Policy Guidelines for Cutting, Conservation and Preservation of Hill 2025

Department of Town & Country Planning
Govt. of Himachal Pradesh

Table of Contents

1. Abbreviations

AGISAC	Aryabhatta Geo-informatics Space Application Centre
DCR	Development Control Regulations
DP	Development Plan
ELU	Existing Land Use
FAR	Floor Area Ratio
GIS	Geographic Information Systems
GoHP	Government of Himachal Pradesh
GoI	Government of India
ha	Hectare
HPTDC	Himachal Pradesh Tourism Development Corporation
HRVA	Hazards Risk and Vulnerability Analysis
IDP	Interim Development Plan
MC	Municipal Corporation/Council
MoEF	Ministry of Environment and Forests
NBC	National Building Code
NGO	Non-Governmental Organisations
NGT	National Green Tribunal
NH	National Highway
NHAI	National Highways Authority of India
NRSC	National Remote Sensing Centre
PA	Planning Area
PCB	Pollution Control Board
PLU	Proposed Land Use
PR	Panchayati Raj
PWD	Public Works Department
RERA	Real Estate Regulatory Authority
RoW	Right of Way
RD	Rural Development
SA	Special Area
SADA	Special Area Development Authority
SH	State Highway
TCPO	Town and Country Planning Organisation
UDD	Urban Development Department
URDPFI	Urban & Regional Development Plans Formulation & Implementation Guidelines
ULB	Urban Local Body

2. Background

The State of Himachal is highly vulnerable to multiple hazards, especially landslide, land subsidence, earthquake, cloudburst, flash floods, GLOFs, etc. The State is experiencing large scale loss of life and destruction of public and property and livelihood during the last few years. There have also been innumerable cases of building collapse across the State. Many people are losing their lives while travelling on roads due to slope failure or shooting stones along the roads. Unscientific hill cutting and dumping of muck has been emerging as one of the causes of these losses and damages. Therefore, in order to prevent such incidents in future, it is important that a Policy is formulated to conserve and preserve the pristine environment of the State and prevent environmental hazards.

That a CWPIL No. 13 of 2021 was filed before the Hon'ble High Court on 02.07.2021.

The above CPIL has been filed highlighting the indiscriminate and haphazard constructions, including multistoried buildings, on either side of the road stretching an area of 6 Kilometers between Village KheelJhalsi to Village Kainthari (including Village Koro, District Solan. The matter came to be heard for the first time on 06.07.2021. That the Hon'ble High Court of Himachal Pradesh vide order dated 13.01.2023 at para 15 (vi) has directed that the State Government shall frame a policy for conservation and preservation of the hills and cutting of the Hills in the State. That in compliance to the directions passed by the principal bench of the Hon'ble High Court of Himachal Pradesh a draft policy document is prepared to cater to the needs of hill conservation and preservation and also incorporate measures towards hill cutting in the construction activities in the State. That the policy aims to mitigate the threats posed by unscientific and haphazard construction activities in the State. The Hon'ble High Court of Himachal Pradesh vide its detailed interim order dated 13.01.2023 in CWPIL No. 13 of 2021 titled as "Kusum Bali vs. State of Himachal Pradesh & Ors.", has been pleased to issue following directions, the relevant operative part of which is reproduced herein as under: -

> ***"(vi) The State Government is directed to frame a policy document in respect of conservation and preservation of hills and cutting of hills, 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 two 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 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."

Existing Regulations:

I. Regulations for Hill Cutting & other Regulations under HPTCP Act & Rules:

a) The HP Town & Country Planning Act, 1977 read with Rules thereof provides control of development activities in the notified Planning and Special Areas of the State including the Urban Local bodies as well. Further, the Development Plans and the Rules framed there under provides regulations for hill cutting.

b) In general, every development plan envisages the provision for hill cutting for carrying out construction activities of any type as under: -

"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 and maximum acceptable slope for development shall be 45 degrees."

3. Guidelines/Policy for Hill Cutting, Conservation &Preservation Cutting

I. Definitions: -

a) **"Amenity"** includes roads and streets water and electric supply open spaces, parks, recreational area, natural feature, play grounds, street lighting, drainage sewerage and other utilities, services and conveniences.

b) **"Building operations"**includes-

- erection or re-erection of a building or any part of it;
- roofing or re-roofing of a building or any part of a building or an open space;
- any material alteration or enlargement of a building;

- any such alteration of a building as is likely to affect an alteration of its drainage or
- sanitary arrangements or materially affect its security; and
- the construction of a door opening on any street or land not belonging to the owner of a building;

c) **"Competent Authority"** shall mean and include any officer or an official on the State Government empowered by the State Government to act in relation to the guidelines for hill cutting, conservation and its preservation.

d) "**Development"** with its grammatical variations and cognate expressions, means the carrying out of building, engineering, or other operations in, on, over or under, land, including hill cutting without prior approval or the making of any material change in any building or land, or in the use of any building or land, and includes sub-division of any land;

e) **"Engineering operations"** includes the formation or the laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage or of electricity cables or lines or of telephone lines;

f) **"Government"** means the Government of Himachal Pradesh.

g) **"Hill cutting"**shall mean and include the removal of earth, soil, or rock from a naturally sloping or elevated area (a hill) to create a flat surface, often for construction, road-building, or other land development purposes. It involves altering the natural terrain by excavating and leveling the ground, and can have significant environmental impacts, such as instability and landslides.

h) **"Land"** includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

i) **"Property"** means the land, the building, all improvements and structures thereon and all easements, rights and appurtenances belonging thereto and includes every type of right and interest in land which a person can have to the exclusion of other persons, such as possession, use and enjoyment free from interference, right of disposition, franchises and hereditament.".

j) **"Muck or Debris"**means soil generated from the hill cutting.

k) **"Muck/Debris Dumping Site"** means space earmarked by the Urban Local Body, or Panchayat or designated by any department of the State Govt. for dumping of the muck/debris generated from hill cutting.

l) **"Loss to the ecology" means** deterioration, degradation, or reduction of the natural environment, which can manifest as habitat destruction, ecosystem disruption, or the loss of essential natural services that humans and other living things depend on. This damage is often caused by human activities and impacting the ability of ecosystems to function and provide for life on Earth.

II. Scope of Guidelines/ Policy for Hill Cutting, Conservation & its Preservation.

Hill areas remain characterized by the ever-changing landform/morphology, flora and fauna, which make it difficult to have a uniform /standard set of norms and standards made applicable for planning of communities/ settlements and designing of structures. Each area being different and distinct in terms of, its slope, shape, vegetation terrain, structure, problems and prospects, require different and distinct solutions to make its planning and development rational, logical and sustainable. In addition, due to conflicting goals of environmental protection, economic growth, and sustainable development, options for promoting planned and sustainable development remains limited/ far and few. This calls for thorough understanding the fabric of hill areas; identifying problems afflicting development along with the available opportunities and options for growth and development available in the hill areas, before defining any policy and undertaking any programs for growth and development of the hill areas.

Overall fabric, structure and the existing milieu, comprising of topography, climate, culture and economy, makes hill areas quite distinct and different from plains and accordingly calls for having a different and distinct approach to planning hilly areas than what is generally made applicable in the plain areas/settlements. Taking cognizance of the peculiarities of hill areas, Stockholm Conference on Human Environment in 1972, tried to a create awareness among nation's policy planners about the deteriorating environmental quality in hill areas, its adverse impact on growth and development on planet earth and called upon nations to evolve policies and launch programs for promoting planned, rational and orderly development of hill areas.

Improper selection and development of building sites often cause landslides. This causes damages to buildings and loss of life and injury to the occupants, and the affected area remain in danger from probable landslides, uprooting of trees and related surficial movements. Damage to buildings located on cut slopes, often occur due to failure of the cutting, which may have been excavated without any considerations of its stability.

Methodology for stability analysis and excavation of cut slopes and construction of protection works vary from hill to hill and from area to area depending on the character of geological formations, vegetation, weathering and various other climatological, geohydrological and metrological conditions in region.

In view of the above, the State Government in consonance with the directions passed by the Hon'ble High Court of Himachal Pradesh proposes to issue guidelines/ policy guidelines for regulating hill cutting and preservation thereof.

III. Prohibition on cutting of hilly land and filling up of low-lying land, etc.

No occupier of any hilly or sloppy land or any low-lying land or Govt. servant responsible for road construction / widening or construction of building shall, by himself or through his servants or agents or any other persons, undertake the work of cutting of any hilly or sloppy land or filling up of any low-lying land, in, over or upon any hilly or sloppy land, as the case may be, without prior intimation to the competent Authority.

Provided that, nothing in this section shall apply to the activity undertaken in pursuance of the permission/ license granted under the Mines and Minerals (Development and Regulation) Act, 1957(Central Act No. 67 of 1957) and rules made there under.]

Explanation: —For the purpose of section 17A. — (i) "low lying land" means and includes any land below 50 cms or more than from the adjoining ground level;

(ii) "Hilly land or sloppy land" means and includes any land having a gradient of 1:10 or more.

IV. Intimationof Hill Cutting: -

Any person who intends to carry out hill cutting as defined at serial no (III) supra of these Policy Guidelinesshall: -

a) Submit an application in writing before the Competent Authority i.e. Town and Country Planning or Urban Local Body or Panchayat, Mining, PCB, Rural Development, etc. as the case may be, along with application for seeking permission for construction of house/building.

b) The Department of the Govt. of India or State undertaking road or building construction shall submit the application to the office of the PCB.
c) The application shall contain plan for slope/hill stabilization, drainage management and muck/ debris management plan.
d) The aforesaid application shall be accompanied by following documents as detailed herein below: -

Sr. No.	Details of documents
1.	Name and address of the applicant
2.	Description of area (Whether Planning area/ Special area/ Deemed planning area/ Urban Area/ Rural other) along with details of Village, Panchayat and District in which land is situated
3.	Whether free hold or lease hold or Govt. land
4.	Existing zone as per Development Plan 2021, if applicable
5.	Road Accessibility / Status
6.	A copy of title/ownership documents i.e. latest jamabandi in original
7.	A copy of latest original tatima showing Khasra number(s), description and area of land in question, abutting path with its width as well as adjoining Khasra number(s) falling on all the outer limits/ boundaries of the land in question. The land applied for is shown in red, in the tatima.
8.	Plan & Cross-section showing extent of cutting/filling in relation to scale 1:200 along with proposed structure/building if any.
9.	Longitudinal and cross-section to scale 1:200, explaining the central Topography of land.
10.	Three sets of Site Plan in the scale of 1:200 showing North direction and all the boundaries of land in question, abutting path with its width, natural features like nullahs, ponds, tress, slopes, contours at an interval of 5.00 Meters if the land is undulated, high tension lines passing through or adjoining the land, existing roads, highways showing the right of way, railway lines, airports with their specification(s) and boundaries, showing details of utilities and services like water supply, drainage, sullage, sewage, sewerage along with disposal of drainage, sullage, sewage, position of septic tank, soak pit, rain harvesting tank, electric and telephone poles, showing manner and site for muck disposal and all such other matters which need to be coordinated with the adjoining area.

11.	A copy of Structural Stability Certificate and a copy of Soil Investigation Report (for the areas falling in sliding and sinking zones as defined in respective Interim Development Plans or Development Plans or for any re-claimed piece of land). (Strike out which is not applicable).
12.	Average slope of the land & nature of soil and its depth
13.	Contour Plan of the property (with Contour interval of 1 meter to the scale of not less than 1:500, clearly showing reference point/mark. (Blue print signed by Engineer/ Owner.
14.	Site Plan showing the existing drainage pattern and proposed drainage pattern in scale not less than 1:500.
15.	Design of proposal for construction of retaining wall, if any with plans, elevations, section to a scale not less than 1:200.
16.	Proposed landscape plan. (Location of existing trees if any within the plot)
17.	Muck/debris dumping Plan
18.	Measures taken to prevent loss of ecology, flora and fauna
19.	Slope Stabilization Plan indicating both engineering and nature-based solution & drainage management plan
20.	Photographs of the site from 2 to 3 different angles with date.

4. The Hill Cutting Regulations

i) Cutting of hill cutting or any type of excavation for formation of the hill roads or any other infrastructure should be as per Cl.1.4.1 of the **Hill Road Manual- First Revision -2023(IRC; SP:48-2023)** based on three broad categories as: -

1. Ordinary /Heavy Soil: with side slopes of 1:1 to ½:1(H:V)
2. Ordinary /Soft Rock: with side slope of ¼:1 to 1/8:1 (H:V)
3. Hard Rock: cut may vary from 80 to 90 degree to horizontal.

ii) No site development/hill cutting shall take place without prior intimation to the Competent Authority.

iii) The Competent Authority shall get the site inspected with regard to existing trees, slope and profile of land, cutting involved amongst other planning aspects.

iv) Maximum permissible slope for building construction activities shall be 45°.

v) No cutting of hill profile of more than 3.5 m shall take place at one level. However, depending on site slope and profile, hill cutting in steps of 3.5 meters each may be allowed with adequate provision of diaphragm wall and retaining wall. In such cases, adequate measures for slope stabilization and drainage management have to be provided, as technically vetted by institute of national importance such as IIT, CBRI or NIT, etc. No vertical hill cutting shall be carried out.

vi) Where it is essential to develop a plot or road by cutting, it shall be the responsibility of the plot owner/ responsible department of the Govt. to provide according to the engineering specifications, retaining and breast wall along with nature-based solutions/ bio-engineering solutions, so that such cutting of natural profile of the land may not harm the adjoining uphill side properties. The remedial measures such as retaining walls/ diaphragm walls, lined drains, culverts, etc. proposed to retain the hillside shall be got designed from the qualified structural/ geotechnical engineers.

vii) While undertaking road formation or widening, hill cutting will simultaneously follow slope protection/ stabilization measure, and drainage laying/ management side by side.

viii) Special care shall be taken to avoid disruption / blockage of any natural drainage/ nallahs during both cutting and filling process. If required, provisions for proper lined flexible drains, culverts, etc. shall be made considering the catchment area and precipitation history of the area.

ix) Blasting activities shall be carried out based on the suitability of the strata, its impact on nearby houses, infrastructure, ground water, aquifers, etc. and its impact on local flora and fauna.

x) Cutting & filling method should be adopted to prevent generation of excessive debris.

xi) For major infrastructural projects like roads, and hydropower projects muck disposal and debris management shall be done as per muck dumping plans.

xii) The building maps shall invariably show contours and profile of land, trees and other relief features.

xiii) The retaining walls/ Diaphragm walls proposed to retain the hillside shall be got designed from the qualified structural engineer.

xiv) The Muck Management Plan shall be formulated and submitted with the proposal. However, care shall be taken to avoid generation of excessive debris by adopting cutting and filling method

xv) Every development proposal shall have explicit mention of Muck/malva disposal plan. The concerned owner of the plot will ensure to submit an undertaking to the effect that he/she will not throw the Muck/malva during the course of plot development in the Nalla's/forest land, which cause danger to the adjoining settlements/ properties in the rainy season.

xvi) All muck/debris generated from the hill cutting, which can be locally absorbed at site, shall be deposited at the designed muck dumping site. No much/ debris shall be rolled down the hill or dumped along the roadside or natural drainage system.

xvii) All hill slopes shall be mandatorily stabilized and adequate provision for drainage shall be made.

xviii) Adequate measures shall be taken to preserve local ecology, flora and fauna during hill cutting.

xix) Notwithstanding anything contained in Legislation, Statute or any rules of the State Legislature, these operation of these guidelines shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

5. Roles and Responsibility of Urban Local Bodies, Panchayats and District Administration

In order to scientifically manage muck dumping in the State, the institutional mechanism shall be as under: -

a) The Deputy Commissioner shall cause to identify suitable sites for muck dumping in the district by constituting a committee under the chairmanship of Sub Divisional Officer (Civil).
b) In Urban areas, the ULBs shall notify site for muck dumping and manage the same. User charges for muck dumping shall be charged to sustain the management and development of more sites.
c) In rural areas, the PWD shall manage the sites once suitable locations are identified by a committee constituted by the Deputy Commissioner under the chairmanship of the Sub Divisional Officer (Civil).
d) Every Panchayat shall also identify and manage suitable dumping sites as per need in the Panchayat area.

6. Penalty & Environmental Compensation for Violation of the Regulations: -

a) Any hill cutting and site development carried out in contravention of the provisions of this Policy or the HPTCP Act, 1977, HP MC Act, 1994 and HPPR Act, 1994 or if any person is found damaging Forest/Green area and/or cutting of hills, without prior intimation to the concerned Competent Authority and without construction plan being sanctioned, he/she would be liable to pay penalty/environmental compensation as per the formula devised herein above in Notified Planning/Special Areas/ ULBs, for each violation.

b) The compensation, if not paid, shall be recovered as arear of land revenue by the State and will be utilized by the State for restorative purposes and/or for afforestation of the concerned Planning Area/Special Area/ULB or Gram Panchayat, as the case may be.

c) The Penalty/environmental compensation amount shall be deposited by the concerned Competent Authorities in their receipt head. The ULBs, SADA and Panchayats shall use the collected penalty funds for development and conservation activities.

d) One of the cardinal principles of Environmental Jurisprudence is "polluter pay principle" which entails the monetary reparation by the wrongdoers is the basic tenants of the Constitution enshrined under Article 21 as Fundamental Rights to safeguard the interest if the mankind as a whole. Since these guidelines/ policy document has been designed to carve out the menace of unregulated hill cutting in the State of Himachal Pradesh, it would also be appropriate to fix the liability of violators for violation of these guidelines. Therefore, following formula for levying of environmental compensation as under: -

I. Methodology for Assessing Penalty & Environmental Compensation and Action Plan to Utilize the Fund

The formula for calculation of EC as per guidelines issued by CPCB is as follows: -

EC=PI x N x R x S x LF

Where, EC is Environmental Compensation in Rupees.

PI = Pollution Index ofhill/plot cutting

N = Number of days of violation took place

R = Factor in Rupees for deriving the EC, which may be a minimum of 100 and maximum of 500.
S = Factor for scale of operation which could be based on **degree of cutting of plot,** which may be ranging from 0 to 45°, *45° to 60° & 60° and above* respectively[1]

LF = Location factor, could be based on area of the **proposed site.**

Pollution Index[1]: -

Severity	*Degree of plot/hill cutting (0 to 45°)*	*Degree of plot/hill cutting (45° to 60°)*	*Degree of plot/hill cutting (60° and above)*
Pollution Index	***1***	***2***	***3***

R i.e. Base rate of compensation (Factor in Rupees): -

Severity	*Degree of plot/hill cutting (0 to 45°)*	*Degree of plot/hill cutting (45° to 60°)*	*Degree of plot/hill cutting (60° and above)*
Factor in Rupees/day	***150/day***	***250/day***	***500/day***

Factor for Scale of operation (based on area affected): -

Severity	*Degree of plot/hill cutting (0 to 45°)*	*Degree of plot/hill cutting (45° to 60°)*	*Degree of plot/hill cutting (60° and above)*
Scale (S)	***1***	***2***	***3***

The, following factors (LF) may be used:

Area	< 0.5 ha	0.5 to 1 ha	1-3 hectare	>3 ha
Location/area factor	**0.5**	**1.0**	**1.25**	**1.5**

LF will be 1.0 in case unit is located <10 km from municipal boundary
For notified Ecologically Sensitive areas, for beginning, LF may be assumed as2.0

i. <u>For Example (having area <0.5 hectare):-</u>

PI (Pollution Index): 01
N (number of days) Duration: 50 days
R i.e. Base rate of compensation: Rs. 150/day

[1] It can be calculated in mtrs.

S (Factor for Scale of operation): 01
Location factor: 0.5 (say having an area of 0.5 ha)
Environment Compensation = PI x N x R x S x LF
Environment Compensation = 1 x 50 x 7500 x 2 x 0.5
(*150/day x 50 days=Rs. 7500/-)
Env. Compensation=Rs.3,75,000/-

ii. For Example (having area 0.5 to 1 hectare): -
PI (Pollution Index): 02
N (number of days) Duration: 50 days
R i.e. Base rate of compensation: Rs. 250/day
S (Factor for Scale of operation): 02
Location factor: 1.0 (say having an area of 1 hectare)

Environment Compensation=PI x N x R x S x LF
Environment Compensation =2 x 50 x 12,500 x 2 x 1.0
(*250/day x 50 days=Rs. 12,500/-)
Env. Compensation=Rs. 25,00,000/-

iii. For Example: - (having area 1 to 3 ha)
PI (Pollution Index): 03
N (number of days) Duration: 50 days
R i.e. Base rate of compensation: Rs. 500/day
S (Factor for Scale of operation): 03
Location factor: 1.25 (say having an area of 2.5 ha)
Environment Compensation=PI x N x R x S x LF
Environment Compensation =3 x 120 x 25000 x 3 x 1.25
(*500/day x 50 days=Rs. 25000/-)
Env. Compensation = Rs. 3,37,50,000/-

*Note: *The values of above index/duration/factors used to calculate Environment Compensation in above examples are hypothetical and are only used to bring clarity.*

II. Provision of Penalty / Environmental Compensation for Illegal Hill Cutting

In case of hill cutting or excavation carried out **without prior approval of the Competent Authority**, or in violation of the prescribed norms, an **Environmental Compensation (EC)** shall be imposed.
Formula for Environmental Compensation (EC): -

$EC=Q\times R\times D\times F$

Where:

- **Q**[1] = Quantity of material excavated (in cubic meters)
- **R**[2] = Applicable Royalty rate of material (per cubic meter) as notified by the State Government
- **D**[3] = Damage multiplier (based on severity of slope cutting and risk to environment)
    - Minor violation (up to 1 m excess cutting) → **D = 1.0**
    - Moderate violation (1–3.5 m excess cutting) → **D = 1.5**
    - Major violation (beyond 3.5 m, vertical cutting, or without stabilization) → **D = 2.0**
- **F**[4] = Environmental factor (for ecological restoration, compensatory plantation, slope stabilization, etc.) - fixed at **2.0**

Detailed Formula for Environmental Compensation in Hill Cutting Cases

$$EC = Q \times R \times D \times F$$

1. Quantity of Material Excavated (Q)

- **Definition**: The total volume of soil, soft rock, or hard rock removed (in cubic meters).

- **Measurement Method**:
    - Measured on-site by survey (using Total Station / Drone Mapping).
    - Calculation by formula:
      $Q = L \times B \times H$
      Where: -
        - **L** = Length of cutting (in meters)
        - **B** = Breadth / width of cutting (in meters)
        - **H** = Height / depth of cutting (in meters)
- **Purpose**: Larger cutting = greater damage = higher compensation.

---

2. Royalty Rate of Material (R)

- **Definition**: The rate notified by the **State Geology & Mining Department** for excavation of soil, stone, or minerals.
- **Unit**: Rs. per cubic meter (Rs. /m³).
- **Purpose**: Ensures violator pays at least what they would have paid legally as **royalty**.

---

3. Damage Multiplier (D)

- **Definition**: Factor that accounts for the **degree of violation** and **risk created**.
- **Suggested Slabs**:
    - **D = 1.0** → Minor violation (cutting less than 1 m above permissible limit).

- **D = 1.5** → Moderate violation (cutting between 1 m – 3.5 m above permissible limit, with slope up to 45°).
- **D = 2.0** → Major violation (vertical cutting, slope > 45°, no slope stabilization, or cutting > 3.5 m in one level).

- **Purpose**: Differentiates between **small mistakes** and **serious illegal damage**.

---

4. Environmental Factor (F)

- **Definition**: Multiplier to cover **restoration, ecological loss, and compensatory works**.
- **Suggested Value**: **2.0 (fixed)** → meaning violator pays **double the base penalty** to cover:
  - Retaining wall & slope stabilization.
  - Drainage & erosion control.
  - Compensatory plantation.
  - Monitoring cost by Govt. agencies.
- **Purpose**: Ensures recovery of funds needed for **repair + prevention of future risk**.

Worked-Out Example:

Case: -

- A road contractor excavates **800 m³** of hill soil **without permission**.
- **Royalty Rate (R)**: Rs.70/m³ (The factor quoted is indicative and actual rate will be as per Himachal Pradesh minor minerals schedule).
- **Violation Type**: Cutting > 3.5 m in one go, no retaining wall → **Major Violation** (D = 2.0).
- **Environmental Factor (F)**: 2.0.

Step 1 – Base Cost:

Q×R=800×70=Rs. 56,000

Step 2 – Apply Damage Multiplier:

56,000×2.0=Rs.1,12, 000

Step 3 – Apply Environmental Factor:

1,12,000×2.0=Rs. 2,24,000

Final Penalty (EC) = Rs. 2,24,000

*Note: *The values of above factors used to calculate Environment Compensation in above example is hypothetical and are only used to bring clarity.*

This amount is to be deposited in the **State Environment Restoration Fund at TCP Dept.** and used for:

- Reforestation & soil stabilization;
- Retaining wall construction;
- Drainage channelization;
- Monitoring of slope stability;

- Any other activity suitable for the site conditions aiming at conservation and preservation of hill, environment and ecology.

III. Provision of Penalty as per Hon'ble National Green Tribunal order dated 29.07.2013

As per order dated 29.07.2013 in CWPIL No. 28 of 2011 in the matter of Abhishek Rai Vs. State of HP & Ors., whosoever is found to be throwing or dumping any construction material directly or indirectly into the near *khad/river/nallah* or its tributaries or even at its banks, will have to pay as um of Rs. 1 lakh as compensation for causing pollution on the basis of "polluter pay principle".

7. Authorities Competent to Impose Penalty

The following authorities shall be competent to impose penalty for violations of these guidelines: -

Sr. No.	Area of Jurisdiction	Responsible Officer of the Department
1.	Urban Area	• All the Commissioners; Additional/Joint Commissioners; Municipal Engineers of Municipal Cooperations in HP. • All the Executive Officers and Secretaries and Engineers of Nagar Panchayats of the ULB in HP.
2.	Planning area including SADA	• All Officers of TCP Department JE & above
3.	Entire State of HP for road construction& hydropower	• All the Officers of the PCB • All the Officers of DEST& CC
4.	Forest Area	• Officers of the Forest Department from Range Officers, and DFOs
5.	Natural Stream feeding Water Supply Schemes	• All the Officers of the Jal Shakti Department
6.	Rural Area	• All the Assistant and Junior Engineers of the Rural Development Department • All the Technical Assistants of the Rural

		Development Department
7.	Mining sites & sites where Mining Department has accorded approval	• All Mining Officers

8. Removal of Difficulties

The Department of Town & Country Planning shall interpret the provisions of these regulations and provide clarifications.

***