

I/137978/2022

No. RK/ACL/  
 HP. Forest Department  
 Dated Nalagarh, the

From: DCF Nalagarh (HP)

To: CF. Solan

Subject:-

Diversion of 1.61 hectare of forest land in favour of Baddi- Barotiwala-Nalagarh Development Authority, EPIP Phase-I, Jhar Majri, Baddi Distt. Solan, HP. for the up-gradation of road in front of ACL factory situated at Bir-Plassi Nalagarh, within the jurisdiction of Nalagarh Forest Division Distt. Solan, HP.

Memo:

Kindly refer to Pr. CCF(HoFF) HP letter No. Ft.48-3245/2015(FCA) dated nil on the subject cited above.

2. In this regard it is submitted that Government of India, Ministry of Environment, Forests and Climate Change (FC Division) vide letter No. F. No. 11-42/2017- FC dated 29.01.2018 issued a letter on activities which constitutes violations of provisions of Forest (Conservation) Act, 1980 and rules made thereof and guidelines issued in this behalf. The ministry decided to adopt following guidelines for use of forest land for non-forestry purposes in violation of the provisions of the Forest (Conservation) Act 1980. (Copy enclosed as Annexure -I)

***(i) In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC.***

*a. The diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the State will be dealt under the provisions of Indian Forest Act 1927 and other State Acts dealing with the conservation of Forests by the State government concerned. The land in question will not be considered as diverted under FCA 1980 and the status of the land shall continue to be forests.*

3. In this case 1.61 hectares of forest land was diverted for construction of road before the submission of proposal under FC Act.

4. Accordingly a complaint under section 32 & 33 of IFA, 1927 for violation of provisions of ibid Act, has been filed before Ld. Court of Civil Judge, Senior Division Nalagarh on 22/03/2021 against the erring officers/officials and the same is under trial.

5. A detailed enquiry report has been sent vide letter No. 4583-84 dated 06.10.2020. A copy of same is again enclosed herewith as Annexure- II.

In view of above it is requested that approval of competent authority for diversion of land may kindly be obtained in accordance with Forest Conservation Act, 1980 as necessary action of violation stands taken as per the guidelines of the ministry.

Deputy Conservator of forests,  
 Nalagarh, Forest Division,

Nalagarh, Distt Solan, HP.