



**OFFICE OF DEPUTY CONSERVATOR OF FORESTS,
HAMIRPUR FOREST DIVISION, HAMIRPUR, HP, 177001,
Phone & Fax 01972-224922, e-mail – head-fordivham-hp@hp.gov.in**

From:- DCF Hamirpur.

To:- CF Hamirpur.

Subject:- Diversion of 0.2728 ha. of Forest Land for construction of Link road to Village Ansara Loharli KM 0/0 to 4/140 Under FCA 1980 (FP/HP/ROAD/14568/2015).

Memo,

Kindly refer to your online EDS No Ft.48-3453/2015 (FCA) dated 16.06.2023 on the subject cited above.

In this context, the annotated reply of the observations/EDS pointed out vide communication referred to above is as below: -

Sr No.	EDS/Observation	Reply to EDS
1.	The proposed forest and private area as mentioned in para B-2.1 is not matching with the area mentioned in para B-2.3 and B-2.4 of part-I which may be rectified/ corrected.	In this context, the user agency has submitted that necessary corrections have been made in the online Part I.
2.	The undertaking regarding muck dumping has been provided but the detail of muck to be generated and to be disposed has not been furnished. Further, distance from protected area may be provided.	In this context, the user agency has submitted that Muck Management Plan has been uploaded as additional information in the online Part I.
3.	The working plan prescription in part-II has still not been corrected. Therefore the working plan prescription for the proposed forest land may be mentioned.	In this context, it is submitted that working plan prescription have filled in online Part II and the same has been uploaded against additional information.
4.	The detail of violation in para 11 (i) B&C has not been given same may be furnished.	In this context, the user agency has submitted it is submitted that the case has already been reported in Hon'ble High Court of HP in CWP No 5600/2012 and is included in the list of 2183 roads. The present case is for regularization of violation under FCA, 1980
5.	The complete CA scheme giving the technical detail of the CA scheme may be given. Further, CA scheme, digital map duly signed by DFO concerned may be uploaded against the appropriate column of Part-II	It is context, it is submitted that CA Scheme is proposed as block plantation for which no option is available in the web portal. The CA has been charged with regards to per plant cost. Hence the same is uploaded against the additional information.
6.	The NPV and Penal NPV bill may be revised as per the latest rates	In this context, It is submitted that Bills of NPV and Penal NPV has been revised

	prescribed by GoI.	and the same has been uploaded in additional information in online Part II.
7.	The CA scheme as uploaded at Sr. No. 5 of additional information detail of Part-II is not understandable which may be reviewed and revised.	It is context, it is submitted that CA Scheme is proposed as block plantation for which no option is available in the web portal. The CA has been charged with regards to per plant cost. Hence the same is uploaded against the additional information.
8.	The village to be benefited as uploaded online is not signed by competent authority. Further, Joint inspection report may be furnished.	In this context, the user agency has submitted that Village Benefit certificate and inspection report has been uploaded as additional information in the online Part I.
9.	The report of the committee constituted for regularization of violated case as per the direction of Hon'ble High Court is not found uploaded. Further the list of 2183 roads showing the name of instant proposal be submitted.	In this context, the user agency has submitted that copy of the order of Hon'ble High Court of HP which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provisions of FCA, 1980 has been uploaded as additional information in the online Part I.
10.	NoC/Sale deed/Gift deeds for non forest land acquired from private individuals has been found uploaded. The complete proposal folder may be submitted.	In this context, the user agency has submitted that collection of Gift deeds of the Private land is in Progress and will be submitted after stage I approval.
11.	Village to be benefited be marked in KML file.	In this context, the user agency has submitted that necessary correction was made in the KML file and same has been uploaded in the online Part I.

It is therefore requested to take up the matter with the higher ups to accord necessary sanction into the matter please.

Encls:- As Above.

Signed by

Rakesh Kumar

Date: 28-12-2023 17:35:24

Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur.

4/10/2023

**HIMACHAL PRADESH
PUBLIC WORK DEPARTMENT**

No.:- PLW/BSR/CA/FCA/2023/12586

Dated:- 28/11/2023

To

The Divisional Forest Officer,
Hamirpur Forest Division,
District Hamirpur.

Subject: -

Diversion of 0.2728 ha. of forest Land in favour of HPPWD for the construction of Link Road to Village Ansara Loharli KM 0/0 to 4/140 Under FCA 1980, Within the jurisdiction of Hamirpur Forest Division Distt. Hamirpur. HP. (FP/HP/ROAD/14568/2015).

Sir,

This is with reference to the subject cited above. In this connection it is submitted that we have attended the shortcomings noticed in above proposal. The observations have been corrected as per your requirement. The Point wise reply to the observations is as under:-

Sr. No	Deficiencies	Compliance to the Deficiencies
1	The proposed forest and private area as mentioned in para B-2.1 is not matching with the area mentioned in para B-2.3 and B-2.4 of part-I which may be rectified/ corrected.	Needful correction has been done in para B-2.3 and B-2.4 of part-I.
2	The undertaking regarding muck dumping has been provided but the detail of muck to be generated and to be disposed has not been furnished. Further, distance from protected area may be provided.	Now Muck Management Plan has been uploaded online against Additional Information Detail and enclosed.
3	The working plan prescription in part-II has still not been corrected. Therefore the working plan prescription for the proposed forest land may be mentioned.	This observation pertains to your good office please.
4	The detail of violation in para 11 (i) B&C has not been given same may be furnished.	This observation pertains to your good office please.
5	The complete CA scheme giving the technical detail of the CA scheme may be given. Further, CA scheme, digital map duly signed by DFO concerned may be uploaded against the appropriate column of Part-II	This observation pertains to your good office please.
6	The NPV and Penal NPV bill may be revised as per the latest rates prescribed by GoI.	This observation pertains to your good office please.
7	The CA scheme as uploaded at Sr. No. 5 of additional information detail of Part-II is not understandable which may be reviewed and revised.	This observation pertains to your good office please.
8	The village to be benefited as uploaded online is not signed by competent authority. Further, Joint inspection report may be furnished.	Now, village benefit certificate has been signed by competent authority and uploaded online on the PARIVESH portal also inspection report has been uploaded online.
9	The report of the committee constituted for regularization of violated case as per the direction of Hon'ble High Court is not found uploaded. Further the list of 2183 roads showing the name of instant proposal be submitted.	Copy of the Order of the Hon'ble High Court of H.P. which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provisions of FCA, 1980 has been uploaded online against Additional Information Detail and enclosed as Annexure 1 & 2.

10	NoC/Sale deed/Gift deeds for non forest land acquired from private individuals has been found uploaded. The complete proposal folder may be submitted.	<i>Collection of Gift deeds of the Private land is in progress and will be submitted after stage I approved.</i>
11	Village to be benefited be marked in KML file.	Correct KML file has been uploaded.

It is, therefore, you are requested that the proposal may please be forwarded to the concerned higher office at the earliest.

12/4
 Executive Engineer,
 Barsar Division,
 HPPWD Barsar (H.P.)

Full Title of the Project: Construction of link road to Ansara Loharli, Km. 0/0 to 4/140 under PMGSY
 File No. : FP/HP/ROAD/14568/2015
 Date of Proposal: 10 Aug 2015

Annexure 1

Certificate Regarding Violation of FCA 1980

The road for which forest land to be proposed to diverted is in the list of 2183 List of road in which violation of FCA has been reported. Proposed road is highlighted in the list of 2183 roads are given below:-

Details for roads constructed in violations of FCA-1980											
Sr. No.	Name of Division	Name of the road	Total length of road (kms)	Starting From (Name)	Present status whether completed or in progress	GPS coordinates at Strategic point			Whether road appeared in list of 116 roads as per Annexure-I	Whether road appeared in list of 61 roads as per Annexure-II	Remarks
						Starting point	End point	Mid point of road length or villages/ important			
1	2	3	4	5	6	7	8	9	10	11	12
Barsar											
10	Barsara	Link road to Village Badhera	2.00 km	Badetra	Phase-I Completed	N31,31.3 1,42.1.6 E 76, 23, 48.2	N31 42 13.8 E 76 23 53.9	N31 42 13.8 E76 23 37.30	No	No	----
11	---do---	Beha Hathol road	2.00 km	Beha	0.160 Mtr F/C	N 31,41.16. 2 E-76- 22,35.6	N- 31,41.19. 3 E- 76,22,29.	N- 31,41,19. 6 E- 76,22,31.	No	No	----
12	---do---	Ansara Loharli road	4.240 km	Ansara	Phase-I Completed	N31 42 41.2 E 76 19 48.8	N31 42 49.4 E76 19 47.20	N31 42 49.4 E 76 19 39.71	No	No	----
13	---do---	L.R. Village Gahloon	2.000	Jaran Salouru road km 3/450	in progress	N31,43 45.8 E 76 22,76.9	N31,44 24.6 E76:23,3 3.10	N31 43 66.80 E 76 22,94.8	No	No	Proposed connectivity(PMGSY)
14	---do---	Panyali Nugran road	2.000	Panyali Kashmir road km 4 960	-do-	N 31;38 20 E 76 24 40.7	N 31;38 21.6 E 76.24 37.9	N31;38 21.6 E76;24 37.9	No	No	---do---
15	---do---	Malag Khatrod Jassai via	2.360	Kangoo Dhanoa km 0:500	-do-	N31,41 19.9 E-76,25 68	N31;40 27.9 E 76,24,74. 9	N31'40 89.8 E76 24 94.7	No	No	Proposed connectivity (NABARD)

Executive Engineer,
 Barsar Division,
 HPPWD Barsar (H.P.)

MOST URGENT
PERSONAL ATTENTION

No.PBW(B)E(3)I/2013-1
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 18th 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. 5669 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.

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.

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)
- ii) 4. Block Development Officer of the area : Member Secretary
(In respect of RD Deptt. roads)
Give a detailed report, road wise on the violation also indicate the extent of violation.
- iii) 5. Executive Engineer (Civil) of the area : Member Secretary
(In respect of BRO roads)
Indicate road wise measures required, if any, for strengthening the ecology of the area.

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

II ROAD PROPOSALS REQUIRING ADDITIONAL WORKS TO BE UNDERTAKEN

- To 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.
1. Conservator of Forests of the area : Chairman
 2. Superintending Engineer (HPPWD) : Member PTO
(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

- 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

Full Title of the Project: Construction of link road to Ansara Loharli, Km. 0/0 to 4/140 under PMGSY
File No. : FP/HP/ROAD/14568/2015
Date of Proposal: 10 Aug 2015

VILLAGE BENEFIT CERTIFICATE

List of habitation to be benefited by Construction of link road to Ansara Loharli, Km. 0/0 to 4/140 under PMGSY.

Sr. No.	Name of village	Village Code	Population
1	Ansara	016582	515
2	Baroi	016584	230
3	Loharli	016585	212

Signature of
Revenue Officer,
Official Seal.

Ansara
18/11/2015
PATWAR CIRCLE
TEHSIL
DISTT. HAMIRPUR
Nadun
Thalun

13/11
Executive Engineer,
Barsar Division,
HPPWD Barsar (H.P.)

SUBMISSION OF REPORTS BY THE COMMITTEE CONSTITUTED VIDE JUDGMENT OF THE HON'BLE HIGH COURT OF HP IN CWP NO 5600 OF 2012 DATED 5/9/2013 REGARDING CONSTRUCTION OF ROAD IN VIOLATION OF FCA 1980.

S/No.		
1	Name of the Circle	
2	Name of District	8th circle HPPWD Hamirpur
3	Name of Division	Hamirpur
4	Name of Tehsil	Hamirpur
5	Name of Range	Nadaun
6	Name of the road including kilometres from to.	Nadaun
7	Total length of the road for which forest land has already been broken/constructed passing through the forest area and private area	Construction of link road to Ansara Lohari, Km. 0/0 to 4/140 under PMGSY
8	Length of the road and extent (in hectare) passing through forest	0/0 to 3/042= 3.042 (Private land) 3/042 to 3/705=663.00 (Forest land) 3/705 to 4/140=435.00 (Private land)
9	Dates of starting and completing the work.	Length of the road in forest land= 0.663 Kms. Area of the road in forest land= 0.2728 Hacts.. Date of starting - Nov. 2007 Date of completion:- Work incomplete
10	Name of the organization which constructed the road.	HP PWD Division Barsar District Hamirpur (H.P.)

11	Details of damages caused to bio-diversity including number of trees felled other than braking the earth (which is already covered under point 5 above)	No damage to bio-diversity including felling of trees has been caused
12	Details of the soil conservation / engineering works necessary on the upper and lower sides of the road for its strengthening and avoiding land slides.	(1) The engineering protection works like retaining walls, breast walls and crate works are being proposed for strengthening and avoiding land slides to be done by HP PWD. (2) Soil conservation, Nallah chanelisation, water ponds and check dams over nallah at Km. 3/370 to be done by H.P. forest department.
13	Estimated expenditure for carrying out these engineering works	(1) Rs. 23.00 Lacs (2) Rs. 7.60 Lacs. Total - 30.60 Lacs.
14	Recommendations of the committee (should include length in kilometres, extent of forest land additionally required for completing the work, expenditure to be incurred on engineering/ vegetative works necessary for stabilizing the soil/ boulders on upper and lower sides of the road etc.)	<i>The committee recommends the regularization of an old road of length 4.140 kms constructed in violation of FCA 1980. The total forest area involved is 0.4492 Hacts. The likely expenditure for engineering/vegetative works is 31.00 Lacs</i>

Signature of Committee

Chairman
Divisional Forest Officer,
Hamirpur Forest Division,
Hamirpur (H.P.)

Assistant Engineer
Dhanota Sub Division
HPPWD Dhanota

Member
Representative of Deputy Commissioner
(S.D.M.)

Member Secretary
Executive Engineer of the area

Executive Engineer,
Barsar Division,
HPPWD Barsar (H.P.)

Full Title of the Project: Construction of link road to Ansara Loharli, Km. 0/0 to 4/140 under PMGSY
File No. : FP/HP/ROAD/14568/2015
Date of Proposal: 10 Aug 2015

MUCK MANAGEMENT PLAN

1.	Total quantity of muck to be generated from cutting	1800.00	cum
2.	Deduction of useful stone as required under clauses of agreement to be executed by the Executive Engineer of Project	1440.00	cum
3.	Net balance quantity of debris/muck	360.00	cum
4	Add Quantity available on site with swell factor	144.00	cum
	Total (A)	504.00	cum
5	Less for Materials required for dumping in behind R/Wall etc	120.96	cum
6	Less material/muck required for levelling of proposed road for the construction	131.04	cum
7	Less material/muck required for the construction of proposed road on the analogy of half cutting and half filling	252.00	cum
	Total (B)	504.00	cum
8	Materials/Muck left at the site which required crriage for the proper dumping at the recognised site as per instruction of Forest and Environment ministry reinforced by the various judgements of the Apex Court/Govt. of India i.e.	0.00	cum

Executive Engineer,
Barsar Division,
HPPWD Barsar (H.P.)

Bill on account of penalty for violation qual to the NPV of 0.2728 ha. Of forest land w.e.f. the year 2007 plus 12% simple interest till the deposit is made 0.0422 ha. Forest land proposed for diversion for construction of Ansara Loharli link road

User Agency - Executive Engineer HPPWD Barsar Division at Barsar Distt Hamirpur, HP

Sr No.	Particulars	Remarks
1	Year of report of violation	0.2728
2	No. of years of violation	16
3	Area violated in Ha.	0.2728
4	Ecoclass	Vth (Open)
5	Rate of NPV applied	1005210
6	NPV Amount for violated area (5X1)	274221
7	Penalty for violation i.e. NPV for forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto five (5) times the NPV (five times 6X5)	1371105
8	Interest at 12% simple interest till the deposit is made	2632522
	Total Penalty (7+8)	4003627

Note:- The area falls under Eco Class V Oper Forests. This is in accordance with Hon'ble Supreme Court of India order dated 28.03.2008

Place:- Hamirpur

Date:- 28-12-2023


(Rakesh Kumar, IFS)
Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur (H.P.)


BILL FOR NET PRESENT VALUE

Name of Project:	Diversion of 0.2728 ha. of Forest Land for construction of Link road to Village Ansara Loharli KM 0/0 to 4/140 Under FCA 1980
Forest Area involved	0-27-28 ha
Class of Forest	Eco Class V
Density	0
Rate of NPV	Rs.10,05,210/- per hect.
Total amount of NPV	Rs. 2,87,050-00

Rs. Two Lakh eighty seven thousand and fifty only.

It is certified that the Net Present Value in this diversion case/proposal for the Diversion of 0.2728 ha. of Forest Land for construction of Link road to Village Ansara Loharli KM 0/0 to 4/140 Under FCA 1980 has been worked out in accordance with the rates fixed vide Hon'ble Supreme Court of Indian order dated 28.03.2009 and 09.05.2009.

Place:- HAMIRPUR
Date:- 28-12-2023


(Rakesh K. IFS)
Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur, HP
Hamirpur (H.P.)