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F. No. L-UP/952/1996-FC-V
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510.
Dated: 11th February, 2011

To
The Chief Conservator of Forest (Central),
Central Regional Office,
Kendriya Bhawan, 5th floor,
Allganj, Lucknow.

Sub: Guidelines under Forest (Conservation) Act, 1980 for diversion of private forest land for construction of residential buildings -reg.

Sir,

The Ministry of Environment & Forests at New Delhi and its Regional office, Lucknow have been receiving proposals from different individuals of the State of Uttarakhand seeking 'No objection certificate'/FC clearance under Forest (Conservation) Act, 1980 for construction of residential buildings/dwelling houses on their private forest land in light of Ministry's letter no. 11-2/98-FC dated 31.03.2000 & 28.02.2001, *inter-alia*, stating that the State Government will forward all such cases of construction of building on Private forest land in Mussoorie to Central Government for seeking ex-post facto approval and the Central Government will process these proposal in accordance with the rules framed under the FC Act 1980 without making any final order; and FC Act is attracted for all types of forests including dictionary sense. Accordingly, the proposals of construction of houses for residential purpose, even over private forest land, are not being considered in view of para 4.5 of FCA guidelines which states that "the Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling house".

The proposal of the Regional Office, Lucknow for diversion of private forest land for construction of residential buildings/dwelling houses was placed before the Forest Advisory Committee (FAC), which noted that more than 1000 cases of construction of houses in Mussoorie Dehradun Development Authority (MDDA) area are pending for final decision as they had been referred to the Hon'ble Supreme Court by the Supreme Court Monitoring Committee. The Supreme Court, in its Judgment dated 19.01.2009, has directed, *inter-alia*, the High Court of Uttarakhand at Nainital to hear such cases of MDDA individually and pass suitable directions. It was informed that part works in some of the cases had already been carried out before it was stopped as per the direction of Supreme Court in Writ Petition (C) No. 749/1995 in the year 1996. It was also noted that there is no such restriction on construction of bonafide residential buildings in other hill areas of the country.

Taking above factors into account and looking into the merit of the cases pending for FC clearance in Regional Office, Lucknow, and on the basis of the recommendations of the FAC, the approval of Central Government is hereby conveyed to modify the para 4.5 of the guidelines under the Forest (Conservation) Act, 1980 to allow construction of residential or dwelling houses in private forest land in MDDA areas of Uttarakhand subject to fulfillment of following conditions:

1. Construction activity for residential purpose in private forest area shall be allowed

only for domestic purposes and shall not be extended to any institutional building or commercial development.

2. The constructional activities shall be restricted to a maximum of 250 sq m of built up area in each case.
3. The construction of residential buildings in private forests is permitted in MDDA areas and other parts of Uttarakhand State only in order to alleviate hardship of homestead owners for constructing / completing their bona-fide residential buildings.
4. The permission will be subject to:
 - i. Tree felling should be minimum.
 - ii. Sufficient soil conservation measures should be taken.
 - iii. Permission of MDDA and other regulatory bodies for construction in hill areas shall be obtained.
5. All other standard conditions required for such projects including planting of tree species and NPV.

It is further reiterated that this stipulation is strictly restricted to construction of residential or dwelling houses in private forest land in MDDA areas of Uttarakhand, where non-forest land is not available.

Yours faithfully,

(C.D. Singh)

Deputy Inspector General of forests

Copy to:

1. The Principal Secretary (Forests), Government of Uttarakhand, Dehradun for information.
2. The Principal Chief Conservator of Forests, Government of Uttarakhand, Dehradun.
3. The Nodal Officer (FCA), o/o the PCCFs, Government of Uttarakhand, Dehradun s.
4. Regional Offices of MoEF, Bhopal, Shillong, Bangalore, Bhubaneswar, & Chandigarh.
5. The RO (HQ), MoEF, New Delhi.
6. All Sr. AIGF / AIGF of FC Division.
7. Monitoring Cell, FC Division.
8. Guard File.
10. File no. S-3/2007-FC

(C.D. Singh)

Deputy Inspector General of forests

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