

No.Ft. 48-5102/2020 (FCA),
Forest Department, Himachal Pradesh

From: Pr. Chief Conservator of Forests (HoFF),
Himachal Pradesh, Shimla-1.

To: The Regional Officer,
Integrated Regional Office GoI, MoEF&CC,
CGO Complex, Shivalik Khand, Longwood,
Shimla, Himachal Pradesh.

Dated Shimla-1, the **13 JUN 2022**

Subject: **Diversion of 2.9696 ha. of forest land in favour of Municipal Corporation Dharamshala, for the construction of Solid Waste Management Plant in Up Mohal Dharamshala, within the jurisdiction of Dharamshala Forest Division, Distt. Kangra, Himachal Pradesh. (Online No. FP/HP/Others/48483/2020).**

Sir,
Kindly refer to your office letter No.8B/HP/09/90/2021/FC/210 dated 27.08.2021 on the subject cited proposal.

2. The pointwise reply to the observations as raised vide your above referred communication is submitted as below:-

1. As submitted by the User Agency, vide letter No. DMC Sant (F)-12-(3)/2022-645 dated 05.05.2022, all the Components have been marked in the Layout Plan and mentioned in online Part-I, B 2.4. The detail of Component wise breakup has been uploaded online against Additional information and enclosed herewith in duplicate.
2. Copy of Administrative Approval has been uploaded online against Additional information and is also enclosed herewith.
3. As submitted by the User Agency, the construction of this project will generate 12000 man days of Temporary employment during construction and about 14 persons will get permanent employment during the life of Project for running and maintenance of the Project. The detail has been corrected in online Part-1, Part-E (II) and (III).
4. The Alternative alignments have been marked in the KML file and detail of alternatives is enclosed herewith in duplicate.
5. All the wards of Municipal Corporation Dharamshala have been marked in the KML file and detail of Beneficiary Wards alongwith their population is enclosed herewith in duplicate.

6. The dumping of Solid Waste is being done in 0.75 hac. of forest land since the year 1977 but no such record is available with the User Agency, as the Municipal Corporation Dharamshala was established in the year 2015. No permission was taken for the use of this land from any Department. The fencing of this 1.5717 ha forest land was done by the then Municipal Council Dharamshala. The Municipal Corporation has not done illegal dumping outside this area. The Local Panchayat has submitted written complaints to the judiciary for this illegal dumping. The Forest Department on various occasions has stopped the Corporation from dumping the Solid Waste, but as there is no other place available with Municipal Corporation, the area is opened after imposing penalty. The proposal has been submitted for diversion of 2.9696 ha. of forest land as per Hon'ble NGT Court Order dated 29.03.2019 (copy enclosed) wherein it is mentioned that there is need to set up Municipal Solid Waste Processing Plant adopting cluster approach for processing of bio-degradable waste and segregation recycling of other waste. The proper disposal of the Solid Waste can only be done also the land is diverted in favour of land proposed is barest minimum required for setting of Solid Waste Plant of processing of Solid Waste with modern approach. An attested copy of certificate submitted earlier, regarding the possession of 1.5717 ha. of forest land prior to 1980 has been enclosed by User Agency. The Forest Department has detained the Municipal vehicles on various occasions but as the chaos rises, the area has to be re-opened. Further as per the directions of the Hon'ble NGT Court, the Municipal Corporation of Dharamshala has applied for land diversion case.

7. The Eco class in Part-II, Para-4 (II) has been revised as Eco class VI open Forest and revised bill of NPV is enclosed herewith.

8. The Geographical Area of District Kangra has been corrected in online Part-II and revised Part-II is enclosed herewith in duplicate.

Yours faithfully,


Nodal Officer-cum-APCCF (FCA)
O/o Pr. CCF (HoFF), H.P.

Encls: As above,

DIMENSION-WISE DETAIL OF LAND REQUIRED FOR CONSTRUCTION OF SOLID WASTE MANAGEMENT PLANT AT DHARAMSHALA IN DISTRICT KANGRA (H.P.)

SL.NO	COMPONENT / DESCRIPTION	LENGTH (IN MTR.)	BREADTH (IN MTR.)	AREA IN HACTARE	AREA IN FOREST LAND (IN SQ. MT.)	AREA IN PRIVATE LAND (IN SQ. MT.)
1	Composit Unit	85	17	0.1445	1445	
2	Leachet Tank	92	24	0.2208	2208	
3	Sanitary Land Fill	126	71	0.8946	8946	
4	Parking Area	77	40	0.308	3080	
5	Trommel Plant	130	40	0.52	5200	
6	Worker Toilets	44	17	0.0748	748	
7	Dumping Area	20	25	0.05	500	
8	Weighing Machine	60	24	0.144	1440	
9	Bailing Machine Shed	15	18	0.027	270	
10	Shredding Machine	36	16	0.0576	576	
11	Segregation Area	25	20	0.05	500	
12	E-Waste	15	10	0.015	150	
13	Material Recovery Facility	40	18	0.072	720	
14	Chowkidar Hut	20	15	0.03	300	
15	Road	865	3	0.2595	2595	
16	Back-end Area Within Boundaries	254.5	4	0.1018	1018	
TOTAL				2.9696	29696	


 Executive Engineer 07/12/21
 Municipal Corporation Dharamshala
 Dharamshala, District Kangra


Office of the commissioner
Dharamshala Municipal Corporation.
Ph. No.- 01892-222115
Email:- mc_dharamshala@rediffmail.com

No. DMC./Sant/(F)-12/3-2019/4946-48

Dated: 25-11-2021

Office Order

In consonance with the provisions of section 159 read with the proviso under sub section (C) of HP Municipal Corporation Act 1994, the Administrative approval and Expenditure Sanction is hereby accorded for the following scheme. The expenditure shall be met out of from the funds provided by the Dharamshala Smart City Limited under "Sanitary Landfill (Solid waste management) for the year 2020-21" as per the amount mentioned below.

Sr. No.	Name of Work	Expenditure Sanction Accorded (Rs. in Crore)
1	Construction of solid waste management near the HRTC workshop Dharamshala.	3.00
Total		3.00 (Three Crore only)

The Expenditure sanction is subjected to the following terms and conditions:-

- 1) The work will be executed after completion of all other codal formalities as per guidelines of Govt.
- 2) Expenditure in the current financial year will be restricted as per budget available during the current financial year.
- 3) It will be ensured that no material in excess of the quantity required be procured.
- 4) The urgency and importance of work will be kept in mind while executing the work.
- 5) The work will not create any new liabilities on Govt. / Corporation which is not provided.
- 6) The Sanction does not entitle to engage additional staff, labour or manpower unless approved by the Govt.
- 7) It will be ensured that there is no deviation in the award cost whole executing the work.
- 8) The above works will be executed in phases as per availability of funds in the respective head of account.

o/c Commissioner
Dharamshala Municipal Corporation

Endst. No. 4946-48

Copy forwarded to:-

Dated: 25-11-2021

1. The Mayor / Deputy Mayor Dharamshala for information please.
2. The Executive Engineer, DMC for information & Necessary action.
3. DCFA (F & A) DMC for information.

o/c Commissioner
Dharamshala Municipal Corporation

Executive Engineer
Municipal Corporation
Dharamshala

**DIVERSION OF 2.9696 HA. OF FOREST LAND FOR CONSTRUCTION OF
SOLID WASTE MANAGEMENT PLANT IN DHARAMSHALA, DISTRICT
KANGRA, (H.P.)**

FILE NO.
DATE OF PROPOSAL

: FP/HP/Others/48483/2020

ALTERNATE SITES CONSIDERED TO MINIMISE THE USE OF
FOREST LAND FOR CONSTRUCTION OF SOLID WASTE MANAGEMENT PLANT
AT DHARAMSHALA IN TEHSIL DHARAMSHALA, DISTRICT KANGRA

ALTERNATIVE-I

The proposed project is situated in Up-Mohal Dharamshala, Tehsil Dharamshala, District Kangra. The area proposed for diversion is 2.9696 hectare of forest land. The area proposed is situated far away from the residential area and 164 number of trees are coming in the alignment of the proposed plant.

Feature considered:

- Alignment of the proposed project is barren land and suitable for the construction of Solid Waste Management Plant.
- Forest land involved to the tune of 2.9696 Hectares.
- Less disturbance to the stable slope & green cover.
- Involves felling of 164 number of trees.

ALTERNATIVE- II

The proposed project is situated in Mohal Sudher, Tehsil Dharamshala, District Kangra. The area proposed for diversion is 3.30 hectare of forest land. The area proposed is located near to the residential area and 195 number of trees are coming in the alignment of the proposed plant.

Feature considered:

- Alignment of the proposed project is located near to the residential area.
- Proposed Land is not suitable for the construction of Solid Waste Management Plant.
- Forest land involved to the tune of 3.30 Hectares.
- The Proposal involves felling of 195 Trees.
- More disturbance to the stable slope & green cover.

ALTERNATIVE- III

The proposed project is situated in Up-Mohal Dharamshala, Tehsil Dharamshala, District Kangra. The area proposed for diversion is 3.10 hectare of forest land. The area proposed is situated near the Modern Bus Terminal Dharamshala. There are 210 number of trees coming in the alignment of the proposed area.

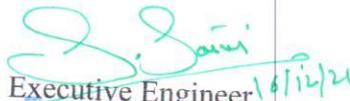
Feature considered:

- Alignment of the proposed project is located downstream of the Modern Bus Terminal Dharamshala.
- The proposed area has steep slope thus it will require high protection works and will add to the cost of Project.
- Forest land involved to the tune of 3.10 Hectares.
- The Proposal involves felling of 210 number of trees, thus more disturbance to the stable slope & green cover.

Keeping in view of the above facts, the alternative- I, which is suitable and environmental friendly, has been adopted for the construction of Solid Waste Management Plant.

Place : Dharamshala

Dated : 17/05/2022


16/04/24
Executive Engineer
Municipal Corporation
Dharamshala, District Kangra
Dharamshala

Countersigned by 
Divisional Forest Officer
Forest Division

Dr. Sanjeev Sharma (HPFS)
Divisional Forest Officer
Dharamshala Forest Division
Dharamshala

Name Of MC Dishala	Sr. No. and Name Of Ward	Total Urban Population		
		Male	Female	Total
1	2	3	4	5
M.C. D'shala	1. Forsythganj	1598	1449	3047
M.C. D'shala	2. Bhagsunag	1647	1488	3135
M.C. D'shala	3. Mcleodganj	1861	1408	3269
M.C. D'shala	4. Kashmir House	1611	1403	3014
M.C. D'shala	5. Khajanchi Mohalla	1626	1422	3048
M.C. D'shala	6. Kotwali Bazar	1634	1500	3134
M.C. D'shala	7. Secretariat	1578	1508	3086
M.C. D'shala	8. Khel Parisar	1735	1343	3078
M.C. D'shala	9. Sakoh	1503	1708	3211
M.C. D'shala	10. Shyam Nagar	1543	1536	3079
M.C. D'shala	11. Ram Nagar	1658	1668	3326
M.C. D'shala	12. Barol	1574	1543	3117
M.C. D'shala	13. Dari	1507	1608	3115
M.C. D'shala	14. Kand	1554	1568	3122
M.C. D'shala	15. Khanyara	1652	1591	3243
M.C. D'shala	16. Sidhpur	1634	1456	3090
M.C. D'shala	17. Sidhbari	1680	1749	3429
Total	17	27595	25948	53543


 Executive Engineer
 Municipal Corporation,
 Dharamshala

2. Vide order dated 02.01.2019, the Municipal Corporation of Dharamshala and Himachal Pradesh State Pollution Control Board (State PCB) were required to furnish an action taken report in the matter. Such a report has been filed on 05.02.2019 by the State PCB stating that the matter was taken up with the Urban Development Department, Himachal Pradesh and an inspection was carried out. There is need to set up a municipal solid waste processing plant adopting cluster approach for which tenders are being prepared by the Urban Development Department. Process of covering the debris with soil in a scientific way has also started, apart from

processing of bio-degradable waste and segregation and recycling of other waste. The Urban Development Department is taking further steps in the matter to set up integrated solid waste management plant at Kangra on PPP model. Steps will also be taken for management of bio-degradable and non bio-degradable waste.

3. We find that no timeline has been indicated in the reply filed by the State PCB with requisite budgetary provision. This aspect needs to be finalised by the Urban Development Department and monitored by the Chief Secretary, Himachal Pradesh, in terms of the directions of this Tribunal in Original Application No. 606 of 2018 vide order dated 05.03.2019. The State level Monitoring Committee constituted by this Tribunal vide order dated 16.01.2019 in Original Application No. 606 of 2018 may also monitor the situation with regard to fixing of timeline and budgetary provision.

The application stand disposed of.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

March 29, 2019
Original Application No. 968/2018
A

Dr. Nagin Nanda, EM

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 968/2018

Sunita Thakur, Pradhan, Bageshwari Mahila Mandal, Sudher
Applicant(s)

Versus

State of Himachal Pradesh

Respondent(s)

Date of hearing: 02.01.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Application is registered based on a complaint received by post

ORDER

Allegation in this letter, which has been treated as an application, is that there is illegal dumping of garbage in village Sudher near Himachal Road Transport Corporation (HRTC) workshop affecting public health which is contrary to the Solid Waste Management Rules, 2016. No action is being taken by the Municipal Corporation, Dharamshala, Himachal Pradesh.

The applicant has also annexed letter of the HRTC, Dharamshala Division dated 26.06.2018 addressed to the Commissioner, Municipal Corporation, Dharamshala, letter of the Himachal Pradesh State Electricity Board Limited dated 02.07.2016 addressed to the Commissioner, Municipal Corporation, Dharamshala and letter of the Himachal Pradesh State Forest Development Corporation Limited, Directorate (North) Dharamshala dated 29.08.2018 addressed to the Commissioner, Municipal Corporation, Dharamshala to the same effect.

Let the Municipal Corporation, Dharamshala and the Himachal Pradesh State Pollution Control Board (HPSPCB) jointly look into the

matter and furnish an action taken report on factual aspects of the matter to this Tribunal within one month from the date of receipt of copy of this order by e-mail at ngt.filing@gmail.com.

The nodal agency will be the HPSPCB to coordinate and comply with the order.

Copy of this order along with complaint be sent to the HPSPCB for compliance by e-mail.

Needless to say that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010.

List for further consideration on 29.03.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 02, 2019
Original Application No. 968/2018
R

DIVERSION OF 2.9696 HA. OF FOREST LAND FOR CONSTRUCTION OF SOLID WASTE
MANAGEMENT PLANT AT DHARAMSHALA, DISTRICT KANGRA (H.P.)

BILL FOR NET PRESENT VALUE

Eco-Value Class	Area in Hectare	Rate(per Hectare)	Total Amount (Rs.)
Class VI Open Class	2.9696	1069470.00	3175898.00
TOTAL AMOUNT			3175898.00

Divisional Forest Officer
Dharamshala Forest Division
Dharamshala, District Kangra

**DIVERSION OF 2.9696 HA. OF FOREST LAND FOR CONSTRUCTION OF SOLID
WASTE MANAGEMENT PLANT IN DHARAMSHALA, DISTRICT KANGRA, (H.P.)**

FILE NO. : FP/HP/Others/48483/2020

DATE OF PROPOSAL :

PART-II

(To be filled by the concerned Deputy Conservator of Forests)

State serial No. of proposal _____

7. Location of the project/Scheme:	
i.	State/Union Territory Himachal Ptraedes
ii.	District. Kangra
iii.	Forest Division Dharamshala Forest Division
iv.	Area of forest land proposed for diversion (in ha.) 2.9696 ha.
iv.	Legal status of the forest UPF
v.	Density of vegetation. 0.3
vi.	Species-wise (scientific names) and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation / hydel projects enumeration at FRL, FRL-2 meter & FRL-4 meter also to be enclosed.) Enclosed at Sr. No. 41-53
vii.	Brief note on vulnerability of the forest area to erosion. The Site is not vulnerable to Land Slides.
viii.	Approximate distance of proposed site for diversion from boundary of forests. 0.500 Kms.
ix.	Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed). No
x.	Whether any rare/ endangered/ unique species of flora and fauna found in the area- if so details thereof. No such rare endangered species of flora and fauna are found in the area.

<p>xi. Whether any protected archaeological /heritage site/defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.</p>	<p>No</p>	
<p>8. Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.</p>	<p>Yes, the area proposed for diversion is unavoidable and barest minimum for the project.</p>	
<p>9. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.</p>	<p>Yes, the User Agency has carried out violation in 0.75 ha area. The User Agency has used this area for dumping of solid waste since 1977.</p>	
<p>10. Details of compensatory afforestation scheme:</p>		
<p>i. Details of non forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.</p>	<p>Enclosed at Page No. 56</p>	
<p>ii. Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.</p>	<p>Enclosed at Page No. 56-57</p>	
<p>iii. Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.</p>	<p>Enclosed at Page No. 58-61</p>	
<p>iv. Total financial outlay for compensatory afforestation scheme.</p>	<p>Rs. 8,51,094/-</p>	
<p>v. Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (To be signed by the concerned Deputy Conservator of Forests).</p>	<p>Enclosed at Page No. 62</p>	
<p>11. Site inspection report of the DCF (to be enclosed) especially highlighting facts asked in col. 7 (xi, xii), 8 and 9 above.</p>	<p>Enclosed at Page No. 54-55</p>	

12. Division/District profile:		
Geographical area of the district.	573900 ha	
ii. Forest area of the district.	61061.58 ha	
iii. Total forest area diverted since 1980 with number of cases.	204.0269 ha (102)	
iv. Total compensatory afforestation stipulated in the district/division since 1980 on :		
(a) forest land including penal compensatory afforestation,	401.1854 ha	
(b) non-forest land.	Nil	
v. Progress of compensatory afforestation as on (date) 31/03/2021 on		
(a) forest land	383.0814 ha	
(b) non-forest land.	Nil	
13. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reason.	The proposal is recommended for approval since the construction of Solid Waste Management Plant at Dharamshala in District Kangra will benefit a large population.	

Place : Dharamshala
 Dated : 17/05/2022

Dr. Sanjeev Sharma (HPFS)
 Divisional Forest Officer
 Dharamshala Forest Division
 Dharamshala