

No.FCA/ 10869 /  
H.P. Forest Department

Dated Chamba, the 27/3/23

From:-DCF Chamba.

To:-CCF (T) Chamba.

Subject: -

Diversion of 1.0188 Hac. of Forest Land for the construction of Banula Baroond-I SHEP (2MW) in favour of M/S Gyatri Hydrel Projects Pvt. Ltd. MohallaCharpa Tehsil & District Chamba within the jurisdiction of Chamba Forest Division.

Memo,


Please refer to IRO Shimla , H.P. office letter No. FC/HPB/01/161/2022 dated 15-03-2023 on the subject cited above.

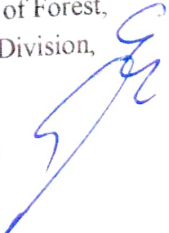
2. In this regard, it is submitted that, the observations raised vide letter under reference have been attended and hereby submitted as under:-

Point No.	Reply
1.	The legible scanned copy of revnue papers ( Jamabandi ) has been uploaded by user agency one part-I
2.	Needful has been done.
3.	Needful has been done by UA and same has been uploaded on part-1
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8.	Bhatova D.P.F has been proposed in Protection working circle in Sh. A.K. Gupta IFS working plan mainly on the basis that it is a scrub forest supporting shrubs. No major timber species were available in the area. And as such could not be allotted to Deodar, Kail WC & Chil WC or Fir -spruce working circle, Also the area is not suitable for raising plantation due to low soil depth and precipitous slopes. It is Clearly written in C.H. file that the area is a shrub area. These include prinsepia, Desmodium is etc. Trees are rare and litsia is main constituent along Nalla and rare Quercus above. Due to grazing pressure / legal limitation it is allotted to the Protection working circle. Also mention here that the forest come into existence as DPF vide H.P. Govt. notification No. Fts-15-53/79 dated 19-05-80 and is in possession of H.P. Forest department.

The proposal folder (03 nos.) is enclosed therewith forfavour of information & necessary action at your end please.

Encl.As above

  
Dy. Conservator of Forest,  
Chamba, Forest Division,  
Chamba-176310

  
sharda  
27/3/23

Rev-D(G)8-9/2015  
Government of Himachal Pradesh  
Revenue Department

From

53555030  
05-4-2022  
The Principal Secretary-cum-FC (Revenue) to the  
Government of Himachal Pradesh.

To

~~The Additional Chief Secretary (Forest) to the  
Government of Himachal Pradesh.~~

Dated: Shimla-2, the 31<sup>st</sup> March, 2022

Subject: -

Regarding proposal to Government of India for clarification  
on 1952 notification.

Madam,

404/22  
DS(FH)  
K-  
20.05.22

In reference to the meeting held under the chairmanship of  
worthy Chief Secretary, H.P. regarding wasteland issue, I am directed to convey  
that matter regarding notification of 25<sup>th</sup> Feb., 1952 and its applicability till date  
in whole Himachal Pradesh was examined in this Department. After detailed  
examination/consideration of the matter, it is observed that the notification  
issued by Forest Department on 25<sup>th</sup> February, 1952 appears to be an  
interim/provisional notification under section 29(3) of Indian Forest Act, 1927.  
This is because the process of rights settlement, as required under section 29(3),  
was not completed before this notification. Further, after the year 1952, forest  
settlement process has been completed in many parts of the state (atleast once)  
and on many places, fresh notifications under section 29(1) declaring "Protected  
Forests" have been issued.

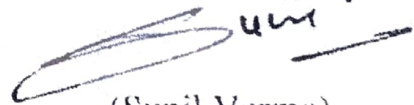
However, even after settlement process and issuance of fresh  
notification under section 29(1), the land falling outside identified/notified  
"Protected Forests" is still considered forest land due to applicability of 1952

notification. The Revenue Department opines that once fresh notification declaring "Protected Forests" is issued for any area, then the 1952 notification becomes infructuous/redundant for that area and cannot be applied on other Government lands situated in that area.

Further, as it is a Forest related issue and it would be difficult to take any final view without taking concurrence/permission of Government of India; thus, the matter is required to be raised with Government of India, for which a detailed proposal has been prepared and which is being enclosed for your kind consideration please.

In view of given proposal, it is requested that matter may be considered in your Department and further may be raised with MoEF&CC, Govt regarding permission/clarification on the points as mentioned therein.

Yours faithfully,



(Sunil Verma)

Joint Secretary (Revenue) to the  
Government of Himachal Pradesh  
Phone No. 0177-2626450

Endst. No. As above

Dated: Shimla-2, the / March, 2022

Copy is forwarded to Special Private Secretary to Chief Secretary, HP Shimla for information of worthy Chief Secretary.

Joint Secretary (Revenue) to the  
Govt. of Himachal Pradesh.

1952 Notification: A Background

The Government of Himachal Pradesh has been facing a peculiar situation since long as almost all Government lands of Himachal Pradesh are considered as Forest lands (Protected forests) by virtue of a notification issued by the Himachal Pradesh Government on 25<sup>th</sup> February, 1952 (**Annexure-A**). This notification has been issued under the provisions of Indian Forest Act, 1927 (Chapter-IV). On the face of it, this notification appears vague as no boundaries or specific land details, khasra numbers etc have been mentioned in this notification. Rather, this blanket notification covers all forest land and wasteland which is the property of the Government or which is in proprietorship of the Government and declares such lands as "Protected Forest". It must further be added that neither Forest nor wasteland is defined in Indian Forest Act, 1927.

The relevant section 29 (under chapter IV) of Indian Forest Act is being reproduced as below: -

*CHAPTER IV  
OF PROTECTED FORESTS*

*29. Protected forests. – (1) The State Government may, by notification in the Official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which, is not included in a reserved forest but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled.*

*(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".*

*(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or*