

TOWN & COUNTRY PLANNING DEPARTMENT  
HIMACHAL PRADESH

No. HIM/TP/LAW-V/O.A. No. 726 of 2023 - 6916-21

Dated:-19.12.2023

From:-

Director  
Town and Country Planning Department  
Kasumpti, Shimla-171009.

4

To

The Registrar (Judicial)  
National Green Tribunal  
New Delhi.

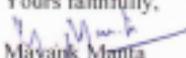
**Subject: - O.A. No. 726 of 2023 In re:- News item appearing in The Hindu dated 25-11- 2023 entitled " Deforestation, ill-planned construction and unscientific-illegal mining behind Himachal Pradesh's Monsoon catastrophic.**

Sir/Ma'am,

In reference to above captioned subject and in pursuant to the instruction of Principal Secretary (TCP/Urban Development) to the Govt. of Himachal Pradesh, the aforesaid matter is listed for hearing before this Hon'ble Tribunal 20.12.2023. The details status report in the present matter is hereby enclosed for kind perusal and further necessary action please.

You are hereby requested to kindly take on record the aforesaid detailed report along with relevant annexures on behalf of Respondent Department please.

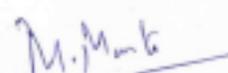
Yours faithfully,

  
Mayank Mania

Assistant District Attorney  
Town and Country Planning Department  
Kasumpti, Shimla-171009, (H.P). o/c

Copy forwarded for favour of information to:-

1. Ld. Advocate General, State of Himachal Pradesh, Shimla with a request to kindly appear before the Ld. Tribunal on behalf of respondent Department of Town & Country Planning, H.P till its final disposal.
2. The Worthy Chief Secretary, to the Government of Himachal Pradesh, Shimla.
3. The Principal Secretary (TCP) to the Government of Himachal Pradesh, Shimla.
4. The District Attorney, Legal Cell, New Delhi, Himachal Bhawan.
5. Sh. Divyanshu Kumar Srivastava, Panel Advocate, 32, Todarmal Road, New Delhi-110001.

  
Assistant District Attorney

Town and Country Planning Department  
Kasumpti, Shimla-171009, (H.P). o/c

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**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI**

**ORIGINAL APPLICATION NO. 726 OF 2023**

**IN THE MATTER OF:**

"Deforestation, ill-planned construction, and unscientific- illegal mining behind Himachal Pradesh's monsoon catastrophe."

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e-Filed by: *M. Manth*  
 Mayank Manth Assistant District Attorney, TCP  
 Department, H.P.

Dated: 19.12.2023

Place: Shimla

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 726 OF 2023

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*M Manta*  
e- Filed by: Mayank Manta, Assistant District Attorney, TCP  
Department, H.P

Dated: 19.12.2023

Place: Shimla

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**9 PRINCIPAL BENCH AT NEW DELHI**

**ORIGINAL APPLICATION NO. 726 OF 2023**

**IN THE MATTER OF:**

**"Deforestation, ill-planned construction, and unscientific- illegal mining behind Himachal Pradesh's monsoon catastrophe."**

**DETAILED REPORT ON BEHALF OF RESPONDENT DEPARTMENT OF TOWN & COUNTRY PLANNING, HIMACHAL PRADESH.**

That in response to the news article published in the Hindu titled as "Deforestation, ill-planned construction, and unscientific- illegal mining behind Himachal Pradesh's monsoon catastrophe", the respondent Department most humbly submits as under:-

1. That it is respectfully submitted before this Hon'ble Tribunal that as per the Government of India, Ministry of Earth Sciences (MoES) India Meteorological Department, Meteorological Centre, Shimla vide its monthly weather report for the month of July and August' 2023, *the State of Himachal Pradesh witnessed very heavy to extremely heavy rainfall in most parts of State during this period. State received 734.4 mm of rainfall as long period average during monsoon season (June-September) period in 2023. Unprecedented rainfall occurred during these days resulted in widespread damage to public and private properties due to*

*overflowing of major rivers, blockage of roads, landslides, flash floods, damage to bridges, complete disruptions of electrical and communication system, including loss of human lives.*

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2. That the respondent State received isolated to widespread precipitation during August Month with Normal activity on most days and two days of vigorous activity on 14th and 23rd August 2023 when State received Extremely Heavy Rainfall at isolated places. Five Western disturbances approached the state during this month Himachal Pradesh has received 49th highest rainfall this year for the period (1901-2023) with highest rainfall received in the year 1927(542.4mm) in the month of August. **The copy of monthly weather report for the month of July and August' 2023 issued by Government of India, Ministry of Earth Sciences (MoES) India Meteorological Department, Meteorological Centre, Shimla is hereby annexed as Annexure-R-1 (Pg.\_\_\_\_ to \_\_\_\_\_)**

3. That the respondent-State vide its notification no. REV (DMC) (F) 2-5/2023 dated 18<sup>th</sup> August 2023, copy of which is hereby annexed as **Annexure-R-2 (Pg.\_\_\_\_ to \_\_\_\_\_)**, has issued the following widespread directions:-

*"Keeping in view the unprecedented grave situation leading loss of human life and damage, destruction and loss to public infrastructure and private property, the State Government decided to declare the whole State of Himachal Pradesh as "Natural Calamity Affected Area". After the weather become*

*normal and the accessibility is improved, complete assessments of damage and loss, assessment of property, livestock, infrastructure and crops shall be carried out by the respective Districts and Departments which shall be submitted to the Government for recovery and reconstruction efforts."*

The respondent Department of Town & Country Planning, considering the recent unprecedented rainfalls and the subsequent disaster across the urban as well as rural areas of the State decided that for all urban centres and rural towns a drainage master plan shall be prepared in phased manner to ensure effective, efficient and immediate drainage of excessive rain water. The State Government is also proposing to make mandatory provision of inspection at footing level for all buildings in urban areas as well Planning and Special Areas of the State. Also, for High Risk buildings especially Residential, Commercial, Industrial, Real Estate Projects and Institutional projects, the Geological Investigation report as well as the detailed Structural Design Report as per BIS codes is being made mandatory at the time of approval. Effective implementation of these stringent yet much required provisions will make all the urban as well as rural areas resilient to future disasters of any kind. The State Executive Committee constituted under Section 24 of the Disaster Management Act, 2005 vide its office order dated 02.09.2023, copy of which is annexed as **Annexure-R-3 (Pg. \_\_\_\_ to \_\_\_\_)** had passed the following directions as under:-

*"1.) Hill cutting for any kind of private development and construction activity, except for rebuilding of disaster affected buildings and roads, shall be banned in the entire State for two weeks, i.e. up to 16<sup>th</sup> September' 2023.*

*2.) Fresh planning permission/ building permissions shall be banned for commercial/ tourism units in Shimla, Mandi, Kullu, Kangra, Solan & Chamba Districts of Himachal Pradesh up to 16<sup>th</sup> September' 2023."*

This aforesaid step has been taken by the respondent State to mitigate the loss on account of natural disaster.

4. That the Department of Town & Country Planning vide its office letter dated 02.09.2023, copy of which is hereby annexed as **Annexure-R-4 (Pg. \_\_\_\_\_ to \_\_\_\_\_)** has issued directives to all the Deputy Commissioners, Field Offices and Urban Local Bodies ensuring that due to inadequate drainage system in various areas and in order to mitigate the potential risks posed by improper drainage, *inspection of the drainage system of the Hotels, Public and Semi-public buildings, commercial establishments and Real Estate Projects shall be carried out in a campaign mode over next two months and fortnightly report in this regard may be submitted to the respondent Department.*

5. That the Hon'ble High Court of Himachal Pradesh is already monitoring the issue of regulated and planned construction activities in the State of Himachal Pradesh in multiple Public

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Interest Litigations. In one of the CWPIIL no. 13 of 2021 titled as Kusum Bai vs. State of Himachal Pradesh, the Hon'ble High Court of H.P vide its detailed judgment dated 13.01.2023 has been pleased to pass a sequel of directions for regulating the planned development in the entire State of Himachal Pradesh. The copy of judgment dated 13.01.2023 is hereby annexed as **Annexure-R-5 (Pg.\_\_\_\_to\_\_\_\_\_)**). It becomes pertinent to mention herein that the respondent Department is complying with the express directions of the Hon'ble High Court as are being passed from time to time.

6. That the Department of Town & Country Planning under its parent Act, i.e. Himachal Pradesh Town & Country Planning Act, 1977 postulates the provisions of Planning areas and Development Plan under Chapter IV of the Act *ibid*. The respondent Department of Town & Country Planning has taken ample steps to identify new areas and issue notifications of inclusion of areas having high potential of development/ growth, like tourist areas and areas having proximity with tourist areas and valley view. As per Section 13 (1) of the Act *ibid*, *the State Government may, by notification, constitute planning areas for the purposes of this Act and define the limits thereof*. To constitute a certain planning area falls within the statutory competency of the State Government. It is the State Government that takes a call on constituting a planning area. Any notification in this regard is issued after approval from the State Government. It is the

prerogative of State Government to declare a given area as planning area.

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7. That the respondent Department undertakes the process of preparation and notification of appropriate development plans/ Interim Development plans for planning and special areas in the entire State of Himachal Pradesh. It is respectfully submitted before this Hon'ble Tribunal that the Development Plan is a document, which transforms the future of a city by impacting its development positively in the years to come depending upon the infrastructural resources existing which are being augmented. The various broad parameters of the Draft Development Plan includes:-

- Effective Implementation of Building Bye Laws
- Identification of newer areas for the future development
- Better public transport & Improved vertical mobility
- Conservation of heritage buildings
- Introduction of Urban Design Guidelines
- Development of more open spaces- parks & Garden
- Protection of eco – sensitive areas
- Development from tourism network Centre & Encouragement to eco-tourism view
- Diversify the New economy
- Conservation of Forests & Plantation area
- Physical and Social Infrastructure Strategy Formulation
- Implementation Mechanism through building Bye-laws and guidelines

It is respectfully submitted herein before this Hon'ble Tribunal that following activities/stages have to be exercised in preparation of Development Plan for different towns, as notified, the details of which is as under:-

Sl. No.	Stage Report	Schedule	Cumulative Time Period
i)	Floating of RFP for inviting bids and their finalization	90-180 days  (as per practical experience in case of various outsourced Development Plans)	180 days
ii)	Inception Report	30 days from date of award	210 days
iii)	Spatial attribute collection and vetting of Base Map	60 days from date of approval of Inception Report	270 days plus processing time
iv)	Data Analysis Report	60 days from date of approval of Base Map	330 days plus processing time
v)	Projected Requirements,	60 days from date of approval of Data Analysis	390 days plus processing time

Sl. No.	Stage Report	Schedule	Cumulative Time <b>16</b>
	Issues & Potentials	Report	
vi)	Draft Proposal	60 days from date of approval of Projected Requirements, Issues & Potentials	450 days plus processing time
vii)	Draft Development Plan	60 days from the date of approval of Draft Development Plan	510 days plus processing time
viii)	Approval and Notification of Development Plan by State Govt.	-	-

So far as the issue relating to finalization of draft Development for any planning area/ special area is concerned, the following statutory/ legal aspects are involved in view of provisions of the Himachal Pradesh Town & Country Planning Act, 1977:-

Sr. no.	Stage Report	Finalization of Development Plan
1.	Preparation and publication of Draft Development Plan	Twelve months minimum

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2.	Inviting objections and suggestions, in writing from general public as per Section 19 (1) of the Himachal Pradesh Town & Country Planning Act, 1977.	One month
3.	Consideration of objections & suggestions as per Section 19 (2) of the Himachal Pradesh Town & Country Planning Act, 1977.	Maximum time period- Within 3 months.
4.	Submission of Draft Development Plan to the State Government after modifications as per as per Section 19 (2) of the Himachal Pradesh Town & Country Planning Act, 1977.	Maximum time period- Not later than six months.
5.	Sanction of Development Plan by the State Government.	Under Section 20 of the Act <i>ibid</i> , after the submission of the development plan under section 19 the State Government may either approve the development plan or may approve it with such modifications as it may consider necessary or may return it to the Director to modify the same or to prepare a fresh plan in accordance with such directions as it may issue in this behalf.

8. That it is further submitted that Himachal Pradesh is not a non-compliant State. It has been taking care of environment and has also been taking care of Town Planning. The Town Planning Act came into force in the year 1977 and different plans for different planning areas were formulated and these plans have been formulated after taking all possible care with regard to Town Planning and the factors relevant to Town Planning. The penalties for raising constructions in violations of approved constructed area/Development Plan is governed by the provisions of Section 38 which prescribes for penalty for unauthorized development or for use other than in conformity of Development Plan, Section 39 which provides for power to remove unauthorized development, Section 39-A whereby, power to stop development & Section 39-B of the Act *ibid*, which relates to power to seal unauthorized development already stand in existence to regulate and control the issue of unauthorized constructions in any Planning area.

9. That the Department of Town & Country Planning, Himachal Pradesh vide its notification no. TCP-F (4)-8/2004 dated 23.09.2016 in exercise of powers conferred under Section 1 (3) of the HP Town & Country Planning Act, 1977 has extended its jurisdiction to the entire areas in all the districts of the State, implying that even the land and the areas which are not within the periphery of different Planning areas or Special areas and governed by the various Interim Development Plan/ Development

Plans, as the case may be falls within the ambit of jurisdiction of the Authority.

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10. That the State of Himachal Pradesh is a hilly State and the topographical terrain in many parts of the State is steep in nature, implying that the roads are narrower. There are enactments related to administer the road side construction activities in the entire State. The applicability of the Himachal Pradesh Roadside Land Control Act, 1968 has been extended to the entire State in order to prevent haphazard and sub-standard development along scheduled roads and in controlled areas in Himachal Pradesh. Further, as per the provisions of the H.P. Roadside Infrastructure Protection Act, 2002, there exist relevant provisions for prevention of misuse, damage, unauthorized use and encroachment of the road infrastructure.

11. That it is humbly submitted that the Department of Town & County Planning/ respondent State is of the view that whenever the strata permits, the construction is to be carried out vertically and efforts should be made to retain the green cover by less ground coverage. Keeping in view this aspect only, the Department frames regulations to permit the storeys as per the floor area ratio subject to the maximum height of the building fixed for that particular area and use of that area. In case no cap on storeys is fixed subject to structural stability and geological feasibility then more and more area will be protected thus taking care of the environment. So far as the issue of soil feasibility, structural design and structural stability of the buildings to be constructed in concerned, there already exists ample provision

under Section 31-A of the Himachal Pradesh Town & Country Planning Act, 1977 which provides as under:-

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***"Section 31-A. Structural Stability Certificate- The applicant shall submit a Structural Stability Certificate of the building before putting the same into use, in the manner prescribed including soil investigation report and structural design basis report as per provisions for safety against natural hazard.***

The State Government is fully alive to the situation and is carrying out its constitutional and statutory duties to ensure that such calamities can be prevented.

12. That as stated above the excessive reliance on newspaper article goes to show the intention of the Applicant to sensationalize the unfortunate events. It is most humbly submitted before this Hon'ble Tribunal that Shimla Town is on the south-western ranges of the Himalayas at 31.51°N 77.10°E. It has an average altitude of 2,206 metres (7,238 ft) above mean sea level and extends along a ridge with seven spurs. The building regulations applicable within the Shimla Town prior to the passing of the Himachal Pradesh Town & Country Planning Act, 1977 or before the creation of Shimla Planning Area in 1979 were governed by the building regulations of the Shimla Municipality. The building constructions in Shimla Town from British time were being regulated under various statutes namely Shimla Municipality Bye-Laws framed under Punjab Government Act XX of 1891 which envisaged the provisions for the 'Notice of new buildings and Mode of Construction of Buildings' and Bye-Laws framed under

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Chapter X of the Punjab Municipal Act, 1911. The process of construction of buildings in the Shimla Town has always been regulated and in consonance to the relevant provisions of Building Bye-Laws existing and prevalent from time to time. Even prior to the statutory enactments and legislations of the Himachal Pradesh Town & Country Planning Act' 1977, the building constructions in Shimla Municipality limit were being regulated in accordance with the provisions contained in the Himachal Pradesh Municipal Corporation Act' 1968 (Act no. 19 of 1968) and Building bye- laws framed therein under and the Himachal Pradesh Municipal Corporation Act, 1979 which provided for the Building regulations. In fact Shimla is not a Valley, it is situated on the slopes and in the hilly areas, and construction is done on the slopes. It will be not out of place to mention here that the Structural Engineering has undergone a sea change in the last hundred years. From brick and clay masonry, we have come to the age of RCC construction and steel frame construction. Even today, in Shimla Town there are buildings which are more than 100 years old namely Gaiety Theatre, Railway Board building, Gorton Castle, Vice Regal Lodge, Town Hall, Auckland House, Ellerglie, Barnes Court, Bungalows, Churches and Challet Day School, The Telegraph building, The Western Command Building, Bantony (Old Police Headquarter Building), Y.W.C.A. Building, The State Bank of India Building, The Library Building on the etc. and which are intact without suffering any damage over a period of 100 years. The Hon'ble Tribunal, while passing the judgment has ignored all these aspects, particularly the developments

which have taken place in the field of structural engineering over a period of time.

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13. That it is humbly submitted that apart from identification and inclusion of new areas in to planning areas/ special areas, the respondent Department in exercise of the powers conferred by subsection (1) of section 13 of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977), has constituted the "Four Lane Planning Area vide notification dated 28.06.2023, duly published in the Rajpatra, copy of which is hereby annexed as **Annexure R-6(Pg.\_\_\_\_to\_\_\_\_\_)**., comprising of the following areas of Himachal Pradesh as described in the specifications below:-

Sl. No.	Name of Road		Limits (from the edge of control width of the 4-Lane Highway)
1.	Parwanoo-Shimla Highway No. 05	National	Area up to 100 metres from the edge of control width on either sides of the 4-Lane Highway.
2.	Kiratpur-Manali Highway No. 03	National	Area up to 100 metres from the edge of control width on either sides of the 4-Lane Highway.
3.	Shimla-Mataur Highway No. 88	National	Area up to 100 metres from the edge of control width on either sides of the 4-Lane Highway.
4.	Pathankot-Mandi Highway No. 154	National	Area up to 100 metres from the edge of control width on either sides of the 4-Lane Highway.

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 development in the entire State of Himachal Pradesh, Fifty-six Planning Areas and Thirty five Special Areas have been constituted under the provisions of the H.P. Town and Country Planning Act, 1977 by the respondent Department of Town & Country Planning and Thirty five Development Plan(s) have been notified by the State Government for different Planning areas/ Special areas.

14. It becomes pertinent to mention herein that under HP TCP Rules, 2014 as well as Development Plans for different planning/ special areas, ***there exists an ample regulation for regulating the hill cutting under which the maximum hill cut of 3.50 Metre height is permissible.*** Further, the regulations stipulates that where it is essential to develop a plot by cutting, it shall be the responsibility of the plot owner to provide according to the engineering specifications, retaining and breast walls so that such cutting of natural profile of the land may not harm the adjoining uphill side properties. However, cutting of natural profile shall not exceed more than 3.50 M in any case having a provision of diaphragm wall for step housing. It is further submitted that in the already notified planning/ special/ deemed planning areas, the already existing norms related to hill cutting shall be enforced strictly.

15. That in order to regulate the haphazard and indiscriminate constructions/ development activities particularly by cutting of hills, causing immeasurable harm to the environment and which is in violation of the principles of sustainable development, the

respondent State is making all efforts in the spirit of the aforesaid directives.

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16. That it is submitted before this Hon'ble Tribunal that in order to ensure planned and regulated sustainable development in the State, the role of spatial planning is critical in mitigating the possible hazards. The Department of Town and Country Planning aims to prepare Regional Plans for a given District/Region and Development Plans for designated Planning Areas and Special Areas, including the Urban Local Bodies. The land use zonation, hazard zonation of disaster proneness of certain areas like sinking and sliding zones, slopes above 45° and their unsuitability for Development purposes are duly taken care of and appropriate planning interventions through formulating building bye-laws/policies are elaborated in these plans. Also, other important aspects like regulation of haphazard and unplanned construction activities, conservation of environment i.e. forests, water bodies and eco-fragile slopes and terrains etc. are examined in detail and a roadmap for sustainable development while safeguarding the environment and envisaging a reduction in severity of possible disaster is prepared. These Plans also integrate the concept of Carrying Capacity of town and cities with focus on sustainable development over the plan horizon period. In this context, it is also pertinent to mention here that Hon'ble High Court of H.P vide its order dated 13.01.2023 in CWPIL No. 13 of 2021 has directed to ensure planned, regulated and sustainable development in the State by brining high tourism potential areas and Eco-sensitive areas under the ambit of TCP

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Act by way of constitution of Planning and Special Areas. Thus, in order to achieve the above said objectives, closely associated with disaster mitigation, the Department of Town and Country Planning envisages preparation of Regional Plans, Development Plans and Existing Land Use (ELU) Maps and Registers for the three priority districts namely Shimla, Kullu and Kangra District.

**17. Various steps/initiatives taken by the TCP Department after monsoon disaster of 2023.**

- I. During the monsoon season of 2023, there has been widespread loss of life and property in Himachal Pradesh. Primarily, the damage has been caused due to land erosion resulting from flooding in major rivers, Khuds and Nallahs and due to landslides triggered by the heavy rainfalls and cloud bursts. In this respect particularly to mitigate the occurrence of landslides or associated collapse of buildings, it is imperative that strong foundation and structure stability of building be ensured alongwith proper drainage of the area where buildings are constructed, especially in urban areas. This is possible if the buildings are constructed after approval from the Town and Country Planning Department or other regulating agencies like ULBs and SADAs etc. Thus, considering the widespread impact of the monsoon inflicted disaster in Rural as well as Urban Areas of the State, following steps/initiative have been taken proposed by the Department.
- II. **Regulation and control of rampant and unsafe development beyond the jurisdiction of Planning/Special Areas.**

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To ensure that all buildings and projects to be developed in rural areas of the State an amendment in Section 1 of the Himachal Pradesh Town and Country Planning Act, 1977 is being proposed. According to the amendment any building/project i.e. Tourism Unit, Marriage Palace, Industrial Projects, Pubic Semi-Public Buildings like Hospitals, Colleges, Schools etc. having more than 3 storeys + attic or having plot area more than 1000 Sqm. are being brought under the provisions of Himachal Pradesh Town and Country Planning Act, 1977, which are proposed to be developed in rural areas i.e. the areas falling outside the notified Planning Area/ Special Area. The proposed amendment has been forwarded to the Govt in shape of Bill to be placed in the winter session.

**III. Regulation of development along Rivers, Khuds and Nallahs.**

Most of the damage, loss of life and the property has happened in town and villages located in the vicinity of the various Rivers, Khads, and Nallah. Thus, it has been felt necessary that the construction near the Rivers, Khads, Nallah etc. may be regulated in order to protect these in future. Therefore, the regulation<sup>16</sup> of the General Regulations under Appendix 1 of the HPTCP Rules, 2014 has been amended as follows:

**"16. The construction shall be allowed at distance of 5.00 Metre and 7.00 Metre from Nallah and Khud respectively."**

The distance from Khads, Nallah has been increased from 3.00 Metre and 5.00 Metre to 5.00 Metre and 7.00 Metre respectively

to preserve the vulnerable edges of these natural streams and ensure unobstructed flow of water during peak monsoon season.

#### IV. **Promotion of Structurally Safe Constructions in the State.**

In order to achieve the prime objective of safe and secure constructions in the State, amendment has been done in the Rule-21 of the HP TCP Rules, 2014 by inserting sub rules (3) & (4), namely:

“(3) For all High Risk Buildings as per Risk Based Classification notified by the government, Geological Investigation Report along with Structural Design report and Structural Stability Certificate shall be mandatory.

(4) The Director may suspend or cancel the registration of any registered structural engineer in case any structure infirmity is found in the structural design submitted and approved by the concerned structural engineer or in case the structural stability certificate is issued by a structural engineer upon completion of the building and the building is not found structurally stable.”

#### V. **Rural Area Development Guidelines.**

In wake of the wide spread disaster in rural areas of the State as well as in compliance to the interim orders passed in **CWPIL no. 13 of 2021** titled as **“Kusum Bali vs. State of Himachal Pradesh & ors.”** The TCP Department has prepared **“Suggestive Draft Rural Area Development Guidelines”** to regulated haphazard and unplanned development in the rural areas. The draft guidelines have been submitted to the State Government. The guidelines have been framed taking into consideration the basic minimum construction practices and

regulations to ensure structurally safe construction in rural areas of the State.

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## VI. **Drainage Master Plans for all Urban Towns of the State.**

In order to ensure connectivity of drainage of individual plots with the community drains and thus ensure efficient and effective drainage of storm rainwater from all Urban towns, directions have been issued to all ULBs, SADAs and TCP Offices to prepared drainage master Plans for all towns of the State. The drainage master plans at town level having integration with existing natural streams area also being ensured during preparation of master Plans/Development Plans as well as Regional Plans by the Department.

## VII. **Addition of 8 Green Areas in Shimla Planning Area.**

In order to preserve the ecology and forest cover of the rapidly urbanising areas in Shimla Planning Area, following eight new green areas have been notified by the State Govt. The preservation of forest cover in these new Green Blets will go a long way in mitigating and controlling the eventuality of flash floods in these areas as minimal construction, only for Residential Use, shall be permitted in these areas.

Sr. No.	Name of Green Area	Area in Hectare
1.	Retreat	78.60
2.	Mashobra	7.28
3.	Band Tukda Andri	37.60
4.	Shiv Mandir Andri	9.71
5.	Tal & Giri	12.40
6.	D.P.F. Khalini	27.30
7.	B.C.S.-Mist Chamber	8.68

8.	Parimahahal	1.42
	<b>Total</b>	<b>182.99</b>

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With notification of these 8 new green belts having total area of 182.99 Hectares, the overall area under green belts has increased from existing 414.36 Hectares to 597.35 Hectares i.e. an increase of over 44%.

### **VIII. No construction in Green Areas if trees exists on the plot.**

To further preserve already notified Green areas in Core area, especially in and around Jakhu Hill, the State Government has made stringent provision to allow construction on only those plots where there are no trees. Even if a single tree is standing on any plot in this specified area, no planning permission shall be granted.

### **IX. Mandatory inspection at the time to casting of Footing/foundation. (Proposed)**

To mitigate earthquake risk, in all Planning/Special Areas of the State, TCP Deptt. has a mandatory provision of submission of Structural Stability Certificate, certified by the Registered Structural Engineer at the planning permission stage as well as before putting the building into use. To further ensure implementation of safe designs and adequate use of materials during construction at site, mandatory inspection at footing stage is being proposed.

**X. No NOC for water and electricity connection without ensuring Drainage provisions at site. (Proposed)**

At the planning permission stage, drainage plans of the building/projects are submitted by the map approving authorities. In order to ensure implementation of drainage master plans at site, directions to all ULBs, SADAs and TCP Offices have been issued to ensure mandatory compliance and implementation at site. The issuance of NOC for basic services like electricity and water connections is being linked to the implementation of proper drainage plans and rain water harvesting provision in individual buildings and projects as well.

In view of the above submissions, it is, respectfully and humbly prayed that the detailed status report on behalf of Respondent Department may kindly be taken on record in the interest of justice, equity & fair play.



**Government of India  
Ministry of Earth Sciences (MoES)  
India Meteorological Department  
Meteorological Centre, Shimla**

**Monthly Weather Report  
July 2023**

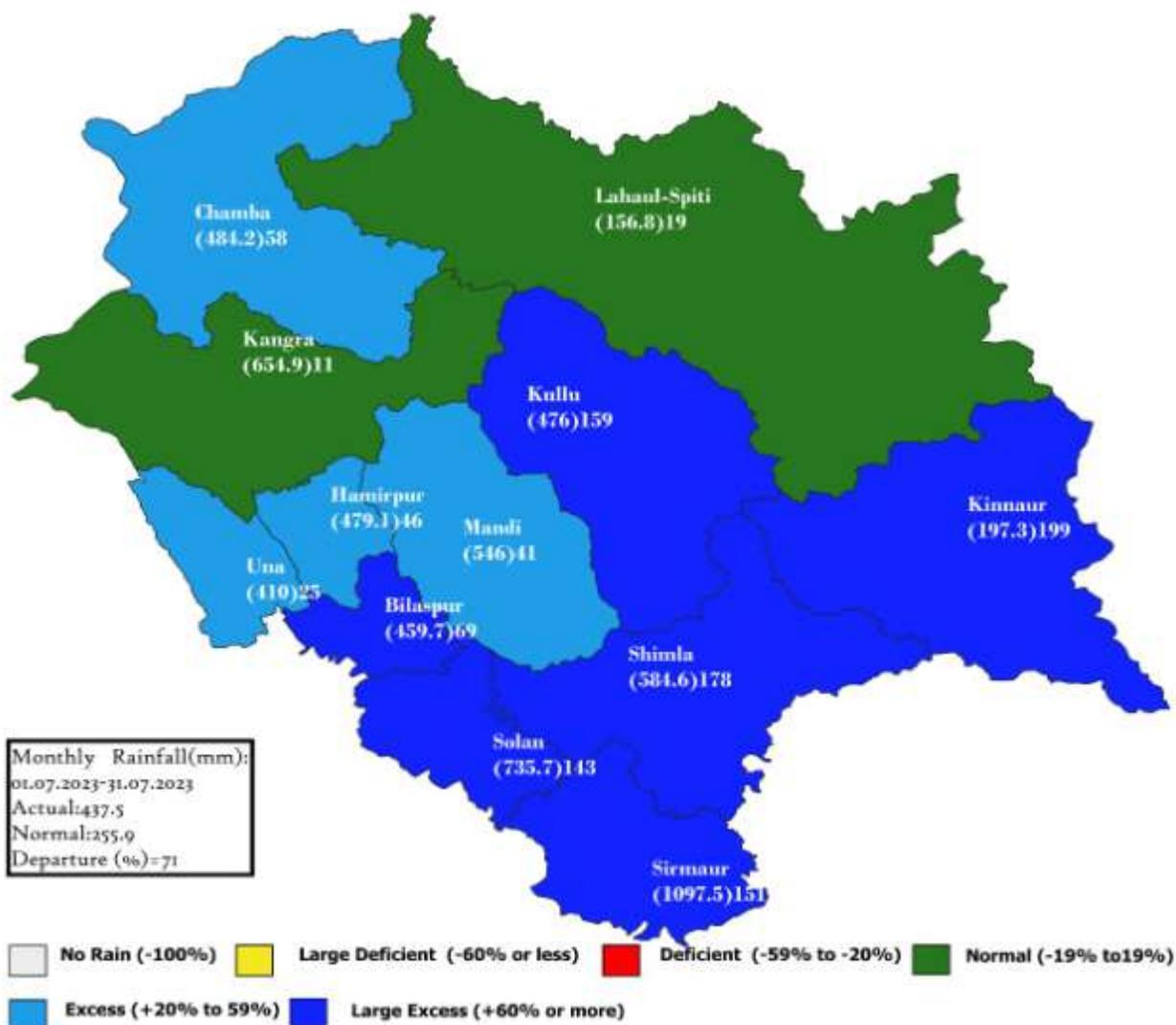
## Weather summary

Himachal Pradesh received Fairly widespread to Widespread activity during July Month with Normal activity on most days. The monsoon activity was Vigorous on 07<sup>th</sup>, 08<sup>th</sup> and 09<sup>th</sup> July 2023 when it received Extremely Heavy Rainfall spell at isolated places.

Himachal Pradesh has received 7<sup>th</sup> Highest Rainfall (437.5mm) from the period 1901-2023 with highest rainfall received in the year 1949(548.6mm) in the month of July whereas after 1980 ,year 2023 has received 02<sup>nd</sup> highest rainfall.

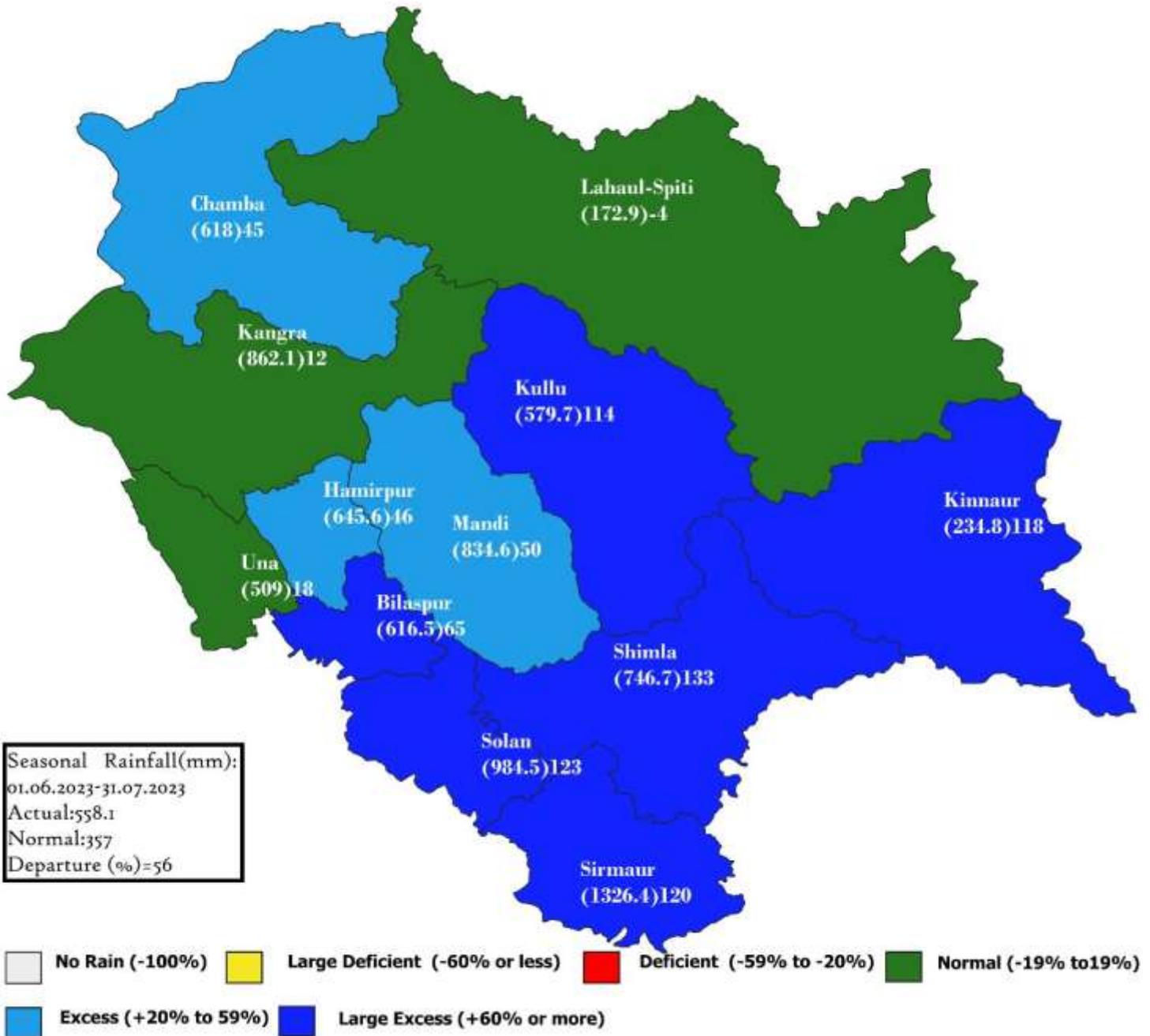
## Monthly precipitation and departure-

The State received large excess precipitation (71%) in Himachal Pradesh with 437.5mm actual rainfall against 255.9mm normal rainfall in July month i.e. from 01.07.2023 to 31.07.2023. District Sirmaur has received highest rainfall amount viz 1097.5mm while District Kinnaur received Highest Rainfall departure(199%) against Normal Rainfall. District Bilaspur, Solan, Sirmaur, Kullu, Shimla ,Kinnaur had received large excess rainfall. District Chamba, Una, Hamirpur, Mandi had received excess rainfall whereas Lahaul Spiti and Kangra had received normal rainfall.



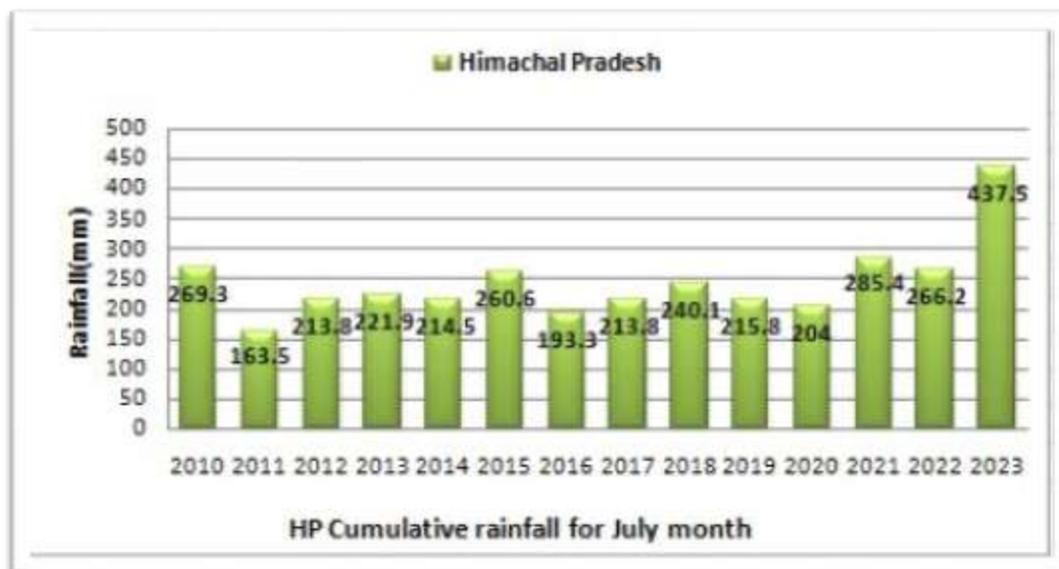
### Seasonal precipitation and departure(1<sup>st</sup> June to 31<sup>st</sup> July)-

The State received excess precipitation (**56%**) in Himachal Pradesh with 558.1 mm actual rainfall against 357mm normal rainfall in the current monsoon season till 31<sup>st</sup> July. District Sirmaur has received highest rainfall amount 1326.4mm while District Shimla received Highest Rainfall departure (133%) against Normal Rainfall. District Bilaspur, Solan, Sirmaur, Kullu, Shimla, Kinnaur had received large excess rainfall. District Chamba, Hamirpur, Mandi had received excess rainfall whereas Lahaul Spiti, Una and Kangra had received normal rainfall.

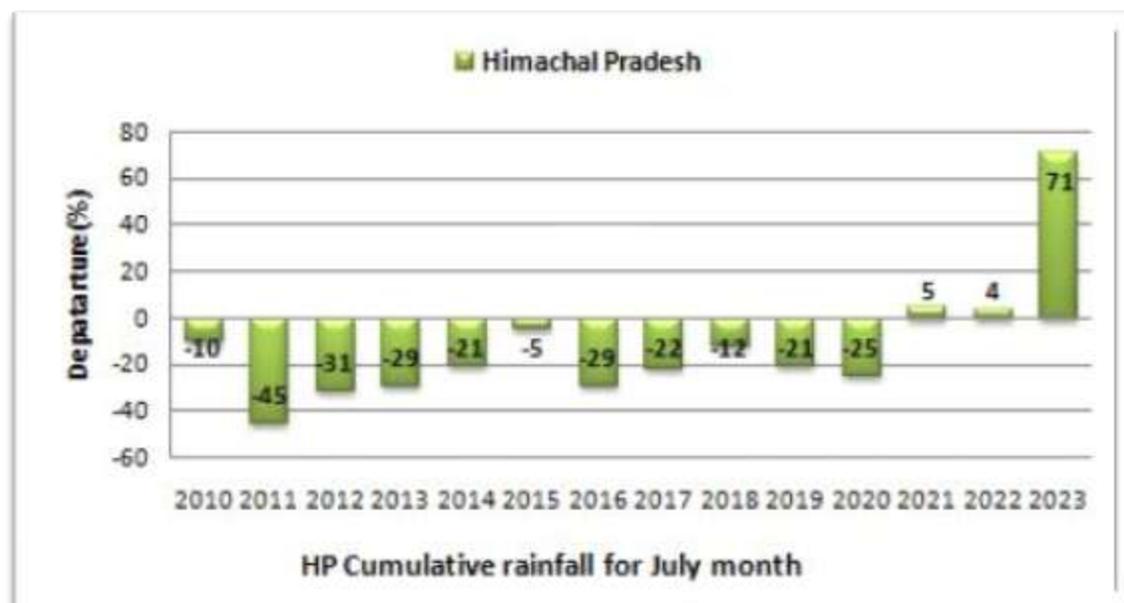


## Precipitation analysis of HP State for the July Month (Period 2010 to 2023)

Graph1:-Actual Rainfall



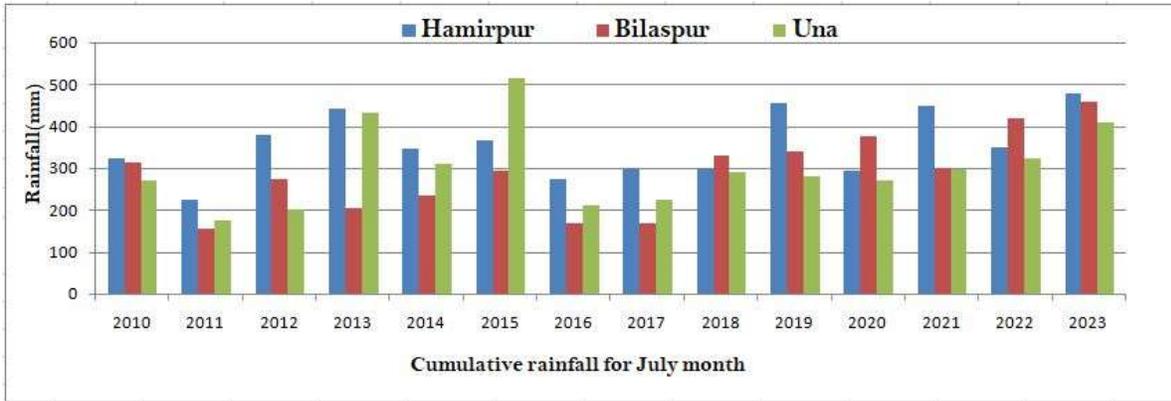
Graph2:-Percentage departure from normal



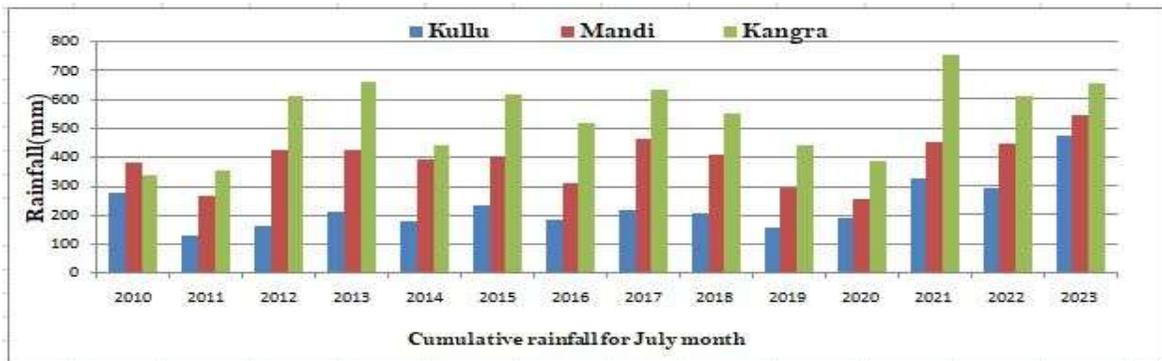
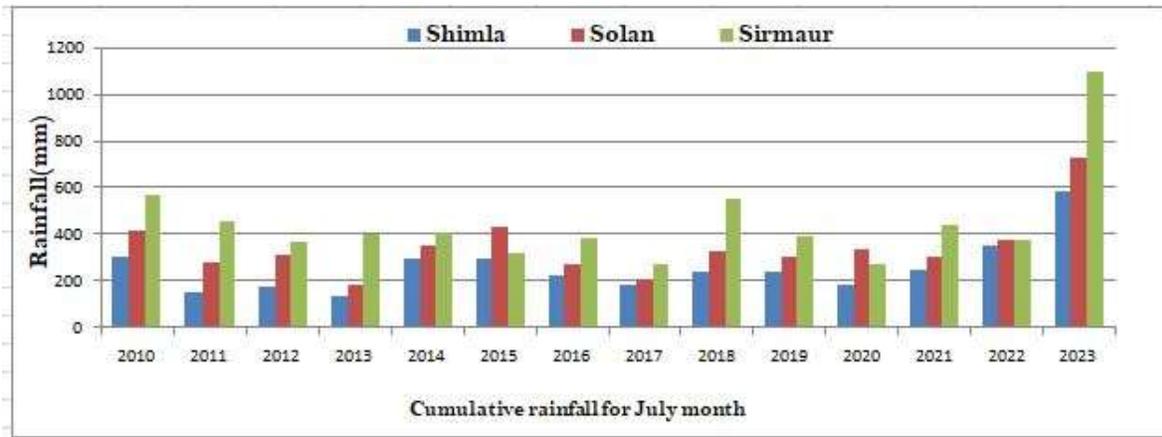
According to the above chart, for the month of July, the year 2023 has received maximum rainfall of 437.5 mm with 71% departure whereas in 2011 July month had received the lowest rainfall with 163.5 mm rainfall with (-45%) departure during the period 2010-2023

## District wise Precipitation analysis for the July Month (Period 2010 to 2023)

### Low Hills of the state



### Mid Hills of the state



### High Hills of the state



DISTRICTS	AMOUNT (in mm)	REMARKS
BILASPUR	459.7	Highest
CHAMBA	484.2	Highest
HAMIRPUR	479.1	2nd Highest, Highest in 2006(482mm)
KANGRA	654.9	3rd Highest, Highest in 2021(758.7mm)
KINNAUR	197.3	Highest
KULLU	476.0	Highest
LAHUL SPITI	156.8	Highest
MANDI	546.0	2nd Highest, Highest in 2005(561.4mm)
SHIMLA	584.6	Highest
SIRMAUR	1097.5	Highest
SOLAN	735.7	Highest
UNA	410.0	3rd Highest, Highest in 2015(513.5mm)

24 hours Rainfall Records for July 2023 for Himachal Pradesh					
Station	District	New All Time Record		All time record	
		Rainfall (in mm)	Date of July 2023)	Rainfall (in mm)	Date
Manali	Kullu	131.3	9	105.1	09 July, 1971
Una	Una	228.5 (AWS)	9	224	22 July, 1927
Keylong	Lahaul & Spiti	83 (AWS)	9	78	28 July, 1951
Rohru	Shimla	185	9	170	25 July, 1966
Ghamroor	Kangra	166	9	164.8	19 July, 2021
Pachhad	Sirmaur	220	10	189.2	26 July, 1973
Nadaun	Hamirpur	160.5	9	146	30 July, 1996

## Rainfall Activity for the month of July

DATE	DISTRIBUTION	ACTIVITY
07-01-2023	SCATTERED	NORMAL
07-02-2023	SCATTERED	WEAK
07-03-2023	ISOLATED	WEAK
07-04-2023	FAIRLY WIDE SPREAD	NORMAL
07-05-2023	SCATTERED	NORMAL
07-06-2023	WIDE SPREAD	ACTIVE
07-07-2023	WIDE SPREAD	NORMAL
07-08-2023	FAIRLY WIDE SPREAD	NORMAL
07-09-2023	WIDE SPREAD	VIGOROUS
07-10-2023	WIDE SPREAD	VIGOROUS
07-11-2023	WIDE SPREAD	VIGOROUS
07-12-2023	FAIRLY WIDE SPREAD	NORMAL
07-13-2023	WIDE SPREAD	NORMAL
07-14-2023	FAIRLY WIDE SPREAD	NORMAL
07-15-2023	WIDE SPREAD	NORMAL
07-16-2023	WIDE SPREAD	ACTIVE
07-17-2023	WIDE SPREAD	NORMAL
07-18-2023	FAIRLY WIDE SPREAD	NORMAL
07-19-2023	WIDE SPREAD	ACTIVE
07-20-2023	FAIRLY WIDE SPREAD	NORMAL
07-21-2023	SCATTERED	NORMAL
07-22-2023	WIDE SPREAD	ACTIVE
07-23-2023	WIDE SPREAD	NORMAL
07-24-2023	SCATTERED	WEAK
07-25-2023	SCATTERED	NORMAL
07-26-2023	FAIRLY WIDE SPREAD	NORMAL
07-27-2023	FAIRLY WIDE SPREAD	NORMAL
07-28-2023	FAIRLY WIDE SPREAD	NORMAL
07-29-2023	FAIRLY WIDE SPREAD	NORMAL
07-30-2023	FAIRLY WIDE SPREAD	WEAK
07-31-2023	SCATTERED	WEAK

### Chief amount of Rainfall (mm)

DATE	STATION	R/F(in mm)	STATION	R/F(in mm)
06.07.2023	JATTON BARRAGE	120.4	NAHAN	71.4
	CHUARI	88.3	RENUKA / DADHAU	71
07.07.2023	BHORANJ	83.2	DHARAMPUR	68
	KASAULI	80		
09.07.2023	UNA RAMPUR AWS	228.5	BARTHIN	148.6
	R L BBMB	224	CHAMBA AWS	146.5
	ROHRU	185	GULER	145
	SANGRAHA	180	DALHOUSIE AWS	143
	DEHRA GOPIPUR	175.4	PACHHAD	140
	KASAULI	172	AGHAR	131.8
	BANGANA_R	172	MANALI	131.3
	KAHU	171.5	NAHAN	131.2
	MEHRE (BARSAR)	170.2	BILASPUR SADAR	130
	UNA	166.2	JOGINDARNAGAR	128
	GHAMROOR	166	DHARMSALA	126.4
	NAINA DAVI	162.8	JATTON BARRAGE	126.2
	NADAUN	160.5	KANDAGHAT	125
	CHUARI	160.1	DHARAMPUR	112.8
	NAGROTA SURIAN	154.2	PTO GONDLA	112.2
	ARKI	150	KANGRA AERO	108.2
	10.07.2023	PACHHAD	220.3	BANGANA_R
NAINA DAVI		198.4	SARKAGHAT	126.5
CHUARI		193	KASAULI	126
DHARMSHALA AWS		191	KANDAGHAT	124.2
ARKI		170	CHAUPAL	124
UNA		169.2	GOHAR	121
RENUKA / DADHAU		160	MANDI	118.8
ROHRU		160	RAJGARH	114.4
SANGRAHA		150	KAHU	113.5
MEHRE (BARSAR)		145.8	UNA RAMPUR AWS	107.5
DHARAMPUR		140.4	SOLAN	106.2
NAHAN		138.4	PALAMPUR	105
BARTHIN		132.4	JOGINDARNAGAR	98
SUJANPUR TIRA		132	AGHAR	97.6
11.07.2023	NAHAN	250	SEO BAGH	100
	JATTON BARRAGE	238	BANJAR	92.4
	KASAULI	198	DHARAMPUR	90.4
	RENUKA / DADHAU	192	SHIMLA AERO	90.1
	SANGRAHA	190	ARKI	80

	NAINA DAVI	188.2	KOTKHAI	78.1
	ROHRU	150	KUMARSAIN	70.4
	SOLAN	141.2	KHADRALA	67.4
	GOHAR	122	KUFRI AWS	66.5
	RAJGARH	117	NARKANDA AWS	65.5
	KANDAGHAT	117	SANGLA	64.8
	PACHHAD	107	SIMLA	64.1
<b>13.07.2023</b>	JATTON BARRAGE	127	SANGRAHA	72
	RENUKA / DADHAU	74		
<b>15.07.2023</b>	DHARMSALA	131.3	BALDWARA	81.2
	DHARMSHALA AWS	87.5		
<b>16.07.2023</b>	PALAMPUR	151	SUJANPUR TIRA	72
	JOGINDARNAGAR	108	DHARMSHALA AWS	67.5
	KATAULA	90.3		
<b>17.07.2023</b>	KATAULA	89.1	CHUARI	65
<b>19.07.2023</b>	DHARMSALA	126.4	JOGINDARNAGAR	77
	SALONI	110.3	CHUARI	68
	PALAMPUR	107		
<b>22.07.2023</b>	RENUKA / DADHAU	195	SUNDARNAGAR	87.7
	JATTON BARRAGE	150.4	SOLAN	86
	PACHHAD	103.3	KOTKHAI	77.1
	NAHAN	91.4	ARKI	70
	CHAUPAL	90	ROHRU	70
	MEHRE (BARSAR)	88	PAONTA	69.4
<b>23.07.2023</b>	NALAGARH	140		
<b>26.07.2023</b>	JATTON BARRAGE	156	NAHAN	113
	RENUKA / DADHAU	120		
<b>28.07.2023</b>	BHORANJ	127.2	DHARMSALA	76.2
	KATAULA	118.3	KARSOG	71

# Heavy rainfall Spells in Himachal Pradesh

Isolated to Fairly Widespread Heavy spell during July-04

Isolated to Scattered Very Heavy spell during July-07

Isolated Extremely Heavy Spell during July-01

## Media Report

शिमला अनाडल रोड में मिट्टी कटाव होने से रोड दोनों तरफ बंद हो गया है, टूटाकड़ा बाई पास रोड पे भी पेड़ और मिट्टी सड़क पे आ गई है और पंथाघाटी कसुपटी रोड पे भी मलवा रोड पे आ गया है, शिमला के अधिकतर भागों में भू स्खलन होने के कारण यातायात व्यवस्था प्रभावित हो रही है। (1/2)



#WATCH | Portion of National Highway 3 washed away by overflowing Beas river in Kullu, Himachal Pradesh



तवाही :मनाली में बाजार का एक हिस्सा व्यास नदी में समाया



Beas River in Kullu, flowing above the danger mark. There had been a red alert. Avoid going close to the river, Avoid travelling to the hills in monsoons ,If it is not a must . Follow Govt advisory. @nsharmajagran @Srishh\_T @anugupta61 @shubhamtorres09 .



40 year old bridge connecting Banjar Aut Bypass with Aut has just collapsed. @himachal\_queen



श्रीमान जी,  
 इमरोज दिनांक 15/07/2023 को समय 3.50बजे दिन शिकायतकर्ता कांता देवी सुपुत्री स्वर्गीय श्री आगतू राम निवासी गांव भलयाणा, डाकघर सैज, तहसील ठियोग, जिला शिमला हिमाचल प्रदेश ने एक शिकायत पत्र बाबत मकान गिरकर नुकसान होने बारे पेश पुलिस किया जिसमें शिकायतकर्ता ने जाहिर किया कि आज दिनांक 15/07/2023 को इसका दो मंजिला मकान भारी बारिश के कारण गिर गया है जिसकी तस्दीक पर मन ASI ने मय हमराही मुलाजमान के मौका मुकाम भलयाणा में अमल लाई तस्दीक करने पर पाया गया कि मौका मुकाम भलयाणा में शिकायतकर्ता का दो मंजिला पांच कमरों वाला लकड़ी पत्थर का काफी पुराना मकान आज सुबह करीब 5:00 बजे बारिश के कारण गिरकर क्षतिग्रस्त होना पाया गया यह घर खाली था तथा इस घटना में किसी भी प्रकार के जानी नुकसान का होना ना पाया गया है पटवारी वा पंचायत उप प्रधान ने पहले ही मौका की तस्दीक कर ली है रिपोर्ट पेश है।  
 भवदीय,  
 प्रभारी  
 पुलिस चौकी छैला



Damages to houses in tehsil jubbal due to rainfall yesterday



Slide near Sr Citizen Park Sanjauli due to construction work under smart City project.PWD Department is requested to give immediate protection for the safety of RMU,DP structure etc at site to avoid failure of supply to Sanjauli and surrounding area towards Snowdon and also to avoid damage of RMU etc.  
 A E  
 ESD Sanjauli  
 HPSEBL

It has been reported by the A E PWD Kamand that Mandi Kataula Bajaura road has been damaged by sinking of road near Salgi i.e. near to North Campus of IIT and movement of any type of vehicle is not possible. Efforts are on to restore the road for at least light vehicles. May take few hours.

7:19 PM



7:20 PM



Sir,, it is informed to you that road leading towards SDA complex from vikasnagar side is cracked and sunk down about 1/2 feet in last 10 days. However, the road has been repaired by filling up the cracks with cement to prevent water seepage in cracks.

11:07 AM



7:09 PM

**NH05 again blocked at Shanad ( Nog Kenchi, Kumarsain) due to Heavy landslide**

*Men & Machinery deployed. LMVs may follow ...*



7:50 PM

### कुप्पा में प्रशासन ने गांव को करवाया खाली

संसार सद्गोपी, रिजल्टीवो : जिला किन्नौर को संभावित खतरों के कुप्पा गांव में सुरक्षा को यादों से भूखण्डन हुआ। हालांकि इस भूखण्डन से किसी तरह का जानमाल का नुकसान नहीं हुआ है, लेकिन कुछ दिनों के लिए ग्रामीणों में अफसोसपूर्ण का माहौल बन गया। कुप्पा गांव के लिए कुप्पा गांव के साथ लगाई गई भूखण्डन होने लगा और गांव के बाहर नाला का खुदाई होने लगे।



जिला किन्नौर के कुप्पा गांव के पास पहाड़ी से हो रहा भूखण्डन। इससे लोगों में अफसोसपूर्ण का माहौल बन गया और वे जंगन बंद कर चुके। प्रशासन ने गांव को खाली करा दिया है। गांव के लोगों को सुरक्षा के लिए जिला प्रशासन को और से गांव को खाली करने में सफलता मिली है। बताया गया है।

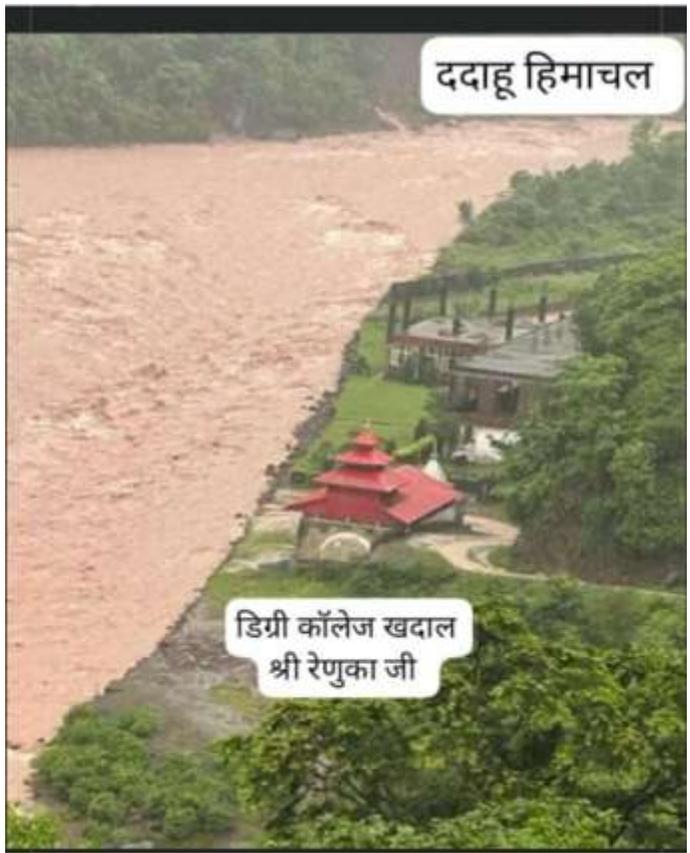
ग्रामीणों ने जंग बंद कर दिया तो प्रशासन सुरक्षा के काम को और बढ़ाया। भूखण्डन को रोकने के लिए प्रशासन को गांव से कुप्पा गांव को एक्जिट करने के लिए गांव को खाली करवाया गया है, जबकि कुछ लोग रिजल्टीवो के पास भी चले गए। एक्जिटेशन करवा कर किन्नौर ने बताया कि पहाड़ी से भूखण्डन होने के बाद प्रशासन ने एक्जिटेशन के लिए कुप्पा गांव के 25 परिवारों के करीब 116

Ddma Kinnaur - News paper cutting on dated 22-07-2023...

News paper cutting on dated 22-07-2023 Regards -DDMA m.facebook.com

[https://m.facebook.com/story.php?story\\_fbid=pfbid02YiwcZccK2BRkokZKmtDReKUUs8kzt6ZAMPRFnQGDrdnsEENMNfT5go3sodfeGsR6l&id=100022083137287&sfnsn=wiwspwa&mibextid=6aamW6](https://m.facebook.com/story.php?story_fbid=pfbid02YiwcZccK2BRkokZKmtDReKUUs8kzt6ZAMPRFnQGDrdnsEENMNfT5go3sodfeGsR6l&id=100022083137287&sfnsn=wiwspwa&mibextid=6aamW6)

8:07 PM



ददाहू हिमाचल

दिग्ग्री कॉलेज खदाल श्री रेणुका जी



3:04 PM

~ DSP Traffic +91 88947 28007

Forwarded



NH5 TOTALLY BLOCKED NEAR HASSAN VALLY

3:04 PM



9:10 AM

Forest Authorities kindly do the needful plz  
Regards AE NH Dhalli

9:11 AM



उपमंडल चौपाल के फेडजपुल, गुम्मा, रोहाणा, मिन्स NH 707 जो फेडजपुल से लगभग 3 किलोमीटर दूर पिछले 12 दिनों से भारी बारिश वह बाढ़ के कारण लगभग 100/150 मीटर सड़क पुरी तरह क्षतिग्रस्त होने से बंद पड़ी थी। यह रा०उ०मार्ग ज़िला सिरमौर के पौटा, नाहन तथा उत्तराखंड वह उतर प्रदेश की बड़ी मंडियों को जोड़ने वाला मार्ग है। जो आज दिनांक 24/7/23 को समय करीब 4:00 बजे छोटे वाहनों के लिए खोल दिया गया है। बड़े वाहनों के लिए आज रात तक खोलने की संभावना है। सड़क अभी पुरी नहीं बेठी है जिस कारण बड़ी or Over loaded गाड़ीयों के टायर सड़क में धस रहें है। NH 707 दि०12/7/23 से बंद पड़ी थी। लेकिन कम्पनी द्वारा दिन रात दो से तीन LNT machine की सहायता से आज बाहल कर दिया गया है। इस सड़क को खुलने से क्षेत्र के बागवानों को अपनी टमाटरों, सेब, नाशपाती आदि की फसलों को उत्तराखंड वह उतर प्रदेश की मंडियों तक पहुंचाना आसान हो जाएगा।

6:35 PM

With Regards  
Meteorological Centre Shimla

Note: Forecast/Warning for any day is valid from 0830 hours IST of that day till 0830 hours IST of next day

WARNING	PROBABILISTIC FORECAST		SPATIAL		RAINFALL INTENSITY	
WARNING (TAKE ACTION)	Terms	Probability of Occurrence	DRY	No Rainfall	Light	2.5-15.5 mm
ALERT (BE PREPARED)	Unlikely	<25%	ISOLATED	1-25%	Moderate	15.6-64.4 mm
WATCH (BE UPDATED)	Likely	25-50%	FEW	26-50%	Heavy	64.5-115.5 mm
NO WARNING (NO ACTION)	Very Likely	50-75%	MANY	51-75%	Very Heavy	115.6-204.4 mm
	Most Likely	>75%	MOST	76-100%	Extremely Heavy	≥204.5 mm

For more information kindly visit:

Website: <https://mausam.imd.gov.in/shimla/>

Twitter: <https://twitter.com/himachalmausam>

Facebook: <https://www.facebook.com/profile.php?id=100018411811087>



**Government of India  
Ministry of Earth Sciences (MoES)  
India Meteorological Department  
Meteorological Centre, Shimla**

**Monthly Weather Report  
August 2023**

## Weather summary

State received isolated to widespread precipitation during August Month with Normal activity on most days and two days of vigorous activity on 14<sup>th</sup> and 23<sup>rd</sup> August 2023 when State received Extremely Heavy Rainfall at isolated places. Five Western disturbances approached the state during this month

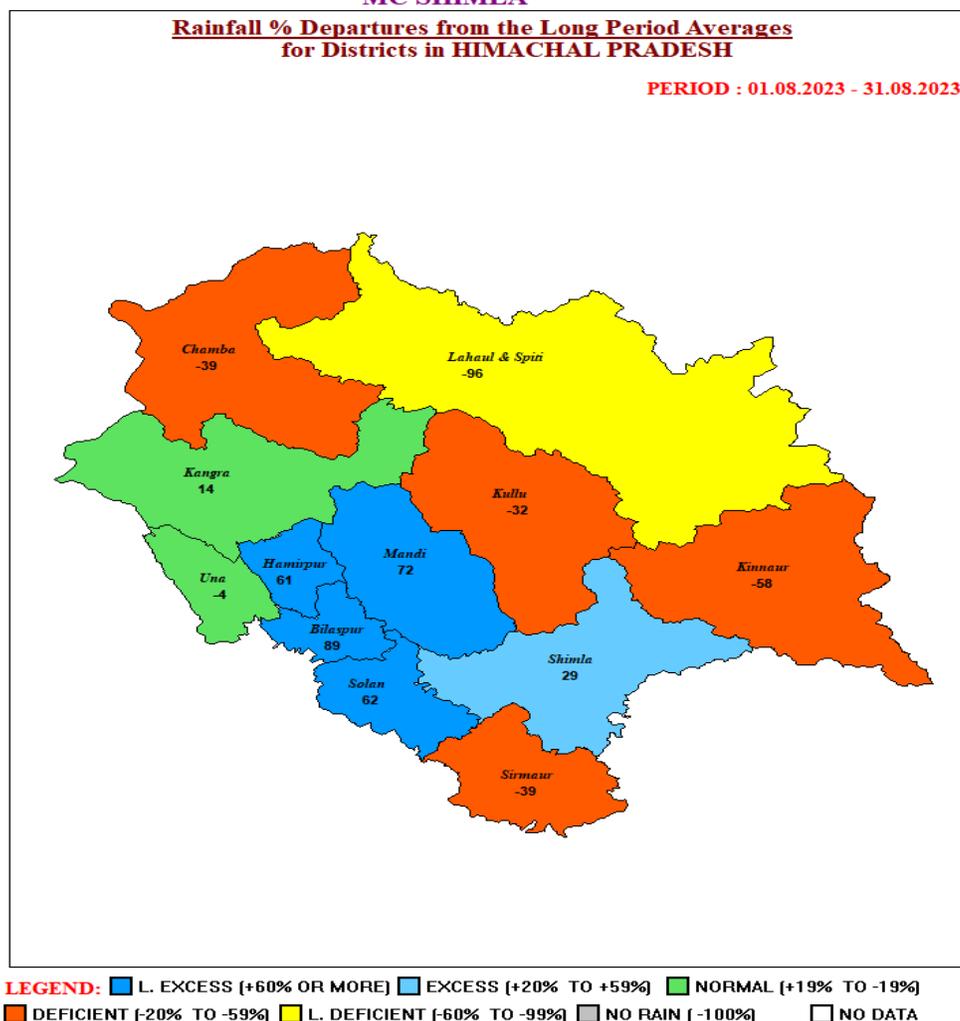
Himachal Pradesh has received 49<sup>th</sup> highest rainfall this year for the period (1901-2023) with highest rainfall received in the year 1927(542.4mm) in the month of August.

## Monthly precipitation and departure-

The State received normal precipitation (-4%) in Himachal Pradesh with 247.6mm actual rainfall against normal of 256.8mm in August month i.e. from 01.08.2023 to 31.08.2023. District Kangra has received highest rainfall amount viz 720.4mm while district Bilaspur has highest rainfall departure (89%) against normal rainfall. District Bilaspur, Hamirpur, Mandi, Shimla & Solan has received excess rainfall. District Kangra and Una has received normal rainfall whereas Chamba, Kullu, Kinnaur, Lahul Spiti and Sirmour has received deficient rainfall.

Rainfall % Departure from Long Period Averages for districts is given in map below.

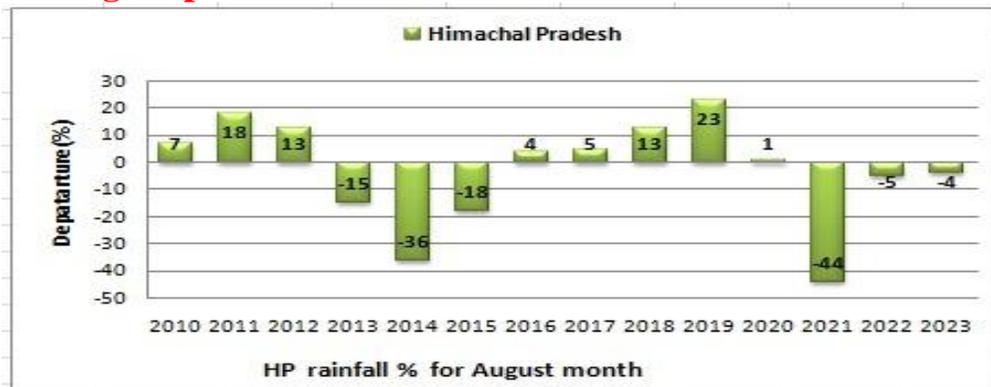
### INDIA METEOROLOGICAL DEPARTMENT MC SHIMLA



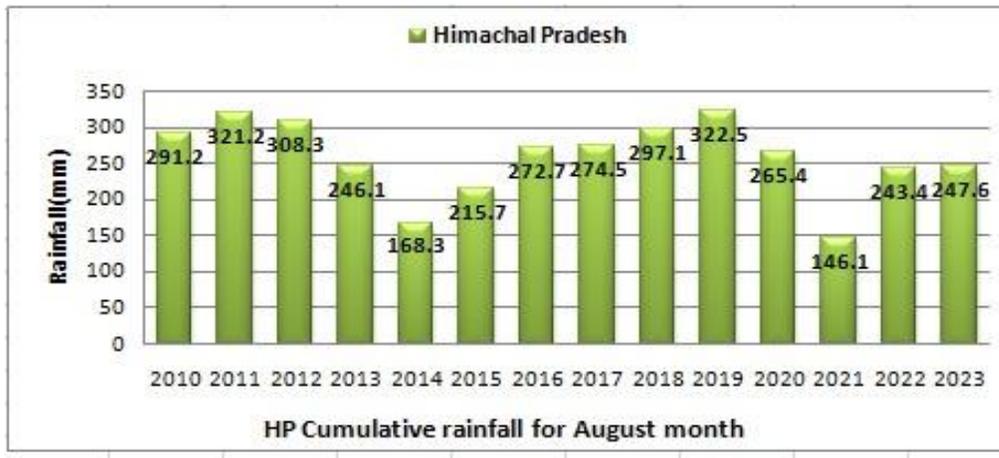
01st August to 31st August			
DISTRICT	Actual(in mm)	Normal(in mm)	Departure (in%)
BILASPUR	597.2	316.8	89
CHAMBA	177.8	291.7	-39
HAMIRPUR	646.5	400.6	61
KANGRA	720.4	631.5	14
KINNAUR	32.6	77.6	-58
KULLU	122.1	180.2	-32
LAHAUL & SPITI	4.2	117.6	-96
MANDI	681.5	395.3	72
SHIMLA	253.3	196.4	29
SIRMAUR	244.6	402.1	-39
SOLAN	466.1	287.9	62
UNA	355.6	372.2	-4
HP	247.6	256.8	-4

## Precipitation analysis of HP State for the August Month (Period 2010 to 2023)

**Graph1:- Percentage departure from normal**



**Graph2:Actual Rainfall**

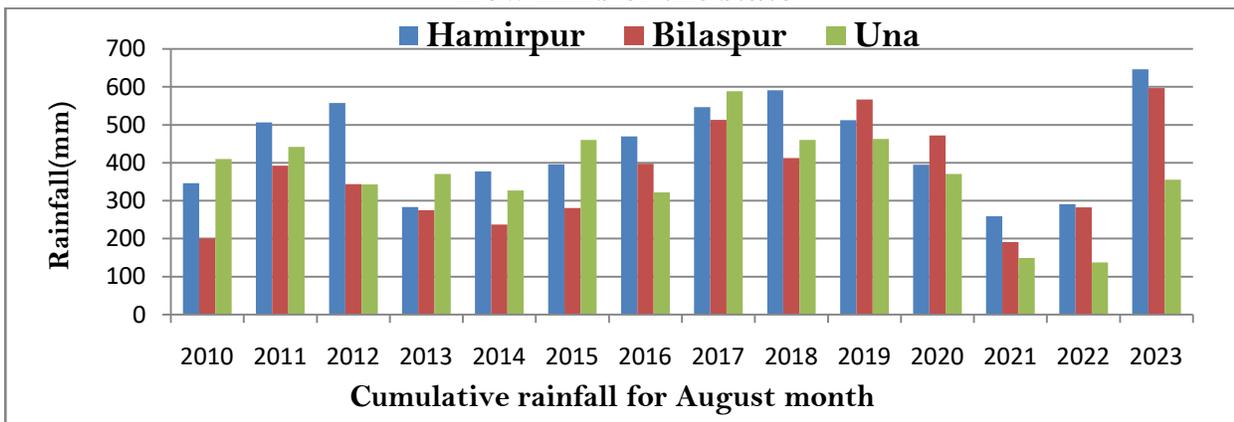


According to the above chart, for the month of August, the year 2019 received maximum

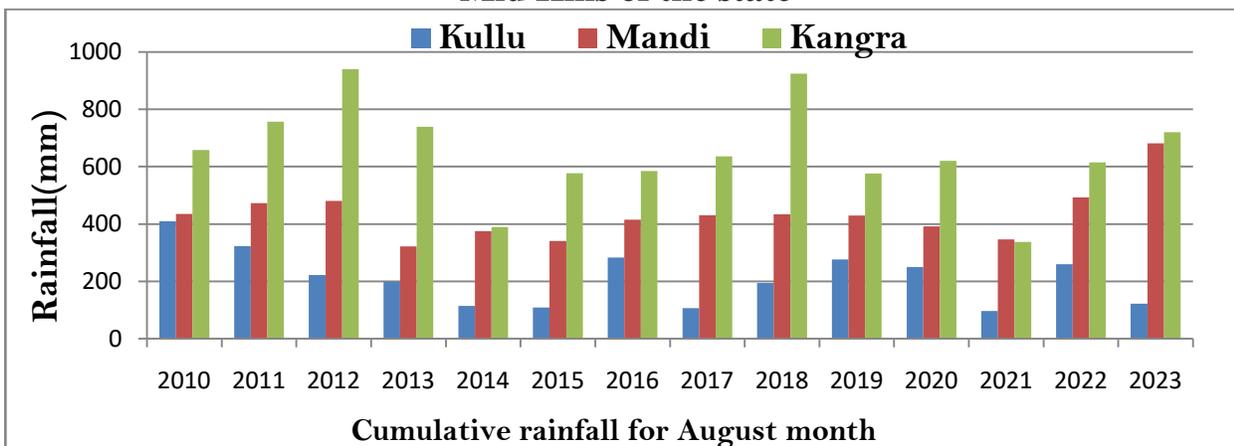
rainfall of 322.5 mm with 23% departure whereas in 2021 August month has received the lowest rainfall with 146.1mm rainfall with(-44%) departure during the period 2010-2023

**District wise Precipitation analysis for the August Month (Period 2010 to 2023)**

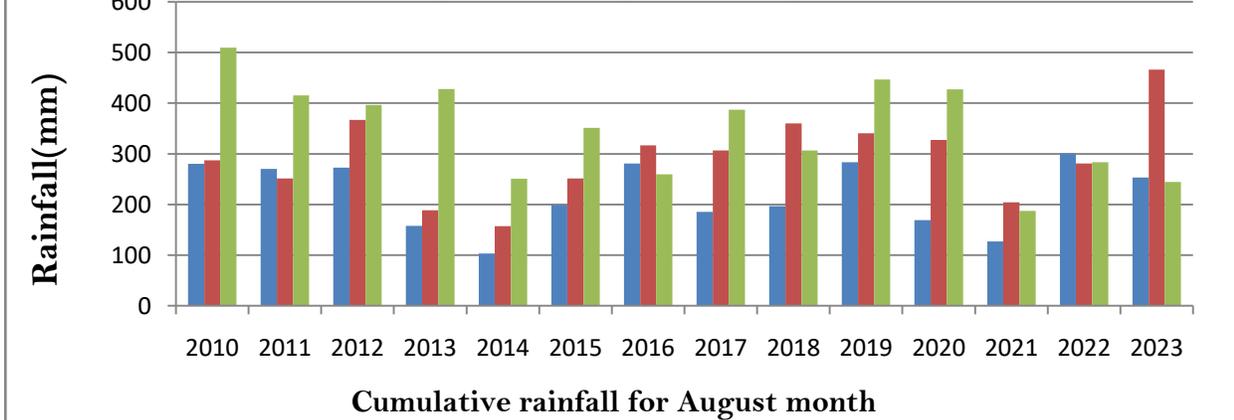
**Low Hills of the state**

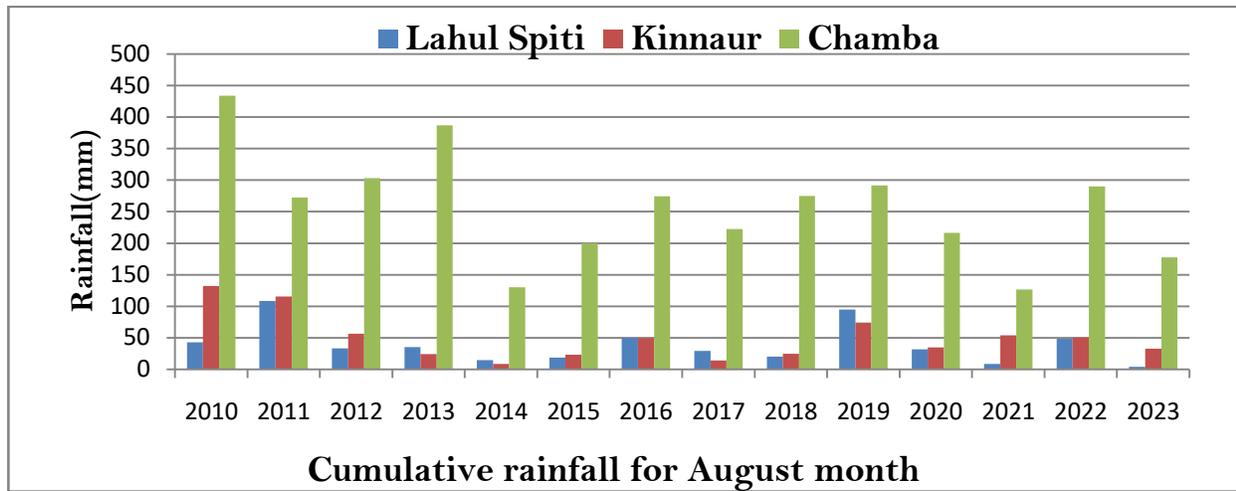


**Mid Hills of the state**



**Shimla, Solan, Sirmaur**

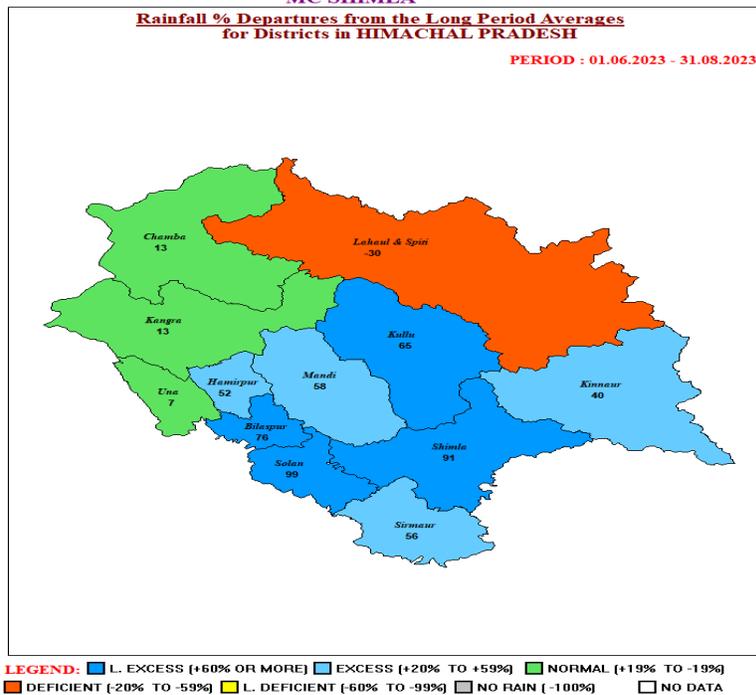




**Seasonal precipitation and departure (01<sup>st</sup> June to 31<sup>st</sup> August)-**

The State received excess precipitation (33%) in Himachal Pradesh with 816.4mm actual rainfall against normal of 613.8mm in the current monsoon season till 31<sup>st</sup> August. District **Kangra** received highest rainfall amount 1582.5mm while District **Solan** received highest rainfall departure (99%) against normal rainfall. District **Kullu**, **Kinnaur**, **Mandi**, **Hamirpur**, **Shimla**, **Solan**, **Sirmaur**, **Bilaspur** and **Hamirpur** has received excess rainfall. District **Chamba**, **Kangra** and **Una** have received normal rainfall whereas distt **Lahaul Spiti** has received deficit rainfall.

**INDIA METEOROLOGICAL DEPARTMENT  
MC SHIMLA**



## Rainfall Activity for the month of August

DATE	DISTRIBUTION	ACTIVITY
08-01-2023	SCATTERED	WEAK
08-02-2023	ISOLATED	WEAK
08-03-2023	FAIRLY WIDE SPREAD	NORMAL
08-04-2023	SCATTERED	NORMAL
08-05-2023	FAIRLY WIDE SPREAD	NORMAL
08-06-2023	SCATTERED	WEAK
08-07-2023	FAIRLY WIDE SPREAD	NORMAL
08-08-2023	SCATTERED	WEAK
08-09-2023	ISOLATED	WEAK
08-10-2023	SCATTERED	WEAK
08-11-2023	WIDE SPREAD	ACTIVE
08-12-2023	WIDE SPREAD	ACTIVE
08-13-2023	WIDE SPREAD	NORMAL
08-14-2023	WIDE SPREAD	VIGOROUS
08-15-2023	WIDE SPREAD	ACTIVE
08-16-2023	ISOLATED	WEAK
08-17-2023	SCATTERED	WEAK
08-18-2023	SCATTERED	WEAK
08-19-2023	SCATTERED	WEAK
08-20-2023	ISOLATED	WEAK
08-21-2023	ISOLATED	WEAK
08-22-2023	SCATTERED	NORMAL
08-23-2023	WIDE SPREAD	VIGOROUS
08-24-2023	WIDE SPREAD	ACTIVE
08-25-2023	FAIRLY WIDE SPREAD	NORMAL
08-26-2023	SCATTERED	WEAK
08-27-2023	ISOLATED	WEAK
08-28-2023	ISOLATED	WEAK
08-29-2023	ISOLATED	WEAK
08-30-2023	ISOLATED	WEAK
08-31-2023	DRY	WEAK

**51 24 hr. Chief amount of Rainfall (mm)-**

**\*(Chief three for each day)**

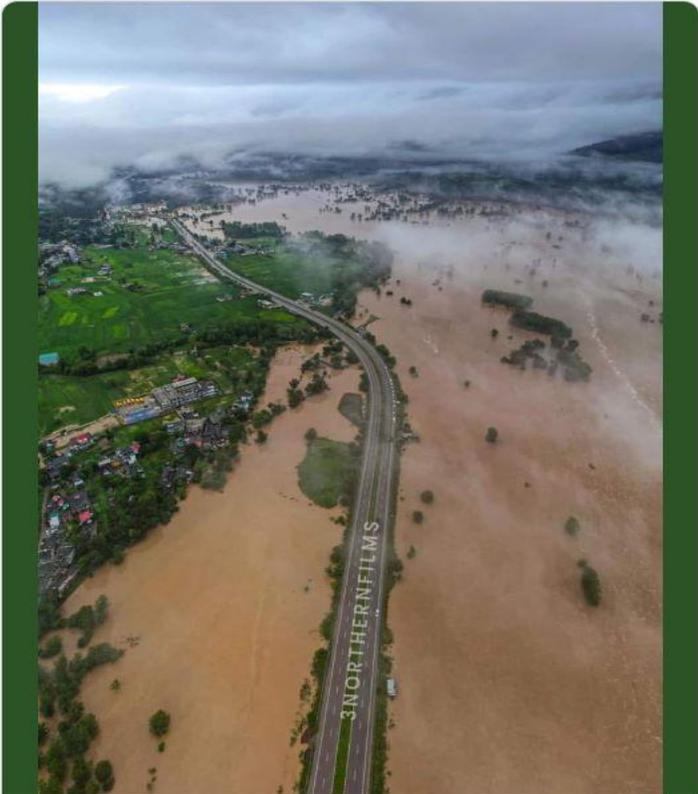
<b>01.08.2023</b>		<b>13.08.2023</b>	
NAINA DAVI	36.8	SUNDARNAGAR	166.1
BALDWARA	29.7	SUJANPUR TIRA	145.5
RAJGARH	23.0	SARKAGHAT	128.3
<b>02.08.2023</b>		<b>14.08.2023</b>	
DHARMSALA	56.3	KANGRA AERO	273.4
NAGROTA SURIAN	26.0	SOLAN	32.8
MEHRE (BARSAR)	22.4	BHARMAUR	32.6
<b>03.08.2023</b>		<b>15.08.2023</b>	
BALDWARA	67.3	GOHAR	139.0
SUNDARNAGAR	56.0	SUJANPUR TIRA	133.0
NAINA DAVI	54.2	GULER	81.2
<b>04.08.2023</b>		<b>16.08.2023</b>	
DHARMSALA	121.3	DEHRA GOPIPUR	21.4
KHERI	55.6	<b>17.08.2023</b>	
NAHAN	37.1	KATAULA	60.2
<b>05.08.2023</b>		NALAGARH	65.0
PAONTA	107.8	AGHAR	63.0
JATTON BARRAGE	73.0	<b>18.08.2023</b>	
GHAMROOR	64.2	NAGROTA SURIAN	53.2
<b>06.08.2023</b>		KASAULI	42.0
SIMLA	20.9	KAHU	20.8
R L BBMB	20.3	<b>19.08.2023</b>	
<b>07.08.2023</b>		KANDAGHAT	25.6
NAINA DAVI	162.6	ARKI	25.0
R L BBMB	139.0	R L BBMB	24.0
GHUMARWIN	48.0	<b>20.08.2023</b>	
<b>08.08.2023</b>		SHIMLA AERO	22.5
NALAGARH	60.0	JATTON BARRAGE	20.0
DHARMSHALA AWS	48.0	<b>22.08.2023</b>	
BIJAH I	35.0	SUJANPUR TIRA	102.0
<b>09.08.2023</b>		NAGROTA SURIAN	83.8
GULER	39.8	GULER	64.0
PALAMPUR	27.0	<b>23.08.2023</b>	
NAGROTA SURIAN	23.2	KAHU	213.6
<b>10.08.2023</b>		KATAULA	210.2
GULER		BILASPUR SADAR	180.8
R L BBMB		<b>24.08.2023</b>	
NADAUN		JOGINDARNAGAR	154.0
<b>11.08.2023</b>		PALAMPUR	136.8
NADAUN	164.0	NAHAN	92.7
BILASPUR SADAR	160.8	<b>25.08.2023</b>	
UNA	124.8	KAHU	86.5
<b>12.08.2023</b>		NADAUN	62.4
SARKAGHAT	102.8	KASAULI	50.0
PALAMPUR	102.0	<b>26.08.2023</b>	
SUJANPUR TIRA	92.2	AMB	36.4
		HMO KASOL	32.0

<b>28.08.2023</b>	
KANGRA AERO	33.9
<b>31.08.2023</b>	
KAHU	46.5
DHARMSHALA AWS	35.0
NADAUN	34.0
NALAGARH	20.0

**Records**

<b>24 hours New Rainfall Records for August 2023 for Himachal Pradesh</b>		
<b>Stations</b>	<b>New Record-Amount(Date)</b>	<b>Previous Record(Date)</b>
Bijahi	<b>102.0(14<sup>th</sup> Aug2023)</b>	99.2(18 <sup>th</sup> August, 2019)
Kataula	172.3(14 Aug2023) <b>210.2(23<sup>th</sup> Aug 2023)</b>	165.0(20 <sup>th</sup> August, 2022)
Pandoh	166.0 (14 Aug2023) <b>178.0(23<sup>th</sup> Aug 2023)</b>	137.0 (13 <sup>th</sup> Aug2011)

**Media Report**



**Himachal Pradesh State Disaster Management Authority**  
1h · 🌐

My Mandi  
4h · 🌐

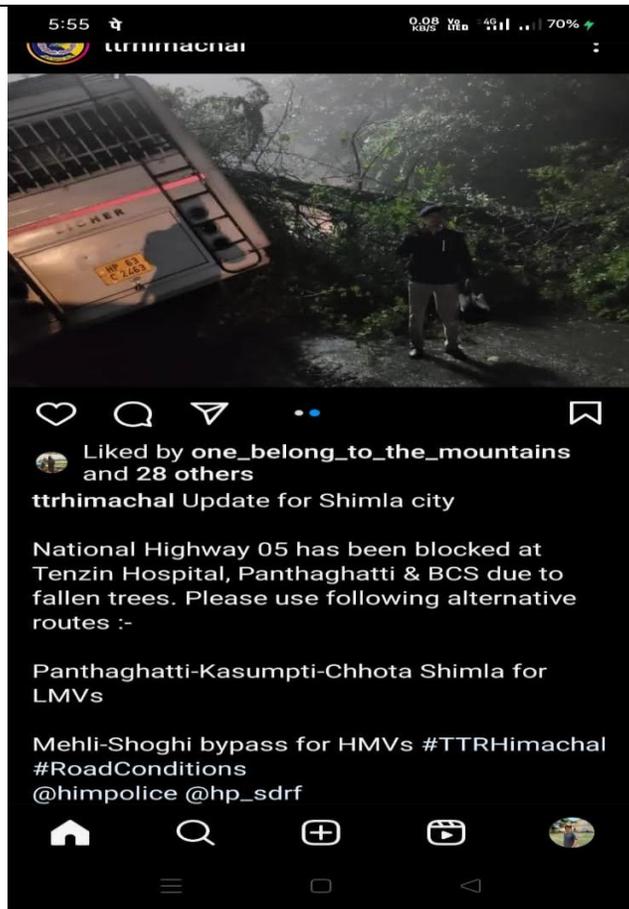
Today's Balh Valley - Chandigarh Manali Forelane  
13 August 2023

It has been raining continuously in Himachal Pradesh for the last 48 hours. Due to rain in Shimla and surrounding areas, complaints of damage are being received from everywhere. Dozens of places in the capital region have landslides, trees falling, manner collapses and roadways blocked. Heavy rains have also damaged many homes. Tuti Kandi, Baluganj, Samarhill, Nabha Phagli, Bypass, MLA Crossing, 103, Vikasnagar, BCS, Taland, Kathu Annadel, Chhota Shimla, Sanjoli etc. No subur... See more

🌐 See original · Rate this translation



👍 Like    💬 Comment    ➦ Share



Police and State Disaster Response Force (SDRF) officials are on the spot and a rescue operation is underway (PTI photo)

### Shimla landslide: Two killed, eight houses collapsed in Krishna Nagar area after rain

2 min read • 15 Aug 2023, 06:41 PM IST

Livemint

In another landslide in Shimla, five to seven houses have collapsed in the Krishna Nagar area. So far no details of people being stranded, said Aditya Negi, Deputy Commissioner, Shimla



Shimla landslide. Photo: ANI

HT Hindustan Times

cket Education India World Delhi Entertainment Lifesty

### Massive landslide hits Kullu: Buildings collapse in Anni market area, scary video surfaces

By Poulomi Ghosh

Aug 24, 2023 11:21 AM IST

Kullu landslide today: According to initial reports, there has been no loss of lives as the buildings were evacuated a few days ago.

Several houses collapse in landslide in Himachal's Kullu, scary video surfaces



NDTV  
3:11

< > ⋮ ×

### Monsoon rain grapples Himachal Pradesh as flash floods, landslides claim 91 lives

3 min read • 14 Jul 2023, 08:42 AM IST

[Livemint](#)

*Relentless heavy rains in North India have led to landslides and flash floods, resulting in 91 reported fatalities in Himachal Pradesh. Over 1000 roads have been closed and more than 5000 water supply schemes damaged. The IMD has forecast heavy rainfall for the region starting on July 14.*



NDTV Ground Report: Rail Track Hangs In Air After Soil Washed Away In Himachal

Watch



A Swollen Beas river after rains Continue in kullu. Himachal Pradesh (HT)

Uploaded: Aug 17, 2022

With Regards  
Meteorological Centre Shimla

## Legends

Note: Forecast/Warning for any day is valid from 0830 hours IST of that day till 0830 hours IST of next day

WARNING	PROBABILISTIC FORECAST		SPATIAL		RAINFALL INTENSITY	
WARNING(TAKE ACTION)	Terms	Probability of Occurrence	DRY	No Rainfall	Light	2.5-15.5 mm
ALERT (BE PREPARED)	Unlikely	<25%	ISOLATED	1-25%	Moderate	15.6-64.4 mm
WATCH (BE UPDATED)	Likely	25-50%	FEW	26-50%	Heavy	64.5-115.5 mm
NO WARNING (NO ACTION)	Very Likely	50-75%	MANY	51-75%	Very Heavy	115.6-204.4 mm
	Most Likely	>75%	MOST	76-100%	Extremely Heavy	≥204.5 mm

**For more information kindly visit:**

Website: <https://mausam.imd.gov.in/shimla/>

Twitter: <https://twitter.com/himachalmausam>

Facebook: <https://www.facebook.com/profile.php?id=100018411811087>

**Government of Himachal Pradesh**  
**Department of Revenue**  
**(Disaster Management)**

No. REV (DMC) (F) 2-5/2023

Dated: the Shimla, 18<sup>th</sup> August 2023

**NOTIFICATION**

Whereas, the State of Himachal Pradesh has witnessed unprecedented loss of human lives and huge destruction, damage and loss to public and private property during the ongoing monsoon season. The entire State has been badly ravaged by incessant rains leading to floods, cloudbursts, landslides, and slope failure taking heavy toll of lives and property. Thousands of dwelling units have been damaged or destroyed. There has been unprecedented loss of crops and agricultural land. Thousands of tourists and local people who were stranded had to be evacuated with the help of Indian Air Force, Army, NDRF, SDRF, Police, Home Guards, Fire Services and local volunteers. The national highways, state, district and local road network has been severely damaged and destroyed. Dozens of bridges have been washed away or damaged severely hampering connectivity and rescue efforts. The unprecedented excessive precipitation has led to a series of challenges that impacted the daily life in the State;

And Whereas, the District Administration supported by the Govt. has been carrying out relief and rescue activities, ever since the onset of Monsoon, working day and night to save lives, provide relief to the affected persons, and restore essential services to minimize the impact the disaster;

And Whereas, the Government of Himachal Pradesh has been providing all the necessary assistance for relief, rescue and rehabilitation works throughout the State and to bring life of the people back to normalcy and mitigate the sufferings of the affected people;

Now Therefore, keeping in view the unprecedented grave situation leading loss of human life and damage, destruction and loss to public infrastructure and private property, the State Government has decided to declares the whole State of Himachal Pradesh as "Natural Calamity Affected Area". After the weather become normal and the accessibility is improved, complete assessments damage and loss

assessment of property, livestock, infrastructure and crops shall be carried out by the respective Districts and Departments which shall be submitted to the Government for recovery and reconstruction efforts.

(Onkar Chand Sharma)  
Principal Secretary (Revenue) to the  
Government of Himachal Pradesh

Endst No. As above Dated Shimla <sup>18<sup>th</sup></sup> August, 2023  
Copy forwarded to:

1. The Joint Secretary (DM-I), Govt. of India, Ministry of Home Affairs, (DM Division), "C" Wing, 3<sup>rd</sup> Floor, NDCC-II, Jai Singh Road, New Delhi-110001.
2. All Administrative Secretaries to the Government of Himachal Pradesh.
3. The Principal Secretary to Chief Minister Himachal Pradesh
4. The Secretary to Governor, Himachal Pradesh
5. The Joint Secretary (GAD) to the Government of Himachal Pradesh in compliance to CMM by circulation dated 18-8-2023
6. All HODs to the Government of Himachal Pradesh.
7. All DCs cum Chairman DDMA of Himachal Pradesh.
8. Pr.PS-cum-Spl. Secretary to Pr. PS to CM OSD to Hon'ble Chief Minister.
9. Senior Private Secretary to Revenue Minister Shimla-171002
10. Sr. Private Secretary to all the Ministers Himachal Pradesh
11. Senior PS to the Chief Secretary cum Chairman, State Executive Committee (SEC), HP Secretariat, Shimla-171002.
12. Guard File

(D.C. Rana)

Director-cum- Ex Officio Spl. Secy. (Rev.-DM) to the  
Government of Himachal Pradesh.

**Government of Himachal Pradesh  
Department of Revenue  
State Disaster Management Authority  
(Disaster Management Cell)**

No. Rev (DMC) (F)-11-1/2022-SEC

Dated Shimla-2,

02 September, 2023

**ORDER**

Whereas, during the on-going monsoon season, unprecedented environmental disruptions have been witnessed across the State, which includes catastrophic landslides, land subsidence, river bank failures and severe erosion leading to the tragic loss of valuable lives and properties. It is evident that development and construction activity have significantly contributed to the disturbance of the natural environment,

And Whereas, there is need to allow the over saturated soil to stabilise. Undertaking hill cutting may precipitate the current crisis. Besides, there is also need to regulate construction activities in major town area of the State vis. Solan, Shimla, Mandi, Kullu, Manali, etc. till the current monsoon fury gets dissipated;

Now therefore, in view of the above stated facts and in order to ensure utmost safety to human lives, habitations, infrastructure, to preserve the fragile ecological environment of the State and further with the intention to limit any such damage in the future, the undersigned in the capacity of Chairman SEC, in exercise of the power vested under Section 24 (1) of Disaster Management Act, 2005, hereby orders the following:

- 1) Hill cutting for any kind of private development and construction activity, except for rebuilding of disaster affected buildings and roads, shall be banned in entire State for two weeks i.e, up to 16<sup>th</sup> September 2023.
- 2) Fresh planning permission/building permissions shall be banned for commercial/tourism units in Shimla, Mandi, Kullu, Kangra, Solan and Chamba Districts of Himachal Pradesh upto 16<sup>th</sup> September 2023.

The Principal Secretary (T&CP and UD) and all Deputy Commissioners are further directed to enforce these orders.

This order shall come into force with immediate effect from the date of issue and violations will be dealt as per law.

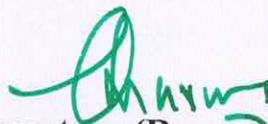
  
**Chief Secretary-cum-Chairman (SEC) to the  
Government of Himachal Pradesh**

**Endst No. As above**

**Dated Shimla-171002 02 September 2023**

Copy forwarded to the following for information and immediate necessary action:

- 1) All the Administration Secretaries to the Govt. Of Himachal Pradesh.
- 2) The Pr. Secretary (T&CP and UD) to the GoHP, Shimla-2
- 3) The Secretary to the Governor, Himachal Pradesh, Shimla-2
- 4) The Pvt. Secretary-cum-Spl. Secy. to the Chief Minister, HP, Shimla-2
- 5) All the Divisional Commissioner of Himachal Pradesh.
- 6) All the Head of the department of the Himachal Pradesh.
- 7) The Director, T&CP, SDA Complex, Kusampti Shimla-9
- 8) The Director, Urban Development, Talland, Shimla-2
- 9) All Deputy Commissioner of Himachal Pradesh
- 10) The Sr. Pvt. Secretaries to the Hon'ble Minister/CPS, GoHP
- 11) The Sr. Pvt. Secretary to the Chief Secretary, Himachal Pradesh
- 12) Guard File.



**Principal Secretary (Revenue –DM) to the  
Government of Himachal Pradesh  
cum-Member Secretary, SEC**

**TOWN AND COUNTRY PLANNING DEPARTMENT  
HIMACHAL PRADESH**

No. HIM/TP/RW-Gen./2023 - 3614-3725  
To

Shimla, Dated: 02/09/2023

1. **The Deputy Commissioner,**  
District Kullu and Chamba,  
Himachal Pradesh.
2. **The Commissioner,**  
Municipal Corporation,  
Shimla, Dharamshala, Solan, Palampur and Mandi  
Himachal Pradesh.
3. **The Chief Executive Officer,**  
Baddi-Barotiwala and Nalagarh Development Authority  
Jharmajri, District Solan, H.P.
4. **The Chairman,**  
Special Area Development Authority,  
Shoghi, Kufri, Hatkoti, Ghanahatti, Sarahan, Kandaghat, Barog, Chail, Jabli,  
Harat, Paonta Sahib, Trilokpur, Una, Baba Balak Nath Ji, Chintpurni, Gutkar,  
Solang, Rohtang, Manikaran, Naggar, Pong Dam, Chamunda, Garli-Paragpur,  
Bir-Billing, Khajjiar, Bharmour, Pangi (Killar), Chamera, Reckong Peo,  
Sangla-Kamru, Kaza, Keylong, Tabo and Udaipur.
5. **The Town and Country Planner,**  
Divisional Town Planning Office,  
Shimla, Solan, Nahan, Mandi, Kullu, Hamirpur and Dharamshala.
6. **The Assistant Town Planner,**  
Sub-Divisional Town Planning Office, Parwanoo,  
Una, Chamba, Rampur, Kasauli, Manali, Palampur and Bilaspur.
7. **The Planning officer,**  
Sundernagar, Amb-Gagret, Rohru, Nadaun and Ponta sahib.
8. **The Executive Officer,**  
Municipal Council, Bilaspur, Naina Devi Ji, Ghumarwin, Chamba, ,  
Hamirpur, Sujampur, Kangra, Nurpur, Nagrota, Dehra, Jawalamukhi, Kullu,  
Nerchowk, Sundernagar, Jogindernagar, Sarkaghat, Rohru, Rampur, Theog,  
Nahan, Paonta-Sahib, Nalagarh, Parwanoo, Baddi, Una, Santokhgarh and  
Mehatpur.
9. **The Secretary,**  
Nagar Panchayat, Talai, Chowari, Nadaun, Bhotra, Baijnath-Paprola, Jawali,  
Bhunter, Banjar, Rewalsar, Karsoog, Narkanda, Chopal, Kotkhai, Jubbal,  
Sunni, Rajgarh, Arki, Kandaghat, Daulatpur, Gagret, Tahliwal and Amb.

**Subject:- Inspection of Drainage Systems in Hotels, Public and Semi-Public Buildings, Commercial Establishments, and Real Estate Projects.**

Sir/Madam,

On above cited subject, it is intimated that unprecedented rains during this monsoon season have resulted in numerous landslides, primarily due to inadequate drainage systems in various areas. To mitigate the potential risks posed by improper drainage, it becomes imperative to inspect the drainage systems of the Hotels, Public and Semi-Public Buildings, Commercial Establishments and Real Estate Projects, having a plot area exceeding 500 M<sup>2</sup> in order to have effective and well-maintained drainage system in place.

You are therefore direct to inspect drainage systems of the the plots having area greater than **500 M<sup>2</sup>** in case of Hotels, Public and Semi-Public Buildings, Commercial Establishments and Real Estate Projects in a campaign mode over the next two months Fortnightly report in this regard may be submitted to the undersigned.

Yours faithfully,



**Kamal Kant Saroch (I.A.S)**  
Director,  
Town and Country Planning Deptt.  
Himachal Pradesh, Shimla-171009.  
**Phone No. 0177-2622494.**

**Copy to:-**

1. The Principal Secretary (TCP) to the Govt. of Himachal Pradesh for information, please.
2. The Director, Urban Development Department for information, please.



**Kamal Kant Saroch (I.A.S)**  
Director,  
Town and Country Planning Deptt.  
Himachal Pradesh, Shimla-171009.  
**Phone No. 0177-2622494.**



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CWPIL NO 13/2021**

**Date of Order: 13.1.2023**

Kusum Bali

.....Petitioner.

Versus

State of HP and others

.....Respondents.

*Coram:*

**The Hon'ble Mr. Justice A.A. Sayed, Chief Justice.**

**The Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.**

*Whether approved for reporting? Yes.*

For the petitioner:

Mr. Ankush Dass Sood, Sr. Advocate,  
with Ms. Leena Guleria and Mr.  
Gaurav Chaudhary, Advocates.

For the respondents:

Mr. Anup Rattan, Advocate General  
with Mr. Rakesh Dhaulta, Additional  
Advocate General, for respondent Nos.  
1 to 3 and 5 to 7-State.

Mr. V.B. Verma, Advocate, for  
respondent No. 4.

Mr. Kamal Kant Saroch, Director,  
Town & Country Planning,  
Himachal Pradesh,  
Present in Person.

**A.A. Sayed, Chief Justice (oral)**

The above PIL has been filed highlighting the in-  
discriminate and haphazard constructions, including

multi-storeyed buildings, on either side of the road stretching an area of 6 Kilometers between Village Kheel Jhalsi to Village Kainthari (including Village Koro) in District Solan.

2. In our order dated 27.09.2022, we have recorded that in the Affidavit of the Chief Secretary, it was candidly stated that the area in which the construction activities are reported is not covered under the provisions of the Himachal Pradesh Town and Country Planning Act, 1977 (hereinafter referred to as "the Act") and does not fall in any planning area. The said Affidavit further stated that a Committee was appointed to ascertain the quantum and nature of construction activities and the Committee was directed to submit a fact finding inquiry report. In the report submitted by the Committee, it was inter alia stated that no department or authority is vested with the powers to grant sanction for construction of buildings in the said area, at present. The said report further stated that the joint site inspection was carried out by the Committee and it was observed that multi-storeyed buildings have come

up on either side of the said road ranging from 4 to 9 storeys for different uses, such as residential and commercial/tourism. Paragraphs 6 to 8 of the said order dated 27.09.2022 read as follows:-

“6. We have also perused the affidavits filed by the Director, Town & Country Planning Department. HP on behalf of respondent Nos. 1 and 2, the Deputy Commissioner, Solan on behalf of respondent No.3, Member Secretary, H.P State Pollution Control Board on behalf of respondent No.4, Conservator, Forest Circle, Solan on behalf of respondent No.5. The stand of the respondents in the said affidavits is essentially that there are no regulations in place in respect of the area of 6 kilometers between Village Kheel Jhalsi to Village Kainthari (including village Koro) which is the subject matter of the present writ petition and therefore construction activities in the area is not being regulated. From the stand of the respondents, it appears that constructions can be carried out in the area in question with impunity and at the whims and fancies of the owners/developers. None of the affidavits deal with the issue of cutting and chopping of hills which are ecologically sensitive zones and affect the environment.

7. We are constrained to observe that the stand of the respondents clearly brings out the sorry state of affairs and shocks the conscience of the Court. The stand of the respondents suggests that despite the constructions/construction activities being carried out by cutting and

chopping hills in the subject area, no action can be taken unless the area falls in planning area. Such stand cannot be countenanced.

8. Having regard to the stand of the respondents and considering the public interest involved in the matter, we find that if the stand of the respondents is accepted, there would be several areas in the State of Himachal Pradesh where constructions can be carried out with impunity by cutting and chopping of hills, as has been done in the present case. We therefore propose to expand the scope of this Public Interest Litigation to include the entire State of Himachal Pradesh, so as to ensure that the constructions and, in particular, constructions by cutting and chopping of Hills, is regulated by the Authorities.”

*(Emphasis supplied)*

Thus, by the aforesaid order dated 27.09.2022, we have extended the scope of the above PIL to include the entire State of Himachal Pradesh, so as to ensure that the constructions/development activities, in particular, by cutting and chopping the hills, is regulated by the State and its functionaries.

3. We have heard the matter from time to time on various dates. Having regard to the importance of the issue involved, we deem it necessary to monitor the

actions of the State authorities as also the compliances of the directions that we have issued by this order and earlier orders as also such directions that may be issued in future dates. Hence, we issue **Rule**. Learned Counsel for the respective Respondents waive service. ◇

4. Situate in the lap of Himalayan ranges, the State of Himachal Pradesh is a region of scenic splendor offering multi-textured display of snow-clad mountains, deep gorges, thickly forested valleys, large lakes, terraced fields and cascading streams. The State, however, is one of the most multi-hazard prone regions of India, owing to its sensitive ecology and geology. About 1/3<sup>rd</sup> area of the State falls under Zone-V or the very-high damage zone and about 2/3<sup>rd</sup> of the area of the State falls under Zone-IV or the high damage zone. About 97% of the total geographical area of the State is prone to landslides.

5. Over the years, there has been an increase in the demand for construction activities in the State. Majority of such constructions are being carried out in

rural areas. A large number of building collapses have occurred in various regions of the State. Poor quality of constructions is one of the reasons. A building height that does not take into account the slope stability and sub-soil conditions, would be an unsafe building. Uncontrolled and unsafe construction of buildings over the years over slopes, by cutting hills which mostly involves felling of trees, lead to landslides and has created extremely vulnerable environment in the State. Large number of trees are being felled or damaged in the process of carrying out such constructions, which adversely impacts the environment and ecology of the area.

6. Reckless and excessive unsafe constructions by cutting hills and felling of trees which are the root cause of landslides, not only destroy property, but take a toll on human lives. Landslides are therefore mostly man-made in the fragile area of this mountain State. Unregulated, indiscriminate and hazardous constructions of buildings, particularly, by cutting and chopping

of hills, which are ecologically sensitive zones, by exploitation of natural resources, makes it vulnerable to disasters. For conservation and preservation of environment, the principle of sustainable development must be followed. We note that by various Notifications dated 23 August 2016, the powers of the Director, Town and Country Planning, have been extended to each of the Districts of the State of Himachal Pradesh. ◇

7. Reference may be made to Articles 48A and 51A(g) of the Constitution. Article 48A of the Constitution mandates that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. Article 51A(g) of the Constitution enjoins upon the Indian citizens a fundamental duty to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures.

8. Development activities in the State are therefore required to be compatible with the mountain eco-systems considering aspects such as fragility, cli-

matic peculiarities, carrying capacity, etc. The term environment encompasses air, water, soil, flora and fauna, communities, their habitats and livelihoods, etc. and is a complex mix of various inter relationships, which these facets of environment have amongst one another. These need to be preserved not only for the present generation, but for our future generations. We owe it to them!

9. In *Citizens For Green Doon & Ors vs. Union of India & Ors*, 2021 SCC OnLine SC 1243, a three-judge Bench of the Supreme Court has considered the Principles of Sustainable Development and Environment Rule of Law. Speaking for the Bench, His Lordship Dr Justice Chandrachud, has stated in paragraphs 30 to 37 as under:

***“30. E.1 Principles of Sustainable Development and Environment Rule of Law***

*31. Sustainable development is a common benchmark through which all development projects are judged. Arguably finding its origin in global policy from the Bruntland Report in 1987, it is often defined as “development that meets the needs of the present without compromising the ability of future generations*

to meet their own needs". Adopted globally as the standard for development by nations, it is the bedrock upon which the Sustainable Development Goals have been laid out. Their latest iteration, consisting of 17 SDGs, was adopted by all United Nations member States in 2015. Titled as the "2030 Agenda for Sustainable Development", these SDGs are broad, with their focus being on overall development of society in a manner which comports with environmental preservation now and in trust for the future. SDG13 specifically focuses on "Climate Action", which is to be balanced with the other SDGs (such as SDG9, which encourages "Industry, Innovation and Infrastructure").

32. The principle of sustainable development has found consistent application in matters of environmental law. Sustainable development has a multidimensional approach, with a focus on the development of the economy, protection of individual rights and environmental concerns, while ensuring both inter and intra-generational equity. This allows the principle of sustainable development to look beyond creating policy goals (which necessarily seek specific outcomes) towards creating policy approaches (which rather seek to provide better frameworks). The principle of sustainable development has been explicitly recognized in multiple judgments of this Court.

33. In *Indian Council for Enviro-Legal Action v. Union of India*, a three-judge Bench of this Court described the principle of sustainable development in the following terms:

"31...While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environ-

*ment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment. This is sought to be achieved by issuing notifications like the present, relating to developmental activities being carried out in such a way so that unnecessary environmental degradation does not take place. In other words, in order to prevent ecological imbalance and degradation that developmental activity is sought to be regulated.”*

34. In *Essar Oil Ltd. v. Halar Utkarsh Samiti*, a two-judge Bench of this Court referred to the Stockholm Declaration while elucidating on the principle of sustainable development. It noted that while socio-economic needs could be fulfilled through development, environmental concerns will always remain. However, these concerns should not be seen as a deadlock between development and the environment but as an opportunity to harmonize both, through the principle of sustainable development. Speaking through Justice Ruma Pal, this Court observed:

*“27. This, therefore, is the aim, namely, to balance economic and social needs on the one hand with environmental considerations on the other. But in a sense all development is an environmental threat. Indeed, the very existence of humanity and the rapid increase in the population together with consequential demands to sustain the population has resulted in the concreting of open lands, cutting down of forests, the filling up of lakes and pollution of wa-*

*ter resources and the very air which we breathe. However, there need not necessarily be a deadlock between development on the one hand and the environment on the other. The objective of all laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other...*

35. In *N.D. Jayal v. Union of India*, a three-judge Bench held that a balance between developmental activities and environmental protection could only be maintained through the principle of sustainable development. Doing this was held to be necessary, without which the future generations could be in jeopardy. Justice S Rajendra Babu (speaking for himself and Justice Mathur) held:

*“22. Before adverting to other issues, certain aspects pertaining to the preservation of ecology and development have to be noticed. In Vellore Citizen Welfare Forum v. Union of India [(1996) 5 SCC 647] and in M.C. Mehta v. Union of India [(2002) 4 SCC 356] it was observed that the balance between environmental protection and developmental activities could only be maintained by strictly following the principle of “sustainable development”. This is a development strategy that caters to the needs of the present without negotiating the ability of upcoming generations to satisfy their needs. The strict observance of sustainable development will put us on a path that ensures development while protecting the environment, a path that works for all peoples and for all generations. It is a guarantee to the present and a bequeath to the future. All environment-related developmental activities should benefit more people while maintaining the environmental balance. This could be ensured only by strict adherence to sustainable development without which life of the coming generations will be in jeopardy.”*

36. Justice Babu also noted that while the right to a clean environment is guaranteed as an intrinsic part of the fundamental right to life and personal liberty, the right to development can also be declared as a component of Article 21:

“24. The right to development cannot be treated as a mere right to economic betterment or cannot be limited as a misnomer to simple construction activities. The right to development encompasses much more than economic well-being, and includes within its definition the guarantee of fundamental human rights. The “development” is not related only to the growth of GNP. In the classic work, *Development As Freedom*, the Nobel prize winner Amartya Sen pointed out that “the issue of development cannot be separated from the conceptual framework of human right”. This idea is also part of the UN Declaration on the Right to Development. The right to development includes the whole spectrum of civil, cultural, economic, political and social process, for the improvement of people” well-being and realization of their full potential. It is an integral part of human rights. Of course, construction of a dam or a mega project is definitely an attempt to achieve the goal of wholesome development. Such works could very well be treated as integral component for development.”

37. More recently, in *Rajeev Suri v. Delhi*, a three judge Bench of this Court had to decide on the permissibility of the Central Vista Project. In considering the use of the principle of sustainable development, Justice A M Khanwilkar observed that the principle of sustainable development necessarily incorporates within it the principle of development - development which is sustainable and not environmentally degrading. He holds thus:

“507. The principle of sustainable development and precautionary principle need to be understood in a proper context. The expression “sustainable development” incorporates a wide meaning within its fold. It contemplates that development ought to be sustainable with the idea of preservation of natural environment for present and future generations. It would not be without significance to note that sustainable development is indeed a principle of development— it posits controlled development. The primary requirement underlying this principle is to ensure that every development work is sustainable; and this requirement of sustainability demands that the first attempt of every agency enforcing environmental rule of law in the country ought to be to alleviate environmental concerns by proper mitigating measures. The future generations have an equal stake in the environment and development. They are as much entitled to a developed society as they are to an environmentally secure society. By Declaration on the Right to Development, 1986, the United Nations has given express recognition to a right to development. Article 1 of the Declaration defines this right as:

“1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

508. The right to development, thus, is intrinsically connected to the preservice of a dignified life. It is not limited to the idea of infrastructural development, rather, it entails human development as the basis of all development. The ju-

*risprudence in environmental matters must acknowledge that there is immense inter-dependence between right to development and right to natural environment. In International Law and Sustainable Development, Arjun Sengupta in the chapter “Implementing the Right to Development [International Law and Sustainable Development— Principles and Practice, Edn. 2004, pg. 354]” notes thus:*

*“... Two rights are interdependent if the level of enjoyment of one is dependent on the level of enjoyment of the other...”*

10. In paragraph 44 of the judgment, His Lordship said:

*“44. In Bengaluru Development Authority v. Sudhakar Hegde<sup>48</sup>, a two-judge Bench of this Court observed that there was no winner in environmental litigation, since both - development and protection of environment - are necessary. The Court clarified that a framework created by environmental rule of law has to balance both these considerations by creating transparent and accountable institutions, while allowing for participatory democracy. Justice DY Chandrachud, speaking for the Court, held:*

*“94. The adversarial system is, by its nature, rights based. In the quest for justice, it is not uncommon to postulate a winning side and a losing side. In matters of the environment and development however, there is no trade-off between the two. The protection of the environment is an inherent component of development and growth. 95. The protection of the environment is premised not only on the active role of courts, but also on robust institutional frameworks within which every stakeholder complies with*

*its duty to ensure sustainable development. A framework of environmental governance committed to the rule of law requires a regime which has effective, accountable and transparent institutions. Equally important is responsive, inclusive, participatory and representative decision-making. Environmental governance is founded on the rule of law and emerges from the values of our Constitution. Where the health of the environment is key to preserving the right to life as a constitutionally recognised value under Article 21 of the Constitution, proper structures for environmental decision-making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 of the Constitution. Sustainable development is premised not merely on the redressal of the failure of democratic institutions in the protection of the environment, but ensuring that such failures do not take place.”*

11. Having noticed the law laid down by the Supreme Court in the above judgment on issue of sustainable development, let us now examine the statutory framework and some of the provisions in relation to development/constructions in the State of Himachal Pradesh viz. (1) Himachal Pradesh Town and Country Planning Act, 1977 (the Act), (2) Himachal Pradesh Town and Country Planning Rules, 2014 (hereinafter

referred to as “the Rules”), and (3) Himachal Pradesh Panchayati Raj Act, 1994 (hereinafter referred to as “the Panchayati Raj Act”)

**The Himachal Pradesh Town and Country Planning Act, 1977**

12. The preamble and some of the relevant sections of the Act are reproduced hereunder:

*“An Act to make provision for planning and development and use of land; to make better provision for the preparation of development plans and sectoral plans with a view to ensuring that town planning schemes are made in a proper manner and execution is made effective; to constitute the Town and Country and Development Authority for proper implementation town and country development plan; to provide for development and administration of special areas through the Special Area Development Authority; to make provision for the compulsory acquisition of land required for the development plans and for purposes connected with the matters aforesaid”.*

**1. Short title, extent, commencement and application –**

- (1) ...
- (2) *It extends to the whole of the State of Himachal Pradesh.*
- (3) *It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different areas and for different provision of this Act.*

*(3A) It shall apply to a real estate project proposed to be developed on an area of more than 2500 M2 for plotting or plotting and construction of apartment or any building or buildings having more than eight apartments for the purpose of selling outside the notified planning areas or special areas constituted under this Act and such areas shall be deemed to be planning areas.*

*(4) Nothing in this Act shall apply to –*

...

Thus, it is required to be noted that real estate projects proposed to be developed on an area of more than 2500 sq mts and buildings having more than eight apartments for the purpose of selling outside the notified planning areas or special areas constituted under this Act are 'deemed' to be planning areas.

**4. *Establishment of regions.*** – (1) *The State Government may, by notification,-*

- (a) declare any area in the State to be a region for the purpose of this Act;*
- (b) define the limits of such area; and*
- (c) specify the name by which such region shall be known.*

...

**5. Director to prepare regional plan.-** Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of the Director:-

- (i) to carry out a survey of the regions;
- (ii) to prepare an existing land use map indicating the natural hazard proneness of the areas; and
- (iii) to prepare a regional plan keeping in view the regulation for land use zoning for natural hazard prone area.

**7. Contents of regional plan,-** The regional shall indicate the manner in which land in the region should be used, the phasing of development, the net work of communication and transport, the proposals for conservation and development of natural resources, and in

particular :-

(a) allocation of land to such purposes as residential, industrial, agricultural or as forests or for mineral exploitation;

...

(e) allocation of areas to be developed as "Special Areas" wherein new towns, townships, large industrial estates or any other type of large development projects may be established.

(f) landscaping and preservation of areas in their natural state;

...

**10. Restriction on use of land or development** ◇

**thereof.**- (1) Notwithstanding anything contained in any other law for the time being in force, on or after the date of publication of the draft regional plan, no person, authority, department of Government or any other person shall change the use of land for any purpose other than agriculture, or carry out any development in respect of any land contrary to the provisions of the draft plan, without the prior approval of the Director or any officer next to him authorized by the Director, in this behalf.

...

**13. Planning Area.**- (1) The State Government may, by notification, constitute planning areas for the purposes of this Act and define the limits thereof

...

**15. Existing Land use Maps.** - (1) The Director shall carry out the survey and prepare an existing land use map and forthwith publish the same in such manner as may be prescribed together with public notice of the preparation of the map and of the place or places where the copies may be inspected, inviting objections and suggestions in writing from any person with respect thereto within thirty days from the date of publication of such notice.

...

**15-A. Freezing of land use pending preparation of existing land use map under section 15.-**

(1) Wherever the State Government, after the constitution of the planning area under section 13 or the special planning area under section 66 but before the publication of the existing land use map under section 15, is satisfied that in any planning area or part thereof or the special area or part thereof, as the case may be, the change of the land use on any building operation therein-

(a) is likely to cause injurious disturbances of the surface or any land or soil, or is considered detrimental to the preservation of the soil, prevention of land slips or protection against erosion; or

(b) is likely to make it difficult to plan and develop the area in question in accordance with the provisions of the Act; the State Government may, by notification published in the Official Gazette, freeze the existing land use, for a period not exceeding five years.

(2) On the issuance of a notification under sub-section (1)-

(a) no person shall change the use of any land or carry out any development of land (other than the change for the purpose of agriculture without the written permission of the Director; and

(b) no local authority or officer or other authority shall, notwithstanding anything contained in any other law for the time being in force, grant permission for the change in use of land without the written permission of the Director.

...

**17. Interim development plan.** – (1) As soon as may be, after the declaration of a planning area, the Director shall, within

*such time as may be necessary, prepare, after consultation with local authorities concerned, if any, and submit to the State Government an interim development plan for the planning area or any of its parts and such other area or areas contiguous or adjacent to the planning areas as the State Government may direct to be included in the Interim Development Plan.*

(2) *The interim development plan shall-*

(a) *indicate broadly the land use proposed in the planning area;*

(b) *allocate broadly areas or sector of land for-*

(i) *residential, industrial, commercial or agricultural purposes;*

...

(e) *make proposal for general landscaping and preservation of natural areas;*

...

(g) *propose broad based regulations for sectoral development, by way of guide-lines, within each sector of the location, height, size of buildings and structures, open spaces, court-yards and the use of which such buildings and structures and land may be put including regulations for façade control and sloping roof conforming to the hill architecture and environs;*

...

(j) *indicate measures for flood control and protection against land slide, prevention of air water pollution, disposal of garbage and general environmental control.*

...

**18. Development plan** – *A development plan shall-*

(a) *indicate broadly the land use proposed in the planning areas;*

...

**19. Publication of draft development plan,-** (1) *The Director shall forth-with publish the draft development plan prepared under section 18 in such manner as may be prescribed together with notice of the preparation of the draft development plan and the suggestions in writing from any person with respect thereto, within thirty days form the date of publication of such notice. Such notice shall specify in regard to the draft development plan the following particulars, namely,-*

...

**21. Director to prepare sectoral plan.-** *The Director may, on his own motion, at any time after the publication of the development plan, or thereafter, if so required by the State Government shall, within six months of such requisition, prepare a sectoral plan.*

**25. Director to control land use,-** *The overall control of development and the use of land in the planning area shall, as from the date of publication in the official Gazette of a notification by the State Government, vest in the Director.*

**27. Prohibition of development.-** *After coming into operation of the development plan, no person shall change the use of any land or carry out any development of land without the permission in writing of the Director.*

**30. Application for permission for development by others, -**  
 (1) *Any person, not being the Union Government, State Government, a local authority or a special authority constituted under this Act intending to carry out any development on any land, shall make an application in writing to the Director for permission to carry out any development on any land, shall make an application in writing to the Director for permission, in such*

form and containing such particulars and accompanied by such documents as may be prescribed.

...



**30-A. Exemption from development in rural areas falling within Planning or Special Areas,-** (1) Any person who owns land in rural areas, falling within Planning or Special Areas wherein neither Interim Development Plan nor Development Plan has been notified, shall be exempted from permission under this Act for the following development activities upto the limits as may be prescribed:-

(i) Residential activities such as farm-houses and residential houses upto three storeys, cattle shed, toilet, septic tank, kitchen, store, parking shed or garage and rain shelter;

(ii) Commercial activities such as basic commercial activities like shops of general merchandise, cobbler, barber, tailoring, fruit, vegetable, tea or sweet, eating places and dhabas, chemist and farm produce sale depot;

(iii) Service Industries such as cottage or house-hold, service industries like carpentry, knitting, weaving, blacksmith, goldsmith, atta-chakki with capacity upto five horse-power, water mill, agriculture equipments or machinery repair, electrical, electronic and house-hold appliances;

(iv) Public amenities such as public amenities like panchayat offices, schools, mahila mandals, yuvak mandals, community halls, post offices, dispensaries and clinics (including health, veterinary and Indian System of Medicines) information technology kiosks, patwar khanas, guard huts, anganwaries, electricity and telephone installations and connections, roads and paths, ropeways, water tanks, rain harvesting tanks, overhead or underground water tanks, pump houses, check dams, tem-

High

*ples, churches, mosques, graveyards, cemeteries, cremation grounds and other religious buildings, bathing ghats, cremation shelters, rest sheds, baths, drainage, toilets, latrines, urinals, sewerage installations, wells, tube wells, baulies, garbage disposal bins, depots and other installations;* ◇

*(v) Agriculture and horticulture related activities including rain harvesting structures, milk chilling plant, farm level godowns, seeds and fertilizer stores, farm clinics, pre-cooling units, primary processing units, green houses and poly houses; and*

*(vi) Heritage related activities such as lakes, reservoirs, dams, baulies, wild life sanctuaries, cemeteries, graveyards, railway lines.*

*(2) Any person who owns land in areas falling outside urbanisable areas, as shown in the Interim Development Plans or Development Plans of Planning or Special Areas, shall be exempted from permission under this Act for the development activities specified under sub-section (1) upto the limits as may be prescribed.*

**31-A. Structural Stability Certificate.** - *“The applicant shall submit a Structural Stability Certificate of the building before putting the same into use, in the manner prescribed including soil investigation report and structural design basis report as per provisions for safety against natural hazard.*

**66. Constitution of special areas, -** *(1) If any area, town or township is designated as a special area in the regional plan or if the State Government is otherwise satisfied that it is expedient in the public interest that any area, town or township should be developed as a special area, it may, by notification,*

*designate the area as a special area, which shall be known by such name as may be specified therein.*

**83-A. Restrictions on grant of Electricity, Water or Sewerage connection.**-No electricity, water or sewerage connection shall be given to any person within the Planning or Special area constituted under the Act, unless a No Objection Certificate has been obtained by such person from the Director or the Special Area Development Authority, as the case may be. ◇

**Himachal Pradesh Town and Country Planning Rules, 2014**

**13.** *In the Planning Areas constituted under section 13 of the Act and the Special Areas designated under section 66 of the Act, where no Interim Development Plan (I.D.P.) or Development Plan (D.P.) has been prepared either under section 17 or under section 18 of the Act, the Director shall permit the sub-division of land or change of land use or the development of land or construction of buildings, apartments, colonies, as the case may be, in conformity with the Regulations as given in Appendix-1 to 9 of these rules.*

**14.** *In the Planning Areas constituted under section 13 of the Act and the Special Areas designated under section 66 of the Act, where Interim Development Plan or Development Plan has been prepared either under section 17 or section 18 of the Act, the Director shall permit sub-division of land or change of land use or development of land or construction of buildings, apartments, colonies, as the case may be, in conformity with the Regulations contained in the Interim Development Plan or Development Plan. In case Regulations as given in Appendix- 1 to 9 are not contained in the said Interim Development Plan or Develop-*

*ment Plan, the same shall be considered in addition to the Regulations as contained in the Interim Development Plan or Development Plan while granting permission by the Director.*

*18. The prescribed limits for the development activities exempted from permission under section 30-A of the Act shall be as given in Appendix-8 of these rules. For carrying out all the development activities by Union Government or State Government or Authority or a Local Authority or any person which are beyond the prescribed limits shall apply for permission to the Director under rule 15 and sub-rule (1) of rule 16 of these rules.*

**Appendix 8** referred to in Rules 13, 14 and 18 provides for regulations of prescribed limits for development activities exempted under Section 30-A of the HPT&CP Act, 1977. Appendix 8 reads thus:

### **“APPENDIX 8**

*(See rules 13, 14 and 18)*

**REGULATIONS OF PRESCRIBED LIMITS FOR DEVELOPMENT ACTIVITIES EXEMPTED UNDER SECTION 30-A OF THE HIMACHAL PRADESH TOWN AND COUNTRY PLANNING ACT, 1996 (ACT NO. 12 OF 1977)**

#### **1. Residential Buildings and Farm Houses**

*(i) Maximum floor area* *600.00 M<sup>2</sup>*

- (ii) *Maximum number of storeys* 3 Nos +1 *Parking floor wherever feasible.*

**Note:** *The applicant may have a maximum floor area of 600.00 M<sup>2</sup> distributed over not more than three storeys.*

## **2. Commercial Use**

- (i) *Maximum floor area* 100.00 M<sup>2</sup>
- (ii) *Maximum number of storeys* 2 Nos.
- (ii) *Minimum access* 3.00 M
- (iv) *Parking* *For loading, un-loading and parking purpose suitable community parking space has to be arranged by the Shop owners.*

**Note:** *The applicant may have a maximum floor area of 100.00 M<sup>2</sup> distributed over not more than two storeys.*

## **3. Service Industries**

- (i) *Maximum floor area* 100.00 M<sup>2</sup>
- (ii) *Number of storeys* 1 No.
- (iii) *Minimum access* 3.00 M
- (iv) *Parking* *For loading, un-loading and parking purpose suitable community parking space shall have to be ensured by the Industrialists.*

## **4. Public Amenities**

- (i) *Maximum floor area* *As per requirement of the particular amenity.*

- (ii) *Maximum Number of storeys*      3 Nos.
- (iii) *Minimum access*                      3.00 M
- (iv) *Parking*                                  @0.50 to 1.50 equivalent car space per  
100 M<sup>2</sup> of floor area.
- (v) *Play fields in case of  
Educational buildings.*      0.20 Hectare to 1.60 Hectare is  
*Desirable, however, as per availability  
of land.*

### 5. Other Imperatives

- (i) *Structural safety and seismic proofing including soil investigation should be ensured.*
- (ii) *Attic and basement shall be counted as a storey.*
- (iii) *Sloping roof shall have to be ensured. (iv) No construction shall be raised within a distance of 3.00 Metre from the edge of the roads in respect of village roads,*
- (v) *No construction shall be raised within the controlled width of major District roads.*
- (vi) *Minimum Set Back of 3.00 M from the controlled width of National Highways, State Highways and Scheduled Roads under the Himachal Pradesh Road Side Land Control Act, 1968 shall be kept.*
- (vii) *Minimum Set Back of 2.00 M in front and 1.50 M in sides and rear side and from the adjoining property, Government land and 5.00 M from Forest land shall have to be maintained.*
- (viii) *Adequate distance from all the electric lines including HT/LT lines as per the requirement of Himachal Pradesh State Electricity Board Limited (HPSEB Ltd.) Rules shall have to be maintained. A Self Declaration / Certificate to this effect shall be submitted by the applicant in this regard*

(ix) *The applicant shall endeavor to develop the colony along the slopes of hill without much disturbance to the natural hill profile. In no case hill cut at any level shall not exceed 3.50 Metres.*

(x) *Provision of Rain Water Harvesting structure @ 20 Liters per M<sup>2</sup> of roof area should be made.*

(xi) *Septic Tank and Soak Pit should be constructed.*

(xii) *Preference shall be given for Solar Passive Building Design.*

(xiii) *Locational attributes, aesthetics, local building material, heritage and environmental aspects should also be taken into account. Remarks:*

## **6. Remarks**

(i) *The benefit of above exemptions shall only be available to the residents and original inhabitants of the areas, who owned the property at the time of commencement of the Act and their natural heirs only and not to the persons who purchased land in rural areas.*

(ii) *Any person intending to carry out development activities exempted under section 30-A of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) shall give information on simple paper alongwith a copy of original jamabandi and original tatima to the concerned Panchayat before carrying out development activities. The concerned Panchayat after verifying the documents, shall grant No Objection Certificate for releasing Service Connections or Completion Certificate to the applicant under Section 83-A of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) for obtaining service connections.*

(iii) *In case of any constraints as per the site conditions in maintaining setbacks, or any other regulations the Director or the concerned officer vested with the powers of the Director may relax the same. In case of any clarification with reference to any proviso or if there is*

*no any specific provision, the provisions as envisaged in the Urban and Regional Development Plans Formulation and (URDPFI) Guidelines 2014 of the Government of India or the National Building Code of India shall have to be adhered to.*

**41.** *The Regulations for development of Real Estate Projects shall be as specified in Appendix-7.*

**Himachal Pradesh Panchayati Raj Act, 1994**

**11. Functions of the Gram Panchayat,-** (1) *The Gram Panchayat shall perform the functions specified in Schedule-I.*

**Schedule-I** above, provides the list of functions of the Gram Panchayats. One of the functions of the Gram Panchayat listed at item (5) of *Schedule-I*, interalia speaks of regulating the construction of buildings.

**14. Control on erection of buildings.-** (1) *The Gram Panchayat, after preparing a model plan for the village which has been approved by the Gram Sabha and the prescribed authority by written order, may-*

(a) *direct that before erecting, re-erecting or adding to a building, wall or a platform every person shall present an application to the Gram Panchayat and that no building, wall or platform shall be erected, re-erected or added to in conflict with the model plan or in advance of an alignment to be specified on land demarcated by the Gram Panchayat; and*

(b) specify the space which shall intervene between any new or enlarged building and the building next adjacent or any road in the village.

(2) The Gram Panchayat shall have the power to modify, return for modification or reject the proposed plan for erection, re-erection or addition to a building, wall, or platform.

(3) Where any building, wall or platform has been erected, re-erected or added to in contravention of any order passed under sub-section (1), the Pradhan may report to the Sub-Divisional Officer and the said Officer may make an order-

(i) directing that the work done or so much of the same as has been executed in contravention of the order passed under sub-section (1) shall be demolished by the owner of the building, wall or platform or that it shall be altered by him to the satisfaction of the Gram Panchayat within such time as may be fixed by him; or

(ii) directing that the work done or so much of the same as has been executed in contravention of the order passed under sub-section (1) shall be demolished or altered by the Gram Panchayat at the expense of the owner within such time as may be fixed by him:

*Provided that the Sub-Divisional Officer shall not make any such order without giving the owner full opportunity of adducing evidence and of being heard.*

**184. Preparation of Development Plan,-** (1) Every Panchayat shall prepare every year a development plan to perform functions specified in Schedule-I and Schedule-II and such other functions as may be specified by the State Government, in so far as the Panchayat funds allow to perform such functions within its respective area.

...

**185. District Planning Committee.**-(1) *The Government shall constitute in every district a District Planning Committee to consolidate the plans prepared by the Zilla Parishad, Panchayat Samitis, Gram Panchayats, Municipalities in the district and to prepare a draft development plan for the district as a whole.*

...

We are informed that presently there are 12 Zilla Parishads, 78 Panchayat Samitis and 3226 Gram Panchayats in the State.

13. Having perused the above provisions, we find that for lands falling within urbanisable areas shown in Interim Development Plan/Development Plan of a planning area or special area, development activities can be regulated. In rural areas falling within planning areas and special areas, where there is no Interim Development Plan/Development Plan in place, development activities are regulated only to a limited extent, in that, exemptions are provided from applying for permission for development activities in the said areas vide Section 30-A read with Rule 18 and Appendix 8 to the Rules. The only provision made in respect of these areas (i.e where are notified planning area or notified special area, but there is no Interim Development Plan/Development Plan in place) is found in Regulation 6 (under head "Remarks") of Appendix A, wherein it is provided that a person intending to carry out

development activities exempted under section 30-A is required to give information on simple paper alongwith copy of jamabandi and tantima to the concerned panchayat before carrying out development activities. It is further provided therein that the service connections (i.e. water, electricity or sewerage connections) or Completion Certificate shall not be issued unless a "No Objection Certificate" is issued by the concerned Gram Panchayat as provided under section 83-A of the Act. Under Regulation 6(1) of Appendix A (under the head 'Remarks)', it is stated that the benefit of exemptions shall only be available to the residents and original inhabitants of the areas, who owned the property at the time of commencement of the Act and their natural heirs only and not to the persons who purchased land in rural areas. It is provided/clarified that for all development activities exempted from permission under section 30-A, 'beyond' the prescribed limits/restrictions in Appendix 8 of the Rules, are required to apply for permission to the Director under rule 15 and sub-rule (1) of rule 16 of the Rules. It is also required to be noted that the provisions of the Panchayati Raj Act envisage preparation of a model plan and Development Plan. We are told that no such model plan or Development Plan is in place at present and the provisions of the Panchayati Raj Act have remained on paper. However, what is rather worrisome, is that the areas beyond planning areas and special areas are left totally unregulated. The 6-kilometer stretch,

which is the subject matter of the PIL, as filed, is a case in point. It is admitted in the Affidavit of the Chief Secretary that no department or authority is vested with the powers to grant sanction for construction of buildings in the said area. The said report of the fact-finding Committee appointed by the Government brings out that multi-storeyed buildings have come up on either side of the road, ranging from 4 to 9 storeys for different uses, such as residential and commercial/tourism. From the photographs annexed to the PIL from page 84 onwards, it appears that hills have been cut and trees felled for the purposes of constructing the buildings.

14. In the facts and circumstances of the case, we find that there has been inaction and failure on the part of the State Government and its authorities, including the local authorities, to control the haphazard and indiscriminate development activities and in discharging their statutory duties under the Act, Rules, the Panchayati Raj Act and the Environment (Protection) Act, 1988 and the constitutional obligations under Article 48-A of the Constitution of India. The State, as a trustee, is under a legal duty to protect the natural resources and the environment and prevent its degradation under the 'Public Trust Doctrine'. Moreover, there has been non-obs-

vance of principles of ‘sustainable development’ as well as ‘precautionary principle” by the State which envisages that if there is risk of severe damage to humans and environment, absence of incontrovertible conclusive or definite scientific proof would not be a reason for inaction. ◇

15. We find that there are several areas in the State where constructions/development activities are being carried out with impunity at the whims and fancies of the owner/developer without there being any regulations in place. The Court cannot turn a blind eye and is constrained to step in, so as to ensure that development activities in the State, including by cutting hills, are regulated and the principle of sustainable development is adhered to. Hence, we pass the following interim order:

#### ORDER

- (i) *The Director, Town and Country Planning, shall take steps to prepare and publish the draft Regional Plans for all the Districts in the State of Himachal Pradesh (which Districts are already notified as ‘regions’ under various Notifications issued, as far back as on 23 August, 2016), after carrying out necessary survey of the regions and preparing an existing land use map (inter-*

*alia indicating the natural hazard prone areas), which exercise the Director is duty bound to carry out under Section 5 of the Act. We direct that the Regional Plans shall inter alia also indicate/provide for "No Development Zones" for conservation and preservation of areas in their natural state, particularly the hills. This exercise shall be carried out and completed within a period of 1 year from today. We are told that in respect of two Districts ie. Solan and Lahaul & Spiti, steps have already been taken for preparation of the Regional Plans.*

- (ii) *The State Government shall take immediate steps to identify areas and issue appropriate Notifications so as to include such areas (as may be specified in the said Notifications), as planning areas and special areas (so as to extend the existing planning areas and special areas already notified) and/or constitute further planning areas under Section 13(1) and designate further special areas under Section 66(1) of the Act (apart from the 55 notified planning areas and 35 notified special areas), more particularly areas which have high potential of development/growth, like tourists areas and areas having proximity with tourist areas, as also areas having valley views. This shall be done within a period of 4 months from today.*
- (iii) *After the Notifications are issued as directed in clause (ii) above, the Director shall prepare and publish or cause to be prepared and published (through Special Area Development Authorities in special areas, if permissible) appropriate Interim Development Plans/Development Plans in respect of these areas or part thereof*

*after following due process including consultation with the local authorities, if any. This exercise shall be completed within 4 months from the date of issuance of the Notifications as directed in clause (ii) above. The Interim Development Plans/Development shall inter alia also indicate/provide for "No Development Zones" for conservation and preservation of areas in their natural state, particularly the hills/hills having valley views.*

- (iv) *In respect of those areas which are already notified as planning areas or special areas, but there is no Interim Development Plans/Development Plans in place, the Director shall prepare and publish or cause to be prepared and published (through Special Area Development Authorities in special areas, if permissible) appropriate Interim Development Plan/Development Plan in these areas or part thereof after following due process including consultation with the local authorities, if any. The Interim Development Plans/Development shall inter alia also indicate/provide for "No Development Zones" for conservation and preservation of areas in their natural state, particularly the hills/hills having valley views. This exercise shall in the first instance be carried out for at least 3 Districts having high potential of development/growth and shall be completed within 6 months from today. In rest of the Districts, this exercise shall be completed within 1 year from today. We are told that there is already an Draft Development Plan for Shimla District and proceedings in respect whereof are now pending before the Supreme Court and NGT.*

High

- (v) *After the Development Plans are notified and published, steps may be taken to prepare and publish Sectoral Plans, where deemed necessary.*
- (vi) *The State Government is directed to frame a policy document in respect of conservation and preservation of hills and cutting of hills in the State, in consultation with Department of Environment, Science and Technology and such other Departments, as may be necessary, including the Pollution Control Board. This shall be done within 2 months from today. We direct that the Pollution Control Board shall play an active role in bring out the above policy document. This direction is necessary as we find that in the affidavit in reply filed by the Pollution Control Board, it has sought to extricate itself, as if it has no role to play, despite the specific stand of the petitioner that the constructions were being carried out by cutting of hills.*
- (vii) *We direct that there shall be no cutting of hills in the entire State of Himachal Pradesh, unless permission is obtained from the Director, who shall call for a report and "No Objection Certificate" from the Pollution Control Board, before granting such permission.*
- (viii) *In respect of areas beyond planning areas and special areas, the concerned competent authorities/local authorities are directed to prepare or cause to be prepared model plan(s) and development plan(s) in terms of the provisions of the Himachal Pradesh Panchayati Raj Act, 1994 providing for control on erection of buildings. After following due procedure, the same shall be submitted to the State Government not later than 3 months*

*from today. The State Government shall examine and approve the same with or without such modification/s, as it deems appropriate. This entire exercise shall be carried out and completed within 6 months from today. While preparing the model plan(s) and development plan(s), the authorities shall consider all aspects including environment concerns.*

- (ix) *Till the model plan(s) and development plan(s) in terms of the above direction are prepared and approved, the limitations/restrictions laid down in Section 30-A of the H.P. Town and Country Planning Act read with Rule 18 and Appendix 8 of the Rules shall operate even in areas of the State which are outside/beyond the planning areas and special areas. Liberty is granted to the owners who are affected by this interim order and whose land falls outside/beyond the planning area or special area, to apply to this Court for consideration of their proposal/Application by the Director, Town and Country Planning, if such proposal/Application is made to the Director under Rule 15 and 16(1) of the Rules, (notwithstanding the fact the land is located in an area outside the planning area or special area). We make it clear that in respect of all areas falling outside the Interim Development Plan/Interim Development Plan, irrespective of whether they fall 'within' the planning area or special area or 'outside' the planning area or special area, as stated in Regulation 6(1) of Appendix A (under the head 'Remarks'), the benefit of exemptions shall only be available to the residents and original inhabitants of the areas, who owned the property at the*

*time of commencement of the Act and their natural heirs only and not to the persons who purchased land in rural areas.*

(x) *We hope and trust that the authorities of the State Government comply with this order in letter and spirit so as to save this beautiful State of Himachal Pradesh from further haphazard and indiscriminate constructions/development activities, particularly by cutting hills, which is causing immeasurable harm to the environment and which is in violation of the principles of sustainable development, not to mention the risk to the lives and property of occupants on account of any possible mishap of such building whose construction may be sub-standard and/or the building being constructed without taking into account the slope stability and sub-soil conditions.*

(xi) *We make it clear that any constructions/development in violation of this order shall entail an order of demolition.*

(xii) *We may not be understood to be against development in any manner. Our endeavour in issuing the above directions is only to see that the development activities in the State are regulated.*

(xiii) *The Director shall file an Action Taken Report every two months setting out the progress made in respect of the above directions and the directions issued by earlier orders passed by the Court.*

- (xiv) *The time-lines directed by this order shall not be extended unless an appropriate Application is made by the Respondents.*
- (xv) *This interim order would be subject to such further interim orders/directions as may be modified by the Court. We also make it clear that we have not gone into the issue of arbitrariness or reasonableness of exemptions from permissions and/or the limits prescribed in section 30-A or Rule 13/18 and Appendix to the Rules.*
- (xvi) *The ad-interim directions issued by earlier orders passed by the Court would continue to operate.*

16. List on 27.3.2023 for reporting compliance and the steps taken.

**(A.A. Sayed)**  
**Chief Justice**

**(Jyotsna Rewal Dua)**  
**Judge**

Januray, 13, 2023  
(Bhardwaj)

## नगर एवं ग्राम योजना विभाग

अधिसूचना

शिमला-2, 28 जून, 2023

**102**

संख्या टी0सी0पी0-एफ05/08/2023.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश नगर और ग्राम योजना अधिनियम, 1977 (1977 का अधिनियम संख्यांक 12) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और राजपत्र (ई-राजट), हिमाचल प्रदेश में तारीख 18-10-2022 को प्रकाशित अधिसूचना संख्या टी0सी0पी0-ए03/08/2021, तारीख 07-10-2022 के अधिग्रहण में, 28 दिन जून मास 2023 को ऐसे दिन के रूप में नियत करते हैं जब से पूर्वोक्त अधिनियम के उपबन्ध निम्न विनिर्देशों में यथावर्णित हिमाचल प्रदेश के निम्नलिखित क्षेत्रों में लागू होंगे :-

## विनिर्देश

क्रम संख्या	सड़क का नाम	सीमाएं (फोर-लेन राजमार्ग की नियन्त्रण चौड़ाई के किनारे से)
1.	परवाणू-शिमला राष्ट्रीय उच्चमार्ग संख्या-05	फोर-लेन राजमार्ग के दोनों ओर नियन्त्रण चौड़ाई के किनारे से 100 मीटर तक का क्षेत्र।
2.	कीरतपुर-मनाली	राष्ट्रीय उच्चमार्ग संख्या-03 फोर-लेन राजमार्ग के दोनों ओर नियन्त्रण चौड़ाई के किनारे से 100 मीटर तक का क्षेत्र।
3.	शिमला-मटौर राष्ट्रीय उच्चमार्ग संख्या-88	फोर-लेन राजमार्ग के दोनों ओर नियन्त्रण चौड़ाई के किनारे से 100 मीटर तक का क्षेत्र।
4.	पठानकोट-मण्डी राष्ट्रीय उच्चमार्ग संख्या-154	फोर-लेन राजमार्ग के दोनों ओर नियन्त्रण चौड़ाई के किनारे से 100 मीटर तक का क्षेत्र।

टिप्पण.—इन फोर-लेन राष्ट्रीय उच्चमार्ग के साथ लगते क्षेत्र, जो पहले ही पूर्वोक्त अधिनियम के अन्तर्गत आते हैं, अर्थात् पूर्वोक्त से ही किसी अधिसूचित योजना क्षेत्र/विशेष क्षेत्र में आने वाले क्षेत्र इस अधिसूचना द्वारा प्रभावित नहीं होंगे।

आदेश द्वारा,

देवेश कुमार,  
प्रधान सचिव (नगर एवं ग्राम योजना)।

[Authoritative English text of this department Notification No. TCP-f05/6/2023, Dated 28-06-2023 as required under clause (3) of Article 348 of the Constitution of India].

## TOWN AND COUNTRY PLANNING DEPARTMENT

## NOTIFICATION

Shimla-2, the 28th June, 2023

No. TCP-F05/6/2023.—In supersession of the Notification No. TCP-A03/8/2021, dated 07-10-2022 published in the Rajpatra (e-Gazette) dated 18-10-2022 and in exercise of the powers

conferred by sub-section (3) of Section 1 of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977), the Governor of Himachal Pradesh is pleased to appoint the **28th** day of **June** month of the year **2023** as the day on which the provisions of aforesaid Act shall come into force in the following areas of Himachal Pradesh as described in the specifications below:—

# 103

## SPECIFICATIONS

Sl. No.	Name of Road	Limits (from the edge of control width of the 4-Lane Highway)
1.	Parwanoo-Shimla National Highway No. 05	Area upto 100 metres from the edge of control width on either sides of the 4-Lane Highway.
2.	Kiratpur-Manali National Highway No. 03	Area upto 100 metres from the edge of control width on either sides of the 4-Lane Highway.
3.	Shimla-Mataur National Highway No. 88	Area upto 100 metres from the edge of control width on either sides of the 4-Lane Highway.
4.	Pathankot-Mandi National Highway No. 154	Area upto 100 metres from the edge of control width on either sides of the 4-Lane Highway.

**Note.**—Areas along these 4-Lane National Highways, which already fall under the ambit of the Act *ibid* i.e. areas falling in any already notified Planning Area/Special Area, shall not be affected by this notification.

By order,

DEVESH KUMAR,  
Principal Secretary (TCP).

नगर एवं ग्राम योजना विभाग

अधिसूचना

शिमला-2, 28 जून, 2023

संख्या:टी0सी0पी0-एफ/06/06/2023.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश नगर और ग्राम योजना अधिनियम, 1977 (1977 का अधिनियम संख्यांक 12) की धारा 13 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस विभाग की अधिसूचना संख्या टी0सी0पी0-एफ/06/06/2023, तारीख 07-10-2022 जिसे राजपत्र (ई-गजट), हिमाचल प्रदेश में तारीख 18-10-2022 को प्रकाशित किया गया था, के अतिरिक्त में, निम्न विनिर्देशों में बंधावर्षित हिमाचल प्रदेश के निम्नलिखित क्षेत्रों से समाविष्ट "फोर-लेन योजना क्षेत्र" का गठन करते हैं :—

### विनिर्देश

क्रम संख्या	सड़क का नाम	सीमाएं (फोर-लेन राजमार्ग की नियन्त्रण चौड़ाई के किनारे से)
1.	परवाणू-शिमला राष्ट्रीय उच्चमार्ग संख्या-05	फोर-लेन राजमार्ग के दोनों ओर नियन्त्रण चौड़ाई के किनारे से 100 मीटर तक का क्षेत्र।