

Dated D/Shala. the/ 08-05-23 /

From: D.F.O. Dharamshala. To: C.C.F. (T) Dharamshala.

Subject: Diversion of 0.6345 Ha. of forest land in favour of HPPWD for the construction of Link Road to Village Dhundni Mata (Rd 0/0 to 1/003 Km), within the jurisdiction of Dharamshala Forest Division, Distt. Kangra, H.P. (Online Proposal No. FP/HP/Road/144478/2021).

Memo :

Kindly refer to the Observations raised by Regional Officer, Integrated Regional Office, Ministry of Environment, Forest and Climate Change, CGO Complex, Shivalik Khand, Longwood, Shimla 171001 vide letter No. FC/HPB/06/21/2022 dated 25.04.2022 on the subject cited above.

2. The point wise reply to the observations furnish as under :-

Sr. No.	EDS / Observation	Reply to EDS
1.	<p>The Site Inspection Report and the Joint Inspection Report revealed that violation has been carried out. Therefore, in view of above, following clarification/justification may be provided</p> <p>i. The Action Taken Report against the violators as per Para 1.21 (1) and/ or (ii) of FCA Guidelines may submitted/ uploaded in the portal.</p> <p>ii. Action taken by the State Government against the officials concerned for not being able to prevent the use of forest land for non-forestry purpose without prior approval of Govt. of India.</p>	<p>No action has been taken against the violators at the time of construction of this road. The Kutcha path has been constructed by the local people during the year 2004.</p> <p>The calculation sheet of Penal NPV for 0.6345 ha. of forest land being used without prior approval of Central Govt. under FCA, 1980, as per para 1.21 of FCA guidelines has been uploaded against Additional Information Part II Online.</p>
2.	<p>The clarification/documents regarding the following may also be provided:</p> <p>i. Complete List of 2183 roads provided by HPPWD to Hon'ble High Court of Himachal Pradesh constructed in violation of FCA, 1980 highlighting the Sl. No. and name of the road of the extant proposal.</p> <p>ii. Copies of the Orders of the 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.</p>	<p>As submitted by the User Agency :-</p> <p>i. The complete list of 2183 cases has been uploaded against Additional Information Detail. The extant proposal is listed at Sr. No. 30, Page No. 192 under proposals pertaining to Kangra Zone at Dharamshala.</p> <p>ii. The Copies of the order of the Hon'ble High Court of Himachal Pradesh has been uploaded against Additional Information Detail.</p>
3.	<p>FRA Certificate along with all prescribed annexures including records of all consultations and meetings with Gram Sabha(s) and FRC(s) of all the concerned villages needs to be submitted.</p>	<p>As submitted by the User Agency, the FRA Certificate is in Process and Undertaking to submit the FRA Certificate before Stage II has been uploaded against Additional Information Detail.</p>

4.	The revised NPV/Penal NPV calculations sheet/bills as per revised NPV rates by MOEF & CC dated 06.01.2022 may be provided	The Revised NPV / Penal NPV calculation sheet/bills as per revised NPV rates by MoEF & CC dated 06.01.2022 has been uploaded against Additional Information in Part II online.
5.	Project approval document issued by Competent Authority may be uploaded	As submitted by the User Agency, the Project Approval Letter has been uploaded against Additional Information Detail in online Part I.
6.	The State Government submitted that the aerial distance from Pong Dam Lake Bird Sanctuary is about 11.3 km and from Dhauladhar WLS is 70 kms. However, draft notification of the ESZ of Pong Dam Lake Bird Sanctuary has already notified by Central Government. Therefore, exact aerial distance of the proposed site from nearest PA and its draft notified ESZ may be submitted along with comments of CWLW, if required.	The Proposed road is at an aerial distance of 8.8 km from the ESZ of Pong Dam Lake Bird Sanctuary. The Certificate in this regard has been uploaded against Additional Information in Part II. The Comments of the CWLW are to be obtained at Nodal Office Level.
7.	In component wise breakup and in length and width detail of proposed road, a component "Turning Point has been mentioned. The same may be clarified and justified in detail.	As submitted by the User Agency, the Proposed road is dead end road and there is no area for the turning of the heavy vehicles, so area for turning of heavy vehicles has been proposed. This area is necessarily required as the road is narrow with construction on both sides of road
8.	Most of the documents in the proposal are not authenticated by DFO concerned. This may be ensured that all the documents are authenticated by DFO concerned.	All the documents have been authenticated and uploaded online in Part I
9.	It has been mentioned in the Undertaking for payment of cost of CA, that entire amount will be paid at the time of undertaking of plantation activities. However, the payment of CA is required to be deposited before final (Stage-11) approval. Therefore, same may be reviewed and revised be submitted to this office.	As submitted by the User Agency, the Revised Undertaking of CA has been uploaded against Additional Information Detail in Online Part I

It is therefore, requested that the necessary approval for the diversion of 0.6345 ha of forest land for the construction of above mentioned road may kindly be obtained from the Govt. of India under Forest (Conservation) Act, 1980 and conveyed to this office.

Encl: as above

Divisional Forest Officer,  
Dharamshala Forest Division,  
Dharamshala.