

Through Online

No. RK/FCA/Link road Ogli to Summa/ 2125  
Himachal Pradesh Forest Department.

Dated Shimla-2, the 7-7-2023

From: DFO (Rural), Shimla

To: CCF (T), Shimla

Subject: Diversion of 0.8637 ha of Forest land in favour of Himachal Pradesh Public Works Department for the construction of link road Ogli to Summa Kms. 0/0 to 1/510, within the jurisdiction of Shimla Forest Division, Tehsil and District - Shimla, HP (Online Proposal No. FP/HP/ROAD/8779/2014)

Sir,

May kindly refer to the Integrated Regional Office letter No. FC/HPB/06/105/2022 dated 9<sup>th</sup> September, 2022 on the subject cited above.

2. The point wise reply with respect to the shortcomings pointed out by the Regional Office vide letter referred to above is given as follows:

Sl. No.	Shortcomings	Compliance
1.	<p>The Site Inspection Report revealed that Road has been constructed by the HPPWD, without prior approval of the Govt. of India. Therefore, in view of above, following clarification/justification may be provided:-</p> <ol style="list-style-type: none"><li>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.</li><li>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.</li><li>State Govt. may provide the present status of the violation whether the work is continuing or halted</li><li>The column/table in Part-II, Para-11 may also be filled up.</li><li>The proposed road is under the list of 2183 roads. State govt. may submit the complete legible list of 2183 roads provided by HPPWD to Hon'ble High Court of Himachal Pradesh constructed in violation of FCA, 1980 highlighting the Sl. No. and name of the road of the extant proposal.</li><li>Copies of the Orders of the Hon'ble High Court of H.P. which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provisions of FCA, 1980.</li><li>The Penal NPV calculation sheet/bills as per revised NPV rate by MoEF &amp; CC dated 06.01.2022 may be provided.</li></ol>	<ol style="list-style-type: none"><li>&amp; ii The User Agency has submitted the violation case as per violation list at Sl. No. 357 and also inspected by the committee constituted as per Govt. Notification No. FFE-B-F(3)-31/2012 dated 24<sup>th</sup> October, 2013.</li><li>iii. The construction work of road from Ogli to Suma was taken in hand by the Public Works Department during the year 2008 &amp; only 240 meters of road length was constructed. The work was stopped for want of Forest Clearance under FCA, 1980. No construction activity done by the Department from the year 2008 to till date.</li><li>iv. The column/table in the online Part-II has been filled up accordingly, please.</li><li>v. The list of 2183 roads provided by the HPPWD to the Hon'ble High Court of HP constructed in violation of FCA 1980 has been uploaded by the User Agency under Additional Information Details in the online Part-I as "list of 2183 road in violation" by highlighting the name of road at Sl. No. 357 of Shimla Zone at Page No. 48 of the PDF attached, please.</li><li>vi. Copies of the Hon'ble High Court which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provision of FCA, 1980 have been uploaded by the User Agency online in the Part-II under additional information details at Sl. No. 19 as "reply of observation raised by DFO 29 may 2023" at Page No. 2-8 in the pdf attached, please.</li><li>vii. The Net Present Value has been revised as per revised NPV rate by MoEF &amp; CC dated 06.01.2022 and has been uploaded under Additional Information Details in the online Part-II as "Revised NPV bill", please.</li></ol>
2.	<p>As per the KML file and Detailed Note on the project, the diversion area is having slightly steep and prone to erosion. Therefore, State</p>	<p>The undertaking regarding details of the mitigation measure to be adopted to arrest the accelerated soil erosion/ land slide during/after execution project has been</p>

	Govt. may provide details of the mitigation measures to be adopted to arrest the accelerated soil erosion/land slide during/after execution of project. Additionally, the State Govt. may submit Soil and Moisture Conservation Plan along with detail File No. FC/HPB/06/105/2022 I/10667/2022 80 2 of 3 cost of its implementation as per MoEF & CC vide letter No. FC-11/43/2021-FC dated 07.06.2022.	given and uploaded by the User Agency in the Additional information Details at Sl. No. - 18 as " <i>Reply of observation raised by RO Office</i> " in the online Part - I at Page No. - 3 in the PDF attached.  Additionally, the Soil and Moisture Conservation Plan (SMCP) as per cost implemented by the MoEF & CC vide letter No. FC-11/43/2021-FC dated 07.06.2022 has been prepared and uploaded through online in the Additional Information Details in the Part - II, please.
3.	The private land (Non-Forest) is also included in the proposal. Therefore, consent of the private land owners by way of sale/Gift Deed/NOC or any other form is also required to be uploaded.	The consent of the Private land owners by way of Sale/Gift Deed/NOC has been uploaded online by the User Agency in the Additional Information Details in the Part-I as " <i>Reply of observation raised by RO Office</i> " at Page: 4 to 11 in the PDF attached.
4.	The Muck dumping sites are proposed in forest land. The suitable non-forest land/private land may be explored for disposal of muck. State Govt. may also provide the list of standing trees in the dumping sites, if it is in forest land	In this respect, User Agency has intimated that an area of 0.0588 ha of Forest land is required for dumping in respect of proposed road. Also, the User Agency has given Undertaking that the possibility to shift the dumping site of area 0.0588 ha to private land from the Government land has been explored on the Site and found that the Private land adjoining to the road alignment is cultivated agriculture land and no degraded private land is available, hence local people are not ready to gift the private land for dumping site as the local public is depending on the Agriculture to make their both end meet due to which it is not possible to gift the dumping site to the private land. Further as per the reply submitted by the User Agency, there are no trees standing in the proposed dumping Site. Copy of the undertaking has also been uploaded in Additional Information Details in the Online Part-I by the User Agency as " <i>Reply of observation raised by RO Office</i> " at Page:12 in the PDF attached, please. Further that the jurisdiction for locating the dumping Site in the Forest land has been uploaded by the User Agency through online in the Additional Information Details in the Part-I as " <i>Reply of observation raised by RO Office</i> " at Page: 12 to 19 in the PDF attached by giving undertaking for possibility to Shift the Dumping Site to Non Forest Area, Line Plan for proposed link road and Reclamation Plan for dumping Sites in respect of FRA proposal, please.
5.	It has been observed from KML file that the dumping sites (03) is in very steep slope from where debris can be easily rolled down into household of villagers. Therefore, the State Govt. may submit mitigation measures to be adopted, so that debris could not be rolled down into the household of villager's downhill side.	As per reply of the User Agency, all the dumping Sites including Dumping Site No. 3 will be protected by construction the wire crate retaining walls downhill side in such a manner that no debris will be rolled down in to the house hold of villagers for which the User Agency has also submitted a certificate for Muck Dumping
6.	Beneficiary villages are needs to be mark on the KML file	The beneficiary villages have been marked on the KML file by the User Agency, please.
7.	Layout Plan and KML file showing all the components (Forest land/Non-forest land/	The Layout Plan showing all the components (Forest land/Non-forest land/ Violated part) with distinct colours

	Violated part) with distinct colours duly authenticated by the concerned DFO is required to be submitted and the same shall be uploaded on the PARIVESH portal as well.	duly authenticated by the DFO has been uploaded through online in the Additional Information Details in the Part-II, please.
8.	Layout plan showing chainage wise length and width of forest and Non-forest land may be provided.	Layout plan showing chainage wise length and width of forest and Non-Forest land have been uploaded by the User Agency online in the Part-II under additional information details at Sl. No. 19 as “reply of observation raised by DFO 29 may 2023” at Page No. 9 in the pdf attached, please.
9.	In part-II, para-2, Legal status of the DA area is mentioned as “U-13 Ogli Suma”. Therefore “U13 Ogli Suma” may be properly clarified.	While updating the Legal Status of Forest Land proposed for diversion online in the Part-II, there has not been mentioned appropriate legal status i.e. Un-demarcated Protected Forest and hence, there is only an option as “Other (pl. specify)” and other details i.e. U-13 Ogli Suma has been mentioned in other details in the Online Part-II, please.
10.	There are 3 dumping sites in the KML file, however only one dumping site has been included in the Component wise breakup. Therefore, State Govt. may review and rectify the same.	In this respect the User Agency has intimated that there are three numbers of Dumping Sites proposed in the KML file and the same has now been included in the component wise breakup.
11.	An undertaking has been submitted mentioning that the muck generated will be used in filling/leveling work of proposed road and filling behind the R/wall & B/Wall. However, three Muck Dumping sites have been mentioned in the proposal. Therefore, State Govt. may justify the requirement of Muck dumping sites if all the muck used in the filling/leveling of road.	In this respect, the User Agency has submitted the Muck Management Plan for dumping sites and as per the Muck Management Plan total quantity of Muck is 8382.00 m <sup>3</sup> which will be generated during the construction of the said road out of which 20% serviceable material will be stacked at site in the form of Stone/Aggregate i.e. 1676.40 m <sup>3</sup> . Since, after excavation of earth there will be some increase in volume of soil which is calculated @ 45% i.e. 9723.12 m <sup>3</sup> . The 10% muck generated will be used in dry masonry & Edge Wall, nearly 15% muck generated will be used for leveling of road % 40 % muck will be used in filling behind the Retaining Walls, Breast Walls, Wing Walls & Culverts etc. After increase in volume 3403.09 m <sup>3</sup> muck will have to be disposed off in the identified dumping sites as per reclamation plan.
12.	As per DFO SIR Report the violation has been carried out, however the Joint Inspection report hasn't reported any violation. Therefore, State Govt. may clarify the contradiction in the reports and provide the Fresh Joint inspection report accordingly.	In this respect, it is submitted that a fresh Joint Inspection has been carried out for the construction of link road from Ogli to Summa on 29 <sup>th</sup> November, 2022 and found that the total length of road is 1.510 km out of which 0.240 km road has already been constructed in Forest land and further more the work has been stopped for want of Forest Clearance under Forest Conservation Act, 1980. Copy of the fresh Joint Inspection has been uploaded through online in the Part-II, please.
13.	Most of the documents are not duly authenticated by DFO concerned. Therefore, State Govt. may review the same.	In this respect, it is submitted that the documents needs to be signed/authenticated by the DFO concerned have been signed/authenticated.
14.	Large number no. of important trees and saplings (50 no.) are proposed for felling. Therefore, possibility of reducing the numbers of trees to be affected may be explored or rationalization to be done in the layout of the proposal to reduce green felling. Further, a list of trees which are required to be felled and retained may be provided.	In this respect, the User Agency has submitted that all alternative proposals have been explored at site to reducing the number of trees to be affected for the construction of this proposed road and found that the trees less area as shown in the surroundings of proposed alignment is private land and the people of the area are not agree to donate their extra land for construction of this road because they have left very less portion of the land in their possession and the people of the area also

		belongs to Economically Weaker Section (EWS), please.
15.	The project approval document issued by Competent Authority may be provided	The project approval document has been uploaded by the User Agency online in the Part-I under Additional Information Details at Sl. No. 18 as "Reply of observation raised by RO Office" at Page: 24, please.
16.	<p>Clarification/justification regarding the CA area may be provided :-</p> <p>(i) Since the CA area is &gt; 1ha, State Govt. may provide the KML and relevant maps of CA area. Same may be uploaded on the PARIVESH portal.</p> <p>(ii) The status of proposed CA land may be provided, whether it is a Govt. Waste land declared as PF under HP Govt. notification, 1952 or is notified as UPF/DPF under IFA, 1927 and is in possession of State Forest department or not. The copy of relevant document may be provided.</p> <p>(iii) State Govt. may submit document 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 &amp; CC vide letter No. 11-423/2011-FC dated 13.07.2022.</p>	In this regard, it is submitted that the CA sites are not available in jurisdiction of Shimla Forest Division and the matter has already been taken up with the higher-ups to provide the CA sites which is still awaited. Therefore unless and until the CA sites are not provided to this office, it is not possible to proceed further, please
17.	The revised NPV calculation sheet/bill as per revised NPV rates by MoEF & CC dated 06.01.2022 may be provided.	The Net Present Value has been revised as per revised NPV rate by MoEF & CC dated 06.01.2022 and has been uploaded in Additional Information Details through online in the Part-II as "Revised NPV bill", please.
18.	As per the DSS analysis, the proposed DA is 0.8637 ha however, the calculated area is 0.32 ha. Therefore, State Govt. may review the difference in proposed DA area and calculated area.	The User Agency has submitted that the KML file of proposed road shown in Google Earth is a linear shape, the width of this shape cannot be measured, only length will be measured in the KML file so that the area is different in the KML file, please.
19.	In part-II, Column-14, geographical area of district may be reviewed and rectified. As per the latest direction of the Ministry of Environment, Forest and Climate Change, Government of India vide File No. FC-7/43/2020-FC dated 22.03.2022, the proposals for use of forest land for non-forest purposes which includes violation of Forest (Conservation) Act, 1980 as specified in Para-1.21 (i) and (ii) will be examined at the level of Ministry after discussion in REC. Therefore, the State Government is requested to submit the reply to this office at the earliest	Part – II has been reviewed and rectified and has also been uploaded online, please.

This is for favour of kind information and necessary action, please.

Divisional Forest Officer (Rural),  
Forest Division, Shimla