
Chapter III

Proposals for Forest Diversion under FCA

Chapter III

Proposals for Forest Diversion under FCA

This chapter includes audit findings related to delays in processing of proposals for diversion of forest land for non-forest purpose under the provisions of Forest Conservation Act 1980 and detailed analysis of CA in FCA cases between 2016-17 and 2020-21 in the nine selected divisions.

3.1 Status of proposals submitted between 2016-17 and 2020-21 under Forest Conservation Act, 1980

During the period April 2016 to March 2021, 1,018 cases were submitted by various UAs (Hydro Electric Projects (HEPs), Roads, Educational Institutes, Hospital, Transmission lines etc.) to MoEF&CC for grant of forest clearances under FCA. In-principle approvals in 78 cases (eight *per cent*) and final approvals in 164 cases (16 *per cent*) were granted while 766 (75 *per cent*) cases were pending for in-principle approval. Year-wise details of the same are given in **Table 3.1**.

Table 3.1: Details of year wise FCA cases

| Year in which cases were submitted by UAs | Cases received | In-principle approval between April 2016 and March 2021 | Final approval between April 2016 and March 2021 | Rejected | Pending with UAs for compliance | Pending with State Forest Authorities/ Government |
|---|------------------|---|--|-----------|---------------------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 2016-17 | 217 ¹ | 21 | 84 | 3 | 101 | 8 |
| 2017-18 | 158 | 24 | 38 | 2 | 86 | 8 |
| 2018-19 | 177 | 18 | 21 | 2 | 123 | 13 |
| 2019-20 | 170 | 10 | 19 | 1 | 119 | 21 |
| 2020-21 | 296 | 5 | 2 | 2 | 207 | 80 |
| Total | 1,018 | 78 | 164 | 10 | 636 | 130 |

Source: E-Parivesh, MoEF&CC

Of the 766 pending cases applied for between 2016-17 and 2020-21, it was observed that 379² (49 *per cent*) cases pertained to roads, 82 (11 *per cent*) to HEPs, 33 (four *per cent*) to Mining and Industries, 25 (three *per cent*) to Educational Institutes, 27 (four *per cent*) to Transmission lines, 22 (three *per cent*) to Drinking Water/ Irrigation, 15 (two *per cent*) to Sewerage treatment plants, three (one *per cent*) to Railways and 180 (23 *per cent*) to others³.

¹ During the year 2016-17, 217 cases were received by the Department for processing under FCA, of which, in-principle approval to 21 cases and final approval to 84 cases respectively, was granted by MoEF&CC during April 2016 and March 2021; three cases were rejected and 93 cases were pending for approval during the period April 2016 and March 2021 and 16 cases were granted in principle and final approval after March 2021. Similar position is depicted for the years 2017 to 2021.

² Source: e-Parivesh website of MoEF&CC.

³ These are miscellaneous kind of projects like parking, hospital, ropeways, aanganwadi centres etc.

Further, out of 766 cases pending for approval during the period, 130 cases (17 *per cent*) were pending at different levels in the State Forest Department, while 636 cases (83 *per cent*) were in draft form⁴ pending at the level of UAs.

As per Rule 6 of Forest Conservation Rules 2003, every User Agency (UA) that wants to use any forest land for non-forest purposes, shall make its proposal in the relevant Form (Part-I) appended to these rules to the Nodal Officer of the State Government concerned along with requisite information and documents, complete in all respects. The Nodal Officer after having received the proposal and on being satisfied that the proposal is complete in all respects and requires prior approval under section 2 of the Act, shall send the proposal to the DFO concerned within a period of ten days of the receipt of the proposal. If the Nodal Officer finds that the proposal is incomplete, he shall return it within a period of ten days to the UA and this time period and the time taken by the UA to re-submit the proposal shall not be counted for any future reference.

A sample of 60 cases⁵ (out of 636) pending with the UAs were test checked by Audit. Out of these, 45 proposals⁶ were found to be incomplete by the Nodal Officer and sent back to UAs for addressing the shortcomings. In 25 proposals (out of the above 45), the UAs did not re-submit the proposal to the Nodal Officer and in the balance 20 proposals, though the UA resubmitted the proposal, the same were again found incomplete by the Nodal Officer and sent back to UA (and remained pending with them)

Further, in the remaining 15 proposals⁷ (out of 60), the proposals were accepted by the Nodal Officer and forwarded to DFO concerned for further processing. However, the DFO found shortcomings in the proposal and sent them back to UAs for removal of shortcomings. This clearly indicates that in these 15 cases, incomplete proposals were accepted from UAs (shortcomings in Part-I). Thus, accepting of incomplete proposals by the Nodal Officer and their reversion later on from DFO to UAs had also resulted in inordinate delays in the processing of FCA proposals for grant of in-principle approval.

Response from the Government is awaited (February 2024).

3.1.1 Timeline for processing of FCA cases for in-principle approval

After receipt of the proposal, the State Government is required to process and forward it to the Central Government (Regional office (RO) or ROHQ as the case may be) within a period of 180 days of receipt of the proposal. In cases where Central Government has granted General Approvals for diversion of forest land for the specified area in each case and for specified public utility services and critical/strategic defence infrastructure, approval under Forest Conservation Act is granted by the State Government. Timelines for processing of FCA cases at different levels is depicted in **Chart 3.1**.

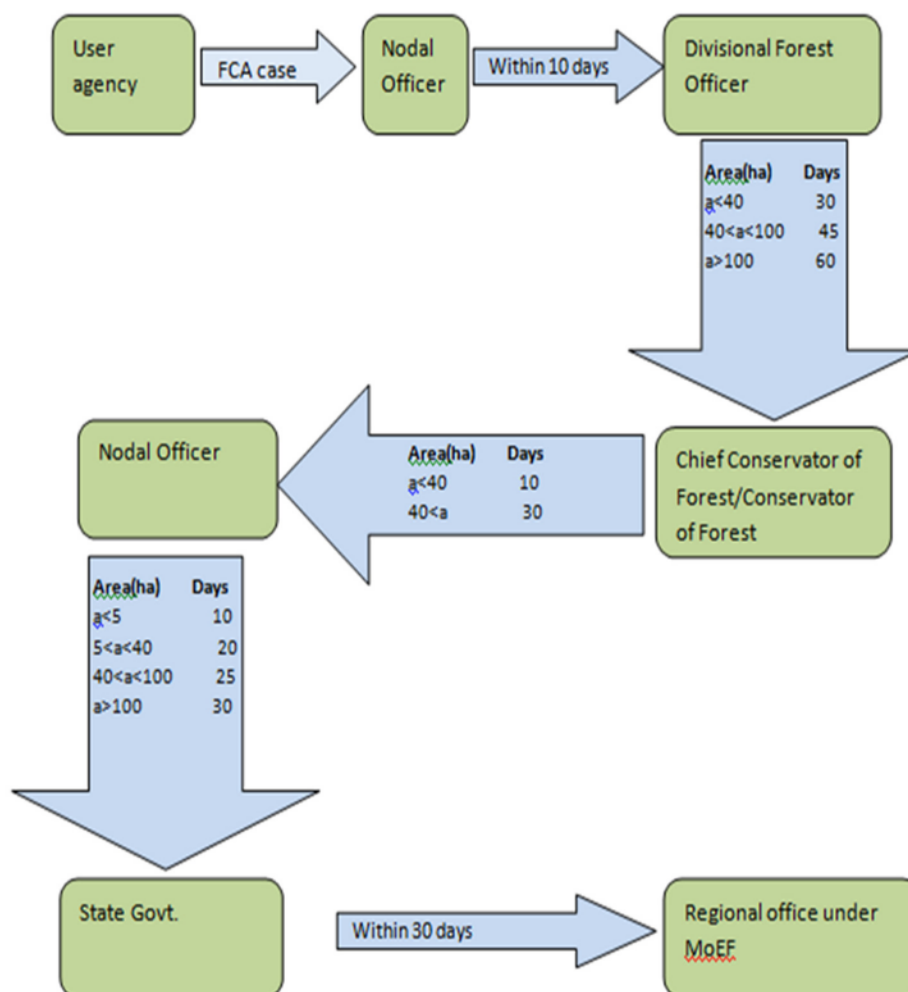
⁴ Draft form – UA initially submits the proposal to Nodal Officer. If the Nodal Officer finds that the proposal is incomplete, the case is returned to UA in draft form.

⁵ Hydel – nine (all private); Drinking water – one; Others – 22 (private - four); Roads – 23; School (one NGO/ one Private); Substation – one and Transmission line – one

⁶ These 45 proposals were submitted by the UAs between April 2016 and December 2019.

⁷ These 15 proposals were submitted by the UAs between October 2018 and November 2019.

Chart 3.1: Process and Timeline for processing of FCA cases at different levels



Source: Parivesh: MoEF&CC's web portal

3.1.2 Delays in processing of in-principle approval

During the period April 2016 to March 2021, 366 proposals⁸ were accorded Stage-I approval. Out of these, 344 cases were approved by the Central Government and 22 cases falling under General Approval⁹ category (public utility services and critical/ strategic defence infrastructure), were approved by the State Government.

I. Out of the 344 cases approved by the Central Government, only 129 cases (38 per cent) were processed and forwarded to the Regional office within the stipulated time period of 180 days by the State Government. An average delay of 230 days per case in processing and forwarding of the remaining 215 cases (62 per cent) was noticed. While

⁸ This also includes cases which were submitted before April 2016.

⁹ Central Government grants general approvals for diversion of forest land for specified public utility services and critical/strategic defence infrastructure subject to certain conditions. In these cases, the decision for diversion of the forest land or rejection is taken by the respective State/UT Government and a copy of the decision is forwarded to the MoEF&CC and its concerned Regional Office.

the delay was up to 365 days in 169 cases (79 *per cent*), the delay was more than 365 days and up to 1,416 days in remaining 46 cases (21 *per cent*).

II. In 22 cases, where general approval was given by the Central Government, 12 cases (55 *per cent*) were processed and forwarded to the State Government by the Forest Department within the stipulated time period of 180 days. An average delay of 130 days per case in processing and forwarding of the remaining 10 cases (45 *per cent*) was noticed. While there was delay of up to 365 days in nine cases (90 *per cent*), there was a delay of 580 days in the remaining one case.

The delay at different levels i.e. Nodal Officer FCA, DFOs, CCF/CFs and State Government is given in **Table 3.2**.

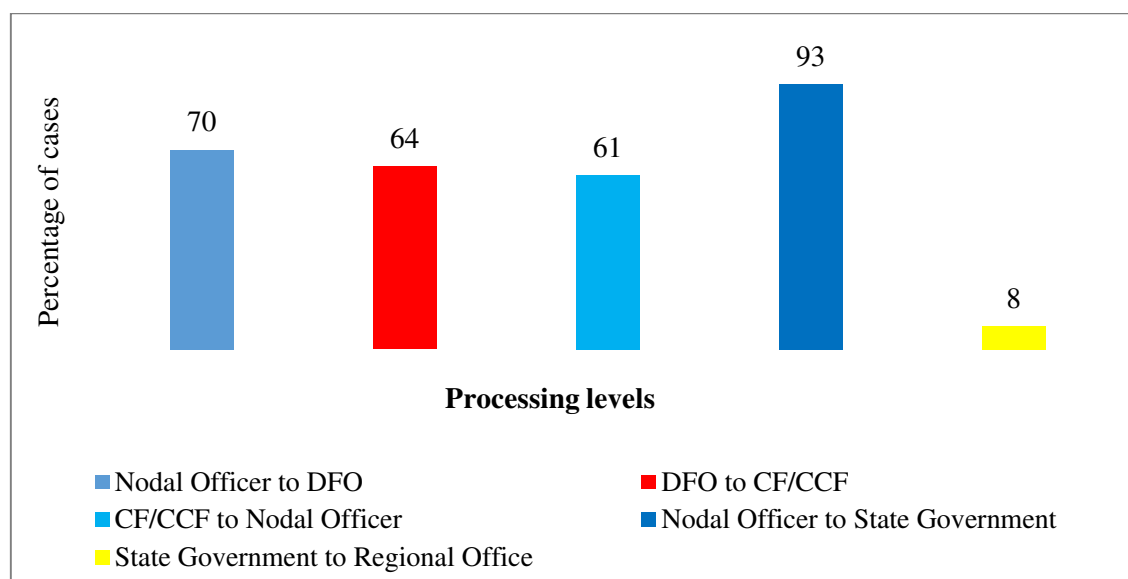
Table 3.2: Delay in processing of FCA cases at different levels in all the Divisions

| Processing level | Total No. of cases | Cases processed within time (Percentage in bracket) | Cases processed with delay | Average delay in processing of cases (days) |
|-------------------------------------|--------------------|---|----------------------------|---|
| Nodal Officer to DFO | 366 | 110 (30) | 256 | 47 |
| DFO to CF/CCF | 366 | 130 (36) | 236 | 132 |
| CF/CCF to Nodal Officer | 366 | 141 (39) | 225 | 47 |
| Nodal Officer to State Government | 366 | 25 (7) | 341 | 85 |
| State Government to Regional Office | 344 | 316 (92) | 28 | 20 |

Source: Parivesh: MoEF&CC's web portal

As is evident from the **Table 3.2**, the delay at various levels of processing ranged between eight *per cent* (from State Government to Regional Office) and 93 *per cent* (from Nodal Officer to State Government). The average delay in processing of cases ranged between 20 days (from State Government to Regional Office) and 132 days (from DFO to CF/ CCF).

Chart 3.2 Cases processed with delay at various levels in all the Divisions



Source: Parivesh: MoEF&CC's web portal

3.1.2.1 Delays in processing of in-principle approval in the selected Divisions

During the period April 2016 to March 2021, 89 proposals¹⁰ were accorded Stage-I approval in nine test checked divisions, out of which 82 cases were approved by the Central Government and seven cases falling under General Approval category (public utility services and critical/ strategic defence infrastructure), were approved by the State Government.

I. Out of the 82 cases approved by the Central Government, only 33 cases (40 *per cent*) were processed and forwarded to Regional office within the stipulated time period of 180 days. An average delay of 287 days per case in processing and forwarding of the remaining 49 cases (60 *per cent*) was noticed. While the delay was up to 365 days in 35 cases (71 *per cent*), the delay was more than 365 days and up to 1,185 days in remaining 14 cases (29 *per cent*).

II. In seven cases, where general approval was given by the Central Government, four cases (57 *per cent*) were processed and forwarded to the State Government by the Forest Department within stipulated time period of 180 days. An average delay of 84 days per case in processing and forwarding of the remaining three cases (43 *per cent*) was noticed.

The delay at different levels i.e. Nodal Officer FCA, DFOs', CCF/ CFs' and State Government for the test-checked Divisions is given in **Table 3.3**.

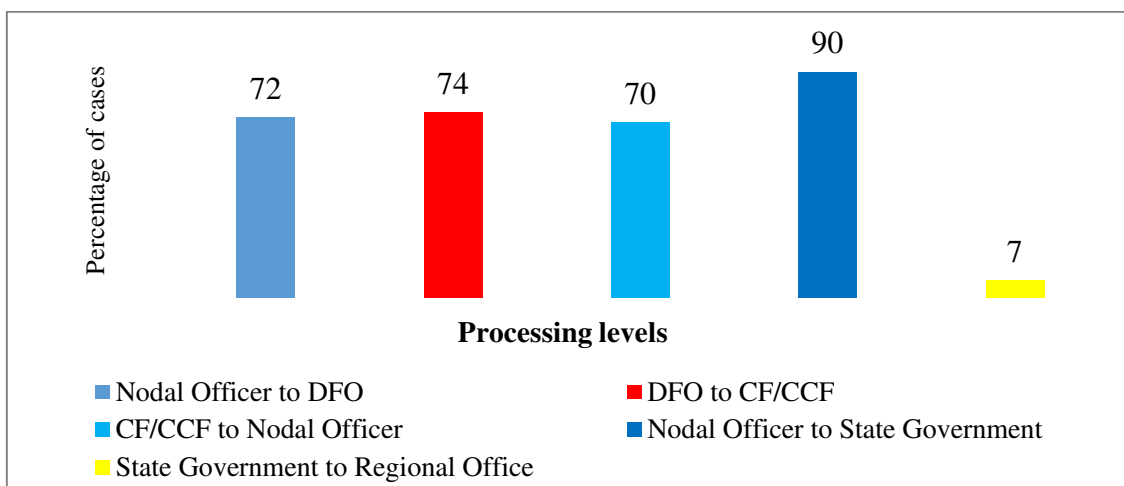
Table 3.3: Delay in processing of FCA cases at different levels in the selected Divisions

| Processing level | Total No. of cases | Cases processed within time (Percentage in bracket) | Cases processed with delay | Average delay in processing of cases (days) |
|-------------------------------------|--------------------|---|----------------------------|---|
| Nodal Officer to DFO | 89 | 25 (28) | 64 | 42 |
| DFO to CF/CCF | 89 | 23 (26) | 66 | 136 |
| CF/CCF to Nodal Officer | 89 | 27 (30) | 62 | 70 |
| Nodal Officer to State Government | 89 | 9 (10) | 80 | 73 |
| State Government to Regional Office | 82 | 76 (93) | 6 | 21 |

Source: Parivesh: MoEF&CC's web portal

As is evident from the **Table 3.3**, the delay at various levels of processing ranged between seven *per cent* (from State Government to Regional Office) and 90 *per cent* (from Nodal Officer to State Government). The average delay in processing of cases ranged between 21 days (from State Government to Regional Office) and 136 days (from DFO to CF/CCF).

¹⁰ Out of these cases, 57 cases were submitted by the UAs between April 2016 and March 2021 and remaining 32 cases were submitted before April 2016.

Chart 3.3 Cases processed with delay at various levels in the selected Divisions

Source: *Parivesh: MoEF&CC's web portal*

As about 68 *per cent* of the land in the State is legally classified as forest land, majority of development projects in the State have to seek approval under FCA. Thus, processing of FCA cases by the Department with huge delays resulted in depriving the intended beneficiaries of timely benefits of these projects/schemes, as well as timely initiation of CA activities.

The Department, during the Exit Conference, accepted (January 2023) the audit observation and attributed the delay in processing of FCA cases to the cumbersome procedure of clearance, incomplete submission of proposals by UAs and slow processing of work in the Department. It was also acknowledged that due to online uploading of proposals/ correspondences on *parivesh* portal by the UAs, the clearance process of FCA proposals would be improved.

Further reply is awaited (February 2024).

3.1.3 CA in FCA cases between 2016-17 and 2020-21 in selected divisions

In the nine selected divisions, a total of 58 (**Appendix 3.1**) cases were proposed and granted final approval between 2016-17 and 2020-21. These 58 cases were processed through *parivesh* website of MoEF&CC.

An area of 458 hectares was diverted in these 58 cases as per details given in **Table 3.4**.

Table 3.4: Details of area diverted and funds deposited

(₹ in crore)

| No of cases | Area diverted (ha) | CA to be carried out (ha) | CA amount deposited by UAs | NPV (including Penal NPV) deposited by UAs | Cost of CAT plans deposited by UAs | CA carried out (ha) | Expenditure incurred on carrying out CA and maintenance |
|-------------|--------------------|---------------------------|----------------------------|--|------------------------------------|---------------------|---|
| 58 | 458 | 921 | 16.82 | 33.79 | 17.31 | 182 | 2.04 |

Source: *Divisional data*

As per the conditions stipulated in the final approval granted by MoEF&CC, CA is to be carried out within one to two years from the date of final approval. Thus, for the cases

approved between April 2016 and March 2019, CA was to be carried out before March 2021¹¹.

Accordingly, there were 27 cases falling in the above period, for which CA was to be carried out before March 2021.

Response from the Government is awaited (February 2024).

3.1.3.1 Cases where CA was achieved

Out of 27 cases against which CA was to be carried out before March 2021, 100 per cent CA was achieved in 13 cases and also in three cases (out of remaining 31 approved between April 2019 and March 2021).

Table 3.5: Details of cases where CA was done

(₹ in crore)

| No. of cases | Area diverted (ha) | CA to be carried out (ha) | CA funds deposited by UAs | CA carried out (ha) | Expenditure incurred on carrying out CA and maintenance |
|--------------|--------------------|---------------------------|---------------------------|---------------------|---|
| 16 | 91 | 182 | 3.38 | 182 | 2.04 |

Source: Divisional data

It was also noticed that as per Final Approval granted by MoEF&CC, 12,206 trees (including 4,730 saplings) were felled against these FCA proposals, and the Department planted 2,00,200 plants as per the norms of compensatory afforestation (1,100 plants per hectare).

3.1.3.2 Cases where CA was not carried out

In the remaining 14 cases (out of 27), no CA has been carried out as per details given in **Table 3.6**.

Table 3.6: Details of cases where CA was not done

(₹ in crore)

| No. of cases | Area diverted (ha) | CA to be carried out (ha) | CA funds deposited by UAs | CA carried out (ha) | Expenditure incurred on carrying out CA |
|--------------|--------------------|---------------------------|---------------------------|---------------------|---|
| 14 | 165 | 326 | 6.01 | 0 | 0 |

Source: Divisional data

Thus, it can be seen from the **Table 3.6** that in more than 50 per cent of cases where CA was to be carried out before March 2021, no CA has been achieved even though funds for the same were deposited by the user agency and were available with the Department.

It was also noticed that as per Final Approval granted by MoEF&CC, 2,081 number of trees were to be felled against these FCA proposals, however loss of trees could not be compensated due to non-carrying out of compensatory afforestation, which defeated the purpose of the FCA.

Further, in three cases (involving 6.31 Ha¹² of forest land) out of these 14 cases, where CA was stipulated on non-forest land, 6.71 Ha non-forest land was transferred/ mutated

¹¹ For the purpose of uniformity, a period of two years from the date of final approval has been taken as grace period for carrying out CA.

¹² One case each of Chamba, Dharamshala and Kullu forest division having area 1.0284 ha, 1.6958 ha and 3.5863 ha respectively.

in favour of the Forest Department, hence loss of land was made good. However, the land was yet to be declared as Reserved Forest/ Protected Forest under the provisions of Indian Forest Act, 1927. This was in violation of the conditions imposed while granting Final Approval for diversion of forest land under the FCA.

Response from the Government is awaited (February 2024).

3.1.4 CA in FCA cases in selected cases

In the nine selected divisions, out of these 27 cases, in which CA was due by March 2021, CA was not done in 14 cases. Thus, a total of 16 cases (including three cases for which CA was done despite the due date still away) constituted the audit sample for a 360-degree analysis as discussed in succeeding paragraphs.

3.1.4.1 Incomplete details of cases

The details of these 16 cases as per the data provided by the Department are given at **Table 3.7**.

Table 3.7: Details of cases for 360-degree analysis

| Division | Proposal No. | Proposal Name | Category | Date of receipt at nodal office | Area to be diverted (in ha) |
|-----------------|--------------------------|--|---------------------|--|------------------------------------|
| Kullu | FP/HP/VELE C/23144/2016 | 33/11KV 2x1.6 MVA Sub Station Lugvalley | Village Electricity | 20-Dec-16 | 0.12 |
| Kullu | FP/HP/Others /34283/2018 | Helipad for disaster management and rescue and tourism | Others | 20-Jun-18 | 0.2356 |
| Dharams hala | FP/HP/Others /23209/2016 | Bus Stand at Baba Baroh, District Kangra | Others | 28-Dec-16 | 0.4608 |
| Kullu | FP/HP/Others /18885/2016 | Daughter Booster Station for supply of CNG | Others | 11-Apr-16 | 0.7783 |
| Dharams hala | 8B/HPB/09/1 2/2016 | HRTC Workshop at Nagrota Bagwan | Others | 16-Mar-15 | 0.9036 |
| Kullu | FP/HP/ROAD /18431/2016 | Link road to village Jathani | Road | 12-Mar-16 | 1.3226 |
| Kullu | FP/HP/ROAD /13036/2015 | Link road to village Chaklani | Road | 2-Jun-15 | 1.3796 |
| Kullu | FP/HP/ROAD /16051/2015 | Bhatgrammoud to Khadihar Road Km 0/00 to 3/440 | Road | 21-Oct-15 | 1.7118 |
| Kullu | FP/HP/MIN/1 1411/2015 | M/s Paras Stone Crusher | Mining | 31-Mar-15 | 2.1754 |
| Kullu | FP/HP/ROAD /20697/2016 | C/O road from Soil to Tandra | Road | 9-Aug-16 | 2.39 |
| Seraj | FP/HP/Others /18285/2016 | Govt. Degree College Gadagusain, Distt Kullu .HP | Others | 5-Mar-16 | 2.8 |
| Seraj | FP/HP/Others /23885/2017 | Govt. College Sainj, Distt. Kullu, HP | Others | 8-Feb-17 | 3.1239 |
| Seraj | FP/HP/ROAD /20535/2016 | Construction of Talara Bridge to Panavi Road | Road | 19-Jul-16 | 4.148 |
| Kullu | FP/HP/ROAD /18373/2016 | Link road to Buai | Road | 9-Mar-16 | 4.514775 |

| Division | Proposal No. | Proposal Name | Category | Date of receipt at nodal office | Area to be diverted (in ha) |
|----------|------------------------|---|-------------------|---------------------------------|-----------------------------|
| Kullu | FP/HP/TRANS/16814/2015 | 33kV D/C Transmission line from Bhanag to Prini in Distt. Kullu | Transmission Line | 16-Dec-15 | 10.9119 |
| Kullu | FP/HP/ROAD/21272/2016 | Two/Four Laning of Bajoura to Manali (From Km. 248.300 to Km. 310) section of NH-21 under NHDP-IVB in the state of Himachal Pradesh | Road | 7-Sep-16 | 53.5242 |

Source: Parivesh and Divisional data

The corresponding entries on E-Green Watch¹³ portal, a monitoring mechanism devised by MOEF&CC to monitor CA cases, lists the following details against these projects:

Table 3.8: Entries in E-Green Watch

| Division | Project Year | Proposal Name | Purpose | GPS ID | Name of the UA | Location |
|-------------|--------------|--|----------------------|--------|--|-----------------|
| Kullu | 2017 | 33/11KV 2x1.6MVA Sub Station Lugvalley | Village Electricity | 19577 | HPSEBL | NA |
| Kullu | NA | Helipad for disaster management and rescue and tourism | Others | NA | NA | NA |
| Dharamshala | NA | Bus Stand at Baba Baroh, District Kangra | Others | NA | NA | NA |
| Kullu | NA | Daughter Booster Station for supply of CNG | Others | NA | NA | NA |
| Dharamshala | NA | HRTC Workshop at Nagrota Bagwan | Others | NA | NA | NA |
| Kullu | 2019 | Link road to village Jathani | Road | 19576 | HPPWD | NA |
| Kullu | 2018 | Link road to village Chaklani | Road | 19575 | HPPWD | NA |
| Kullu | 2018 | Bhatgranmoud to Khadihar Road Km 0/00 to 3/440 | Road | 19573 | HPPWD | Mandalgad Beat |
| Kullu | 2018 | M/S Paras Stone Crusher | Mining | 19490 | PARTAP CRUSHERS MANALI | NA |
| Kullu | 2018 | C/O road from Soil to Tandla | Construction of road | 19605 | Himachal Pradesh Public Works Department | NA |
| Seraj | 2019 | Govt. Degree College Gadagusain, Distt Kullu .HP | Others | 18296 | NA | Near Banogi |
| Seraj | 2019 | Govt. College Sainj, Distt. Kullu, HP | Others | 18961 | NA | Near Sainj town |
| Seraj | 2020 | Construction of Talara Bridge to Panavi Road 3 | Link to villages | 18496 | NA | Near Talara VII |

¹³ The e-Green Watch is a web-based e-governance portal of MOEF&CC (developed by National Informatics Centre) that enables the temporal change detection for the effective online monitoring and evaluation of works in forestry sector undertaken by State CAMPA. The application is capable of showing the Compensatory Afforestation, Diverted Land, Plantations, other Plantations and Assets categories on the Google earth imageries and FSI portal.

| Division | Project Year | Proposal Name | Purpose | GPS ID | Name of the UA | Location |
|----------|--------------|---|----------------------|--------|--|----------|
| Kullu | 2018 | Link road to Buai | Construction of road | 19574 | Himachal Pradesh Public Works Department | NA |
| Kullu | 2018 | 33kV D/C Transmission line from Bhanag to Prini in Distt. Kullu | Transmission Line | 19590 | HPPTCL | NA |
| Kullu | NA | Two/Four Laning of Bajoura to Manali (From Km. 248.300 to Km. 310) section of NH-21 under NHDP-IVB in the state of Himachal Pradesh | Road | NA | NA | NA |

Source: E- Green watch

It was noticed that necessary details like location, FCA file no., notification order no. etc., were not updated by the Divisions concerned into the database though these details were required to be uploaded. In eight cases, even the name of the UA was not updated. Out of these 16 cases no information was uploaded for five cases on the portal. Thus, crucial information which could have linked the E-Green Watch data properly to the specific projects was not uploaded at all. This defeated the very purpose of establishing a transparent system in the form of the portal.

Response from the Government is awaited (February 2024).

3.1.4.2 Delay in processing of in-principle approval

The issue of in-principle approval (IPA) is a time-bound process. As per the provisions, the project proposal needs to reach the Regional Office of MOEF&CC through the functionaries of the State government. A total of 180 days have been provided for this purpose of submission of rectified application to reach the regional office. The analysis of these 16 cases showed that there were considerable delays at various levels in processing of in-principle approval as detailed in **Table 3.9**.

Table 3.9: Delays in granting IPA

(In number of days)

| Sr. No. | Proposal Name | Date of IPA | Total Delay | Nodal to DFO | DFO to CF | CF to Nodal |
|---------|--|-------------|-------------|--------------|-----------|-------------|
| 1 | 33/11KV 2x1.6MVA Sub Station Lugvalley | 08-Jun-17 | No Delay | No Delay | 52 | No Delay |
| 2 | Helipad for disaster management and rescue and tourism | 02-Jul-18 | No Delay | No Delay | No Delay | No Delay |
| 3 | Bus Stand at Baba Baroh, District Kangra | 10-Mar-17 | No Delay | 2 | No Delay | 5 |
| 4 | Daughter Booster Station for supply of CNG | 05-Jul-16 | No Delay | No Delay | No Delay | No Delay |
| 5 | HRTC Workshop at Nagrota Bagwan | 01-Dec-16 | 142 | 22 | 52 | 35 |
| 6 | Link road to village Jathani | 28-Jul-17 | 162 | 47 | 129 | 10 |
| 7 | Link road to village Chaklani | 23-Jun-17 | 62 | 38 | 26 | 90 |
| 8 | Bhatgranmoud to Khadihar Road Km 0/00 to 3/440 | 28-Aug-17 | 144 | 1 | 36 | 92 |
| 9 | M/S Paras Stone Crusher | 18-Aug-17 | No Delay | No Delay | No Delay | No Delay |

| Sr. No. | Proposal Name | Date of IPA | Total Delay | Nodal to DFO | DFO to CF | CF to Nodal |
|---------|---|-------------|-------------|--------------|-----------|-------------|
| 10 | C/O road from Soil to Tandla | 03-Aug-18 | 276 | 36 | 213 | 73 |
| 11 | Govt. Degree College Gadagusain, Distt Kullu .HP | 16-Nov-18 | 286 | 16 | 252 | 60 |
| 12 | Govt. College Sainj, Distt. Kullu, HP | 22-Feb-19 | 257 | No Delay | 183 | 73 |
| 13 | construction of Talara Bridge to Panavi Road | 26-Dec-18 | 482 | 269 | 199 | 57 |
| 14 | Link road to Buai | 22-May-17 | 166 | 189 | 1 | 4 |
| 15 | 33kV D/C Transmission line from Bhanag to Prini in Distt. Kullu | 26-Jun-18 | 575 | 24 | 267 | 17 |
| 16 | Two/Four Laning of Bajoura to Manali (From Km. 248.300 to Km. 310) section of NH-21 under NHDP-IVB in the state of Himachal Pradesh | 09-Jun-17 | No Delay | 4 | 4 | 37 |

Negative figures showed that there was no delay in those cases.

Source: MoEF&CC's web portal Parivesh

As can be seen from the **Table 3.9**, there was no delay in six cases including one private project of Stone Crusher, for which there was no delay at any stage till submission to the regional office. There was a delay in 10 other projects (all public projects) which ranged between 62 and 575 days with the average delay being 255 days.

Response from the Government is awaited (February 2024).

3.1.4.3 Issues in CA funds of selected cases

After compliance with the conditions stipulated in the IPA, the projects were given the final approval. The amount of fund requirements for the project was analysed and is tabulated in **Table 3.10**.

Table 3.10: Case wise CA done and expenditure incurred

(Amount in ₹)

| Proposal Name | Date of Final Approval | Name of CA site | Year of Plantation | Area in division record (in ha) | CA and maintenance and contingencies | Expenditure incurred on CA (including maintenance) |
|--|------------------------|-----------------------|--------------------|---------------------------------|--------------------------------------|--|
| 33/11KV 2x1.6MVA Sub Station Lug valley | 20-Nov-17 | Baragarh III | 2020-21 | 0.2 | 54,850 | 21,885 |
| Helipad for disaster management and rescue and tourism | 31-Aug-18 | NA | 2020-21 | 0.5 | 10,21,732 | 54,712 |
| Bus Stand at Baba Baroh, District Kangra | 05-May-17 | CFS Danoa | 2018-19 | 1 | 78,369 | 1,14,372 |
| Daughter Booster Station for supply of CNG | 22-Mar-17 | 2/10 Patalsu C-IIb | 2018-19 | 1.56 | 3,17,500 | 1,78,420 |
| HRTC Workshop at Nagrota Bagwan | 02-Mar-17 | P.40 K CB Kareri | 2018-19 | 2 | 1,66,989 | 2,28,744 |
| Link road to village Jathani | 27-Feb-19 | Tarapur-III (Jathani) | 2020-21 | 2.66 | 3,15,609 | 2,91,068 |
| Link road to village Chaklani | 06-Feb-18 | Tarapur-III | 2020-21 | 2.76 | 3,27,474 | 3,02,010 |
| Bhatgranmoud to Khadihar Road Km 0/00 to 3/440 | 01-Aug-18 | 2/42 C-IV | 2020-21 | 3.5 | 3,79,928 | 3,82,984 |

| Proposal Name | Date of Final Approval | Name of CA site | Year of Plantation | Area in division record (in ha) | CA and maintenance and contingencies | Expenditure incurred on CA (including maintenance) |
|--|------------------------|---------------------------------------|--------------------|---------------------------------|--------------------------------------|--|
| M/S Paras Stone Crusher | 12-Nov-18 | 2/10 Patalsu C-IIa | 2020-21 | 4.5 | 7,62,906 | 4,92,408 |
| Cons of road from Soil to Tandla | 14-Dec-18 | Baragarh-III | 2020-21 | 4.78 | 7,96,583 | 5,23,047 |
| Govt.Degree College Gadagusain,Distt Kullu | 17-May-19 | 31-Kanasar | 2020-21 | 4.5 | 8,80,320 | 4,92,408 |
| Govt. College Sainj, Distt.Kullu | 29-Jul-19 | Bhallan-III | 2020-21 | 6.25 | 9,78,865 | 6,83,900 |
| Const of Talara Bridge to Panavi Road | 14-Jan-20 | Bhallan-III | 2020-21 | 8.296 | 21,02,410 | 9,07,782 |
| Link road to Buai | 17-Dec-18 | Tarapur-III (Bhumteer) | 2020-21 | 9.03 | 10,71,410 | 9,88,099 |
| 33kV D/C T/ line from Bhanag to Prini in Kullu | 02-Nov-18 | 2/11 Kothi TichCIA | 2020-21 | 22 | 36,66,282 | 24,07,328 |
| Two/Four Laning of Bajoura to Manali (From Km. 248.300 to Km. 310) section of NH-21 under NHDP-IVB in HP | 15-Sep-17 | Kukri Piche, Gura ka root and Matyani | 2018-19 | 108 | 2,26,23,300 | 1,23,52,176 |
| Total | | | | 182 | 3,55,44,527 | 2,04,21,342 |

Source: Divisional data

As can be seen from the APOs for the above projects, the Department claimed to have completed the plantation in 2020-21 and only the expenditure relating to maintenance was to be made. However, it was noted that FCA case wise expenditure figures were not available in the records, in absence of which case wise expenditure was computed by Audit on the basis of the approved norms.

Response from the Government is awaited (February 2024).

3.1.4.4 Incorrect uploading of data

E-Green Watch is a web-based and user-friendly application that is transparent, reliable and accountable. It is an integrated e-governance portal that enables temporal change detection for effective online monitoring and evaluation of works in the forestry sector undertaken by State CAMPA.

It requires the State Forest Department to upload the scanned copy of the map and GPS files of the diverted and CA lands in KML format. KML is a file format used to display geographic data in a tool such as Google Earth or Google Maps. The portal also requires the State Department to provide details of plantation works of various durations from first year to fifth year of operations along with the number of plants, area and species etc.

Audit noticed that two different sets of KML files were uploaded. In 9 cases, the KML files at https://egreenwatch.nic.in/FCAProjects/Public/CALs/View_Download_CALand_KML.aspx showed CA sites which were in other states. In five cases, no information was available in the above link and in two cases though details of FCA cases were available, the KML file was not available as given **Table 3.11**.

Table 3.11: Cases of incorrect upload of polygons

| Division | Project Year | Proposal Name | GPS ID | Uploaded file name | Location as per uploaded file | State |
|-------------|--------------|---|--------|--------------------|-------------------------------|--------------------|
| Seraj | 2020 | construction of Talara Bridge to Panavi Road 3 | 18496 | CAL_18496.kml | Batauli | Chhattisgarh |
| Kullu | 2018 | M/S Paras Stone Crusher | 19490 | CAL_19490.kml | Kaspeti Road | Uttar Pradesh |
| Kullu | 2018 | Link road to Buai | 19574 | CAL_19574.kml | Khumba | Haryana |
| Kullu | 2018 | C/O road from Soil to Tandla | 19605 | CAL_19605.kml | Topchanchi | Jharkhand |
| Kullu | 2017 | 33/11KV 2x1.6MVA Sub Station Lugvalley | 19577 | CAL_19577.kml | ITI Rajpur | Chhattisgarh |
| Kullu | NA | Helipad for disaster management and rescue and tourism | NA | Not uploaded | Not uploaded | Not uploaded |
| Dharamshala | NA | Bus Stand at Baba Baroh, District Kangra | NA | Not uploaded | Not uploaded | Not uploaded |
| Kullu | NA | Daughter Booster Station for supply of CNG | NA | Not uploaded | Not uploaded | Not uploaded |
| Dharamshala | NA | HRTC Workshop at Nagrota Bagwan | NA | Not uploaded | Not uploaded | Not uploaded |
| Kullu | 2019 | Link road to village Jathani | 19576 | CAL_19576.kml | Jind | Haryana |
| Kullu | 2018 | Link road to village Chaklani | 19575 | CAL_19575.kml | Talwandi Rana | Haryana |
| Kullu | 2018 | Bhatgrammoud to Khadihar Road Km 0/00 to 3/440 | 19573 | CAL_19573.kml | Thurana | Haryana |
| Seraj | 2019 | Govt.Degree College Gadagusain, Distt Kullu, HP | 18296 | CAL_18296.kml | Sukhri Dabri | Chhattisgarh |
| Seraj | 2019 | Govt. College Sainj, Distt. Kullu, HP | 18961 | File not available | File not available | File not available |
| Kullu | 2018 | 33kV D/C Transmission line from Bhanag to prini in Distt. Kullu | 19590 | File not available | File not available | File not available |
| Kullu | NA | Two/Four Laning of Bajoura to Manali (From Km. 248.300 to Km. 310) section of NH-21 under NHDP-IVB in the state of Himachal Pradesh | ---- | Not uploaded | Not uploaded | Not uploaded |

Source: E-Green watch

It was further noticed that the Department could not provide any data regarding number of plants, area and species etc. Further, there were a separate set of KML files available at https://egreenwatch.nic.in/Public/Reports/View_Download_KML.aspx which showed different areas in the Kullu region. Both set of data were uploaded by the respective Divisional Forest Officers.

The Department during the proceedings of PAC held in August 2019 to discuss the report of the Comptroller and Auditor General of India on Social, General and Economic Sectors for the year ended 31 March 2013 (Government of Himachal Pradesh), stated that data is being uploaded on E-Green Watch for concurrent monitoring and evaluation. However, audit observed that incorrect and misleading data is being uploaded on E-Green

Watch portal which defeated the objective of creating the portal besides reducing the information available for effective monitoring.

Response from the Government is awaited (February 2024).

3.1.4.5 Change in location of approved CA scheme during execution

FCA guidelines identifies CA as one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. For all such proposals, a comprehensive scheme for CA is to be formulated and submitted to MoEF&CC. The comprehensive scheme is to include the details of non-forest/ degraded forest area identified for compensatory afforestation, map of area to be taken up for compensatory afforestation, year wise phased forestry operations, details of species to be planted and a suitability certificate from afforestation/ management point of view along with the cost structure of various operations. CA scheme prepared and submitted by DFO is finally approved by the MoEF&CC.

Out of 13 cases¹⁴, it was noticed that the site for carrying out CA was changed in six cases (46 per cent). The site at which CA was carried out was different from the sites for which a comprehensive CA scheme was formulated, approved and submitted to MoEF&CC. No comprehensive scheme for changed CA location as well as justification for their change was prepared by the Divisions. The change in location of CA was not approved by the competent authority and MoEF&CC was also not intimated of these changes. The details of the cases are tabulated in **Table 3.12**.

Table 3.12: Cases of Change in CA sites

| Proposal Name | Name of Division | Name of CA site | Name of Proposed CA Sites |
|---|------------------|---------------------------------------|------------------------------------|
| Daughter Booster Station for supply of CNG | Kullu | 2/10 Patalsu C-IIb | 2/10 Patalsu C-5 |
| M/S Paras Stone Crusher | Kullu | 2/10 Patalsu C-IIa | 2/12 Mathivan C-III |
| C/O road from Soil to Tandla | Kullu | Baragarh-III | Baragarh II |
| Link road to Buai | Kullu | Tarapur-III (Bhumteer) | PhatiBhalyani, Tarapur |
| 33kV D/C Transmission line from Bhanag to Prini in Distt. Kullu | Kullu | 2/11 Kothi TichCIa | 2/10 Patalsu C-5 |
| Two/Four Laning of Bajoura to Manali (From Km. 248.300 to Km. 310) section of NH-21 under NHDP-IVB in the state of Himachal Pradesh | Kullu | Kukri Piche, Gura ka root and Matyani | BG-III, Hurang-III, Mandalgarh-III |

Source: Divisional data

There was no evidence on record to show that a comprehensive scheme for changed CA location as well as justification for their change was prepared by the divisions as well as prior approval of the competent authority had been obtained for change in location of CA. This was irregular and contrary to the provisions of the FC Act, 1980 besides defeating the purpose of formulating a comprehensive site-specific CA scheme at the time of submission of FCA case.

Response from the Government is awaited (February 2024).

¹⁴ Complete records were available for 13 cases out of 16 cases where CA was done.

3.1.4.6 Geographic Information System (GIS) evaluation of the sites

Out of these 16 sites, four sites were evaluated with the help of Aryabhata Geo-Informatics and Space Application Centre (AGiSAC)¹⁵, for the purposes of Geospatial Studies on Compensatory Afforestation and Land Use Land Cover (LULC) in Reserved Forests¹⁶ (RFs)/ Demarcated Protected Forests¹⁷ (DPFs). The co-ordinates uploaded by the Department against these projects on the E-Green Watch portal were analysed and the results are given in **Table 3.13**.

Table 3.13: Details of Plantations outside Open Degraded Forest

| (Area in ha) | | | | | |
|--|------------------|---------------|--------------------|---------------|----------------|
| Name of Project | Name of Division | Total CA land | Area under VDF/MDF | Area under NF | Area under ODF |
| Construction of Talara Bridge to Panavi Road 3 | Seraj | 8.3 | 0.00 | 5.57 | 2.73 |
| M/s Paras Stone Crusher | Kullu | 4.5 | 2.10 | 0.80 | 1.60 |
| Link road to Buai | Kullu | 9.03 | 0.00 | 8.36 | 0.68 |
| C/O road from Soil to Tandla | Kullu | 4.78 | 4.78 | 0.00 | 0.00 |
| Total | | 27 | 7 | 15 | 5 |

Source: Geospatial Analysis of CA sites

As can be seen, against the norms of carrying out the CA in Open Degraded Forest, the Department claimed to have carried out CA in non-forest and VDF/MDF. The project named “C/O road from Soil to Tandla” needs special mention as the said CA was carried out in complete dense green forest areas.

This not only defeated the very purpose of MOEF&CC control and superintendence but also points to doubtful execution of the CA projects.

The GIS analysis done by the agency showed that in case of “C/O road from Soil to Tandla”, the site selected was Baragarh III which was already completely under VDF/MDF at the time of site selection as shown in the image in **Chapter VI (para no. 6.2.2.3)** of the Report. It can be seen from the source that as of 2019, the area selected was already under VDF/MDF.

The FSI 2019 **image no. 4** of the CA Site in the Division Kullu, Range-Patlikuhl, Beat-Pankot confirms that 100 *per cent* of CA site fell under MDF. The Satellite image no. 2 of the above site also shows 100 *per cent* green cover in the year 2020.

Despite this, the Department claimed to have carried out CA in this forest area. This claim was fraught with the risk of misappropriation of funds claimed as spent in this case.

¹⁵ Nodal agency functioning under the aegis of H.P. Council for Science Technology and Environment (HIMCOSTE), Government of Himachal Pradesh to facilitate the use of spatial and geo-spatial technologies for planning and developmental activities in the State.

¹⁶ Reserved Forest (RF) is an area notified under the provisions of India Forest Act 1927 or the State Forest Acts and having full degree of protection. In RFs all activities are prohibited unless permitted.

¹⁷ Demarcated Protected Forest (DPF) is an area notified under the provisions of India Forest Act 1927 or the State Forest Acts having limited degree of protection. In Protected Forests (PFs), any existing rights of individuals or communities are not affected.

Thus, in these four cases, though as per the original plan, the plantation was to be carried out only in Open Degraded Forest, only a small percentage was carried out in the Open Degraded Forest area and the rest was claimed to have been carried out in other areas. Thus, there was complete failure of internal control by the Department in these cases.

While accepting the audit observations during the exit conference, the PCCF stated that forest areas having dense lantana probably would have been treated as Very Dense Forest/Moderately Dense Forest by FSI while studying satellite images. It was also stated that in many instances, KML files provided by the field staff did not match with the actual location/site of the plantation. The reply was speculative in nature as the FSI publishes biennial India State of Forest Report for the whole country, which is based on regular nation-wide mapping of forest cover and is accessed by a wall-to-wall mapping exercise using remote sensing followed by extensive ground truthing. Further, the KML files were called from the respective divisions and cross-checked with E-Green Watch for verifying their authenticity.

Further reply is awaited (February 2024).

3.1.4.7 Quality of sites

GIS analysis of these four sites revealed that, two of the sites had signs of agriculture being carried out on these sites, which points to lack of monitoring by forest department in maintenance of CA sites. The carrying out of agriculture in CA sites is not a permissible activity under the Indian Forests Act 1927. The details have been shown below in **Table 3.14**.

Table 3.14: Details of Encroachments inside CA sites

(Area in ha)

| Name of Project | Name of Division | Shrubs | Green cover | Agriculture | Grassland | Total Area |
|--|------------------|--------|-------------|-------------|-----------|-------------|
| Construction of Talara Bridge to Panavi Road 3 | Seraj | 0.25 | 5.87 | 1.30 | 0.88 | 8.30 |
| M/S Paras Stone Crusher | Kullu | 0.00 | 1.69 | 0.00 | 2.81 | 4.50 |
| Link road to Buai | Kullu | 0.00 | 4.12 | 1.29 | 3.63 | 9.04 |
| C/O road from Soil to Tandla | Kullu | 0.00 | 4.78 | 0.00 | 0.00 | 4.78 |

Source: Geospatial Analysis of CA sites

This showed that the claims of the Department about CA were different from the ground reality. It was also not clear as to how forest land was getting tilled without the knowledge of the Department.

Response from the Government is awaited (February 2024).

3.2 Conclusion

The 360-degree analysis of these 16 cases showed incomplete data submission by the State Government. There were inordinate delays in processing of FCA cases for in-principle approvals. Once the final approval of MOEF&CC was obtained, the State Government changed the location of the sites on its own violating the basic tenets of the FCA 1980. Further, incorrect data (kml files) of CA sites was uploaded on E-Green watch portal, which could impact the decision making process at the State/Centre level. CA

was being carried out outside the designated Open Degraded Forest and there were cases of encroachments in these CA sites.

3.3 Recommendations

The Department may

- *Take appropriate steps to remove delays in processing of in-principle approval.*
- *Take steps to ensure correct uploading of data in the system.*
- *Review the cases to take appropriate action against delinquent officials responsible for cases of deviations from the approved plans and investigate cases of possible misappropriation of funds.*
- *Find ways to stop agricultural practices from the CA sites.*

