

I/11776/2022



File No.FC/HPC/06/175/2022

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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पत्र सं०: FC/HPC/06/175/2022

दिनांक: 29.11.2022

सेवा में,

अतिरिक्त मुख्य सचिव (वन)

हिमाचल प्रदेश सरकार,

आर्म्सडेल बिल्डिंग, शिमला।

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

विषय: Diversion of 7.565 ha of forest land in favour of HPPWD for the construction of link road from Sainwala, Boghria, Charuwala, Katila Km. 0/0 to 11/500. Kms within the jurisdiction of Nahan Forest Division Distt. Sirmour Himachal Pradesh. (Online Proposal No. FP/HP/Road/50271/2020)

संदर्भ: Online Proposal No. FP/HP/Road/50271/2020 received on 31.10.2022

महोदय,

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

1. From KML file it can be observed that the proposed alignment is overlapping existing roads at many locations. Therefore it may be clarified whether these existing roads overlapping with the proposed roads has been constructed violating the provisions of FCA, 1980, although DFO in the SIR has clearly mentioned that user agency has not violated the provisions of FCA. If violations has been done than the clarifications/justifications/documents on following points may be provided:
 - i) The details of violation (year/area violated).
 - ii) 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.
 - iii) 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.
 - iv) The Penal NPV calculation sheet may be submitted.
2. If violation of FCA, 1980 is not being reported/committed, documentary evidence in the form of FCA approval granted for the overlapping roads with proposed roads may be provided.
3. From KML file it can be clearly observed that all the beneficiary villages in the proposed project are already well connected with roads. Therefore, proper justification regarding necessity of more roads in an already well connected area, by diverting Reserve Forest land and felling of 639 trees may be provided.
4. Brief note on the project is required to be submitted/uploaded.
5. In Part Part II para 5, the Working plan prescription for the forest land proposed for diversion has been mentioned as "Protection and Bamboo (overlapping) working circle and Protection cum Rehabilitation Circle". Further, Hon'ble Supreme Court in Writ Petition No 202 of 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 the State Government may provide necessary comments regarding the same
6. A large number of trees (639 individuals) are going to be affected in the extant proposal. Therefore, the State Govt. shall explore all the possibilities to reduce the number of trees to be affected in the

I/11776/2022 proposal. Accordingly the proposal may be reviewed and revised enumeration list of the trees may be submitted.

7. As large number of trees are going to be affected and the proposed road being on hilly terrain. Accelerated soil erosion during and after construction period will be inevitable. Also in Part II, para 6, it has been submitted that the area is severely vulnerable to soil erosion. Therefore, the State Govt. may provide Soil Moisture Conservation Plan (SMCP) as per recent guidelines of MoEFCC letter dated 7th June, 2022.
8. Separate enumeration list of trees standing at dumping sites is required.
9. A total of 639 trees are going to be affected in the proposal, however in Part II the density of vegetation has been mentioned 0.1 only. Therefore, density figure may be reviewed and rectified, if required.
10. NoC/Sale deed/Gift deeds for non-forest land acquired from private individuals are required to be submitted.
11. As per DSS report, the area of CA land is 13.04 ha instead of 15.13 ha. Therefore, the KML file may be revised.
12. As per DSS report, the proposed CA site is covering 1 ha Moderately Dense Forest (MDF). Therefore, the CA site may be revised to avoid the MDF.
13. Legal status of proposed CA land, whether it is a forest land as per IFA 1927 under the control of State Forest Department or it is a waste land declared as Protected Forest under 1952 notification of HP Government, shall be clarified.
14. The amount of NPV shall be rounded off to nearest digit of point decimal.
15. In Muck Management plan the calculation of muck to be generated is required to reviewed and rectified.
16. All the dumping sites has been proposed in forest land. Therefore, the State Govt. may explore Non-Forest Land for muck dumping sites.
17. Undertaking to submit the FRA certificates along with all annexures of FRC and Gram Sabha before Stage II is required to be submitted.
18. From KML it can be observed that the proposed alignment of the road is crossing a river. However, no bridge component has been included in the component wise breakup and layout plan. The same is required to be included in component wise breakup and layout plan.
19. Administrative approval of the proposed project is required to be submitted.
20. Since the proposed diversion area is more than 5 ha, therefore SIR of CF may also may be provided.
21. Since the proposed diversion area is more than 5 ha, therefore Cost Benefit Analysis may also be provided.
22. Chain-age wise length and width of road in forest and non-forest land and dumping site in a tabulated form may be provided/uploaded.

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,

हो/
(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: nodalfcahp@yahoo.com).
2. वन मण्डल अधिकारी, नाहन वन मण्डल, जिला- सिरमौर, हिमाचल प्रदेश (E-mail: dfonah-hp@nic.in).