire State of Himachal Pradesh, of non-forest land/revenue lands, zudpi jungle, chote jhad ka jungle, bade jhad ka jungle, jungle jhadi land, civil soyam land and all other categories of forest land (except the forest land under management and control of the Forest Department) on which the provisions of the Forest (Conservation) Act, 1980 are applicable, which as per the extant guidelines of the Central Government may be utilised for creation of CA in lieu of forest land proposed to be diverted for non-forest purpose. However, keeping in view long term implications of this certificate, MoEF&CC, GoI, considered it appropriate to ascertain correctness of the said certificate from the Govt. of H.P. before its acceptance by the Ministry but the same has been reiterated by the State Govt. through letter from APCCF-cum-State Nodal Officer (FCA), HP. It is pertinent to mention here that in the proposal seeking diversion of forest land for Pandoga Industrial area (60.290 ha) and construction of Amb-Daulatpur Railway line (0.9 ha) in District Una, the CA has been proposed over equivalent area of Govt. (Shamlat) land under the control of Revenue Department, which comes under the category of forest land as per 1952 Notification, to be mutated in the name of Forest Department and later on declared as Reserve Forest. This shows that there might be availability of forest land outside the control of Forest Department or non-forest Govt. land in some districts of HP which might be available for carrying out CA and as per guidelines the same is required to be spared for CA first before proposing CA over degraded forest land. The certificate being provided by the Chief Secretary of the State, thus, needs to be reviewed and forest land/non-forest Govt. land outside the control of Forest Department needs to be spared for carrying out CA at least for those projects which are not exempted for carrying out CA on equivalent area of non-forest land under para 3.2 (vi).

भवदीय,



(एम.एस.नेगी)

वन संरक्षक

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अतिरिक्त मुख्य सचिव (वन), हिमाचल प्रदेश सरकार, आर्मसडेल बिल्डिंग, शिमला।
2. आदेश पत्रावली।

(एम.एस.नेगी)

वन संरक्षक