

No. 4007
H.P. Forest Department.

Dated Nahan, the 8-11-2024

From: DFO Nahan. To: CF. Nahan.

Subject: Diversion of 1.809 Hectare of forest land in favour of HPPWD for the Construction of link road from Shabhawala to Kun Nehrla km. 0/0 to 7/040 (portion 0/825 to 3/840) within the jurisdiction of Nahan Forest Division Distt. Sirmaur (HP) -

Memo,

Reference: Letter No.8B/HP/06/95/2017/FC dated 05.02.2024.

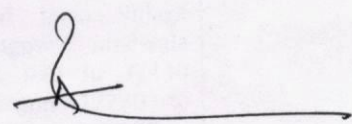
2 As per the letter dated 20.04.2023 mentioned in the above reference, EDS has been received from the Nodal Officer-cum-APCCF (FCA), Shimla-1 in which the department/user agency has to submit the documents. Please find the point wise reply to the EDS for your necessary actions.

Sl. No	Query	Reply									
1.	Since the list of 2183 road proposals have been given by the HPPWD to the Hon'ble High Court, wherein violation of FCA 1980 (now Van (Samrakshan Evam Samvardhan) Adhiniyam, 2023) is involved, the status of the remaining proposal for regularization of encroachment and violation of FCA is required to be given and all remaining proposals need to be submitted in a time-bound matter within next 6 months' time	The status of the remaining proposal for regularization of encroachment and violation of FCA are given below: <table><tr><th>Proposal No.</th><th>Proposal Name</th><th>Status</th></tr><tr><td>FP/HP/ROAD/24045/2017</td><td>Construction of link road to village Kaulawala Bhood to Neemwali road km. 0/0 to 2/450</td><td>Submitted</td></tr><tr><td>FP/HP/Road/22919/2016</td><td>Construction of link road from village Bhogpur Simbalwala km. 0/0 to 3/440 (portion 1/730 to 2/120 and 3/285 to 3.440)</td><td>Submitted</td></tr></table>	Proposal No.	Proposal Name	Status	FP/HP/ROAD/24045/2017	Construction of link road to village Kaulawala Bhood to Neemwali road km. 0/0 to 2/450	Submitted	FP/HP/Road/22919/2016	Construction of link road from village Bhogpur Simbalwala km. 0/0 to 3/440 (portion 1/730 to 2/120 and 3/285 to 3.440)	Submitted
Proposal No.	Proposal Name	Status									
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FP/HP/Road/22919/2016	Construction of link road from village Bhogpur Simbalwala km. 0/0 to 3/440 (portion 1/730 to 2/120 and 3/285 to 3.440)	Submitted									
2.	These cases involve regularisation of encroachment and violation of FCA and since the road cannot be constructed without having physical and financial sanction of the competent authority, therefore State Govt is required to take legal action against the officials responsible for issuing physical/financial sanction under Section 3A and 3B of the Van (Sanraksham Evam Samvardhan) Adhiniyam, 2023 and submit action report in this regard.	As per reported by UA a Joint meeting has been organized on dated 05-07-2024 under the Chairmanship of District Collector, Sirmaur for the processing of Violation Cases under the FCA, 1980 in which officials from PWD Department and Forest Department were present. In this meeting it was decided that written statement is to be taken from the villagers having age more than 70 years and submitted to Forest Department for further process. In continuation to this order, written statement has been taken from the villagers having age more than 70 years and same is attached as Annexure 1 with Minutes of Meeting as documentary evidence which clearly shows that no officials were responsible for the construction of road and no physical and financial sanction has been issued from the department/user agency for the road under Section 3A and 3B of the Van (Sanraksham Evam Samvardhan) Adhiniyam. Same has been uploaded in Parivesh Portal in additional information at Sr. No. 27 of Part-I. by the UA Thus, no names of officials responsible for issuing physical/financial sanction have been submitted by UA									
3.	The State Government is required to examine the role of forest officials and their failures in not getting the work stopped and taking action taken in time and letting the violation go. Action taken in this regard needs to be submitted.	In this regard it is intimated that this road fall within the list of 2183 roads Which are to be regularize as per Hon'ble High Court of HP									

4.	State Govt, shall submit the direction for State Govt/Regional Office given by the Hon'ble Court in the said order.	The case (CWPIIL No. 91 of 2017) was listed in Hon'ble High Court of H.P. on dated 16.11.2017 in which it was clearly mentioned that approximately 2183 roads have been constructed in the State of Himachal Pradesh in violation of the Forest Conservation Act, which is a large number and cannot be overlooked and in CWP No. 5600 of 2012 and COPC no. 56 of 2009, wherein, directions were issued to the State of Himachal Pradesh as well as Ministry of Environment and Forests, Government of India, for inspection of such roads by Committees and thereafter to report the matter to the Northern Regional Officer, Ministry of Environment and Forests, Chandigarh, for consideration of proposal for approval. The notifications and orders are attached as Annexure 2. Same has been uploaded in Parivesh Portal in additional information at Sr. No. 28 of Part-I. by the UA
5.	In reply to SN. 4- REPLY NOT ACCEPTED, the aerial distance certificate needs to be authenticated by the concerned DFO.	The exact aerial distance of the proposed project from Kalesar WLS from is 15.15 km. Aerial distance certificate has been authenticated by the DFO, Nahan which is attached as Annexure 3. Same has been uploaded in Parivesh Portal in additional information at Sr. No. 29 of Part-I. by the UA
6.	State Govt. vide letter dated 28.07.2023 replied to only 10 points. However, EDS dated raised by this office vide letter dated 18.05.2022 has 14 points. As such, State Govt is requested to send the reply for 11, 12, 13 & 14 also.	Complete reply has been submitted on 10.02.2023. Same has been uploaded in Parivesh Portal in additional information at Sr. No. 23 of Part-I. by the UA

This is for your kind information and further necessary action

Encl. As above


Divisional Forest Officer,
Nahan Forest Division.

Full Title of the project- Construction of link road from Shabhawala to Kun Nehrla km. 0/0 to 7/040 (portion 0/825 to 3/840), District Sirmour, Himachal Pradesh

(Online Proposal No. FP/HP/Road/8015/2014)

Aerial Distance Certificate

Certificate that the exact aerial distance from the nearest National Park/Sanctuaries i.e. Kalesar Wild Life Sanctuary is 15.15 kms from the proposed site of construction of link road from village Shabhawala to Kun Nehrla road District Sirmour, Himachal Pradesh.

Nearest Coordinates of Kalesar Wild life Sanctuary boundary - $30^{\circ}24'38.00''\text{N}$, $77^{\circ}24'31.00''\text{E}$

Nearest Coordinates of Proposed Road from Kalesar Wild life Sanctuary – $30^{\circ}31'27.01''\text{N}$, $77^{\circ}19'16.46''\text{E}$

Date: 5-11-2024


Executive Engineer
Nahan Division, H.P.P.W.D, Nahan


Divisional Forest Officer
Nahan Forest Division, Nahan

Himachal Pradesh
Public Works Department

Dated: 29/10/2024

No. PW/NHN/WA-1/FCA-7940

To,

The Divisional Forest Officer,
Nahan Forest Division,
District Sirmour, Nahan

Subject:

Diversion of 1.809 ha of forest land in favour of HPPWD for the construction of link road from Shabhuwala to Kun Nehria km. 0/0 to 7/040 (portion 0/825 to 3/840) within the jurisdiction of Nahan Forest Division Distt. Sirmour Himachal Pradesh-Regarding submission of EDS.
(Online Proposal No. FP/HP/Road/8015/2014).

Reference:

Letter no: Ft.48-2857/2014(FCA) dated 20.04.2023

Sir,

As per the letter dated 20.04.2023 mentioned in the above reference, EDS has been received from the Nodal Officer-cum-APCCF (FCA), Shimla-1 in which the department/user agency has to submit the documents. Please find the point wise reply to the EDS for your necessary actions.

Sl. No	Query	Reply									
1.	Since the list of 2183 road proposals have been given by the HPPWD to the Hon'ble High Court, wherein violation of FCA 1980 (now Van (Samrakshan Evam Samvardhan) Adhiniyam, 2023) is involved, the status of the remaining proposal for regularization of encroachment and violation of FCA is required to be given and all remaining proposals need to be submitted in a time-bound matter within next 6 months' time	The status of the remaining proposal for regularization of encroachment and violation of FCA are given below: <table border="1"> <thead> <tr> <th>Proposal No.</th><th>Proposal Name</th><th>Status</th></tr> </thead> <tbody> <tr> <td>FP/HP/ROAD/24045/2017</td><td>Construction of link road to village Kaulawala Bhood to Neemwali road km. 0/0 to 2/450</td><td>Submitted</td></tr> <tr> <td>FP/HP/Road/22919/2016</td><td>Construction of link road from village Bhogpur Simbalwala km. 0/0 to 3/440 (portion 1/730 to 2/120 and 3/285 to 3.440)</td><td>Submitted</td></tr> </tbody> </table>	Proposal No.	Proposal Name	Status	FP/HP/ROAD/24045/2017	Construction of link road to village Kaulawala Bhood to Neemwali road km. 0/0 to 2/450	Submitted	FP/HP/Road/22919/2016	Construction of link road from village Bhogpur Simbalwala km. 0/0 to 3/440 (portion 1/730 to 2/120 and 3/285 to 3.440)	Submitted
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	Adhiniyam, 2023 and submit action report in this regard.	documentary evidence which clearly shows that no officials were responsible for the construction of road and no physical and financial sanction has been issued from the department/user agency for the road under Section 3A and 3B of the Van (Sanraksham Evam Samvardhan) Adhiniyam. Same has been uploaded in Parivesh Portal in additional information at Sr. No. 27 of Part-I.
3.	The State Government is required to examine the role of forest officials and their failures in not getting the work stopped and taking action taken in time and letting the violation go. Action taken in this regard needs to be submitted.	Pertains to Forest Department.
4.	State Govt, shall submit the direction for State Govt/Regional Office given by the Hon'ble Court in the said order.	The case (CWPII No. 91 of 2017) was listed in Hon'ble High Court of H.P. on dated 16.11.2017 in which it was clearly mentioned that approximately 2183 roads have been constructed in the State of Himachal Pradesh in violation of the Forest Conservation Act, which is a large number and cannot be overlooked and in CWP No. 5600 of 2012 and COPC no. 56 of 2009, wherein, directions were issued to the State of Himachal Pradesh as well as Ministry of Environment and Forests, Government of India, for inspection of such roads by Committees and thereafter to report the matter to the Northern Regional Officer, Ministry of Environment and Forests, Chandigarh, for consideration of proposal for approval. The notifications and orders are attached as Annexure 2. Same has been uploaded in Parivesh Portal in additional information at Sr. No. 28 of Part-I.
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You are requested to kindly scrutinize the documents for further process.

Executive Engineer
Nahan Division
H.P.P.W.D, Nahan

दिनांक 05-07-2024 को सुबह 11:00 बजे श्री सुमित खिम्टा, भा.प्र.से, उपायुक्त सिरमौर की अध्यक्षता में वन संरक्षण अधिनियम (FCA) प्रकरणों के बारे में आयोजित बैठक की कार्यवाही।

दिनांक 05-07-2024 को सुबह 11:00 बजे श्री सुमित खिम्टा, भा.प्र.से, उपायुक्त सिरमौर की अध्यक्षता में वन संरक्षण अधिनियम (FCA) प्रकरणों के बारे में आयोजित बैठक का आयोजन किया गया जिसमें

वन अधिकारीयों ने भाग लिया (copy attached as annexure-A)।

सर्वप्रथम उपायुक्त महोदय से बैठक को प्रारम्भ करने की अनुमति चाही गई। तदोपरान्त उपायुक्त महोदय द्वारा सभी अधिकारियों एवं कर्मचारियों को बैठक में भाग लेने हेतु धन्यवाद किया व बैठक की कार्यवाही आरम्भ की गई।

सर्वप्रथम उन केसों के बारे में चर्चा की गई जिसमें FCA, 1980 का उल्लंघन किया गया है जिसमें यह निर्णय लिया गया कि उन केसों में पंचायत से इसका संज्ञान लिया जाये की यह केस 1980 के पहले के है या बाद के। इस सम्बन्ध में गाँव के 70 से अधिक उम्र के लोगो का बयान लिया जाए और इसके बाद

justification तैयार करके इन केसों को आगामी कार्यवाही हेतु वन विभाग को भेजा जाये।

1. गुलरिया ढांग से नेरो कोटडी में बनने वाले लिंक रोड के बारे में चर्चा की गई जिसमें यूजर एजेंसी (लोक निर्माण विभाग नाहन) ने अवगत करवाया गया कि इस केस में KML फाइल को अपलोड किया जाना शेष है जिससे उनके द्वारा अगले सप्ताह तक अपलोड करके वन विभाग को भेज दिया जाएगा। जिसमें यह निर्णय लिया गया कि यूजर एजेंसी (लोक निर्माण विभाग नाहन) इस केस को अगले सप्ताह तक वन मण्डल अधिकारी के कार्यालय में भेजना सुनिश्चित करें।
2. कन्यौन घाट सेर रेशला- सियुन पुरला-सेर बड़ोन गोपटिया-काटली-पिरगडी व कौलावाला भूड से नीमवाली में बनने वाले लिंक रोड के बारे में चर्चा की गई जिसमें यूजर एजेंसी (लोक निर्माण विभाग नाहन) ने अवगत करवाया कि इन केस में गिफ्ट डीड से सम्बन्धित कुछ समस्या है। अतः इसमें निर्णय लिया गया कि इन केसों में जो भी गिफ्ट डीड से सम्बन्धित समस्या है उनका निपटान करके ही इन केसों को FCA Portal पर अपलोड किया जाये।
3. ददाहू में बनने वाले बस स्टैंड के बारे में चर्चा की गई है जिसके सन्दर्भ में नीना शर्मा अधीक्षक (HRTC नाहन) ने अवगत करवाया गया कि इस केस में Joint inspection किया जाना शेष है। अतः इस केस में निर्णय लिया गया कि यूजर एजेंसी इस संदर्भ में SDM नाहन व वन

मण्डल अधिकारी नाहन से पत्राचार कर inspection की तारीख लें और इस केस में अगले सप्ताह तक Joint inspection की रिपोर्ट अपलोड करके केस को आगामी कार्यवाही हेतु वन विभाग को भेजना सुनिश्चित करें। इसके अतिरिक्त इस केस को FCA पोर्टल 1.0 से withdrawn करने के बाद ही इस केस को FCA Portal, 2.0 पर अपलोड करना सुनिश्चित करें।

4. रेणुकाजी डेम के बारे में चर्चा की गई जिसमें, अर्चना बिष्ट उपप्रबन्धक (Env.) R D P, HPPCL, ददाहू ने अवगत करवाया कि इस केस में CA की कुल संशोधित राशि 74,91,02,200/- है जिसमें से 33,60,50,496/- की राशि पहले ही जमा कर दी गई थी तथा बकाया राशि 41,30,51,704/- भी उनके द्वारा जमा करवा दी गई है।

5. खाली अच्छों से नड्डी में बनने वाले लिंक रोड के बारे में चर्चा में की गई जिसमें निर्णय लिया गया कि यूजर एजेंसी (लोक निर्माण विभाग) यदि इस केस को FCA portal से withdraw कराना चाहती है तो withdraw करने के लिया justification को FCA पोर्टल पर अपलोड करना सुनिश्चित करें।

6. भेरों से आदि बट्टी डेम तक बनने वाले रोड के बारे में चर्चा की गई जिसमें निर्णय लिया गया कि इस मामले में जो भी कमियां यूजर एजेंसी के स्तर पर पूरी की जानी हैं उन्हें यूजर एजेंसी अगली बैठक से पहले दूर करके मामले को उच्च अधिकारियों को आगामी आवश्यक कार्यवाही करने हेतु भेजा जायें।

7. पोड़ीवाला में बनने वाली पुलिस लाइन की बिल्डिंग के बारे में चर्चा की गई इस संदर्भ में उपायुक्त महोदय के द्वारा दूरभाष के माध्यम से S.P सिरमौर को मामले में जो भी कमियाँ हैं उन्हें जल्द से जल्द निरस्त करके केस को वन विभाग को भेजने बारे आदेश दिए गये ताकि मामले में आगामी आवश्यक कार्यवाही की जाये।

8. मीनस से रास्त मानल चुनोटी व शिंगी से बाग टिकरा में बनने वाले लिंक रोड के बारे में चर्चा की गई जिसमें निर्णय लिया गया इस मामले में जो भी कमियां यूजर एजेंसी के स्तर पर पूरी की जानी हैं उन्हें यूजर एजेंसी अगली बैठक से पहले दूर करके मामले को उच्च अधिकारियों को आगामी आवश्यक कार्यवाही करने हेतु भेजा जायें।

वन संरक्षण अधिनियम 1980 (FCA) के कुल 34 केसों में चर्चा की गई जिस की सूची कार्यवाही (ling) के साथ संलग्न है।

अंत में अध्यक्ष महोदय ने उपस्थित सभी सदस्यों का धन्यवाद करते हुए बैठक का या।

पृष्ठांकन संख्या FDNH-FO10/50/2021 Forest Circle- २७२-४७ दिनांक ०८/०७/२०२५

प्रतिलिपि: सम्बन्धित उपस्थित अधिकारियों को आगामी कार्यवाही हेतु प्रेषित है।


उपायुक्त सिरमौर
जिला सिरमौर स्थित नाहन।

FORMAT FOR MONITORING OF FOREST CLEARANCE CASES UNDER FOREST (CONSERVATION) ACT, 1980 AT DISTRICT LEVEL.

Name of District: Sirmour

Date of Meeting: 05.07.2024

Sr. No.	Name of Forest Division	Name of Proposal & Online Proposal No.	Name of User Agency	Total Forest area involved (in ha)	Status of the proposal during the previous meeting (if any)	Decision taken in the previous meeting (if any)	Present status of the proposal	Action taken in the meeting (The authority may also be specified by whom the action has to be taken)	Remarks (in any)
Nahan									
1	Nahan	Construction of link road from Shambhuwala to Kun Nehrla (Violation case) (Proposal No. FP/HP/ROAD/8015/2014)	HPPWD NH DIVISION NAHAN	1.809 ha.	User agency since 09.02.2024		User agency since 09.02.2024	User agency has been directed to take-up the matter with concerned Gram Panchayat and examine the case of the road whether it was constructed before 1980 and proceed accordingly.	
2	Nahan	Construction of link road from Gulriya Dhang to Nero Kotri KM. 0/0 to 4/935 (Proposal No. FP/HP/ROAD/140966/2021).	HPPWD NH DIVISION NAHAN	2.355	User agency since 08.12.2023	User agency has directed to attend the observation as raised by Regional office and send the complete case to DFO Nahan on or before next meeting	User agency since 08.12.2023	User agency will ensure to upload the KML file within a week time positively and send the case to Forest Department.	
3	Nahan	Construction of link road from Bhogpur Simbalwala (Violation case) (Proposal No. FP/HP/ROAD/22919/2016)	HPPWD DIVISION NAHAN	0.327	User Agency Since 25.01.2024	User agency has directed to attend the observation on or before next meeting.	User Agency Since 25.01.2024	User agency has directed to attend the observation on or before next meeting.	
4	Nahan	Construction of link road from Kanyon Ghat Ser Reshla-Siyun Purla-Ser Badon-Gopatiya-Katali-Rain Pirgardi-Bala Baratal-Rose Bendali.(Proposal No. FP/HP/ROAD/140959/2021)	HPPWD DIVISION NAHAN	4.85	User agency since 16.11.2023	User agency has been directed that complete case will be uploaded on FCA Portal after solving the issue of gift deed and Court cases.	User agency since 16.11.2023	User agency has been directed that complete case will be uploaded on FCA Portal after solving the issue of gift deed.	

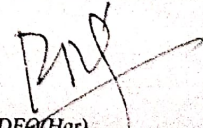
5	Nahan	Construction of link road from Village Kaulanwala Bhoo to Neemwali. (Violation case) (Proposal No. FP/HP/ROAD/24045/2017)	HPPWD DIVISION NAHAN	2.125	User agency since 24.04.2024	User agency has been directed that complete case will be uploaded on FCA Portal after solving the issue of gift deed and Court cases.	User agency since 24.04.2024	User agency has been directed that complete case will be uploaded on FCA Portal after solving the issue of gift deed and Court cases.	
6	Nahan	Construction of link road Upper Jamli to Baron Kathana (Proposal No. FP/HP/ROAD/15861/2015)	HPPWD DIVISION NAHAN	1.276	Nodal Officer		In-Principal Approval		
7	Nahan	Construction of Bus Stand at Dadahu within the Jurisdiction of Nahan Forest Division, Tehsil, Nahan, District Sirmour H.P (Proposal No. FP/HP/Others/42772/2019)	HPCTBSMDA	0.4215	User agency since 08.09.2022	User agency should ensure to upload this case on FCA Portal, 2.0, only after withdrawing this case from FCA Portal 1.0.	User agency since 08.09.2022	User agency will ensure to take-up the matter with DFO Nahan and SDM Nahan regarding Joint inspection and upload the joint inspection report within a week time positively.	
8	Nahan	Construction of Adi Badri Dam. (Proposal No. FP/HP/IRRIG/155846/2022)	IRRIGATION AND WATER RESOURCES DEPARTMENT HARYANA	31.72	DFO since 12.04.2024	DFO Nahan has directed after scrutinize the case, if found fit the case will be send to C.F. Nahan for further necessary action.	RO		
9	Nahan	Providing Sewerage Treatment Plant System to Nahan town, Tehsil Nahan District Sirmour H.P.(Proposal No. FP/HP/Others/148813/2021)	IRRIGATION AND PUBLIC HEALTH GOVT OF HP	2.1379	User agency since 06.03.2024	User agency has directed to attend the observation on or before next meeting.	User agency since 06.03.2024	User agency has directed to attend the observation on or before next meeting.	
10	Nahan	Construction of link road from Sainwala , Boghria, Jhameria, Charuwala , Katola Km 0/0 to 11/500 Kms. (Proposal No. FP/HP/ROAD/50271/2020)	HPPWD DIVISION NAHAN	7.565	User agency since 18.10.2023	User agency has directed to give the specific reason to the office of C.F. Nahan why private land cannot be used for the construction of the this road.	User agency since 18.10.2023	User agency has directed to give the specific reason to the office of C.F. Nahan why private land cannot be used for the construction of the this road.	

9	Nahan	Construction of link road from Jabbal Ka Bag, Kandaiwala, Kharkon Road Km 0/0 to 12/255. (Proposal No. FP/HP/ROAD/140946/2021)	HPPWD DIVISION NAHAN	5.828	Nodal Officer	User agency has directed to send the case to higher-ups on or before next meeting.	RO		
12		Diversion of 1.476 Ha. Forest land in favour of HP.PWD for the construction of Shaheed Samarak via Bhadarkali Mandir up to forest checkpost in Kolar tehsil Paonta Sahib District Sirmour (H.P) FP/HP/ROAD/37114/2018	HPPWD DIVISION NAHAN 4	1.476	User Agency Since 14.02.2020			User agency has been directed to withdrawn the case from the FCA Portal.	
Paonta Sahib									
13	Paonta Sahib	Link Road to village Madhara from Birla Gattu road km. 0/0 to 3/330.(0.714 ha. Forest land) <u>Violation case</u> (Proposal No. FP/HP/ROAD/8765/2014)	HPPWD	0.714	User Agency 04.01.2022	User agency has been directed to investigate the case at the ground level and ensured that why FCA, 1980 was violated in this cases and justification report should be sent in this regard.	User Agency 04.01.2022	User agency has been directed to upload the justification on the FCA Portal for withdrawn the case.	
14	Paonta Sahib	Link road to village Sawar Landasi Katal Kharkari Madhara road km. 0/0 to 3/0.(0.108 forest land) <u>Violation case.</u> (Proposal No. FP/HP/ROAD/8816/2014)	HPPWD	0.108	User Agency 04.01.2022	User agency has been directed to investigate the case at the ground level and ensured that why FCA, 1980 was violated in this cases and justification report may be sent in this regard.	User Agency 04.01.2022	User agency has been directed to upload the justification on the FCA Portal for withdrawn the case.	
15	Paonta Sahib	Link road to village Kotri Bagna Swar Kolar km. 0/0 to 4/250. (0.984 ha. Forest land) <u>Violation case.</u> (Proposal No. FP/HP/ROAD/8731/2014)	HPPWD	0.984	User Agency 04.01.2022	User agency has been directed to investigate the case at the ground level and ensured that why FCA, 1980 was violated in this cases and justification report should be sent in this regard.	User Agency 04.01.2022	User agency has been directed to upload the justification on the FCA Portal for withdrawn the case.	

16	Paonta Sahib	Link road to village Kotri Bagna Swar Kolar km. 4/250 to 8/0. (0.612 ha. Forest land). Violation case.(Proposal No. FP/HP/ROAD/8849/2014)	HPPWD	0.612	User Agency 04.01.2022	User agency has been directed to investigate the case at the ground level and ensured that why FCA, 1980 was violated in this cases and justification report should be sent in this regard.	User Agency 04.01.2022	User agency has been directed to upload the justification on the FCA Portal for withdrawn the case.	
17	Paonta Sahib	Construction of Link road to village Khali Achhon to Naddi Road Km 12/400 to 20/400 (1.56 ha. Forest land) (Proposal No. FP/HP/ROAD/20671/2016)	HPPWD	1.56	User agency since 30.08.2023	User agency has directed to submit the complete case after attending the observation as raised by Nodal Officer-cum-APCCF(FCA) at the earliest.	User agency since 30.08.2023	User agency has been directed to upload the justification on the FCA Portal for withdrawn the case.	
18	Renukaji	Construction of Renuka Dam., of Renukaji Forest Division			Renukaji 909	Compliance Report has been submitted to Nodal officer	User agency has directed to submit the requisite information regarding CA areas may be submitted to higher-ups immediately.	User agency has deposited the revised CA Cost i.e. 74,91,02,200. and also taken up the issue regarding waive off the condition regarding construction of Fish ladder at Renukaji Dam has been forwarded to the Addl. Deputy Inspector General o Forests (WL) MOEF & CC, New Delhi by PcC(WL)cum-Chief Wildlife Warden (CWLW) Shimla.	
19	Renukaji	Construction of link road from Bellla Bashwa to Bobri (KMS 0/00 to 5/650) (Propcsal No. FP/HP/ROAD/23260/2016)	HPPWD	1.4	User Agency since 06.03.2023	User agency has directed to withdrawn the case on or before next meeting.	User Agency since 06.03.2023	User Agency has been directed to attend the DFO office and slove the issue.	

20	Renukaji	Construction of link road from from Chillon to Choki Mirgwal 0/00 to 8/00 Kms (Proposal No. FP/HP/ROAD/48987/2020)	HPPWD	1.92	User Agency since 09.08.2023	User agency has directed to submit the complete case after attending the observations on or before next meeting.	In-Principal Approval		
21	Renukaji	Construction of Helipad at Thein Bag near Haripurdhar. Violation case (Proposal No. FP/HP/Others/123661/2021)	HPPWD	0.9947	User Agency since 28.04.2023	User agency has directed to submit the complete case alongwith the justification of the violation of FCA, 1980 on or before next meeting.	User Agency since 28.04.2023	User Agency has been directed to attend the DFO office and attend the observation.	
22	Renukaji	Construction of link road from from Meenus to Rast Manal Chunoti Km 0/0 to 15/960 Violation case (Proposal No. FP/HP/ROAD/138299/2021)	HPPWD	0.76	User Agency since 01.04.2024	User agency has directed to submit the complete case alongwith the justification of the violation of FCA, 1980 on or before next meeting.	User Agency since 01.04.2024	User Agency has been directed to attend the DFO office and attend the observation.	
23	Renukaji	Construction of link road from from Hallan to Lojja Manal Km 0/0 to 1/705 Violation case (Proposal No. FP/HP/ROAD/134139/2021)	HPPWD	0.555	User Agency since 01.04.2024	User agency has directed to submit the complete case alongwith the justification of the violation of FCA, 1980 on or before next meeting.	User Agency since 01.04.2024	User Agency has been directed to attend the DFO office and attend the observation.	
24	Renukaji	Construction of link road from Shingi to Bag Tikra within the jurisdiction of DFO Renukaji Distt. Sirmour H.P Violation case (Proposal No. FP/HP/ROAD/122560/2021)	HPPWD	2.4	User Agency since 01.04.2024		User Agency since 01.04.2024	User Agency has been directed to attend the DFO office and attend the observation.	
Rajgarh									
25	Rajgarh	Construction of link road Dhamla, Manwa Dhanech Chukhriya. Violation case (Proposal No. FP/HP/ROAD/22197/2016)	HPPWD	4.101	User Agency since 27.09.2023	User agency has directed to submit the complete case alongwith the justificaion of the violation on or before next meeting.	User Agency since 27.09.2023	User agency has directed to submit the complete case alongwith the justificaion of the violation on or before next meeting.	
26	Rajgarh	Construction of link from Neri-Kotli Sanohat to village Draina RD 0/00 to 5/560 (Proposal No. FP/HP/ROAD/156332/2022)	HPPWD	2.4657	SG		SG		

Parivesh 2.0									
27	Nahan	Construction of Link Road from Bheron to Adi Badri Km 2/660 to 4/915(FP/HP/ROAD/418138/2023)	HPPWD	1.923				User Agency	User agency has been directed to attend the observation on or before next meeting.
28	Nahan	Construction of Police line building at Paudiwala (Nahan), Tehsil Nahan District Sirmour (HP FP/HP/OTHERS/460738/2024)	SP Sirmour	3.79				User Agency	User agency has been directed to attend the observation on or before next meeting.
29	Nahan	CONSTRUCTION OF LINK ROAD FROM KAULAWALA BHOOD TO KHANDA BHOHLIGHAT KM. 0/0 TO 8/200 (FP/HP/ROAD/430027/2023)	HPPWD	3.572				User Agency	User agency has been directed to attend the observation within 15 days positively.
30	Renukaji	Construction of link road from NH-707 to Village Kunth Km 0/00 to 5/00	HPPWD Division Shillai	0.666				User Agency	User agency has been directed to attend the observation within 15 days positively.
31	Rajgarh	Providing Sewerage Scheme to Rajgarh town NAC Rajgarh in Tehsil Rajgarh, Distt Sirmour. FP/HP/OTHERS/452617/2023	Jal Shakti Vibhag	0.086	User Agency			User Agency	User agency has been directed to attend the observation within 15 days positively.
32		C/o Existing Road Fagu Bathaudhar Km. 0/0 to 10/0 within the jurisdiction of Rajgarh Forest Division.	HPPWD	3.874	User Agency			User Agency	User agency has been directed to attend the observation within 15 days positively.


 DFO(Hqr)
 O/o Conservator of Forests,
 Nahan Forest Circle Nahan.

हिमाचल प्रदेश सरकार

REGARDING MEETING OF VARIOUS ISSUES OF FOREST CONSERVATION ACT 1980 FCA IN DEPUTY COMMISSIONER, OFFICE AT NAHAN DATE 05-07-2024 TIME 11.00 AM UNDER THE CHAIRMANSHIP OF WORTHY DEPUTY COMMISSIONER SH. SUMIT KHIMTA IAS, DEPUTY COMMISSIONER SIRMAUR.

Sr. No.	Name & Designation	Mobile No.	Signature
1.	D.S. Tomar XEN HPPWD Poonia	7418557817	
2.	Alakh Janyali EE PWD Nahan	9418487177	
3.	Neesha Sharma Supat HPC Nahan	8091746603	
4.	Shivam Sundyal JE Poonia	8273412672	
5.	Parveen Kumar JOA(IT) o/o DFO Poonia	8219352676	
6.	Rajeev Thakur, DDEE	9418073688	
7.	Anchana Bishr Dy. Mangra (Gr) RDP, HPDC	9817841793	
8.	Sharat Chander Paudyal Supat. Gr I o/o DFO Nahan	94598-71617	
9.	Parminder Singh DFO Poonia	7018275406	
10.	Anam Rai o/o Nahan	7021623719	
11.	Rampal Singh DFO	9418009348	
12.	Shalin Singh BSNL	9419441800	
13.	Kuram JOA(IT) o/o CFNL	7833975738	
14.	Phool Singh Dy. HCDSE	9805214986	
15.	Anam Kumar o/o DFO	9882198960	
16.	Ashish Mittal PO DRDA	70183-37137	
17.	Dr. Mahesh Chaudhary HSEAL 04663	70188 -	
18.	V.K. AGGARWAL EE HPPWD Shullai	9816648098	

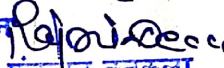
कार्यालय ग्राम पंचायत बनकला

डाकघर शम्भूवाला, विकास खण्ड नाहन, जिला सिरमौर (हि०प्र०)

क्रमांक

दिनांक २५/१/२५

प्रमाणित किया जाता है कि गुंरुदास से कृषि का रास्ता, बनकला पंचायत में ही पड़ता है। १९ नवंबर को लोगों के अनुसार गेह रास्ता लाभदान देकर (लोगों द्वारा) चलीम लमिक बनाया गया था।

प्रधान 
ग्राम पंचायत बनकला
विकास खण्ड नाहन
जिला सिरमौर (हि०प्र०)

गंगाजी

मैं महर सिंह सीनो 50 वर्ष श्री देवकाग सीनो गांव मकड़वाली
गांव पंचायत बनकला तहसील नांदगा जिला सिंगरहि
को सहाई निवासी हूँ। मेरी आयु 70 वर्ष है।
शम्भुवाला से पूरा नैहरला सड़क करीब 50 वर्ष पूर्व
एक समय में बनाई। यह सड़क उस समय जन सहयोग
से बनाया गया है।

गांव शम्भुवाला, मकड़वाली, पूरा नैहरला, के
पुर्जन निवासी इस को साक्षी है

भवदाय

① महर सिंह सीनो
वर्ष 50 देवकाग सीनो गांव
मकड़वाली पो. शम्भुवाला
तहसील नांदगा जिला सिंगरहि
दिनांक 17/3/00
पिन: 173001

② ज्ञाने वहादुर रत्ना
उमर - 70 years
मकड़वाली
Signature
③ W/o Shreebharade
Age 75 years



CWP No. 5600 of 2012 a/w CWP No. 9797 of 2012 & COPC No. 56 of 2009

08.08.2013

Present:

CWP No. 5600 of 2012

Mr. Ajay Sharma, Advocate, for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents No. 2 to 4 & 6 to 8.

Mr. Devender Sharma, Advocate, vice Mr. C.N. Singh, Advocate, for respondent No. 9.

Mr. Arvind Sharma, Advocate, for respondent No. 10.

CWP No. 9797 of 2012

Mr. Bipin C. Negi, Advocate, for the petitioners.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents No. 2 to 6.

Mr. Rajnish Maniktala, Advocate, for respondent No. 8.

COPC No. 56 of 2009

Mr. Ajay Mohan Goel, Advocate, for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for Union of India.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents-State.

We have heard counsel for the parties.

2. The learned Advocate General, on instructions, submits that the State is more than keen to find out solution to the impending problem. The State is not only willing to pay compensatory costs, as may be determined by the Appropriate Authority, but is, on its own, willing to provide more infrastructure and facilities to strengthen the

-: 2 :-

environmental cause in the concerned region. Those logistics can be worked out only after the decision of the Appropriate Authority with regard to the 841 road projects in question.

3. The learned Assistant Solicitor General of India submits that the MoEF, Government of India, has no objection to examine the proposal initiated by the State Government, but the officials of the said Ministry are finding difficulty in working out the final arrangement and, more particularly, because of the directions given by the learned Single Judge of this Court in order, dated 28th August, 2009, in COPC No. 56 of 2009.

4. Keeping in mind this grievance of the respondent-Authorities, we thought it appropriate to direct the Registry to circulate the papers concerning COPC No. 56 of 2009. Although, the order has not been challenged by any Authority or party to the proceedings, in the peculiar facts of the present case, it has become essential to consider whether the direction contained in the said order should be kept in abeyance or otherwise.

5. In our considered opinion, if the direction contained in COPC No. 56 of 2009 is required to be complied by the concerned Authority and, in particular, MoEF, it will not be possible for the MoEF to work on the proposal to be submitted by the State Government, which, as observed in our previous order, is in larger public interest. The issue regarding action to be taken against the erring officials of the concerned departments and Ministry can always be redressed at the appropriate stage, but consideration of the proposal submitted by

the State Government cannot and should not brook delay. The issue regarding ratification of the action of the State Government regarding construction of 841 road projects across the State of Himachal Pradesh will have to be resolved in the first place in conformity with the requirement of law, which the State Government as well as the MoEF has assured the Court to consider the same in right earnest.

6. In these peculiar facts, we are inclined to hold that it is but appropriate that the direction given in COPC No. 56 of 2009, in order dated 28th August, 2009, should be kept in abeyance to enable the concerned departments to take a final decision on the proposal submitted by the State Government.

7. Counsel appearing for the department as well as the State Government have submitted that the Authorities would report about the possibility and feasibility of granting approval or otherwise on the proposal of the State before the next date of hearing, which can be scheduled after three weeks. In the circumstances, hearing of these matters is deferred till **5th September, 2013**, to enable the MoEF, Government of India and the State Government to work out a holistic plan for not only restoration of the environment, besides quantifying the compensatory costs to be paid by the State Government. That will have to be in conformity with the provisions of law and uninfluenced by the observations in the order dated 28th August, 2009 in COPC No. 56 of 2009, referred to above.

8. The learned Advocate General assures the Court that in

-: 4 :-

the joint meeting to be held between the officials of the concerned departments and Authorities, broad guidelines will be worked out on the basis of which the plan can be taken forward. We place this submission on record. The joint meeting to be convened on 19th August, 2013, in the office of Conservator of Forests (Central), Government of India, Chandigarh, at 11.00 a.m.

Copy dasti.

(A.M. Khanwilkar)
Chief Justice

(Kuldip Singh)
Judge

August 8, 2013
(rajni / sl)



**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.**

COPC No.56/2009

Reserved on:17.8.2009

Decided on:28.8.2009

Kuldip Singh Chauhan.

...Petitioner.

Versus

Balbir Thakur and others.

... Respondents.

Coram:

Hon'ble Mr. Justice Rajiv Sharma, Judge.

Whether approved for reporting?¹ Yes.

For the petitioner : Mr. Ajay Mohan Goel, Advocate.

For the Respondents: Mr. B.M. Chauhan, Advocate for respondent No.1.

**Mr. R.K. Gautam, Senior Advocate with
Mr. Sandeep Kumar Pandey, Advocate for
respondent No.2.**

**Mr. Lokender Thakur, Advocate for respondent
No.3.**

**Mr. R.K. Sharma, Sr. Addl. A.G. with
Mr. Anil Jaswal, Deputy Advocate General for
respondents No.4 and 5.**

**Mr. Rajeev Jiwan, Advocate vice
Mr. Sandeep Sharma, Assistant Solicitor General
of India for respondents No. 6 and 7.**

¹ Whether reporters of the local papers may be allowed to see the judgment? Yes.

Rajiv Sharma, Judge .

The present petition has been preferred for initiating action against respondents No. 1 to 3 for the violation of the directions issued by this Court in CWP No. 1358/2001.

The precise case of the petitioner is that respondents No.1 to 3 are instrumental in construction of road in Sharoli Jungle without seeking the mandatory permission under the provisions of the Forest (Conservation) Act, 1980 and also for felling of trees despite the directions issued by this Court on 29.5.2007 whereby green felling was prohibited in the entire State of Himachal Pradesh. Respondent No.1 has filed the reply. He has denied his involvement in illicit felling of trees in Sharoli Jundge (Mandal Beat). Respondent No.2 has also filed reply to the petition. He has admitted in his reply that certain people of surrounding villages, including respondent No.1 started construction of a road in Mandal Beat and as many as 29 kail saplings were damaged. Accordingly, the damage report was prepared and that a sum of Rs. 23,925/- was recovered towards damages. Accordingly, the JCB, which was in possession of the Forest Department, was released after the receipt of fine and compensation. Respondent No.3 also filed reply. According to him, the tenders were floated on 10.4.2008 for the work in question i.e. C/O link road from Bakan Nallah to village Kohali. These were to be opened on 25.5.2008. However, the same stood cancelled due to technical reasons on 17.5.2008. The petitioner has also filed supplementary affidavit whereby he has given the details of five link roads, which were constructed without the permission under the Forest

(Conservation) Act, 1980. The 'no objection certificates' as per the contents of the supplementary affidavit had been issued by the Range Forest Officer, Sarswati Nagar for construction of these roads. The 'no objection certificates' are marked as Annexures PC-1 to PC-5. The petitioner has also placed on record the photographs reflecting the damage caused to the forest wealth while undertaking the construction of the roads in question. The petitioner has reiterated in the rejoinder filed to the reply filed by respondent No.1 that the road was constructed in Panchayat, Mandal. According to the contents of rejoinder, the illicit felling has taken place in forest Sharoli and Dulu.

What emerges from the pleadings of the parties is that the road in question was constructed despite the mandatory directions issued by this Court from time to time in CWP No. 1358/2001. An LPA was preferred against the judgment of this Court dated 23.11.2007. The Division Bench of this Court upheld the judgment except that respondent-State and the Corporation were permitted to remove fallen and diseased trees. Respondent No.1 though has denied his involvement in the illicit felling of trees, but it is evident from the damage report placed on record that he was involved in illicit felling of trees and he has paid the damages amounting to Rs. 23,925/-. Respondent No.2 has also admitted in the reply that respondent No.1 along with other persons was involved in illicit felling of trees. Respondent No.1 is the Pradhan of the Gram Panchayat, Mandal. Respondent No.2 is the custodian of the forest wealth in his area. He was supposed to be very prompt to take action against the persons who were involved in felling of trees. In the supplementary affidavit filed by the Additional Chief Secretary (Forest), it has come that

respondent No.2 was not involved in any manner since his subordinates have issued the 'no objection certificates'. According to the contents of the supplementary affidavit, the officers, namely Pratap Singh, Jia Lal, Hiteshwar and Surinder Kumar were involved in issuing the 'no objection certificates' and against them action has been initiated.

The Court after taking into consideration the material placed on record has added the Principal Secretary (PW) and Principal Secretary (Forests) to the Government of Himachal Pradesh vide order dated 10.7.2009. The Court had issued the following directions to the newly added respondents:

- i) **Whether necessary permission under the Forest (conservation) Act, 1980 was ever sought and granted by the authorities while initiating the construction work of the link roads mentioned in the supplementary affidavit;**
- ii) **In case no permission was ever granted by the authorities under the Forest (Conservation) Act, 1980, why the Forest Range Officer, Sarswati Nagar has issued 'no objection certificate' and what action, including disciplinary action has been taken against him;**
- iii) **Whether the construction has been carried of the roads in question through the agency of Public Works Department or by the contractor. In case the construction has been carried by the agency of the Public Works Department, the names of the officers, who have undertaken the construction of the link roads without the permission under the Forest (Conservation) Act, 1980 are to be disclosed giving their rank as well. In case the construction has been**

undertaken by the contractor(s) his/their name(s) be disclosed;

- iv) The Principal Secretary (PW) and Principal Secretary (Forest) shall give the details of all the roads and link roads which have been constructed through the State of Himachal Pradesh without the necessary permission contemplated under the Forest (Conservation) Act, 1980;
- v) The Principal Secretary (Forest) is further directed to explain the manner in which the trees, which have been illicitly felled while undertaking the construction of the road, have been disposed of.”

Respondents No.4 and 5 filed supplementary affidavit as directed by this Court vide orders dated 10.7.2009 and 28.7.2009. The Principal Secretary (PW) has undertaken on behalf of the State of Government by way of this affidavit that the Public Works Department/State shall not undertake construction of any road in violation of the Forest (Conservation) Act, 1980 and the action shall be initiated as per law against the defaulters/erring officers/officials, who have constructed the roads in violation of the Forest (Conservation) Act, 1980. It will be apt to reproduce paras 4 and 5 of the affidavit filed by the Principal Secretary (PW) on 28.7.2009:

“4. That as far as the position with regard to necessary permission contemplated under the Forest (Conservation) Act, 1980 is concerned, the deponent on behalf of Public Works Department/State undertakes that henceforth no road shall be constructed by the Public Works Department in violation of Forest (Conservation) Act, 1980.

5. That with regard to violation if any found to have been committed of Forest (Conservation) Act, 1980 while constructing public roads by the Public Works Department, the Deponent undertakes that action as provided under the law shall be initiated against the defaulting/erring officers/officials who have constructed the said road(s) in violation of Forest (Conservation) Act.”

Respondent No.5 also filed supplementary affidavit on 29.7.2009. It has been admitted by respondent No.5 that no permission under the Forest (Conservation) Act, 1980 was sought for the construction of the link roads mentioned in the affidavit filed by the petitioner. It has come in this affidavit that the Deputy Ranger, who was holding the charge of Sarswati Nagar and Sh. Jai Prakash, Deputy Ranger, Sarachali Block have issued 'no objection certificates' at their own level without the information of the Divisional Forest Officer for the construction of the roads mentioned in the supplementary affidavit of the petitioner. It has come in the affidavit that 80 roads/link roads were constructed throughout the State of Himachal Pradesh without necessary permission under the Forest (Conservation) Act, 1980. Out of these 80 roads, no permission has been sought in respect of 67 roads/link roads whereas 13 roads forest land diversion of which was either under process or had been accorded in principal approval by the Government of India had been constructed without waiting final approval of the proposal from the Government of India under the Forest (Conservation) Act, 1980. The Additional Chief Secretary (Forests) filed supplementary affidavit on the basis of directions issued on 29.7.2009. In this affidavit, the

number of roads constructed without the permission has gone up from 80 to 116. The Principal Secretary (PW) also filed the affidavit in sequel to order dated 29.7.2009. In his affidavit, it is stated that 47 roads alleged to have been constructed by the Himachal Pradesh Public Works Department in violation of the Forest (Conservation) Act, 1980. The deponent had sought for additional four weeks time to supply the information. The Principal Secretary (PW) filed the affidavit on 11.8.2009. In this affidavit, the numbers have increased to 75 roads, which were constructed by the Public Works Department.

The Court issued detailed directions to the respondents i.e. respondents No.4 and 5 on 6.8.2009 to supply the complete information of the roads which were constructed in violation of the Forest (Conservation) Act, 1980 and the proposed action against the defaulters. The Additional Chief Secretary (Forests) filed an affidavit on 11.8.2009. It was for the first time that in this affidavit it has come that the Deputy Commissioner has been requested to initiate the action against the Patwaris, who had issued 'no objection certificates' in violation of law. The matter was also referred to the Principal Secretary (RD) to the Government of Himachal Pradesh for initiating action against the Block Development Officer, Jubbal for construction of roads undertaken by him in violation of the Forest (Conservation) Act, 1980.

A bare perusal of the affidavit filed by the Additional Chief Secretary (Forests) dated 16.8.2009 reveals that 98 roads have been constructed in the forest areas without seeking the permission under the Forest (Conservation) Act, 1980. It is a startling figure. The details of these roads are placed on record vide Annexure A-I with the

supplementary affidavit dated 16.8.2009. Similarly, the construction of the roads has been undertaken by the authorities in which forest land diversion proposal was either under process or principal approval has been accorded but the roads were constructed without waiting for the final approval from the Government of India. This information has been placed on record vide Annexure A-II. The perusal of this Annexure A-II reveals that in the process of construction of these 18 roads, in all, 1513 trees have been felled by the authorities without the prior permission of the competent authorities under the Forest (Conservation) Act, 1980.

It is evident from the information supplied by respondent No.4 and 5 that 116 roads have been constructed in the State of Himachal Pradesh without seeking mandatory permission under the Forest (Conservation) Act, 1980. Out of them, 75 roads have been constructed by the Himachal Pradesh Public Works Department under the supervision of the Block Development Officers after sanctioning of the amounts by the respective Deputy Commissioners. The Pradhans of Gram Panchayats like respondent No.1 are also instrumental in construction of roads in negation of rule of law. It was imperative for the Deputy Commissioners and other agencies of the State to ensure that no road is constructed without permission from the Government of India under the Forest (Conservation) Act, 1980. The officers/officials of the Forests Department, Himachal Public Works Department and the Contractors to whom the work was assigned are guilty of undertaking the construction of roads despite the mandatory directions issued by this Court from time to time and also in violation of the Forest (Conservation) Act, 1980. Respondent No.1, as discussed

hereinabove, has indulged in illicit felling of trees which resulted in issuance of damage report. As sum of Rs. 23,925/- stood recovered from him. Respondent No.2 was not involved directly in granting the 'no objection certificate' as per the supplementary affidavit filed by the Principal Secretary (Forests). The 'no objection certificates' have been issued by the persons, who are not authorized to do so as per the contents of the supplementary affidavit filed by respondents No. 4 and 5 by the Patwaris, Deputy Rangers, Forest Guards etc. The stern action is to be taken against those persons, who have failed to abide the directions issued by this Court punctually and also violated the Forest (Conservation) Act, 1980.

The Principal Secretary (PW) has in a very bold manner undertaken to take action against the defaulting officers/officials. He has also undertaken that the State Government and Public Works Department shall not construct any road in violation of the Forest (Conservation) Act, 1980. The action has also been initiated by the Forests Department by punishing officers involved in illicit felling of trees in Sharoli and Dulu forest areas. In this case the action is also to be taken against the Block Development Officers, who have undertaken the construction of the roads on the basis of various schemes floated by the Centre/State Governments after the money was sanctioned by the respective Deputy Commissioners in violation of the mandatory provisions of the Forest (Conservation) Act, 1980. The respondents have supplied the information in piecemeal to the State Government after the issuance of repeated directions. Since the information as directed was not forthcoming, the Central Bureau of Investigation was arrayed as respondent No.7.

The Parliament has enacted the Act called "the Forest (Conservation) Act, 1980. Section 2 thereof imposes restrictions on the de-reservation of forests or use of forest land for non-forest purposes. Section 3-B deals with offences by authorities and Government Departments. The Central Government has also framed the rules called "the Forest (Conservation) Act, 2003. Rule 9 thereof provides the mechanism for proceedings against persons guilty of offences under the Act.

Accordingly, in view of the observations made hereinabove, respondent No.1 is found guilty of committing contempt of this Court for willful disobedience of the orders passed by this Court in CWP No.1358/2001. Respondent No.2 is absolved/exonerated. Respondent No.3 knowing fully well being a Government Officer that there is a ban on green felling has invited tenders though the same were subsequently cancelled. However, he is directed to be careful in future.

Respondent No.1 is the Pradhan of Gram Panchayat, Mandal. He has already deposited the fine imposed amounting to Rs. 23,925/-. Respondent No.1 has been held guilty for committing contempt of the orders passed by this Court in CWP No. 1358/2001. However, instead of sentencing or directing him to pay a fine, the interest of justice will suffice if he is directed to plant at least 500 plants of Deodar on the land to be provided by the Forest Department. The nourishment of these plants shall be the responsibility of respondent No.1 under the supervision of the Divisional Forest Officer concerned. He shall look after the plants for a period of five years. Thereafter the

up-keep of the trees planted by respondent No.1 being Pradhan of Gram Panchayat, Mandal shall be taken over by the Divisional Forest Officer concerned of the area. This will also ensure the participation of the local people in protecting, conserving and preserving the forest wealth of the State of Himachal Pradesh.

In view of the specific directions issued to respondent No.1 to plant 500 trees of Deodar, the conviction of respondent No.1 under the contempt jurisdiction shall not in any manner affect the status of respondent No.1 as Pradhan of the Gram Panchayat. It is clarified that no separate proceedings shall be initiated against him.

The Court takes judicial notice of the fact that in the process of seeking 'no objection certificates' from the agencies constituted under the Forest (Conservation) Act, 1980 is tardy and time consuming. Consequently, respondent No.6 is directed to ensure that as and when the applications for 'no objection certificate' are received, the needful be done within a reasonable period so that there is no delay in undertaking the construction of projects through forests areas. The delay in granting the permission escalates the cost of construction and the burden passes on to the tax-payers.

The agencies while issuing 'no objection certificate' shall also ensure that at least the site is visited once to ensure minimum damage to the forest wealth. They should not merely rely upon the report furnished by the State agencies.

Now, the Court has to issue necessary directions to respondent-State to take suitable action against the persons, whose details find mention in the Annexures annexed with the supplementary affidavits filed by respondents No.4 and 5. The persons mentioned in

these Annexures resumed the construction of roads without prior permission of the Central Government under the Forest (Conservation) Act, 1980. The Principal Secretary (PW) has also undertaken to take disciplinary action against the persons involved in the construction of roads in violation of law. The Additional Chief Secretary (Forests) to the Government of Himachal Pradesh has also suspended three Officers of the Department. The necessary instructions have been issued to the Deputy Commissioner to take action against the Block Development Officer, Jubbal. The directions have also been issued to the Deputy Commissioners to initiate proceedings against the Patwaris, who have issued 'no objection certificates' at their own level.

Mr. Sandeep Sharma, learned Assistant Solicitor General of India on the previous date of hearing has assured the Court that the action shall be taken against the defaulters who have violated the mandatory provisions of the Forest (Conservation) Act, 1980.

It is evident from the contents of Annexure R-3 (Page 124) that the Forest Department has been compounding the matters in violation of section 68 of the Indian Forest Act. The necessary notification for compounding has to be issued by the State Government and the same has to be published in the Gazette. There is no deterrence in the prevailing instructions issued by the State Government. The stern action is required to be taken against the persons, who are involved in illicit felling of trees. The action should be taken departmentally and the prosecution should also be launched against the defaulters.

Accordingly, the following directions are issued to the respondent-State:

- i) The Himachal Pradesh Public Works Department/State shall not undertake the construction of any road in the forest areas without the mandatory permission under the Forest (Conservation) Act, 1980 as undertaken by the Principal Secretary (PW) in his affidavit;
- ii) Stern disciplinary action be taken against the persons as per the undertaking given by the Principal Secretary (PW) against the officers/officials whose details are given in the Annexures filed with the supplementary affidavits while constructing roads in violation of the Forest (Conservation) Act, 1980. The disciplinary proceedings shall be commenced within a period of six weeks and the same shall be concluded as far as possible within a period of one year;
- iii) The Additional Chief Secretary (Forests) is also directed to take suitable disciplinary action against the persons, who are involved in granting 'no objection certificates' in violation of the Forest (Conservation) Act, 1980 while undertaking the construction of 166 roads. The disciplinary proceedings shall be commenced within a period of six weeks and the same shall be concluded as far as possible within a period of one year;
- iv) The Deputy Commissioners in the State of Himachal Pradesh are directed to ensure that the Block Development Officers/Pradhan/Patwaris, who are instrumental in the construction of roads in violation of Forest (Conservation) Act, 1980 are dealt with departmentally. The necessary charge-sheet etc. shall be issued within a period of six weeks and the inquiry be completed as far as possible within a period of one year;
- v) Since admittedly 116 roads have been constructed in violation of the Forest (Conservation) Act, 1980, the action under this Act shall also be taken against the

persons by the competent authorities prescribed under the Forest (Conservation) Rules, 2003. The action shall be initiated by the prescribed authorities within a period of one month from today. The details of the persons against whom the action is to be taken are provided in the Annexures filed with the supplementary affidavits of respondents No.4 and 5.

- vi) The respondent-State is suggested to issue necessary notification under section 68 of the Indian Forest Act dealing with the cases of illicit felling. The Court hopes and trusts that strong action will be taken against the persons, who are involved in the illicit felling of trees.
- vii) In order to ensure and supervise that the directions issued are complied with punctually, a committee of following two officers comprising of Mr. P.C. Kapoor, Principal Secretary (PW) Government of Himachal Pradesh and Mr. Upasak, Addl. S.P., Central Bureau of Investigation is constituted. The committee shall file the status report after every three months disclosing the latest status of the disciplinary proceedings initiated against the defaulters for a period of one year;

In view of the aforesaid discussion, the petition is disposed of.

The pending application(s), if any, also stand disposed. The notices issued to respondents No. 1 to 3 stand discharged. No costs.

(Rajiv Sharma), J.

28.8. 2009.

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MOST URGENT
PERSONAL ATTENTION

No.PBW(B)E(3)1/2013-I
Government of Himachal Pradesh
Public Works Department

From

The Pr. Secretary (PW) to the
Government of Himachal Pradesh.

To

The Engineer-in-Chief,
HP PWD, Nirman Bhawan,
Nigam Vihar, Shimla-2

Dated Shimla-171002, the

th
18 June, 2014.

Subject:-

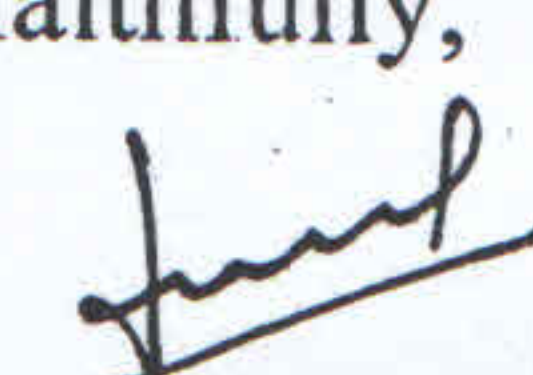
Notification- Violation of the provisions of the Forest (Conservation)
Act, 1980- approval to cases of construction of roads in compliance of
directions passed on 8.8.2013 and 5.9.2013 in CWP No. 56(A) of 2012 a/w
CWP No. 9797/2012 and COPC No. 56/2009.

Sir,

I am directed to enclose herewith a copy of notification No. FFE-B-
E(3)-31/2012 dated 30-05-2014 received from the Pr. Secretary(Forest) Government
of H.P. addressed to this department, among others on the above cited subject and
to request you to issue necessary directions to all CEs for taking further necessary
action in the matter.

^{be}
This may be treated as most urgent being High Court matter.

Yours faithfully,


(K.R. Saizal)

Deputy Secretary (PW) to the
Government of Himachal Pradesh.
June, 2014.

Endst. No. As above. Dated Shimla-171002, the

Copy to the Pr. Secretary (Forests) to the Government of Himachal Pradesh,
H.P.Shimla-2.


(K.R. Saizal)

Deputy Secretary (PW) to the
Government of Himachal Pradesh.

1131
19-6-14


DR
Dr. Gopal Singh

Government of Himachal Pradesh

Department of Forests

No.FFE-B-F(3)-31/2012

Dated Shimla-171002, the

NOTIFICATION

In supersession of Notification No.FFE-B-F(3)-31/2012 dated 24.10.2013, the Governor of Himachal Pradesh is pleased to constitute the following committees to carry out inspection of roads in accordance with the guidelines worked out in a joint meeting of the officials of the Govt. of H.P and Ministry of Environment & Forests, Govt. of India held on 19.8.2013 in pursuance of the orders dated 8th August and 5th September, 2013 of Hon'ble Court of Himachal Pradesh in CWP No. 5600 of 2012, CWP No.9797 of 2012 and CoPC No.56 of 2009 :-

I **ROAD PROPOSALS IN WHICH NO FURTHER CONSTRUCTION IS REQUIRED.**

- | | |
|---|---|
| 1. Divisional Forest Officer of the area | : Chairman |
| 2. Representative of Deputy Commissioner
(not below the rank of SDM) | : Member |
| 3. Executive Engineer (HPPWD) of the area | : Member Secretary
(In respect of HPPWD roads) |
| 4. Block Development Officer of the area | : Member Secretary
(In respect of RD Deptt. roads) |
| 5. Executive Engineer (Civil) of the area | : Member Secretary
(In respect of BRO roads) . |

The terms of reference of the Committee are as under:-

- i) Carry out inspection of all roads referred in the orders of the Hon'ble High Court of H.P in CWP No. 5600 of 2012, CWP No.9797 of 2012 and CoPC No.56 of 2009.

PTO

(109)

- ii) Give a detailed report, road wise on the violation also indicating the extent of violation.
- iii) Indicate road wise measures required, if any, for strengthening the ecology of the area.

II ROAD PROPOSALS REQUIRING ADDITIONAL WORKS TO BE UNDERTAKEN

- | | | |
|---|---|---|
| 1. Conservator of Forests of the area | : | Chairman |
| 2. Superintending Engineer (HPPWD) | : | Member
(In respect of HPPWD roads) |
| 3. Divisional Forest officer of the area | : | Member |
| 4. Representative of Deputy Commissioner
(not below the rank of SDM) | : | Member |
| 5. Project Officer, DRDA | : | Member
(In respect of RD Deptt. roads) |
| 6. Director (Planning) ,Deepak project | : | Member
(In respect of BRO roads) |
| 7. Executive Engineer (HPPWD) of the area | : | Member Secretary
(In respect of HPPWD roads) |
| 8. Bock Development Officer of the area | : | Member Secretary
(in respect of RD Deptt. roads) |
| 9. Executive Engineer (civil) of the area | : | Member Secretary
(In respect of BRO roads) |

The terms of reference of the Committee are as under :-

- i) Carry out inspection of all roads referred in the orders of the Hon'ble High Court of H.P in CWP No. 5600 of 2012, CWP No.9797 of 2012 and CoPC No.56 of 2009.
- ii) Give a detailed report, road wise, on the violation also indicating the extent of violation.

- iv) Indicate necessity of undertaking construction of the remaining part yet to be constructed and explore possibility of including minimum forest/trees for the remaining part.
- v) Indicate road wise measures required, if any, for strengthening the ecology of the area.

The Member Secretary shall ensure that a minimum of three roads are inspected by the Committee(s) every month in each Forest Division and road wise report is submitted to the concerned DFO within one week of the date of inspection.

By order

Pr. Secretary (Forests) to the
Government of Himachal Pradesh

30 MAY 2014

Endst. No. No.FFE-B-F(3)-31/2012

Dated Shimla-171002, the

Copy is forwarded to the following for information and necessary action:-

1. The Addl. Chief Secretary (RD) to the Govt. of H.P, Shimla
2. The Pr. Secretary (Revenue) to the Govt. of H.P. Shimla
3. The Pr. Secretary (PWD) to the Govt. of H.P. Shimla
4. The Pr. Chief Conservator of Forests (HoFF) Himachal Pradesh, Talland, Shimla-171001.
5. Engineer-in-Chief, HPPWD, Himachal Pradesh, Shimla-2.
6. Director (Rural Development, Department) H.P. Shimla-2.
7. Director (Planning), Project Deepak, Chaura Maidan, Shimla-171005

Deputy Secretary (Forests) to the
Govt. of Himachal Pradesh, Shimla-2

Inspection Report of the Committee Constituted vide Government of Himachal Pradesh
department of Forest Notification No. FFE-B-F-(3)-31/2012 dated 24.10.2013 in respect of
Shambhuwala to Kun Nehrla Road conducted on dated 14.03.2014

1. **Name of circle/District/Division/Tehsil/Range**
Nahan/Sirmour/Nahan/Nahan/Nahan
2. **Name of road including kms. from to**
Shambhuwala to Kun Nehrla road from 0/0 to 7/040 kms.
3. **Total length of road passing through the Forest area and Private area.**
Total length of the road passing through forest area is 3.015 kms and 4.025 kms through private area.
4. **Length of the road for which forest land has already been broken/constructed**
3.015 kms
5. **Length of the road and extent (in Hac, passing through forests**
Length of road = 3.015 kms
Extent = 18090 sq. mtrs or 1.809 Hectares.
6. **Date of starting the work**
The work was started during year 1970 by Block department.
7. **Name of organization which constructed the road.**
The road was constructed initially by Block i.e. Rural Integrated Development Department & later it was improved by the HPPWD during the year 1995.
8. **For completing the work, whether there is need to use additional forest area or alignment can be changed without further use of forest land.**
There is no need for additional forest land as road formation construction work has already been completed.
9. **If not, total length of the road and forest area required for completing the work (including the forest area used and to be used).**
Total length of road = 7.040 kms. Total length of road passing through forest = 3.015 kms Forest area utilized = 1.809 Hectare. Additional forest area required = Nil.
10. **Details of damages caused to bio-diversity including number of trees felled other than breaking the earth (which is already covered under point 5 above)**
As per record available there is no damages caused to ~~damages caused~~ bio-diversity including trees.

11. Details of soil conservation/engineering works necessary on the upper and lower sides of the road for its strengthening and avoiding landslides.

- a. Gully Plugging = 12 Nos
- b. Brushwood Check Dam = 70 Nos
- c. Dry Stone Check Dam = 100 Nos

12. Estimated expenditure for carrying out these engineering works.

- a. Rs. 2,40,000(Rupees Two lac Forty Thousand)
- b. Rs. 1,05,000(Rupees One Lac Five Thousand)
- c. Rs. 10,00,000 (Rupees Ten lacs) .

BAR CHART SHOWING THE FOREST LAND

0/0	0/825	1/0	2/0	3/0	3/840	4/0	5/0	6/0	7/040

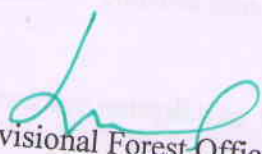
I—Forest land -----I-----I

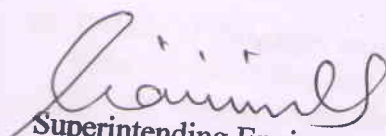
c). Recommendations of the Committee (should include length in kms, extent of forest land additional required for completing the work, expenditure to be included on engineering/vegetative works necessary for stabilizing the soil/boulders on Upper and lower sides of the road etc.

Total length for road is 7.040 Kms and out of this 3.015 Km. passes through forest land. No additional land is required for further construction work beside 1.809 hectare of forest land which has already been utilized.

The total cost of DPR is yet to be worked out which shall be evaluated after necessary sanction of forest land diversion case.


Executive Engineer
HP.PWD. Division, Nahan


Divisional Forest Officer.
Forest Division, Nahan


Superintending Engineer
12th circle, HP.PWD, Nahan


Conservator of Forest, Nahan
Distt. Sirmour, Nahan


Tehsildar Nahan
District Sirmour (H.P.)

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWPIL No. 91 of 2017
Decided on: November 16, 2017

Court on its own motion

.....Petitioner

Versus

State of Himachal Pradesh and others

....Respondents

Coram

Hon'ble Mr. Justice Sanjay Karol, Acting Chief Justice

Hon'ble Mr. Justice Sandeep Sharma, Judge

Whether approved for reporting? Yes.

For the petitioner : Ms. Rashmi Parmar, Advocate (*Amicus Curiae*)

For the respondents : Mr. Shrawan Dogra, Advocate General
with Mr. Anup Rattan and Mr. Romesh
Verma, Additional Advocate Generals.

Sandeep Sharma, Judge (oral):

Taking cognizance of letter addressed to the Chief Justice of this Court, wherein person namely Shri Anant Ram Negi, resident of Village Halaila, Post Office Kotkhai, District Shimla, Himachal Pradesh, highlighted a serious issue with regard to illegal felling of trees by various private persons as well as administration for construction of roads through forest land, this Court directed Registry of this Court to register the instant petition as Public Interest Litigation (CWPIL). In the letter petition, petitioner alleged that many disgruntled persons residing in Himri Panchayat, Tehsil Kotkhai, District Shimla have indulged in illegal felling of trees for the construction of roads to their respective houses. Though the letter petitioner specifically raised issue with regard to construction of road

¹ Whether the reporters of the local papers may be allowed to see the judgment? .

from Village Tharmala to Bertu via Village Guthan but also expressed his concern with regard to unauthorized construction of roads in the State of Himachal Pradesh, through forest land in violation of the Forest Conservation Act. Petitioner has alleged that since the officials of Forest Department are hands in glove with the forest mafia, no steps are being taken to stop/check illegal felling of trees, as a result of which, forest wealth is decreasing day by day. Apart from above, petitioner also highlighted the issue with regard to raising of orchards by private persons on the forest land in and around Shimla District.

2. Apart from above, this Court also received one letter in continuation to aforesaid letter petition, wherein, it is alleged that one person namely Keshav Ram Dogra, constructed road to his orchard by felling trees standing on forest land. Though letter petitioner by way of petition referred to herein above, alleged that more than four hundred roads have been constructed through forest land in District Shimla, after felling approximately 4000 deodar trees but no material has been placed on record to substantiate the aforesaid allegation.

3. This Court, taking note of the aforesaid serious allegations contained in the letter petition, directed the learned Additional Advocate General appearing on behalf of the State to have instructions in the matter. The Principal Chief Conservator of Forests, while filing reply on behalf of the State, denied aforesaid allegations levelled in the letter petition and claimed that the roads in the State of Himachal Pradesh and in District Shimla are being constructed after obtaining approval under Forest Conservation Act, 1980. It is further

disclosed in the affidavit that roads involving upto one hectare area are also being constructed after getting due sanction under Forest Rights Act, 2006, from the Divisional Forest Officer concerned. Above named deponent, specifically denied the allegation with respect to construction of 05 kms of road by forest mafia in the recent past, rather, it has been stated in the affidavit that Divisional Forest Officer Theog has accorded approval of 32 roads comprising of area measuring 16.1091 hectares under Forest Rights Act, from January, 2016 to 30.6.2017, under his jurisdiction. While refuting the contention of the letter petitioner that forest cover in the State of Himachal Pradesh is decreasing, Principal Chief Conservator of Forests has stated in his affidavit that there is an increase of 13 sq metres of forest cover in the State of Himachal Pradesh as per Forest Survey of India report, 2015. While dealing with specific instances as quoted in the letter petition with regard to Tharmala-Bertu and Guthan-Bohal roads, falling in Himri Panchayat of Kotkhair Tehsil, it has been informed by the State that necessary directions were issued to the Range Forest Officers, Kotkhair and Theog to visit the spot and submit a fact finding report. Aforesaid officer after having visited the spot, has reported that roads mentioned herein above were constructed about five years back and their length is only 2 kms and same figure in the list of cases registered for construction of roads in violation of Forest Conservation Act at Sr. No. 245.(Annexure R-I).

4. Similarly, the Range Forest Officer, Kotkhair after having inspected the spot alongwith Block Officer, Shillaru, Forest Guard Incharge of Sharmila Beat and Forest Guard Shillaru Beat, reported

that 480 metres long road has been constructed from Tharmala to Bertu in DPF Solku of Sharmala Beat. He has further reported that the road in question appears to have been constructed ten years ago. As per report submitted by Range Forest Officer, Kotkhai, person namely Keshav Ram manually widened the path by 2 feet making it motorable, qua which Range Forest Officer, Kotkhai chalked out damage report No. 10/17-18 dated 23.8.2017, against Shri Keshav Ram for the alleged offence committed by him and same shall be disposed of as per departmental procedure. As per reply submitted by the respondent-State, road in question has been fenced on both sides by the State and Deodar trees have been planted, as is evident from the photographs placed on record as Annexure R-IV.

5. Most importantly, perusal of annexure R-III suggests that Range Forest Officer, Kotkhai also contacted the letter petitioner namely Shri Anant Ram Negi on his cell phone, who in turn informed the concerned officer that this is a false complaint made in his name and he has nothing to do with these roads. Similarly, inquiry with regard to construction of Tharmala-Bertu road has been entrusted to Divisional Forest Officer, Theog.

6. Though, this court after having perused aforesaid reply filed by the respondent-State sees no reason to issue further directions in the matter, especially when complaint allegedly having been filed by Shri Anant Ram Negi has not been actually filed by the letter petitioner, as is stated by him to Range Forest Officer, Kotkhai, but this Court after perusing the documents placed on record by the Principal Chief Conservator of Forests, annexure R-I, sees substantial

force in the averments contained in the letter petition that roads are being constructed in the State of Himachal Pradesh in violation of Forest Conservation Act. As per own calculation of the Forest Department, approximately 2183 roads have been constructed in the State of Himachal Pradesh in violation of the Forest Conservation Act, which is a large number and can not be overlooked. It also emerges from the perusal of documents placed on record by the Forest Department that the matter with regard to construction of roads in the State of Himachal Pradesh in violation of Forest Conservation Act had come to the notice of this Court, in CWP No. 5600 of 2012 titled as **Manoj Kumar** versus **Union of India & others** and connected matters and COPC No. 56 of 2009 titled as **Kuldeep Singh Chauhan** versus **Balbir Thakur and others**, wherein, directions were issued to the State of Himachal Pradesh as well as Ministry of Environment and Forests, Government of India, for inspection of such roads by Committees and thereafter to report the matter to the Northern Regional Officer, Ministry of Environment and Forests, Chandigarh, for consideration of proposal for approval.

7. Though this Court, after having perused specific reply qua the roads allegedly constructed by private persons or authorities in violation of Forest Conservation Act, sees no reason to keep this petition alive, but, definitely, this Court can not lose sight of the fact that thousands of roads have been constructed in the State of Himachal Pradesh, in violation of Forest Conservation Act as such, this Court deems it proper to call for a detailed report from the respondent-State with regard to steps taken by the Forest Department for obtaining approval from the Ministry of Environment

and Forests, Government of India, pursuant to directions issued by this Court in CWP No. 5600 of 2012 (supra) and COPC No. 56 of 2009 (supra).

8. Before issuing necessary directions in light of the discussion made herein above, it may be noticed that the issue with regard to encroachment on forest land by private persons in District Shimla for raising orchards is already pending adjudication before this Court in CWPIL No. 9 of 2015 and CWPIL No. 17 of 2014, as such, no directions in that regard are required to be issued in the present petition.

9. Consequently, in view of discussion made herein above, present petition is disposed of with a direction to the Chief Secretary to the Government of Himachal Pradesh to file his personal affidavit, detailing therein number and names of roads constructed in the State of Himachal Pradesh, in violation of Forest Conservation Act. Chief Secretary may also indicate in his affidavit that what steps have been taken by the State for getting necessary permission from the Ministry of Environment and Forests, Government of India, for regularization of roads constructed in violation of Forest Conservation Act. Needful be done within a period of two weeks from today.

10. Aforesaid affidavit filed by the Chief Secretary to the Government of Himachal Pradesh in compliance to the instant judgment shall be placed before this Court.

(Sanjay Karol)
Acting Chief Justice

(Sandeep Sharma)
Judge

November 16, 2017 (vikrant)

No. PW/NHN/WA-I/FCA-09/2024-25-

Himachal Pradesh
Public Works Department
3068

Dated: 21-10-24

To,

The Divisional Forest Officer,
Nahan Forest Division,
District Sirmour, Nahan

Subject:

Diversion of 1.809 ha of forest land in favour of HPPWD for the construction of link road from Shabhuwala to Kun Nehra km. 0/0 to 7/040 (portion 0/825 to 3/840 within the jurisdiction of Nahan Forest Division Distt. Sirmour Himachal Pradesh-Regarding submission of EDS.
(Online Proposal No. FP/HP/Road/8015/2014).

Reference:

Letter no: 8B/HP/06/95/2017/FC dated 05.02.2024

Sir,

As per the letter dated 05.02.2024 mentioned in the above reference, EDS has been received from the Integrated Regional Office, Shimla in which the department/user agency has to submit the Certificate regarding exact aerial distance from the nearest National Park/Sanctuaries from the competent authority. The exact aerial distance from the nearest National Park/Sanctuaries i.e. Kalesar Wild Life Sanctuary (30°24'38.00"N, 77°24'31.00"E) is 15.15 kms from the proposed site (30°31'27.01"N, 77°19'16.46"E). Gazette Notification of Kalesar Wild Life Sanctuary is enclosed with this letter for your reference.

Therefore, it is requested to issue the necessary certificate for the same so that reply to the EDS may be provided and submitted accordingly please.

Executive Engineer
Nahan Division
H.P.P.W.D, Nahan

Enclosure: as stated above

Full Title of the project- Construction of link road from Shabhuwala to Kun Nehrla km. 0/0 to 7/040 (portion 0/825 to 3/840), District Sirmour, Himachal Pradesh

(Online Proposal No. FP/HP/Road/8015/2014)

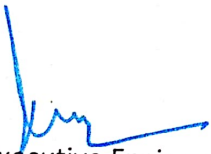
Aerial Distance Certificate

Certificate that the exact aerial distance from the nearest National Park/Sanctuaries i.e. Kalesar Wild Life Sanctuary is 15.15 kms from the proposed site of construction of link road from village Shabhuwala to Kun Nehrla road District Sirmour, Himachal Pradesh.

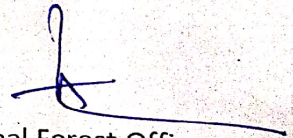
Nearest Coordinates of Kalesar Wild life Sanctuary boundary - $30^{\circ}24'38.00''\text{N}$, $77^{\circ}24'31.00''\text{E}$

Nearest Coordinates of Proposed Road from Kalesar Wild life Sanctuary – $30^{\circ}31'27.01''\text{N}$, $77^{\circ}19'16.46''\text{E}$

Date:



Executive Engineer
Nahan Division, H.P.P.W.D, Nahan



Divisional Forest Officer
Nahan Forest Division, Nahan



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 अप्रैल, 2016

का.आ. 1485(अ).— भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं. का.आ. 2540(अ), तारीख 17 सितंबर, 2015, उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी गई थी, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित करते हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी ;

और उक्त राजपत्र, जिसमें उक्त अधिसूचना अंतर्विष्ट है, की प्रतियां जनता को 17 सितंबर, 2015 को उपलब्ध करा दी गई थीं ;

और उक्त प्रारूप अधिसूचना के उत्तर में सभी व्यक्तियों और पणधारियों से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा सम्यक रूप से विचार किया गया ;

और कालेसर राष्ट्रीय पार्क, कालेसर वन्यजीव अभयारण्य जो लगभग 100.88 वर्ग किलोमीटर के हैं चार राज्यों अर्थात् उत्तर प्रदेश, हिमाचल प्रदेश, उत्तराखंड और हरियाणा के जंक्शन में अवस्थित थी, यह शिवालिक फुटहिल्स के अंतर्गत आता है और दो भिन्न राज्यों के दो संरक्षित क्षेत्रों के साथ सीमाएं साझा करते हैं, अर्थात् हिमाचल प्रदेश का सिवलबाड़ा वन्यजीव अभयारण्य उत्तर की ओर और उत्तराखंड का राजाजी राष्ट्रीय पार्क पूर्व की ओर तथा कालेसर वन्यजीव अभयारण्य कालेसर राष्ट्रीय पार्क के पूर्व-पश्चिम की ओर हैं और इस प्रकार दोनों के मध्य कोई भौतिक बाधा विद्यमान नहीं है तथा पूरा क्षेत्र पौध और जन्तु प्रजातियों से भरा है और उसका एतिहासिक, आर्थिक और औषधीय महत्व है कालेसर राष्ट्रीय पार्क, कालेसर वन्यजीव अभयारण्य सरीसृप जन्तुओं से भरा है जिसके अन्तर्गत बड़ी मानीटर छिपकली, भारतीय रॉक अजगर, किंग कोबरा, कॉमनक्रेट लाल सांप, रसल वाइपर, पिट वाइय इत्यादि हैं ;

और उक्त पारिस्थितिकीय और पर्यावरणीय दृष्टि से पारिस्थितिक संवेदी जोन के रूप में कालेसर राष्ट्रीय पार्क और कालेसर वन्यजीव अभयारण्य के संरक्षित क्षेत्र के चारों ओर के क्षेत्र को, जो इस अधिसूचना के पैरा 1 में विनिर्दिष्ट विस्तार और सीमाओं के क्षेत्र को संरक्षित और सुरक्षित करना आवश्यक है तथा उक्त पारिस्थितिकीय संवेदी जोन में उद्योगों के प्रचालन या प्रसंस्करण या उद्योगों के वर्गों का प्रचालन और प्रसंस्करण करने को प्रतिषिद्ध करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) और पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (2) के खंड (v) और खंड (xiv) के साथ पठित और उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा राज्य में कालेसर राष्ट्रीय पार्क और कालेसर वन्यजीव अभयारण्य संरक्षित क्षेत्र की सीमा से 1900 मीटर तक के विस्तारित क्षेत्र को कालेसर राष्ट्रीय पार्क और कालेसर वन्यजीव अभयारण्य पारिस्थितिक संवेदी जोन (जिसे इसमें इसके पश्चात् पारिस्थितिक संवेदी जोन कहा गया है) के रूप में अधिसूचित करती है, जिसका विवरण निम्नानुसार है, अर्थात् :--

1. **पारिस्थितिक संवेदी जोन का विस्तार और उसकी सीमाएं**--(1) पारिस्थितिक संवेदी जोन हरियाणा राज्य में कालेसर राष्ट्रीय पार्क और कालेसर वन्यजीव अभयारण्य की सीमा से शून्य से 1900 मीटर तक विस्तारित होगा और पारिस्थितिक संवेदी जोन का क्षेत्रफल लगभग 38.92 हैक्टेयर है। कालेसर राष्ट्रीय पार्क और कालेसर वन्यजीव अभयारण्य के निर्देशांक उपाबंध I में दिये गये हैं।

(2) पारिस्थितिक संवेदी जोन पूर्व-दक्षिण (उपाबंध Iए मानचित्र के बिन्दु सं.14) की ओर 30°18'49.861" उ. अक्षांश और 77°35'7.269" पूर्व देशांतर; पश्चिम (उपाबंध Iए मानचित्र के बिन्दु सं.1) की ओर 30°24'35.016" उत्तर अक्षांश तथा 77°24'37.293" पूर्व देशांतर; दक्षिण (उपाबंध Iए मानचित्र के बिन्दु सं. 12) की ओर 77°32'26.990" पूर्व देशांतर और उत्तर की ओर तथा यमुना नदी के पूर्व की ओर हिमाचल प्रदेश सिवलवाड़ा राष्ट्रीय पार्क लगता है।

(3) अक्षांश और देशांतर के साथ पारिस्थितिक संवेदी जोन की सीमा का मानचित्र में **उपाबंध Iए** के रूप में दिया गया है।

(4) पारिस्थितिक संवेदी जोन का समन्वयक उनके अक्षांश और देशांतर सहित **उपाबंध II** के रूप में उपाबद्ध है।

(5) पारिस्थितिक संवेदी जोन में जिन गांवों का क्षेत्र या भाग आता है वो हैं, इब्राहिमपुर, तारापुर कलां, तारापुर खुर्द, फकीर माजरा, फतेहगढ़ कोट मुश्तरका, बच्चोंन, शाहबुदीनपुर कलां, शाहबुदीनपुर खुर्द, याराह, सिंपियान वाला, जतन वाला, दारपुर, वानीवाला, कांसली, चिकन, खिलनवाला, बागपत, खिजरी, अंबवाली, टिबरीयों, नगलपत्ती, मिलक, बामवेवाला, चांदपुर, रामलवाला, झण्डु ओडु, फैजपुर, कालेसर, गाढी, बेंजारवास, मम्दुवास हैं।

2. पारिस्थितिक संवेदी जोन के लिए आंचलिक महायोजना – (1) राज्य सरकार, पारिस्थितिक संवेदी जोन के प्रयोजनों के लिए राजपत्र में इस अधिसूचना के अंतिम प्रकाशन की तारीख से दो वर्ष की अवधि के भीतर, स्थानीय व्यक्तियों के परामर्श से, इस अधिसूचना में संलग्न अनुबंधों के सामंजस्य से आंचलिक महायोजना तैयार करेगी।

(2) आंचलिक महायोजना राज्य सरकार में सक्षम प्राधिकारी द्वारा अनुमोदित होगी।

(3) पारिस्थितिक संवेदी जोन के लिए आंचलिक महायोजना इस अधिसूचना में विनिर्दिष्ट रूप में ऐसी रीति में राज्य सरकार तथा सुसंगत केंद्रीय और राज्य विधियों के सामंजस्य में भी तथा केंद्रीय सरकार द्वारा जारी मार्गनिर्देश, यदि कोई हों, द्वारा तैयार होगी।

(4) आंचलिक महायोजना, इसमें पर्यावरणीय और पारिस्थितिक विचारों को समाकलित करने के लिए निम्नलिखित सभी संबद्ध राज्य सरकार के विभागों के परामर्श से तैयार होगी, अर्थात्:--

- (i) पर्यावरण ;
- (ii) वन ;
- (iii) नगर विकास ;
- (iv) पर्यटन ;
- (v) नगरपालिक ;
- (vi) राजस्व ;
- (vii) कृषि ; और
- (viii) हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड।

(5) आंचलिक महायोजना अनुमोदित विद्यमान भू-उपयोग, अवसंरचनात्मक और क्रियाकलापों पर कोई निर्बंधन अधिरोपित नहीं करेगी जब तक कि इस अधिसूचना में और आंचलिक महायोजना में सभी अवसंरचना और अधिक प्रभावी और पारिस्थितिक अनुकूल क्रिया क्रियाकलाप कारक इस प्रकार विनिर्दिष्ट न हों।

(6) आंचलिक महायोजना में अनाच्छादित क्षेत्रों के जीर्णोद्धार, विद्यमान जल निकायों के संरक्षण, आवाह क्षेत्रों के प्रबंधन, जल-संभरों के प्रबंधन, भूतल जल के प्रबंधन, मृदा और नमी संरक्षण, स्थानीय समुदायों की आवश्यकताओं तथा पारिस्थितिक और पर्यावरण से संबंधित ऐसे अन्य पहलुओं, जिन पर ध्यान देना आवश्यक है, के लिए उपबंध होंगे।

(7) आंचलिक महायोजना सभी विद्यमान पूजा स्थलों, ग्रामों और नगरीय बंदोबस्तों, वनों के प्रकार और किस्मों, कृषि क्षेत्रों, ऊपजाऊ भूमि, हरित क्षेत्र जैसे उद्यान और उसी प्रकार के स्थान, उद्यान कृषि क्षेत्र, फलोद्यान, झीलों और अन्य जल निकायों का अभ्यंकन करेगी।

(8) आंचलिक महायोजना पारिस्थितिक संवेदी जोन में विकास को पारिस्थितिक अनुकूल विकास और स्थानीय समुदायों की जीविकोपार्जन को सुनिश्चित करते हुए विनियमित होगी।

3. राज्य सरकार द्वारा किए जाने वाले उपाय-- राज्य सरकार इस अधिसूचना के उपबंधों को प्रभावी करने के लिए निम्नलिखित उपाय करेगी, अर्थात् :--

(1) **भू-उपयोग -** पारिस्थितिक संवेदी जोन में आमोद-प्रमोद के प्रयोजन के लिए चिन्हित किए गए वनों, उद्यान-कृषि क्षेत्रों, कृषि क्षेत्रों, पार्कों और खुले स्थानों का वाणिज्यिक और औद्योगिक संबद्ध विकास क्रियाकलापों के लिए उपयोग या संपरिवर्तन नहीं होगा :

परंतु पारिस्थितिक संवेदी जोन के भीतर कृषि भूमि का संपरिवर्तन, मानीटरी समिति की सिफारिश पर और राज्य सरकार के पूर्व अनुमोदन से, स्थानीय निवासियों की आवासीय जरूरतों को पूरा करने के लिए और पैरा 4 की सारणी के स्तंभ (2) के अधीन मद सं. 27, 35, और सं. 40 के सामने सूचीबद्ध क्रियाकलापों को पूरा करने के लिए अनुज्ञात होंगे, अर्थात् :-

- (i) प्रदूषण उत्पन्न न करने वाले लघु उद्योग;
- (ii) वर्षा जल संचय; और
- (iii) कुटीर उद्योग, जिसके अंतर्गत ग्रामीण शिल्पी भी हैं :

परंतु यह और कि राज्य सरकार के पूर्व अनुमोदन और संविधान के अनुच्छेद 244 या तत्समय प्रवृत्त विधि के उपबंधों के अनुपालन के बिना, जिसके अंतर्गत अनुसूचित जनजाति और अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम, 2006 (2007 का 2) भी है, वाणिज्यिक या उद्योग विकास क्रियाकलापों के लिए जनजातीय भूमि का उपयोग अनुज्ञात नहीं होगा :

परंतु यह और भी कि पारिस्थितिक संवेदी जोन के भीतर भू-अभिलेखों में उपसंज्ञात कोई त्रुटि, मानीटरी समिति के विचार प्राप्त करने के पश्चात् राज्य सरकार द्वारा प्रत्येक मामले में एक बार संशोधित होगी और उक्त त्रुटि के संशोधन की केन्द्रीय सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को सूचना देनी होगी।

परंतु यह और भी कि उपर्युक्त त्रुटि का संशोधन में इस उप पैरा के अधीन यथा उपबंधित के सिवाय किसी भी दशा में भू-उपयोग का परिवर्तन सम्मिलित नहीं होगा।

परंतु यह और भी कि जिससे हरित क्षेत्र में जैसे वन क्षेत्र, कृषि क्षेत्र आदि में कोई पारिणामिक कटौती नहीं होगी और अनप्रयुक्त या अनउत्पादक कृषि क्षेत्रों में पुनः वनीकरण करने के प्रयास किए जाएंगे।

(2) **प्राकृतिक जल स्रोत** - आंचलिक महायोजना में सभी प्राकृतिक जल स्रोतों की पहचान की जाएगी और उनके संरक्षण और पुनरुद्भूतकरण के लिए योजना सम्मिलित होगी और राज्य सरकार द्वारा ऐसे क्षेत्रों पर या उनके निकट विकास क्रियाकलाप प्रतिषिद्ध करने के लिए ऐसी रीति से मार्गनिर्देश तैयार किए जाएंगे।

(3) **पर्यटन** - (क) पारिस्थितिक संवेदी जोन के भीतर पर्यटन संबंधी क्रियाकलाप, जो आंचलिक महायोजना का भाग निम्नलिखित रूप में होंगे।

(ख) पर्यटन महायोजना पर्यटन विभाग, हरियाणा सरकार द्वारा राजस्व और वन विभाग, हरियाणा सरकार के परामर्श से तैयार होगी।

(ग) पर्यटन संबंधी क्रियाकलाप निम्नलिखित के अधीन विनियमित होंगे, अर्थात् :-

(i) पारिस्थितिक संवेदी जोन के भीतर सभी नए पर्यटन क्रियाकलापों या विद्यमान पर्यटन क्रियाकलापों का विस्तार भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के मार्गदर्शक सिद्धांतों के द्वारा तथा पारिस्थितिक पर्यटन राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण, द्वारा जारी (समय-समय पर यथा संशोधित) मार्गदर्शक सिद्धांतों के अनुसार, पारिस्थितिक पर्यटन, पारिस्थितिक शिक्षा और पारिस्थितिक विकास को महत्व देते हुए पारिस्थितिक संवेदी जोन की वहन क्षमता के अध्ययन पर आधारित होगा ;

(ii) पारिस्थितिक संवेदी जोन के भीतर होटल और सैरगाहों के नए संनिर्माण अनुज्ञात नहीं होंगे।

(iii) आंचलिक महायोजना का अनुमोदन किए जाने तक, पर्यटन के लिए विकास और विद्यमान पर्यटन क्रियाकलापों के विस्तार को वास्तविक स्थल विनिर्दिष्ट स्वीक्षा तथा मानीटरी समिति की सिफारिश पर आधारित संबंधित विनियामक प्राधिकरणों द्वारा अनुज्ञात किया होगा।

(4) **नैसर्गिक विरासत** -- पारिस्थितिक संवेदी जोन में महत्वपूर्ण नैसर्गिक विरासत के सभी स्थलों जैसे सभी जीन कोश आरक्षित क्षेत्र, शैल विरचनाएं, जल प्रपातों, झरनों, घाटी मार्गों, उपवनों, गुफाएं, स्थलों, भ्रमण, अश्वरोहण, प्रपातों आदि की पहचान की जाएगी और उन्हें संरक्षित किया जाएगा तथा उनकी सुरक्षा और संरक्षा के लिए इस अधिसूचना के प्रकाशन की तारीख से छह मास के भीतर, उपयुक्त योजना बनाएगी और ऐसी योजना आंचलिक महायोजना का भाग होगा।

(5) **मानव निर्मित विरासत स्थल** - पारिस्थितिक संवेदी जोन में भवनों, संरचनाओं, शिल्प-तथ्य, ऐतिहासिक, कलात्मक और सांस्कृतिक महत्व के क्षेत्रों की पहचान करनी होगी और इस अधिसूचना के प्रकाशन की तारीख से छह माह के भीतर उनके संरक्षण की योजनाएं तैयार करनी होगी तथा आंचलिक महायोजना में सम्मिलित की जाएगी।

(6) **ध्वनि प्रदूषण** -- पारिस्थितिक संवेदी जोन में ध्वनि प्रदूषण के नियंत्रण के लिए राज्य सरकार का पर्यावरण विभाग, वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसरण में मार्गदर्शक सिद्धांत और विनियम तैयार करेगा।

(7) **वायु प्रदूषण** -- पारिस्थितिक संवेदी जोन में, वायु प्रदूषण के नियंत्रण के लिए राज्य सरकार का पर्यावरण विभाग, वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसरण में मार्गदर्शक सिद्धांत और विनियम तैयार करेगा।

(8) **बहिस्त्राव का निस्सारण** -- पारिस्थितिक संवेदी जोन में उपचारित बहिस्त्राव का निस्सारण, जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 (1974 का 6) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसार होगा।

(9) **ठोस अपशिष्ट** -- ठोस अपशिष्टों का निपटान निम्नलिखित रूप में होगा -

(i) पारिस्थितिक संवेदी जोन में ठोस अपशिष्टों का निपटान भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की समय-समय पर यथा संशोधित अधिसूचना सं. का.आ. 908(अ), तारीख 25 सितंबर, 2000 नगरपालिक ठोस अपशिष्ट (प्रबंध और हथालन) नियम, 2000 के उपबंधों के अनुसार किया जाएगा ;

(ii) स्थानीय प्राधिकरण जैव निम्नीकरणीय और अजैव निम्नीकरणीय संघटकों में ठोस अपशिष्टों के संपृथक्करण के लिए योजनाएं तैयार करेंगे ;

- (iii) जैव निम्नीकरणीय सामग्री को अधिमानतः खाद बनाकर या कृमि खेती के माध्यम से पुनःचक्रित किया जाएगा ;
- (iv) अकार्बनिक सामग्री का निपटान पारिस्थितिक संवेदी जोन के बाहर पहचान किए गए स्थल पर किसी पर्यावरणीय स्वीकृत रीति में होगा और पारिस्थितिक संवेदी जोन में ठोस अपशिष्टों को जलाना या भष्मीकरण अनुज्ञात नहीं होगा ।

(10) **जैव चिकित्सीय अपशिष्ट-** पारिस्थितिक संवेदी जोन में जैव चिकित्सीय अपशिष्टों का निपटान भारत सरकार के तत्कालीन द्वारा पर्यावरण और वन मंत्रालय की समय-समय पर यथासंशोधित अधिसूचना सं. का.आ. 630(अ) तारीख 20 जुलाई, 1998 द्वारा प्रकाशित जैव चिकित्सीय अपशिष्ट (प्रबंध और हथालन) नियम, 1998 के उपबंधों के अनुसार किया जाएगा ।

(11) **यानीय परिवहन -** परिवहन की यानीय गतिविधियां आवास के अनुकूल विनियमित होंगी और इस संबंध में आंचलिक महायोजना में विशेष उपबंध अधिकथित किए जाएंगे और आंचलिक महायोजना के तैयार होने और राज्य सरकार के सक्षम प्राधिकारी के द्वारा अनुमोदित होने तक, मानीटरी समिति प्रवृत्त नियमों और विनियमों के अनुसार यानीय गतिविधियों के अनुपालन को मानीटर करेगी ।

4. पारिस्थितिक संवेदी जोन में प्रतिषिद्ध और विनियमित क्रियाकलापों की सूची - पारिस्थितिक संवेदी जोन में सभी क्रियाकलाप पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) के उपबंधों द्वारा शासित होंगे और नीचे दी गई तालिका में विनिर्दिष्ट रीति में विनियमित होंगे, अर्थात् :--

सारणी

क्रम सं.	क्रियाकलाप	टीका-टिप्पणी
(1)	(2)	(3)
प्रतिषिद्ध क्रियाकलाप		
(1)	वाणिज्यिक खनन, पत्थर की खदान और उनको तोड़ने की इकाइयां ।	(क) सभी प्रकार के खनन (लघु और वृहत खनिज), पत्थर की खानें और उनको तोड़ने की इकाइयां वास्तविक स्थानीय निवासियों की घरेलू आवश्यकताओं के सिवाय नहीं होंगी ; (ख) खनन संक्रियाएं, माननीय उच्चतम न्यायालय की रिट याचिका (सिविल) सं. 1995 का 202 टी.एन. गौडावर्मन थिरुमूलपाद बनाम भारत सरकार के मामले में आदेश तारीख 4.8.2006 और रिट याचिका (सी) सं. 2012 का 435 गोवा फाउंडेशन बनाम भारत सरकार के मामले में तारीख 21.04.2014 के अंतरिम आदेश के अनुसरण में सर्वदा प्रचालन होगा ।
(2)	आरा मिलों की स्थापना ।	पारिस्थितिक संवेदी जोन के भीतर नई और विद्यमान आरा मिलों का विस्तार अनुज्ञात नहीं होगा ।
(3)	जल या वायु या मृदा या ध्वनि प्रदूषण कारित करने वाले उद्योगों की स्थापना ।	पारिस्थितिक संवेदी जोन के भीतर नए और विद्यमान प्रदूषण कारित करने वाले का विस्तार अनुज्ञात नहीं होगा ।
(4)	किसी परिसंकटमय पदार्थों का उपयोग या उत्पादन ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
(5)	होटल और रिसोर्ट का वाणिज्यिक स्थापना ।	पारिस्थितिक संवेदी जोन के भीतर नए वाणिज्यिक होटलों और रिसोर्टों को अनुज्ञात नहीं किया जाएगा ।
(6)	जलावन लकड़ी का वाणिज्यिक उपयोग ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
(7)	नए वृहत जल विद्युत परियोजना का स्थापना ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
(8)	पर्यटन से संबंधित क्रियाकलाप जैसे गर्म वायु गुब्बारों आदि द्वारा अभयारण्य क्षेत्र के ऊपर से उड़ना जैसे क्रियाकलाप करना ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।

(9)	प्लास्टिक के थैलों का उपयोग ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
(10)	प्राकृतिक जल निकायों या सतही क्षेत्र में अनुपचारित बहिर्वाह और ठोस अपशिष्टों का निस्सारण ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
(11)	संनिर्माण क्रियाकलाप ।	स्थानीय निवासियों की घरेलू आवश्यकताओं, जिसके अंतर्गत पैरा 3 के उप पैरा (1) में सूचीबद्ध क्रियाकलाप भी हैं, के सिवाय, पारिस्थितिक संवेदी जोन के भीतर किसी प्रकार के नए संनिर्माण अनुज्ञात नहीं होंगे । प्रदूषण न कारित करने वाले लघु उद्योगों से संबंधित संनिर्माण क्रियाकलाप की दशा में विनियमित होगी और न्यूनतम रखा जाएगा ।
(12)	मध्यम घनत्व के फाइबर बोर्ड, पार्टिकल बोर्ड, इकाईयां और संयंत्र की ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
(13)	ईट भट्टों की स्थापना ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
(14)	वाणिज्यिक हैलिकाप्टर सेवा।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
विनियमित क्रियाकलाप		
(15)	मोबाइल टावरों का संस्थापन।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
(16)	वृक्षों की कटाई ।	(क) राज्य सरकार में सक्षम प्राधिकारी की पूर्व अनुमति के बिना वन, सरकारी या राजस्व या निजी भूमि पर या वनों में किन्हीं वृक्षों की कटाई नहीं होगी । (ख) वृक्षों की कटाई संबंधित केंद्रीय या राज्य अधिनियम या उसके अधीन बनाए गए नियमों के उपबंध के अनुसार विनियमित होगी ।
(17)	कृषि प्रणालियों में आमूल परिवर्तन ।	लागू विधियों के अधीन विनियमित होंगे ।
(18)	वाणिज्यिक जल संसाधन जिसके अंतर्गत भू-जल संचयन भी है ।	(क) भूमि के अधिभोगी के वास्तविक कृषि और घरेलू खपत के लिए जल का निष्कर्षण (सतही और भूमिगत जल) अनुज्ञात होगा । (ख) औद्योगिक, वाणिज्यिक उपयोग के लिए सतही और भूमिगत जल का निष्कर्षण के लिए संबंधित विनियामक प्राधिकरण पूर्व लिखित अनुज्ञा अपेक्षित होगी जिसके अंतर्गत कितने परिणाम में वह निष्कर्षण करेगा, भी है । (ग) सतही या भूजल का विक्रय अनुज्ञात नहीं होगा । (घ) किसी स्रोत जल, जिसके अंतर्गत कृषि भी है, के संदूषण या प्रदूषण को रोकने के लिए सभी उपाय किए जाएंगे ।
(19)	विद्युत केबलों और दूरसंचार टावरों का परिनिर्माण ।	भूमिगत केबलों को प्रोत्साहन देना ।
(20)	होटलों और लॉज के विद्यमान परिसरों में बाड़ लगाना ।	लागू विधियों के अधीन विनियमित होंगे ।
(21)	विद्यमान सड़कों को चौड़ा करना और उन्हें सुदृढ़ करना ।	उचित पर्यावरण समाघात निर्धारण और न्यूनीकरण उपाय यथा लागू अनुसार होंगे ।
(22)	रात्रि में यानिक यातायात का संचलन ।	लागू विधियों के अधीन वाणिज्यिक प्रयोजन के लिए विनियमित होंगे ।
(23)	विदेशी प्रजातियों को लाना ।	लागू विधियों के अधीन विनियमित होंगे ।
(24)	वाणिज्यिक साइनबोर्ड और होर्डिंग ।	लागू विधियों के अधीन विनियमित होंगे ।
(25)	वायु और यानिक प्रदूषण ।	लागू विधियों के अधीन विनियमित होंगे ।
(26)	पहाड़ी ढालों और नदी तटों का संरक्षण ।	लागू विधियों के अधीन विनियमित होंगे ।
(27)	प्रदूषण उत्पन्न न करने वाले लघु उद्योग ।	पारिस्थितिक संवेदी जोन से गैर प्रदूषण, गैर परिसंकटमय, लघु और सेवा उद्योग, कृषि उद्यान, कृषि या कृषि आधारित देशीय माल से औद्योगिक उत्पादों का उत्पादन उद्योग और जो पर्यावरण पर कोई विपरीत प्रभाव नहीं डालते हैं, अनुज्ञात किए जाएंगे ।

(28)	प्राकृतिक जल निकायों या सतही क्षेत्र में उपचारित बहिर्वाह का निस्सारण।	उपचारित बहिर्वाह के पुनर्चक्रण को प्रोत्साहित करना और अवमल या ठोस अपशिष्टों के निपटान के लिए विद्यमान विनियमों का अनुपालन करना होगा।
(29)	वन उत्पादों और गैर काष्ठ वन उत्पादों का संग्रहण।	लागू विधियों के अधीन विनियमित होंगे।
(30)	सुरक्षा बलों के कैप।	लागू विधियों के अधीन विनियमित होंगे।
(31)	नदी तलों से पत्थरों, बजरी, और बालू की निकासी।	लागू विधियों के अधीन विनियमित होंगे।
(32)	33 किलोवाट से ऊपर के संचरण और वितरण प्रणाली को विद्यमान।	लागू विधियों के अधीन विनियमित होंगे।
(33)	नए काष्ठ आधारित उद्योग।	पारिस्थितिक संवेदी जोन के भीतर नए काष्ठ आधारित उद्योग की स्थापना अनुज्ञात नहीं होगी : परंतु पारिस्थितिक संवेदी जोन में 100% आयातित काष्ठ स्टॉक उपभोग करने वाले नए काष्ठ आधारित उद्योग की स्थापना की जा सकेगी।
संवर्धित क्रियाकलाप		
(34)	स्थानीय समुदायों द्वारा चल रही कृषि और बागवानी प्रथाओं के साथ पशुपालन, पशुपालन कृषि, जल कृषि और मछली पालन।	लागू विधियों के अधीन अनुज्ञात होंगे।
(35)	वर्षा जल संचयन।	सक्रिय रूप से बढ़ावा दिया जाएगा।
(36)	जैविक खेती।	सक्रिय रूप से बढ़ावा दिया जाएगा।
(37)	सभी गतिविधियों के लिए हरित प्रौद्योगिकी को ग्रहण करना।	सक्रिय रूप से बढ़ावा दिया जाएगा।
(38)	नवीकरणीय ऊर्जा स्रोत का उपयोग।	लागू विधियों के अधीन अनुज्ञात होंगे।
(39)	वानस्पतिक बाड।	लागू विधियों के अधीन अनुज्ञात होंगे।
(40)	कुटीर उद्योगों जिसके अंतर्गत ग्रामीण कारीगर आदि भी हैं।	सक्रिय रूप से बढ़ावा दिया जाएगा।
(41)	कृषि करने, जिसके अंतर्गत बागवानी, उद्यान कृषि और फलोद्यान भी है।	लागू विधियों के अधीन अनुज्ञात होंगे।

5. मानीटरी समिति- (1) केंद्रीय सरकार, पारिस्थितिक संवेदी जोन के प्रभावी मानीटरी के लिए एक मानीटरी समिति का गठन करेगी जो निम्नलिखित से मिलकर बनेगी, अर्थात् :-

- (क) उपायुक्त, यमुनानगर - अध्यक्ष ;
- (ख) पर्यावरण के क्षेत्र में कार्य करने वाले गैर सरकारी संगठनों (जिसके अंतर्गत विरासत संरक्षण भी है) का प्रत्येक मामले में एक वर्ष की अवधि के लिए हरियाणा राज्य सरकार द्वारा नामनिर्दिष्ट एक प्रतिनिधि - सदस्य ;
- (ग) प्रादेशिक अधिकारी, हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड - सदस्य ;
- (घ) जिला नगर नियोजक, यमुनानगर - सदस्य ;
- (ङ) हरियाणा सरकार द्वारा नामनिर्दिष्ट पारिस्थितिक और पर्यावरण क्षेत्र प्रत्येक मामले में एक वर्ष की अवधि के लिए एक विशेषज्ञ - सदस्य ;
- (च) प्रखंड वन्यजीव अधिकारी, पंचकुला - सदस्य ;
- (छ) उप वन्य संरक्षक (क्षेत्रीय), यमुनानगर - सदस्य सचिव।

निर्देश निबंधन

- (2) पारिस्थितिक संवेदी जोन समिति इस अधिसूचना के उपबंधों के अनुपालन को मानीटर करेगी।

(3) पारिस्थितिक संवेदी जोन में भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006 की अनुसूची में के अधीन सम्मिलित क्रियाकलापों और इस अधिसूचना के पैरा 4 के अधीन प्रतिषिद्ध गतिविधियों के सिवाय आने वाले ऐसे क्रियाकलापों की दशा में वास्तविक विनिर्दिष्ट स्थलीय दशाओं पर आधारित मानीटरी समिति द्वारा संवीक्षा की जाएगी और उक्त अधिसूचना के उपबंधों के अधीन पूर्व पर्यावरण निकासी के लिए केन्द्रीय सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को निर्दिष्ट की जाएगी।

(4) इस अधिसूचना के पैरा 4 के अधीन यथा विनिर्दिष्ट प्रतिषिद्ध क्रियाकलापों के सिवाय, भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ) तारीख 14 सितंबर, 2006 की अधिसूचना के अनुसूची के अधीन ऐसे क्रियाकलापों, जिन्हें सम्मिलित नहीं किया गया है, परंतु पारिस्थितिक संवेदी जोन में आते हैं, ऐसे क्रियाकलापों की वास्तविक विनिर्दिष्ट स्थलीय दशाओं पर आधारित मानीटरी समिति द्वारा संवीक्षा की जाएगी और उसे संबद्ध विनियामक प्राधिकरणों को निर्दिष्ट किया जाएगा।

(5) मानीटरी समिति का सदस्य-सचिव या संबद्ध उपायुक्त, ऐसे व्यक्ति के विरुद्ध, जो इस अधिसूचना के किसी उपबंध का उल्लंघन करता है, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन परिवाद फाइल करने के लिए सक्षम होगा।

(6) मानीटरी समिति मुद्दा दर मुद्दा के आधार पर अपेक्षाओं पर निर्भर रहते हुए संबद्ध विभागों के प्रतिनिधियों या विशेषज्ञों, औद्योगिक संगमों या संबद्ध पणधारियों के प्रतिनिधियों को अपने विचार-विमर्श में सहायता के लिए आमंत्रित कर सकेगी।

(7) मानीटरी समिति प्रत्येक वर्ष की 31 मार्च तक की अपनी वार्षिक कार्रवाई रिपोर्ट राज्य के मुख्य वन्य जीव वार्डन को **उपाबंध III** में उपबंधित रूप विधान के अनुसार उक्त वर्ष के 30 जून तक प्रस्तुत करेगी।

(8) केन्द्रीय सरकार का पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय मानीटरी समिति को अपने कृत्यों के प्रभावी निर्वहन के लिए समय-समय पर ऐसे निदेश दे सकेगा, जो वह ठीक समझे।

6. इस अधिसूचना के उपबंधों को प्रभाव देने के लिए केन्द्रीय सरकार और राज्य सरकार अतिरिक्त उपाय, यदि कोई हों, विनिर्दिष्ट कर सकेंगे।

[फ. सं. 25/31/2014-ईएसजेड-आरई]

डॉ. टी. चांदनी, वैज्ञानिक 'जी'

उपाबंध I

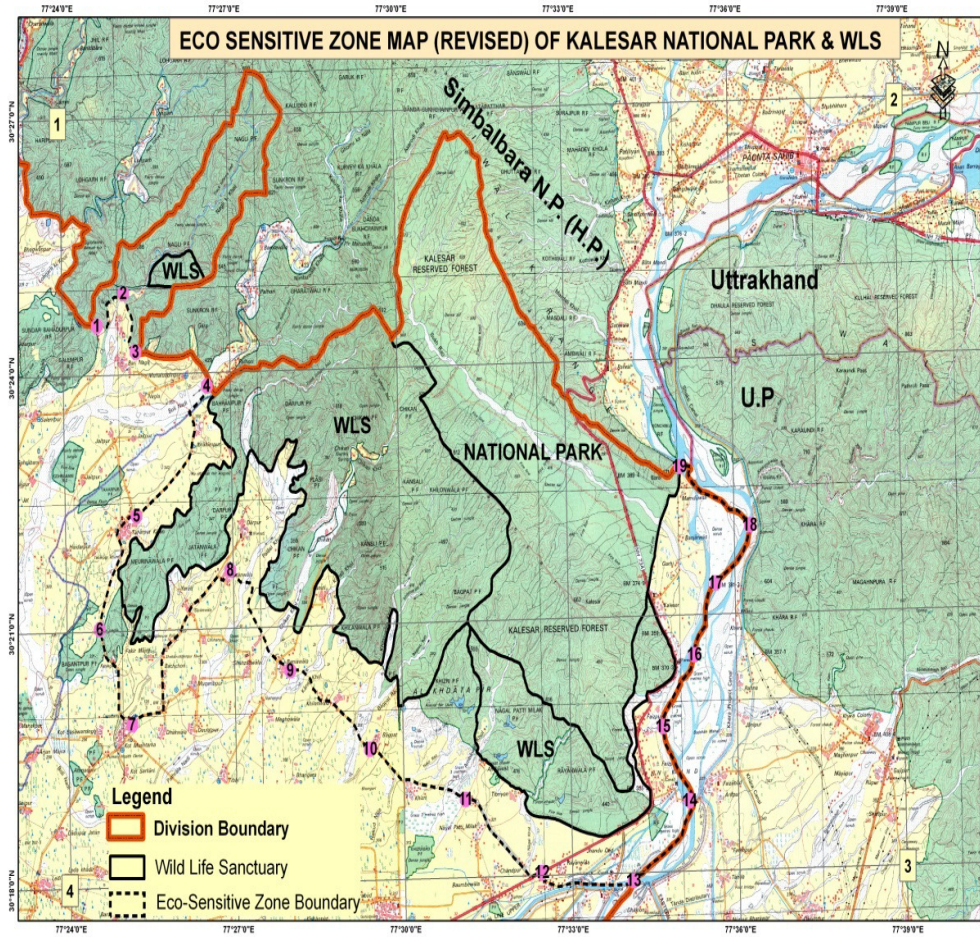
कालेसर राष्ट्रीय पार्क और कालेसर वन्यजीव अभयारण्य के निर्देशांक

आई डी	अक्षांश	देशांतर
1 ए	77° 24' 31"	30° 24' 38"
2 ए	77° 25' 0"	30° 25' 0"
3 ए	77° 25' 18"	30° 24' 20"
4 ए	77° 26' 49"	30° 23' 52"
5 ए	77° 25' 38"	30° 21' 50"
6 ए	77° 25' 17"	30° 21' 2"
7 ए	77° 25' 39"	30° 20' 47"
8 ए	77° 27' 16"	30° 21' 48"
9 ए	77° 28' 45"	30° 20' 46"
10 ए	77° 30' 46"	30° 20' 11"

11 ए	77° 32' 31"	30° 19' 08"
12 ए	77° 33' 3"	30° 18' 23"
13 ए	77° 35' 25"	30° 18' 15"
14 ए	77° 35' 55"	30° 18' 38"
15 ए	77° 35' 31"	30° 19' 40"
16 ए	77° 36' 19"	30° 20' 20"
17 ए	77° 35' 50"	30° 21' 37"
18 ए	77° 36' 12"	30° 22' 23"
19 ए	77° 36' 15"	30° 22' 43"

उपाबंध Iए

कालेसर राष्ट्रीय उद्यान और कालेसर वन्यजीव अभयारण्य, हरियाणा के पारिस्थितिक संवेदी जोन की सीमा का मानचित्र



उपाबंध-II

**कालेसर राष्ट्रीय उद्यान और कालेसर वन्यजीव अभयारण्य, हरियाणा
की पारिस्थितिक संवेदी जोन के बाहरी सीमा के प्रमुख बिन्दुओं को दर्शित करने वाले निर्देशांक**

क्रम. सं.	अक्षांश	देशांतर
1.	77 24' 37.293" पू	30 24' 35.016" उ
2.	77 25' 6.393" पू	30 24' 57.320" उ
3.	77 25' 18.554" पू	30 24' 16.169" उ
4.	77 26' 34.787" पू	30 23' 50.954" उ
5.	77 25' 16.811" पू	30 22' 21.037" उ
6.	77 24' 35.353" पू	30 21' 1.855" उ
7.	77 25' 8.815" पू	30 19' 54.613" उ
8.	77 26' 56.800" पू	30 21' 41.103" उ
9.	77 27' 59.756" पू	30 20' 29.488" उ
10.	77 29' 23.907" पू	30 19' 32.691" उ
11.	77 31' 6.084" पू	30 18' 55.520" उ
12.	77 32' 26.990" पू	30 18' 2.561" उ
13.	77 34' 8.540" पू	30 18' 27.225" उ
14.	77 35' 7.269" पू	30 18' 49.861" उ

उपाबंध-III

पारिस्थितिक संवेदी जोन मानीटरी समिति —की गई कार्रवाई की रिपोर्ट का रूप विधान

1. बैठकों की संख्या और तिथि ।
2. बैठकों का कार्यवृत्त : कृपया मुख्य उल्लेखनीय बिंदुओं का वर्णन करें । बैठक के कार्यवृत्त को एक पृथक अनुबंध में उपाबद्ध करें ।
3. आंचलिक महायोजना की तैयारी की प्रास्थिति जिसके अंतर्गत पर्यटन महायोजना ।
4. भू-अभिलेख में सदृश्य त्रुटियों के सुधार के लिए ब्यौहार किए गए मामलों का सारांश ।
5. ईआईए अधिसूचना, 2006 के अधीन आने वाली गतिविधियों की संविक्षा के मामलों का सारांश । ब्यौरे एक पृथक् उपाबंध के रूप में उपाबद्ध किए जा सकते हैं ।
6. ईआईए अधिसूचना, 2006 के अधीन न आने वाली गतिविधियों की संविक्षा के मामलों का सारांश । ब्यौरे एक पृथक् उपाबंध के रूप में उपाबद्ध किए जा सकते हैं ।
7. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन दर्ज की गई शिकायतों का सारांश ।
8. कोई अन्य महत्वपूर्ण विषय ।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd April, 2016

S.O. 1485(E).—Whereas, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 2540(E), dated 17th September, 2015 inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the Gazette containing the said notification were made available to the public on the 17th September, 2015;

And whereas, objections and suggestions received from all persons and stakeholders in response to the draft notification have been duly considered by the Central Government;

And whereas, the Kalesar National Park and Kalesar Wildlife Sanctuary of about 100.88 square kilo meter are located on the junction of the four states, viz., Uttar Pradesh, Himachal Pradesh, Uttarakhand and Haryana, it falls in Shiwalik foot hills, and shares boundaries with two protected areas of two different states, namely, the Simbalbarha Wildlife sanctuary of Himachal Pradesh towards the North and the Rajaji National Park of Uttarakhand towards the East and Kalesar Wildlife Sanctuary is just towards the East-West of Kalesar National Park and as such there does not exist any physical barrier between the two and the entire area is very rich in plant and animal species and have historical, economic and medicinal significance and the Kalesar National Park and Kalesar Wildlife Sanctuary are rich in reptilian fauna which includes large monitor lizard, India rock python, King cobra, common krait, Red snake, Russel viper, Pit viper etc.;

And whereas, it is necessary to conserve and protect the area the extent and boundaries of which is specified in paragraph 1 of this notification around the protected area of the Kalesar National Park and Kalesar Wildlife Sanctuary as Eco-sensitive Zone from ecological and environmental point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clauses (v) and (xiv) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub- rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area to the extent of upto 1900 meters from the boundary of the protected area of Kalesar National Park and Kalesar Wildlife Sanctuary within the State of Haryana as the Kalesar Eco- sensitive Zone (hereinafter referred to as the Eco-sensitive Zone) details of which are as under, namely:-

1. Extent and boundaries of Eco-sensitive Zone.—(1) The Eco-sensitive Zone varies from zero to 1900 meters from the boundary of Kalesar National Park and Kalesar Wildlife Sanctuary within the State of Haryana and the area of Eco-sensitive zone is 38.92 square kilo meter approximately. The co-ordinates of Kalesar National Park and Wildlife Sanctuary are given at Annexure-I.

(2) The Eco-sensitive Zone is bounded by 30°18'49.861"N latitude and 77°35'7.269"E longitude towards East-South (point No.14 of Annexure I map); 30°24'35.016"N latitude and 77°24'37.293"E longitude towards west (point No.1 of Annexure IA map); 30°18'2.561"N latitude and 77°32'26.990"E longitude towards South (point No. 12 of Annexure I map) and Simbalbara National Park of Himachal Pradesh is falling on the Northern side and on Eastern side of Yamuna River.

(3) The map of Eco-sensitive Zone boundary together with its latitudes and longitudes is appended as **Annexure IA.**

(4) The coordinates of Eco-sensitive Zone with its latitudes and longitudes are appended as **Annexure II.**

(5) The villages whose area or parts thereof falling within the Eco-sensitive Zone are, Ibrahimpur, Taharpur Kalan, Taharpur Khurd, Fakir Majra, Fatehgarh, Kot Mushtarka, Bachchon, Shahabuddinpur Kalan, Shahabuddinpur Khurd, Yarah, Sipianwala, Jatanwala, Darpur, Baniwala, Kansli, Chikan, Khilanwala, Bagpat, Khizri, Ambwali, Tibriyon, Nagalpatti Milak, Baumbewala, Chandpur, Rayanwala, Jhandu Oad, Faizpur, Kalesar, Garhi, Banjarwas, Mamduwas.

2. Zonal Master Plan for the Eco-sensitive Zone.—(1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare, a Zonal Master Plan, within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people in accordance with this notification.

(2) The Zonal Master Plan shall be approved by the competent authority in the State Government.

(3) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in accordance with this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

(4) The Zonal Master Plan shall be prepared in consultation with all concerned State Departments, namely:-

- (i) Environment;
- (ii) Forest;
- (iii) Urban Development;
- (iv) Tourism;
- (v) Municipal;
- (vi) Revenue;
- (vii) Agriculture; and
- (viii) Haryana State Pollution Control Board,

for integrating environmental and ecological considerations into it.

(5) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, as on the date of publication of this notification in the Official Gazette, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.

(6) The Zonal Master plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.

(7) The Zonal Master Plan shall demarcate all the existing worshipping places, village and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies.

(8) The Zonal Master Plan shall regulate development in Eco-sensitive Zone so as to ensure Eco-friendly development and livelihood security of local communities.

3. Measures to be taken by State Government.—The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-

(1) **Land use.**—Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for commercial or industrial related development activities:

Provided that the conversion of agricultural lands within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the State Government, to meet the residential needs of local residents, and for the activities listed against serial numbers 27, 35 and 40 in column (2) of the table in paragraph 4, namely:-

- (i) small scale industries not causing pollution;
- (ii) rainwater harvesting; and
- (iii) cottage industries including village artisans:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the State Government and without compliance of the

provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of the Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the correction of error shall not include change of land use in any case except as provided under this sub-paragraph:

Provided also that there shall be no consequential reduction in green area, such as forest area and agricultural area and efforts shall be made to reforest the unused or unproductive agricultural areas.

(2) **Natural Springs.**—The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and the guidelines shall be drawn up by the State Government in such a manner as to prohibit development activities at or near these areas which are detrimental to such areas.

(3) **Tourism.**—(a) The activity relating to tourism within the Eco-sensitive Zone shall be as per the Tourism Master Plan, which shall form part of the Zonal Master Plan.

(b) The Tourism Master Plan shall be prepared by the Department of Tourism, Government of Haryana in consultation with the Department of Revenue and Forests, Government of Haryana.

(c) The activity of tourism shall be regulated as under, namely:-

(i) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the eco-tourism guidelines issued by the National Tiger Conservation Authority, Ministry of Environment, Forest and Climate Change (as amended from time to time) with emphasis on eco-tourism, eco-education and eco-development and based on carrying capacity study of the Eco-sensitive Zone;

(ii) new construction of hotels and resorts shall not be permitted within the Eco-sensitive Zone;

(iii) till the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee.

(4) **Natural Heritage.**—All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and preserved and plan shall be drawn up for their protection and conservation, within six months from the date of publication of this notification and such plan shall form part of the Zonal Master Plan.

(5) **Man-made heritage sites.**—Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic and cultural significance shall be indentified in the Eco-sensitive Zone and plans for their conservation shall be prepared within six months from the date of publication of this notification and incorporated in the Zonal Master Plan.

(6) **Noise pollution.**—The Environment Department of the State Government shall draw up guidelines or, as the case may be regulations for the control of noise pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.

(7) **Air pollution.**—The Environment Department of the State Government shall draw up guidelines or, as the case may be regulations for the control of air pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.

(8) **Discharge of effluents.**—The discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974(6 of 1974) and the rules made thereunder.

(9) **Solid wastes.**—Disposal of solid wastes shall be as under:-

(i) the solid waste disposal in Eco-sensitive Zone shall be carried out as per the provisions of the Municipal Solid Waste (Management and Handling) Rules, 2000, published by the Government of India in the erstwhile Ministry of Environment and Forests *vide* notification number S.O. 908(E), dated the 25th September, 2000, as amended from time to time;

(ii) the local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components;

(iii) the biodegradable material shall be recycled preferably through composting or vermiculture;

(iv) the inorganic material shall be disposed of in an environmentally acceptable manner at site identified outside the Eco-sensitive Zone and no burning or incineration of solid wastes shall be permitted in the Eco-sensitive Zone.

(10) **Bio-medical waste.**—The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out as per the provisions of the Bio-Medical Waste (Management and Handling) Rules, 1998, published by the Government of India in the erstwhile Ministry of Environment and Forests *vide* notification number S.O. 630(E), dated the 20th July, 1998, as amended from time to time.

(11) **Vehicular traffic.**—(a) The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master Plan is prepared and approved by the competent authority in the State Government.

(b) The Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

4. List of activities prohibited or to be regulated within the Eco-sensitive Zone.—All activities in the Eco-sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made thereunder and shall be regulated in the manner specified in the table below, namely:-

TABLE

Sl. No.	Activity	Remarks
(1)	(2)	(3)
A. Prohibited Activities:		
1.	Commercial mining, stone quarrying and crushing units.	(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units are prohibited except for the domestic needs of <i>bona fide</i> local residents. (b) The mining operations shall strictly be in accordance with the orders of the Hon'ble Supreme Court, dated the 4 th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. Union of India in Writ Petition (Civil) No. 202 of 1995 and dated the 21 st April, 2014 in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 435 of 2012.
2.	Setting up of saw mills.	No new and expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
3.	Setting up of industries causing water or air or soil or noise pollution.	No new or expansion of polluting industries in the Eco-sensitive Zone shall be permitted.
4.	Use or production of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Commercial establishment of hotels and resorts.	No new or expansion of existing commercial establishments such as hotels and resorts shall be permitted within the Eco-sensitive Zone.
6.	Commercial use of firewood.	Prohibited (except as otherwise provided) as per applicable laws.

7.	Establishment of new major hydroelectric projects.	Prohibited (except as otherwise provided) as per applicable laws.
8.	Undertaking activities related to tourism like over-flying the sanctuary area by hot-air balloons, etc.	Prohibited (except as otherwise provided) as per applicable laws.
9.	Uses of plastic carry bags.	Prohibited (except as otherwise provided) as per applicable laws.
10.	Discharge of untreated effluents and solid waste in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
11.	Construction activities.	No new construction of any kind shall be permitted within the Eco-sensitive Zone, except for the domestic needs of local residents including the activities listed in sub-paragraph (1) of paragraph 3. In case of the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum.
12.	Setting-up of medium density fiberboard or particle board units or plants.	Prohibited (except as otherwise provided) as per applicable laws.
13.	Setting-up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.
14.	Commercial helicopter services.	Prohibited (except as otherwise provided) as per applicable laws.
B. Regulated Activities:		
15.	Erection of mobile tower.	Regulated under applicable laws.
16.	Felling of trees.	(a) There shall be no felling of trees on the forest land or Government or revenue or private lands without prior permission of the competent authority in the State Government. (b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made thereunder.
17.	Drastic change of agriculture system.	Regulated under applicable laws.
18.	Commercial water resources including ground water harvesting.	(a) The extraction of surface water and ground water shall be permitted only for <i>bona fide</i> agricultural use and domestic consumption of the occupier of the land. (b) The extraction of surface water and ground water for industrial or commercial use including the amount that can be extracted, shall require prior written permission from the concerned regulatory authority. (c) No sale of surface water or ground water shall be permitted. (d) Steps shall be taken to prevent contamination or pollution of water from any source including agriculture.
19.	Erection of electrical cables and telecommunication towers.	Promote underground cabling.
20.	Fencing of existing premises of hotels and lodges.	Regulated under applicable laws.

21.	Widening and strengthening of existing roads and construction of new roads.	Shall be done with proper Environment Impact Assessment and mitigation measures, as applicable.
22.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
23.	Introduction of exotic species.	Regulated under applicable laws.
24.	Commercial sign boards and hoardings.	Regulated under applicable laws.
25.	Air and vehicular pollution.	Regulated under applicable laws.
26.	Protection of hill slopes and river banks.	Regulated under applicable laws.
27.	Small scale industries not causing pollution.	Non-polluting, non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous goods from the Eco-sensitive Zone which do not cause any adverse impact on environment shall be permitted.
28.	Discharge of treated effluents in natural water bodies or land area.	Recycling of treated effluent shall be encouraged and for disposal of sludge or solid wastes, the existing regulations shall be followed.
29.	Collection of Forest produce or Non-Timber Forest Produce.	Regulated under applicable laws.
30.	Security Forces Camp.	Regulated under applicable laws.
31.	Collection of boulders, gravel and sand from the river beds.	Regulated under applicable laws.
32.	Laying of transmission and distribution system above 33KV.	Regulated under applicable laws.
33.	New wood based industry.	No establishment of new wood based industry shall be permitted within the units of Eco-sensitive Zone: Provided that new wood based industry may be set up in the Eco-sensitive Zone using 100% imported wood stock.
C. Promoted Activities:		
34.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming and fisheries.	Permitted under applicable laws.
35.	Rain water harvesting.	Shall be actively promoted.
36.	Organic farming.	Shall be actively promoted.
37.	Adoption of green technology for all activities.	Shall be actively promoted.
38.	Use of renewable energy sources.	Permitted under applicable laws.
39.	Vegetative fencing.	Permitted under applicable laws.
40.	Cottage industries including village artisans, etc.	Shall be actively promoted.
41.	Agriculture operations including plantation, horticulture and orchards.	Permitted under applicable laws.

5. Eco-sensitive Zone Monitoring Committee.—(1) The Central Government hereby constitutes a Monitoring Committee, for effective monitoring of the Eco-sensitive Zone, which shall comprise of the following, namely:-

- (a) Deputy Commissioner, Yamunanagar - Chairperson;
 - (b) a representative of Non-governmental Organisations working in the field of environment (including heritage conservation) to be nominated by the Government of Haryana for a term of one year – Member;
 - (c) Regional Officer, Haryana State Pollution Control Board, Yamunanagar- Member;
 - (d) District Town Planner, Yamunanagar - Member;
 - (e) One expert in the area of ecology and environment to be nominated by the Government of Haryana - Member;
 - (f) Divisional Wildlife Officer, Panchkula– Member; and
 - (g) Deputy Conservator of Forests (Territorial) Yamunanagar – Member-Secretary.
- (2) The Monitoring Committee shall monitor the compliance of the provisions of this notification.
 - (3) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533(E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the table under paragraph 4, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.
 - (4) The activities that are not covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533(E), dated the 14th September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the table under paragraph 4, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned regulatory authorities.
 - (5) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from industry associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.
 - (6) The Member-Secretary of the Monitoring Committee or the concerned Deputy Commissioner shall be competent to file complaint under section 19 of the Environment (Protection) Act, 1986 (29 of 1986) against any person who contravenes the provisions of this notification.
 - (7) The Monitoring Committee shall submit the annual action taken report of its activities as on 31st March of every year by 30th June of that year to the Chief Wild Life Warden of the State as per proforma appended as **Annexure III**.
 - (8) The Central Government in the Ministry of Environment, Forest and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.
- 6.** The Central Government and the State Government may specify additional measures, if any, for giving effect to the provisions of this notification.

[F. No. 25/31/2014-ESZ-RE]

Dr. T. CHANDINI, Scientist 'G'

Annexure-I

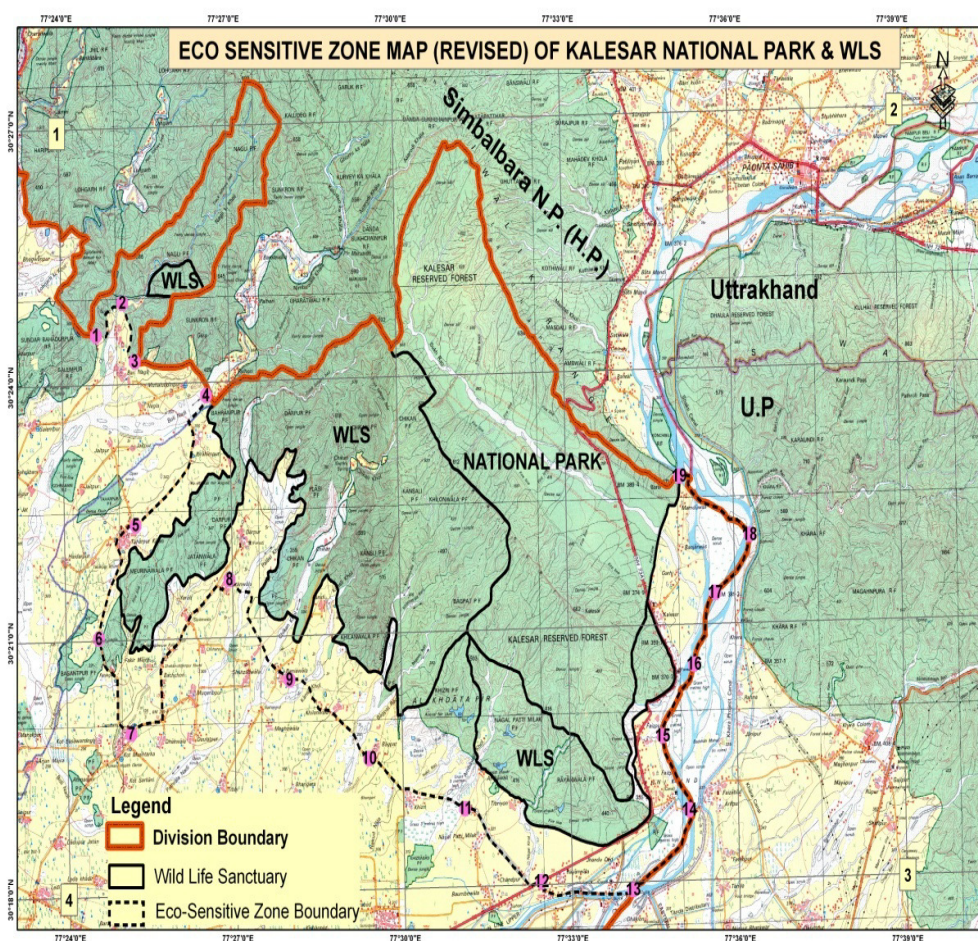
Coordinates of Kalesar National Park and Wildlife Sanctuary

ID	Longitude	Latitude
1A	77° 24' 31"	30° 24' 38"
2A	77° 25' 0"	30° 25' 0"
3A	77° 25' 18"	30° 24' 20"

4A	77° 26' 49"	30° 23' 52"
5A	77° 25' 38"	30° 21' 50"
6A	77° 25' 17"	30° 21' 2"
7A	77° 25' 39"	30° 20' 47"
8A	77° 27' 16"	30° 21' 48"
9A	77° 28' 45"	30° 20' 46"
10A	77° 30' 46"	30° 20' 11"
11A	77° 32' 31"	30° 19' 08"
12A	77° 33' 3"	30° 18' 23"
13A	77° 35' 25"	30° 18' 15"
14A	77° 35' 55"	30° 18' 38"
15A	77° 35' 31"	30° 19' 40"
16A	77° 36' 19"	30° 20' 20"
17A	77° 35' 50"	30° 21' 37"
18A	77° 36' 12"	30° 22' 23"
19A	77° 36' 15"	30° 22' 43"

Annexure IA

Map of Eco-sensitive Zone boundary of Kalesar National Park and Kalesar Wildlife Sanctuary, Haryana.



Annexure II**The coordinates showing prominent points of the outer boundary of Eco-sensitive Zone of Kalesar National Park and Kalesar Wildlife Sanctuary, Haryana**

COORDINATES OF ECO-SENSITIVE ZONE		
Id	Longitude	Latitude
1	77 24' 37.293" E	30 24' 35.016" N
2	77 25' 6.393" E	30 24' 57.320" N
3	77 25' 18.554" E	30 24' 16.169" N
4	77 26' 34.787" E	30 23' 50.954" N
5	77 25' 16.811" E	30 22' 21.037" N
6	77 24' 35.353" E	30 21' 1.855" N
7	77 25' 8.815" E	30 19' 54.613" N
8	77 26' 56.800" E	30 21' 41.103" N
9	77 27' 59.756" E	30 20' 29.488" N
10	77 29' 23.907" E	30 19' 32.691" N
11	77 31' 6.084" E	30 18' 55.520" N
12	77 32' 26.990" E	30 18' 2.561" N
13	77 34' 5.660" E	30 17' 54.999" N
14	77 35' 7.269" E	30 18' 49.861" N
15	77 34' 39.882" E	30 19' 42.542" N
16	77 35' 15.117" E	30 20' 32.220" N
17	77 35' 39.273" E	30 21' 22.114" N
18	77 36' 16.882" E	30 22' 2.117" N
19	77 35' 2.326" E	30 22' 44.625" N

Annexure III**Proforma of Action Taken Report:- Eco-sensitive Zone Monitoring Committee.-**

1. Number and date of meetings.
2. Minutes of the meetings: mention main noteworthy points. Attached minutes of the meeting on separate Annexure.
3. Status of preparation of Zonal Master Plan including Tourism Master Plan.
4. Summary of cases dealt for rectification of error apparent on face of land record.
[Details may be attached as Annexure]
5. Summary of cases scrutinised for activities covered under Environment Impact Assessment notification, 2006.
[Details may be attached as separate Annexure]
6. Summary of cases scrutinised for activities not covered under Environment Impact Assessment notification, 2006.
[Details may be attached as separate Annexure]
7. Summary of complaints lodged under section 19 of Environment (Protection) Act, 1986.
8. Any other matter of importance.