

F. No. 7-27/214-ROHQ
Government of India
Ministry of Environment & Forests
(F.C. Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 27th September, 2018

To,

The Principal Secretary (Forests),
Government of Uttarakhand,
Dehradun.

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

Sir,

I am directed to refer to the discussion held in Forest Advisory Committee (FAC) Meeting held on 26.04.2018 and 26.07.2018 on Ministry's guideline as issued vide letter no. L-UP/952/1996-FC -V dated 11.02.2011 in connection with construction of residential or dwelling houses in private forest lands located in areas falling under the jurisdiction of the Mussoorie Dehradun Development Authority (MDDA). Various representation of different authorities to simplify, the process and allowing owners of land in Notified Private Forest Estates, in Mussoorie, District Dehradun (Uttarakhand) to build residential houses, were received in this Ministry.

2. The detailed discussion on the issue was undertaken in FAC Meetings held on 26.04.2018 and 26.07.2018. The minutes of the said FAC meetings are placed on the website of this Ministry: www.forestclearance.nic.in.

3. After recommendation of FAC and with the approval of competent authority, it has been decided that :

- a. State Government may be asked to clarify the applicability of different Sections of Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960 (KUZA Act) on the Mussoorie Dehradun Development Authority (MDDA) area and explain why these have not so far been vested with the Government.
- b. State Government should take immediate steps to expedite demarcation of the notified forest area within each estate as per the direction of Hon'ble Supreme Court. The work of demarcation should be completed in time bound manner and the final decision of Hon'ble Supreme Court may be conveyed to MoEF&CC. State Government may bring to the notice of the Apex Court the extremely poor pace of work by SOI and seek further directions. The Ministry feels that once the non-notified areas of estates are demarcated out then these would fall out of the preview of the Forest Conservation Act, 1980 (except deemed forest areas) and these then can be used for any purpose as per the choice of the estate owner. This would go a long way in removing the difficulties of the estate owners.
- c. The word "*Homestead*" should continue to be retained in the existing Guidelines dated 11.02.2011. The removal of this word from the existing Guidelines is likely to lead to fragmentation of the private forest estate through sale of small plots and holdings with each subsequently built with building over 250 sq mts as per Guidelines. This would decimate the existing greenery around Mussoorie as most of the forest that one sees today around Mussoorie

- is in fact private forest. However Ministry recommends that definition of homestead may be incorporated into the existing Guidelines.
- d. MoEF&CC need to form certain guidelines by which the private forest estate owners get incentives and income from protection of these pristine forest areas so vitally important for the survival of Mussoorie as a hill station as well as town. One of the ways could be that Apex Court may be moved to allow very conservative green felling in these forest areas allowing some cash flow to the owner. Alternatively, owners may be given some incentives by way of subsidy as well as some relaxations in the existing rules to take up eco-tourism on these estates. The Government may also consider acquisition of these private forest areas in public interest by paying compensation from CAMPA.
- e. Ministry recommends that condition related to slope restriction may be removed and stability of the landscape may be left to the civic authorities granting permission for construction.
4. In view of above, the State Govt. is requested to take necessary action in the matter on para (3) above.

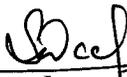
Yours faithfully,


(Sandeep Sharma) 27.9.16

Assistant Inspector General of forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Uttarakhand, Dehradun.
2. The Addl. PCCF (Central), Regional Office, Dehradun, MoEF.
3. The Nodal Officer (FCA), O/o the PCCF, Government of Uttarakhand, Dehradun.
4. The User Agency.
5. Monitoring Cell, FC Division, MoEF.
6. Guard File.


(Sandeep Sharma) 27.9.16

Assistant Inspector General of forests (FC)