



भारत सरकार/GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
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दिनांक: .04.2023

To,
Additional Chief Secretary (Forest)
Himachal Pradesh Government
Armsdale Building, Shimla
(Email: - forestsecy-hp@nic.in)

Sub: Diversion of 2.2973 ha of forest land in favour of HPPWD for the construction of link road Padech Bhatiyad Kadech Tehsil and District Shimla H.P-reg.

Ref: Online proposal No. FP/HP/ROAD/21589/2016 received on dated 30.01.2023

Sir,

Kindly refer to the online proposal of Government of Himachal Pradesh on the above mentioned subject and reference seeking prior approval of the Central Government for diversion of **2.2973** ha of forest land for non-forestry purpose in accordance with section-2 of the Forest (Conservation) Act, 1980. The following clarifications are required to be provided: -

1. As per the information provided by the concerned DFO under column 11 of Part II, the instant proposal involves the violation and the forest land involved in the violation is 0.1677 ha which has been done in the year 2007. However, as per the Joint Inspection Report (JIR) of dated 18.12.2014, there is no observation is made by the Committee regarding the violation part. The information provided are contradictory.
2. Similarly, the JIR of dated 18.12.2014 has mentioned number of trees falling in the proposed alignment as 60 trees, but the latest Joint Inspection Report of dated 25.005.2022 and under Column 4 (ii) part-II online, the total numbers of trees falling in the proposed alignment is mentioned as 184 trees. The information provided are contradictory.
3. Furthermore, in the detailed report on the violation uploaded (at Sr. No. 5-Additional information of Part-II) by the concerned DFO, it is clearly mentioned at Sr.No. (b) i.e. the name and designation of the officials/persons primary responsible for violation is mentioned as HPPWD/BDO. However, at Sr.No. (c) of the report i.e. regarding fixing the responsibility of violation, it is mentioned as 'Not Possible'. The statements mentioned at Sr.No. (b) and (c) are contradictory. As the violators are already known as mentioned at Sr.No. (b) of the report, the action is required to be taken by the State Government. Therefore, following information may also be provided: -
 - i). The Action Taken Report against the violators as per Para 1.21 (i) and/ or (ii) of FCA Guidelines may be submitted/ uploaded in the portal

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.

4. The concerned DFO has clearly mentioned at Sr.No.(d) of the detailed report on violation i.e. ***“Hon’ble High Court vide its order in CWP No. 5600 of 2012 has given one time relaxation for the road which have constructed illegally on forest land”***. Therefore, the copy of the same may be provided.

Additionally, as per the latest direction of the Ministry of Environment, Forest and Climate Change, Government of India vide File No. FC-7/43/2020-FC dated 22.03.2022, the proposals for use of forestland for non-forest purposes which includes violation of the Forest (Conservation) Act, 1980 as specified in Para-1.21 (i) and (ii) will be examined at the level of Ministry after discussion in REC. Therefore, the State Government is requested to submit the reply to this office at the earliest.

Yours faithfully

Sd/-

(Satya Prakash Negi)

Regional Officer

Copy to:-

i. Nodal Officer-cum-APCCF (FCA), Govt of HP, Talland, Shimla-1 for kind information.
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