

I/10667/2022



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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Dated: .09.2022

सेवा में,

अतिरिक्त मुख्य सचिव (वन)
हिमाचल प्रदेश सरकार,
आर्म्सडेल बिल्डिंग, शिमला।

(Email:- forestsecy-hp@nic.in)

विषय: Diversion of 0.8637 ha of forest land in favour of HPPWD for the construction of Link road Ogli to Summa Kms. 0/0 to 1/510, within the jurisdiction of Shimla Forest Division Distt. Shimla HP. (Online Proposal No. FP/HP/Road/8779/2014).

संदर्भ: नोडल अधिकारी-सह-अतिरिक्त प्रधान मुख्य अरण्यपाल (एफ.सी.ए.), हि0प्र0 के पत्रांक 48-3053/2015 (एफ.सी.ए.) दिनांक 05.08.2022.

महोदय,

उपरोक्त विषय पर संदर्भित पत्र का आशय ग्रहण करते हुए सूचित करना है कि प्रस्ताव में निम्नलिखित कमियां पाई गयी है। अतः राज्य सरकार निम्न बिन्दुओं पर आवश्यक सूचनाएं प्रेषित करने का कष्ट करें, ताकि अग्रिम कार्यवाही सुनिश्चित की जा सके:-

1. The Site Inspection Report revealed that Road has been constructed by the HPPWD, without prior approval of the Govt. of India. Therefore, in view of above, following clarification/justification may be provided:-
 - i. The Action Taken Report against the violators as per Para 1.21 (i) and/ or (ii) of FCA Guidelines may 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.
 - iii. State Govt. may provide the present status of the violation whether the work is continuing or halted.
 - iv. The column/table in Part-II, Para-11 may also be filled up.
 - v. The proposed road is under the list of 2183 roads. State govt. may submit the complete legible 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.
 - vi. Copies of the Orders 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.
 - vii. The Penal NPV calculation sheet/bills as per revised NPV rate by MoEF & CC dated 06.01.2022 may be provided.
2. As per the KML file and Detailed Note on the project, the diversion area is having slightly steep and prone to erosion. Therefore, State Govt. may provide details of the mitigation measures to be adopted to arrest the accelerated soil erosion/land slide during/after execution of project. Additionally, the State Govt. may submit Soil and Moisture Conservation Plan along with detail

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- cost of its implementation as per MoEF & CC vide letter No. FC-11/43/2021-FC dated 07.06.2022.
3. The private land (Non-Forest) is also included in the proposal. Therefore, consent of the private land owners by way of sale/Gift Deed/ NOC or any other form is also required to be uploaded.
 4. The Muck dumping sites are proposed in forest land. The suitable non-forest land/private land may be explored for disposal of muck. State Govt. may also provide the list of standing trees in the dumping sites, if it is in forest land.
 5. It has been observed from KML file that the dumping sites (03) is in very steep slope from where debris can be easily rolled down into household of villagers. Therefore, the State Govt. may submit mitigation measures to be adopted, so that debris could not be rolled down into the household of villager's downhill side.
 6. Beneficiary villages are needs to be mark on the KML file.
 7. Layout Plan and KML file showing all the components(Forest land/Non-forest land/Violated part) with distinct colours duly authenticated by the concerned DFO is required to be submitted and the same shall be uploaded on the PARIVESH portal as well.
 8. Layout plan showing chainage wise length and width of forest and Non-forest land may be provided.
 9. In part-II, para-2, Legal status of the DA area is mentioned as "U-13 Ogli Suma". Therefore "U-13 Ogli Suma" may be properly clarified.
 10. There are 3 dumping sites in the KML file, however only one dumping site has been included in the Component wise breakup. Therefore, State Govt may review and rectify the same.
 11. An undertaking has been submitted mentioning that the muck generated will be used in filling/levelling work of proposed road and filling behind the R/wall & B/Wall. However, three Muck Dumping sites have been mentioned in the proposal. Therefore, State Govt may justify the requirement of Muck dumping sites if all the muck used in the filling/levelling of road.
 12. As per DFO SIR Report the violation has been carried out, however the Joint Inspection report hasn't reported any violation. Therefore, State Govt may clarify the contradiction in the reports and provide the Fresh Joint inspection report accordingly.
 13. Most of the documents are not duly authenticated by DFO concerned. Therefore, State Govt may review the same.
 14. Large number no. of important trees and saplings (50 no.) are proposed for felling. Therefore, possibility of reducing the numbers of trees to be affected may be explored or rationalisation to be done in the layout of the proposal to reduce green felling. Further, a list of trees which are required to be felled and retained may be provided.
 15. The project approval document issued by Competent Authority may be provided.
 16. Clarification/justification regarding the CA area may be provided :-
 - (i) Since the CA area is > 1ha, State Govt. may provide the KML and relevant maps of CA area. Same may be uploaded on the PARIVESH portal.
 - (ii) The status of proposed CA land may be provided, whether it is a Govt. Waste land declared as PF under HP Govt. notification, 1952 or is notified as UPF/DPF under IFA, 1927 and is in possession of State Forest department or not. The copy of relevant document may be provided.
 - (iii) State Govt. may submit document regarding the suitability of land for CA in lieu of forest land proposed for diversion in terms of its vicinity to the area being proposed for DA and/or contiguity with the existing forest area and also ensure the manageability as per the latest Guidelines of MoEF & CC vide letter No. 11-423/2011-FC dated 13.07.2022.
 17. The revised NPV calculation sheet/bill as per revised NPV rates by MoEF & CC dated 06.01.2022 may be provided.
 18. As per the DSS analysis, the proposed DA is 0.8637 ha however, the calculated area is 0.32 ha. Therefore, State Govt. may review the difference in proposed DA area and calculated area.
 19. In part-II, Column-14, geographical area of district may be reviewed and rectified.

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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 forest land for non-forest purposes which includes violation of 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.

यदि चाही गई सूचना पत्र जारी होने की तिथि के 60 दिनों के भीतर (अधिकतम 90 दिन) इस कार्यालय में प्राप्त नहीं हुई तो प्रस्ताव को निरस्त किया जा सकता है।

भवदीय,

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(सत्य प्रकाश नेगी)

क्षेत्रीय अधिकारी

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. नोडल अधिकारी-सह-अतिरिक्त प्रधान मुख्य अरण्यपाल (एफ.सी.ए.), हिमाचल प्रदेश सरकार, वन विभाग, टालैंड, शिमला (E-mail: nodalcahp@yahoo.com).
2. वन मण्डल अधिकारी, शिमला वन मण्डल, जिला-शिमला, हिमाचल प्रदेश (E-mail: dfoshi-hp@nic.in).