

From:- CF Solan To: Nodal Officer-cum-APCCF (FCA)
O/O Pr. CCF.HP. Shimla.

Subject:- Diversion of 1.61 hectare of forest land in favour of Baddi- Barotiwala-Nalagarh Development Authority, EPIP Phase-I, JharMajri, Baddi Distt. Solan, HP. for the up-gradation of road in front of ACL factory situated at Bir-PlassiNalagarh, 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.

In this regard, it is submitted Ministry of Environment, Forests and Climate Change (FC Division) has issued handbook of guidelines and clarifications in 2019 wherein the guidelines regarding violation cases have also been discussed.

The guidelines as given in page 43 of the above said handbook are as below,

(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.

In this case, 1.61 hectares of forest land was diverted for construction of road before the submission of proposal under FC Act. Accordingly, as informed by DFO, Nalagarh, 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. Further as per provisions of the FC Act, 1980, DFO Nalagarh has been directed vide this office letter dated 26.4.2022 to identify such personnel of HPSIDC who were directly responsible for the violation so that further action could be recommended to higher-ups in this regard. Also, DFO Nalagarh has issued show cause notice to the Range Forest Officer concerned (now retired) and proceed further as per provisions of CCS(CCA) Rules, 1965.

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 for violation is being undertaken as per the guidelines of the ministry.

Conservator of Forests,
Solan Forest Circle, Solan

Copy to DFO Nalagarh w.r.t. his office memo. No. 137978/2022 dated 03.06.2022 for information please.

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Conservator of Forests,
Solan Forest Circle, Solan