

MUNICIPAL CORPORATION SHIMLA

No MCS/EER&B/2022 - 4036

Dated: 21.07.2022

From,

Commissioner
Municipal Corporation Shimla

To,

The Divisional Forest officer (R)
Forest Department, Khalini, Shimla
Himachal Pradesh

Subject:

Diversion of 0.2701 ha forest land in favour of Commissioner Municipal Corporation, The Mall Shimla, for the construction of Ambulance Road from Anji Road to Gautam Niwas via Govt. Primary School Ghora Chowki Kms 0/00 to 0/800 Ward No-9 Kachi Ghati Shimla, with in the jurisdiction of Shimla (MC) Forest Division, Distt. Shimla, H.P.

Sir,

This is with reference to the letter received from the Divisional Forest Officer (R) FCA/HPB/06/49/2022 Dated 23.06.2022 on the subject cited above wherein eighteen observations have been raised by the concerned office for which point wise annotated reply is as under:-

Sr No	Observations	Reply
1.	The KML file of the proposed Road shows that road already exists in the nearby area. Therefore, the construction of new road in the same area may be properly justified.	<p>There is no existing road in the nearby area where the construction of Ambulance road has been proposed .The only existing road is National Highway-5. As Anji and adjoining areas have no connectivity, the construction of ambulance road from Anji to Gautam Niwas Via Govt. Primary School Ghora Chowki is of utmost necessity to provide better immediate and emergent medical/ health care facilities, approach to the School going small children which is also the priority of the central as well as State Government being social welfare concept to provide these essential services to the public at large.</p> <p>As the on foot gradient from the habitation to the NH-5 is very high and make extremely difficult for elderly, ill,handicaped and small children to commute to NH-5, the construction of the road has been proposed being dire necessity.</p>
2.	The KML shows the proposed road (between geo coordinates 31° 5'31.70"N,77° 8'26.47"E to 31° 5'29.97"N,77° 8'33.79 E and 31° 5' 34.19"N, 77° 8'20.69" E to 31° 5'34.60"N,77° 8'21.60"E is unnecessarily is extended in to Forest Area where there is no habitation as such. Therefore, state Govt. may review the proposal to reduce	The KML shows the proposed road (between geo coordinates 31° 5'31.70"N,77° 8'26.47"E to 31° 5'29.97"N,77° 8'33.79 E and 31° 5' 34.19"N, 77° 8'20.69" E to 31° 5'34.60"N,77° 8'21.60"E) is being extended in the forest area out of technical compulsion as there is no other alternative to reduce the high gradient- (as technically found.) The fact of the matter is that huge contingent of habitation / population reside in the mid hill below NH-5 that is only approachable after crossing through the forest

	length of the proposed road, especially in the above mentioned segments, to reduce the Forest area and no of trees involved.	land patch in question. After exploring all the option the proposal was found technically fit as such. Since there is no possibility of reducing the length of the proposed road, but at the same time it is assured that at the time of execution of work it will be fully ensured that optimal minimum use of forest area and barest minimum no of trees shall be felt/axed.
3.	A large no of trees are going to be affected in the proposal, therefore the state Govt. must explore all the possibilities to reduce the no of trees to be affected. Accordingly, revised enumeration list may be submitted and uploaded.	The user agency has already kept this aspect in mind and explored this site with a view to save as many trees as only 15 trees of Chil and 13 other small trees of various kinds viz one Bn Spalying, Eight Paja, four sliver oak which fall within the alignment shall be felled and out of the list of 39 trees as enumerated 11 Chil trees fall the beyond the alignment area/ non cutting area and the same will be saved by cutting retaining wall etc. Note as per list attached trees at Sr. No.2,4,6,11,12,13,15,16,17,29&23 falls under non cutting area.
4.	The KML file shows that the proposed road is passing over permanent structures/buildings/ private properties. Necessary clarifications regarding the same may be provided / uploaded.	There is ample open forest land available/falling between the permanent structures/building/private properties for construction of proposed ambulance road. KML file shows that the proposed road is passing over the buildings / structures, however actually there is an open space for the construction of ambulance road as per shown in alignment. No part of the proposed road will Passover the permanent structures. The entire stretch under proposal is a Government/ forest land classified as ,Charand,.
5.	From KML file it can be seen that houses / constructions are present along the proposed alignment of the road which is supposedly in forest land as per proposal. Therefore, the State Govt. may clarify whether the houses constructed along the proposed alignment are encroachment of Forest land or not.	As per KML file the houses / constructions are present along site the proposed alignment which is not in the forest land and are private land holdings. It is further clarified that the proposal to construct the ambulance road is strictly on vacant forest land which is good enough for the purpose. This entire area under proposal had been existing as Katcha Track from Anji to Gautam Niwas for the last so many years and being used by the residents, School childrensetc. even before the inclusion of the said area in Municipal Corporation which is now known as new merged MC area thus needs constant development. All the constructions are on private land and there is no encroachment on forest land.
6.	Geo referenced map submitted shows that the major part of the proposed road is passing through open land. However, in part 1, component wise break up no known forest land has been shown. Therefore, if any known forest land is involved in the project the same must be shown in part 1, wherever applicable.	There is no non forest land falling under the proposed alignment for construction of ambulance road. The entire land belongs to forest Deptt. Classified as charand.
7.	As per DSS analysis it is found the area of diversion is 0.12 ha, however, the proposed area for diversion is 0.2701 ha. Therefore, the KML file may be reviewed and rectified, if required.	The actual road width is not showing in KML file because of the Linear Shape. Therefore, there is no requirement to make changes in the KML file.
8.	All the dumping sites have been	There is no non forest land available for Muck dumping.

	proposed in Forest land. Therefore, State Govt. may propose the dumping sites in known Forest land. If necessarily Forest land is to be proposed for the muck dumping, proper justification may be provided uploaded. Also, separate enumeration list of the dumping site are required to be submitted/uploaded.	Therefore, for the safe disposal of muck forest land is taken in this road alignment. Further to submit that enumeration list of the dumping site pertains to the office of Divisional Forest Office (R).
9.	According to DSS analysis, the nearest PA to the proposed road is Shimla water catchment: WLS and Chail WLS. Therefore The State Govt. may provide / upload exact areal distance of the proposed road from notified ESZ of Chail WLS as well.	The Copy enclosed.
10.	CA scheme and site suitability certificate has been provided as additional document in part II, however both the documents are required to be uploaded at para 13 of part II.	The observation does not pertain to this office please.
11.	CA scheme for 540 tall plants may be provided. Further, location map of the CA site may be provided / uploaded.	The observation does not pertain to this office please.
12.	Muck management plan and Reclamation plan has been provided, however same is required to be authenticated by the concerned DFO. The revised document may be uploaded.	The observation pertains to your office please. Hard copy attached for further necessary action. Marked in MAP.
13.	Administrative approval of the proposed road may be provided / uploaded.	The administrative proposal for the proposed ambulance road has been attached.
14.	NOC from PWD for access approach may be provided, if required.	This is proposed in the Municipal Corporation limits and is extended / drawn from the already existing path / MC built road. Hence NOC from HP PWD is not required please. Further MC Shimla has no objection so far the construction of this ambulance is concerned.
15.	An undertaking for submission of FRA certificate has been provided. However, records of consultations and meetings with FRC and Gram Sabha of all affected Villages shall be provided before stage II approval. Therefore, an undertaking for submission of FRA certificate before stage II approval may be provided.	The copy of undertaking for submission of FRA certificate has been attached.
16.	The State Government shall clarify whether the proposed road is falling in core and green / forest area of Shimla or not. Hon'ble Supreme court , High Court and NGT are very much concerned about felling of trees in Shimla area. Therefore, comments regarding the same may be provided.	The Area under proposal does not fall in core area and green forest area. Further the Hon'ble High Court of HP in CWPII No 8 of 2021 on Dated 04.05.2021 stayed all the permissions of felling/ lopping of trees, except the permissions granted to the Electricity Deptt. "on dated 04.08.2021 Hon.ble High Court of HP vacated the stay ordering " The stay of all valid permissions granted for felling / lopping of trees by the appropriate authority is vacated thus as on today there is no stay by the Hon'ble High Court of HP for felling / removal of trees allowed by competent authority.

17.	The beneficiary village/s has not been marked in KML file. The same shall be marked in KML file and the revised KML file may be uploaded.	It has been submitted by the User Agency, vide letter No 1781, Dated 29/06/2021 that area is prone to land slide and land slide near Gautam Niwas	18.
	<p>1. NGT in OA no 121 of 2014 titled as Yogindra Mohan Sengupta v/s Union of India and others about felling of trees which is on page 147 of the order has stated as under:- The State of HP, its Deptt.s, and authorities are hereby restrained from cutting of hills / forests with out prior submission of application for sanctioning of plans for construction. Thus Hon'ble NGT has not put a ban on felling of trees. Moreover this is Govt. approved project.</p> <p>2. a) The Hon'ble Supreme Court in writ petition (civil) no 202 of 1995 titled T.N. Godavaram Thirumulpad v/s Union of India and others on dated 12.12.1996 put a conditional ban on felling of trees except felling of trees in any forest or any clearance of forest land in execution of projects shall be in strict conformity with the forest conservation act, 1980 and any other laws applying thereto. Moreover, any trees so felt and the disposal of such trees shall be done exclusively by the State forest Corporation and no private agency is to be involved in any aspect thereof.</p> <p>b) On 11.03.2019 Hon'ble Supreme Court in IA no 3840 in CWPIL no 202 of 1995 titled as T.N. Godavaram Thirumulpad v/s Union of India and others issued following directions.</p> <p>c) In case of diversion where approvals have been given by DFO's but felling of trees has not been done, no felling of trees shall take place till next date of hearing.</p> <p>d) There shall be no diversion of the forest land allowed to protection working circle in any working plan under FRA and FCA till next date.</p> <p>e) DFO's are restrained to exercise the power under section 3 (2) of FRA, 2006 till next date. Authorities to ensure that destruction of the valuable and precious forest of Himachal Pradesh does not take place in any manner what so ever.</p> <p>f) Let there be no diversion of forest for any non forestry purpose processes under FCA regulations till next date.</p> <p>Now the Hon'ble Supreme Court on hearing has filed by States is granting permission to undertake projects where stage II clearance is accorded by competent authority which infers that felling of trees in approved FCA cases is not stopped.</p> <p>The beneficiary villages have been marked in KML file and the same has been uploaded on line please.</p>	<p>It is pertinent and worth mentioning here that the area under proposal for construction of ambulance road is not prone to landslides. During rainy season due to exceptional heavy rain few years back there was some isolated minor</p>	

<p>has accrued during rainy season. Therefore, the State Govt. may ensure submission of Soil and moisture Conservation Plan (SMCP) along with detail cost of its implementations according to recent guidelines of MoEF& CC letter dated 7th June 2022.</p>	<p>land slide which was than and there restored by the Municipal Corporation Shimla at site to protect properties from damage. It is further submitted that the proposed ambulance road will pass through Pucca Streta on the open vacant forest land without any damage and hindrance. It is also stated that all the precautionary measures will be taken and ensured at the time of execution of work. Therefore it is submitted that there is no need for submission of soil and Moisture Conservation plan (SMCP).</p>
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Yours sincerely,


Executive Engineer
Road & Building Department
Municipal Corporation Shimla

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Detail Reclamation Plan, whenever required. It should be realistic exhaustive and complete in all respects along with relevant maps in distinct colors. It should also include the details of back fillings, afforestation and execution of such works, whenever required.

Diversion of 0.2701 hectare of forest land has been proposed for the C/O Ambulance Road from Anji road to Gautam Niwas Via Govt. Primary School Ghora Chowki in ward No.9 Kachighati KM 0/0 to 0/800. in Tehsil & District Shimla. The construction of this road will generate muck to the extent of 290.00 Cubic meter. By taking Deduction for useful stone and a swell factor of 60% on the total muck become 464.00 cubic meter (Detail attached at Page____) Out of this 185.60 cubic meter of muck will be used for construction of masonry walls, Edge/wall R/Wall and B/wall, leveling and half cutting half filling of the proposed road. The remaining 279.00 Cubic meter of muck will require safe disposal. The user agency has identified 1 No. dumping sites for the disposal of this muck. The dumping site has been identified along the proposed site and the capacity of these dumping sites has been worked out to be 300.00 cubic meter (Detail attached at Page____) which is sufficient to hold the muck to be generated.

Thus all the muck generated will be dumped in the designated dumping sites. 1 number dumping site designated as DS-I had been identified for dumping of muck / debris to be produced during the construction phase of the project. It is proposed that the dumping sites are treated in such a manner that these do not pose any problem to the environmental management consideration arising out of the necessity to stabilize the dumping sites at the earliest. Therefore, this reclamation plan has been formulated with the following objectives:-

1. To arrest the dumped muck in-situ so that it does not find its way to the nearby drainage channels. thus altering the drainage pattern of the area.
2. To rehabilitate the dumped area over a period of time so that it merges with the Adjoining natural landscape and does not stand out as a sore point.
3. To improve the aesthetics of the dumping grounds/ dumping site by planting suitable Plants and trees species thereby increasing the forest cover in the area.
4. To stabilize the dumping site by vegetative and engineering structures.

Implementation :

The proposal will be implemented by the user agency itself at its own cost as detailed in this plan. The implementation of the plan will be supervised by the forest department from time to time

and the progress will be periodically monitored. In case of default the sanction of diverted land may be revoked with suitable penalty as decided by the Govt. of India.

Strategy :

The pronged approach will be followed for reclamation of dumping sites. In the first instance crate wall will be erected around the dumping site so that required capacity for dumping of muck is created at the sites. The detailed drawings of the crate work to be undertaken are enclosed. The primary objective of the crate works will be to arrest the dumped muck at the dumping sites itself and not allow its spillage to adjoining areas and eventually to nearby drainage lines. The capacity of the dumping sites has been calculated as detailed in the table and will be enough to hold the muck required to be dumped in each of the sites.

In the second phase, once the dumping is complete it will be ensured that the dumping site is planted with grasses, bushes, shrubs and tree so that it gives an aesthetic look. This vegetal cover will also help in binding the soil and will prevent its erosion. For vegetating the dumping sites, suitable local species will be preferred. However, it may be noted that bulk of the muck to be dumped will be excavated material which will be lacking in essential nutrients and organic matter. Hence it will be desirable to increase the nutrient status of the top soil to make it conducive to tree/ vegetal growth. For this purpose maturing of top soil shall be done. If required, imported soil shall be brought to replenish the top soil. Instantly grasses and bushes will be planted in the area to improve the soil condition. Once these grasses and bushes take hold of the site, tree species will be planted in next phase. The tress species to be planted will be namely Robinia, Lucinea, albizia, Drek Amla Bamboo, Khair, Chail and Devdar.


Grasses like Steria and Napier will also be propagated. Trees will be Planted as the closer spacing so that canopy is closed at the earliest. Hence the spacing will be kept at 1.5 mtr. x 1.5 mtr. The total area involved in dumping is 0.0060 Hect. Also due to inert nature of soil, plants will need extra care for their establishment. For this purpose, imported soil/ organic manure will be added in each pit for easy establishment of plants. Watering of the plant in dry season will be provided to prevent mortality. The plantation will be further maintained at project cost for next five year beating up of failure will be done.

Post reclamation arrangement :

Since the area in question is required by the user agency only for the temporary use of dumping, hence the area will be reverted back to forest department after implementing the reclamation plan, if so stipulated by Govt. of India. However if at the time of so reverting back the areas to forest department if any activities as per this reclamation plan is found wanting then the forest department may realize the cost that activity from the user agency at the prevailing wages rates applicable in forest department and may get the same done departmentally at the project cost.

Place : Shimla

Date :-


Executive Engineer,
Roads & Building Deptt.
M.C. Shimla