

FC-SOL-H001(54)/1/2022-SALE

H.P. Forest Department.

Dated Nalagarh, the

From:- CF Solan To: Pr. CCF.HP. Shimla.

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,

This is in continuation to Nodal Officer's letter Ft-48-3245/2015(FCA) dated 17.2.2022 on the subject cited above vide which comments on the undersigned have been sought on the remarks of the State Govt. which is as below,

“Full report culpability of officers/officials of HPSIDC/Forest and action taken then be given”.

In this regard, it is pertinent to quote the provisions of the FCA, 1980 as below,

“ 3B. Offences by the Authorities and Government Departments 1) Where any offence under this Act has been committed - (a) by any department of Government, the head of the department; or (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority; shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:”

DFO, Nalagarh has conformed in his report that the Deputy Director, Industries, SWCA, Baddi had informed him vide letter no.1621 dated 2.12.2020 that the road was completed in April, 2008. The report of the ACF, Nalagarh also mentions that the road was constructed in 2006-07 in PP mode by HPSIDC and 4 private firms.

As per the FC Act, 1980, the officers of the agency i.e. HPSIDC who were directly incharge as well as the agency i.e. HPSIDC will be deemed to be guilty of offence and shall be liable to be proceeded against and punished accordingly. Therefore, it is recommended that HPSIDC may be directed to identify such personnel who were directly responsible for the violation so that further action could be taken in this regard.

As far as the culpability of officials of Forest Department is considered for their negligence and non reporting the violation, this office recommends that appropriate action maybe initiated against Sh. Jawahar Swarup Sharma, RFO (retired on 30.11.2019). DFO Nalagarh has been requested to issue show cause notice in order to him appropriate opportunity to explain his position.

However, it has been a constant demand from the local population that the road must be repaired as it is in a very bad condition causing grave difficulties to the school going children, elderly etc. In this regard, it is requested that the proposal for 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, may kindly be cleared immediately.

Conservator of Forests,
Solan Forest Circle, Solan

1. Copy to Nodal Officer cum APCCF , FCA wrt his letter Ft-48-3245/2015(FCA) dated 17.2.2022 for further necessary action at his end.
2. DFO, Nalagarh for information please

-Sd-

Conservator of Forests,
Solan Forest Circle,
Solan