

Most urgent

Government of Odisha
Forest & Environment Department

-0-

No.10F(Cons)138/2018 15101/F&E, Bhubaneswar, dated the 11-07-18
From

Sri Debidutta Biswal, IFS
Special Secretary to Government

To

The Principal Chief Conservator of Forests, Odisha

Sub: Diversion of 1.912ha. of forest land within the jurisdiction of Cuttack Forest Division of Jajpur district, Odisha for upgradation of road from RD 1/966Km to 5/00Km(RD Road to Aradapal) over a length of 3.034Km through forest area out of total road length of 5.0Km by Executive Engineer, Rural Works Division, Jajpur, Odisha under ADB assisted PMGSY vide Package No. OR-13-ADB-15/Tr-III (Proposal No. **FP/OR/ROAD/28940/2017**)

Sir,

With reference to your letter No. 13255 dt. 20.6.2018 on the subject mentioned above, I am directed to say that the proposal for diversion of 1.912ha. of forest land within the jurisdiction of Cuttack Forest Division of Jajpur district, Odisha for upgradation of road from RD 1/966Km to 5/00Km(RD Road to Aradapal) over a length of 3.034Km through forest area out of total road length of 5.0Km by Executive Engineer, Rural Works Division, Jajpur, Odisha under ADB assisted PMGSY vide Package No. OR-13-ADB-15/Tr-III (which has been approved by the Ministry of Rural Development, GoI vide letter No. 17024/40/2011-RC dt. 28.11.2011), was examined as per guidelines prescribed by the Government of India, MoEF vide their letter F.No. 11-9/98-FC dt. dt. 13.5.2011, dt.16.6.2011 , dt. 25.2.2016 and 15.2.2018 in the matter of taking up establishment of certain critical public utility infrastructures by Government Departments in LWE affected districts of the State which also includes **Rural roads.**

It is observed that 1.912ha. of forest land within Cuttack Forest Division comprising of 0.038ha. of sabik kism forest land as on 25.10.1980, 0.097ha. of village forest land and 1.777ha. of Daitari DPF(Forest Block No. 27) , is required for upgradation of road from RD 1/966Km to 5/00Km(RD Road to Aradapal) over a length of 3.034Km through forest area out of total road length of 5.0Km by Executive Engineer, Rural Works Division, Jajpur, Odisha under ADB assisted PMGSY vide Package No. OR-13-ADB-15/Tr-III . The forest land of 1.912ha. required for the road project is located in village Kuntaposi, Kumutibahali, Deogaon



and Forest Block No. 27 of Cuttack Forest Division of Jajpur district. Area proposed for diversion are outside the Protected Areas like National Park, Wildlife sanctuary etc. Jajpur district of Odisha where the proposed road project is being taken up is included in the list of districts affected by Left wing extremism. While justifying the project road to be located on forest land, the user agency has indicated that the proposed road would provide all-weather connectivity to the inhabitants of villages like Deogaon, Aradapal, Khuntaposi, Kankadajodi, Rahangi, Kumutibahali, Ashokajhara, Patna, Natore, Nagada, Guhiasala, Taladiha and Tumuni thereby increasing their economic activities. Besides, livelihood opportunities and medical & educational facilities would also be made available to them with ease. It has also been indicated by the user agency that there is no alternative road to provide all weather road the above named villages. Thus, on completion of this road, it would serve as a life-line for the inhabitants.

The Government of India, MoEF&CC vide their letter F. No. 11-9/98-FC dt. 13.5.2011/16.6.2011/25.2.2016/15.2.2018 have granted general approval under the provisions of Forest Conservation Act, 1980 for diversion of forest land up to 5.0ha for carrying out certain kinds of critical public utility infrastructure projects, by Government Departments in LWE affected districts for the period up to 31.12.2020 under approval of the State Government. Construction of the infrastructure projects such as **Rural Roads** in the Naxal affected districts are many of such critical public utility infrastructure projects. This project would enable the user agency constructing a black topped road of 3mt. width having 1.5mt wide paved shoulder on either side which would provide all-weather road connectivity to rural populations of villages mentioned above belonging to Sukinda Tahasil coming within the LWE-affected district of Jajpur. It is also observed that forest land to be diverted under general approval orders of MoEF&CC has only canopy density of less than 0.4(Eco Value Class III). Only 8 no. of trees are reported to be existing over the forest area which are required to be felled for this infrastructure project of public importance. The Collector, Jajpur has furnished certificate as per format prescribed in FRA guidelines of MoEF&CC pertaining to 3.62ha. of forest land which includes forest land of 1.345ha. in Khuntaposi, 0.432ha. in Kumutibahali, 0.135ha. in Deogaon now proposed for diversion for this road project. The user agency has also furnished DGPS map of forest patches to be diverted duly verified by ORSAC and authenticated by the DFO, Cuttack Forest Division along with soft copy in CD form.

In view of the essentiality involved for diversion of 1.912ha. of forest land within the jurisdiction of village Khuntaposi, Kumutibahali, Deogaon and Forest Block No. 27 of Cuttack Forest Division of Jajpur district, Odisha for upgradation of road from RD 1/966Km to 5/00Km(RD Road to Aradapal) over a length of 3.034Km through forest area out of total road length of 5.0Km by Executive Engineer, Rural Works Division, Jajpur, Odisha under ADB assisted PMGSY vide Package No. OR-13-ADB-15/Tr-III and general approval of Government of India, MoEF&CC accorded under Section 2 of Forest Conservation Act, 1980 vide their letter F.No. 11-9/98-FC 16.6.2011, dt. 13.5.2011 , dt. 25.2.2016 and 15.2.2018 , State Government have been pleased to grant permission in favour of the Executive Engineer, Rural Works Division, Jajpur for diversion of 1.912ha. of forest land within the jurisdiction of Cuttack Forest Division of Jajpur district, Odisha for upgradation of above mentioned PMGSY road subject to fulfillment of the following conditions.

1. The legal status of the forest land so diverted shall remain unchanged.
2. The diverted forest land of 1.912ha. shall not be used for any purpose other than specified in the proposal.
3. No. of trees to be felled for execution of this project on forest land shall be limited to 8.
4. The user agency shall take up plantation of indigenous species on both sides of the proposed PMGSY road (RD road to Aradapal) in the project area under the supervision of Divisional Forest Officer, Cuttack Forest division at project cost.
5. The user agency shall pay the Net Present Value of the forest land so diverted as per revised rate communicated by the State Government vide letter No.21687/F&E dt. 22.12.2009 pursuant to orders dt. 28.3.2008 and dt. 9.5.2008 of Hon'ble Supreme Court of India in I.A. No. 566 in W.P.(C) No. 202/1995. The funds received from the user agency under this project shall be transferred in favour of Compensatory Afforestation Fund in Account No. CA 1585 in Corporation Bank, Lodhi Road, New Delhi through the e-portal.
6. No other fresh forest land shall be used for construction of this infrastructure project.
7. No labour camps shall be established on the forest land. The labourers engaged in the construction work shall be provided with the fire wood by the implementing agency by purchasing the same from the depots of the Odisha Forest Development Corporation Ltd.



8. Demarcation of the forest land so diverted, shall be taken up at project cost using four feet high reinforced cement concrete pillars with serial number, forward and backward bearing and distance from pillar to pillar.
9. No project work shall be allowed after sunset.
10. The permission granted by the State Government shall be subject to monitoring by the Eastern Regional Office, GoI, MoEF&CC.
11. The User Agency shall be responsible for any loss to the flora/fauna in the surroundings and therefore shall take all possible measures to conserve the same. Any damage done in this regard shall be compensated by the User Agency from the project cost as per assessment of the Divisional Forest Officer.
12. The compliance with regard to provisions Government of India, MoEF&CC circulars pertaining to the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 shall be ensured.
13. DPF patches to be diverted for the road project shown on A4/A3 paper indicating posting of boundary pillars duly authenticated by DFO, Cuttack shall be furnished.
14. Any other condition that the State Forest Department/Pr. CCF, Odisha/RCCF, Angul/Divisional Forest Officer, Cuttack /Eastern Regional Office, MoEF&CC, Government of India may impose from time to time for protection and improvement of flora and fauna in the forest area.
15. The Addl. Principal Chief Conservator of Forests (Forest Diversion)&Nodal Officer, FC Act, O/O Pr. CCF, Odisha shall submit monthly report to the Eastern Regional Office, MoEF, Government of India by 5th of every month without fail regarding approval of State Government accorded for use of forest land for the projects included in the general approval order under reference. Besides, six monthly reports for the period ending 30th June and 31st December containing details of all forest land diverted under the general approval by the Ministry along with status of actual utilization of the forest land so diverted for the purpose, shall be submitted to the MOEF&CC, Government of India.

The Divisional Forest Officer of Cuttack forest division and Collector, Jajpur shall not hand over the forest land to the user agency for construction of this infrastructure project until the user agency complies with the stipulation No. 5, and 8 along with furnishing undertakings pertaining to other relevant conditions imposed above. Besides, the scheme to be prepared in

compliance to condition No. 4 mentioned above, shall be approved by the competent authority for their execution by user agency at project cost under the supervision of Divisional Forest Officer of Cuttack Division. He may be asked to supervise the construction work during execution of the project and any deviation to the stipulations mentioned above by the User Agency shall be reported by them to the Pr. CCF, Odisha/State Government/Eastern Regional Office, MoEF&CC along with action taken report.

Yours faithfully,

Memo. No. 15102 /F&E dt.

11-7-18

Special Secretary to Government

Copy forwarded to Assistant Inspector General of Forests, Govt. of India, Ministry of Environment & Forest and Climate Change, (F.C. Division), Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi -110003 for information and necessary action.

Memo. No. 15103 /F&E dt.

11-7-18

Special Secretary to Government

Copy forwarded to Additional Principal Chief Conservator of Forests (Central), Government of India, MoEF&CC, Eastern Regional Office, A/3, Chandrasekharpur, Bhubaneswar for information and necessary action.

Two copies of the forest diversion proposals are enclosed herewith for reference.

Memo. No. 15104 /F&E dt.

11-7-18

Special Secretary to Government

Copy forwarded to Principal Secretary to Government, R&DM Department for kind information and necessary action.

Memo. No. 15105 /F&E dt.

11-7-18

Copy forwarded to PCCF (WL) & CWLW, Odisha/ Regional Chief Conservator of Forests, Angul Circle/ Divisional Forest Officer, Cuttack Division for information and necessary action.

Strict supervision of the execution of the project may be made by the DFO, Cuttack. He shall ensure that the User agency makes all compliances as required as per orders of Hon'ble NGT.

Memo. No. 15106 /F&E dt.

11-7-18

Special Secretary to Government

Copy forwarded to ST & SC Development Department/ Rural Development Department/Home Department/Collector, Jajpur for information and necessary action.

Special Secretary to Government

Memo No. 15107 /Dated.

11-7-18

Copy forwarded to the Private Secretary to Hon'ble Minister of Forest & Environment for kind information of Hon'ble Minister.

Special Secretary to Government

Memo No. 15108 /Dated.

11-7-18

Copy forwarded to Executive Engineer, Rural Works Division, Jajpur for information and immediate necessary action.

The user agency is asked to take following actions immediately as per orders of Hon'ble National Green Tribunal dt. 7.11.2012 in Appeal No. 7/2012 communicated by the MOEF, Government vide their letter F. No.7-23/2012-FC dt. 24.7.2013.

- (i) *They shall publish the entire forest clearance orders of State Government granted as per general approval accorded by MoEF&CC, Government of India in two widely circulated daily newspapers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the Project for use of forest land for non-forest purposes .*
- (ii) *They shall submit the copies of forest clearance orders granted by the State Government to the Heads of local bodies, Panchayats and Municipal bodies along with the relevant offices of the State Government, who in turn shall display the same for 30 days from date of receipt for general information of public.*
- (iii) *Detailed action taken in compliance to the above order of State Government shall be intimated to the Collector, Jajpur / Divisional Forest Officer, Cuttack/Regional Chief Conservator of Forests, Angul Circle /Pr. CCF, Odisha/F&E Department for reference.*

Special Secretary to Government

Memo No. 15109 Dated-

11-7-18

Copy forwarded to the O.I.C., State Portal, N.I.C., I.T..Department, Odisha Secretariat, Bhubaneswar/ M/s Luminous Infoways Pvt. Ltd, Sadhana, N-6/373, Nayapalli, Jayadev Vihar, Bhubaneswar-15 for information and necessary action. They are requested to upload this letter in the website of Forest & Environment Department **immediately** for information of all concerned. **This is required in compliance to order of Hon'ble National Green Tribunal dt. 7.11.2012 in Appeal No. 7/2012. Hence this may be done unflinchingly.**

Special Secretary to Government.

Memo No. 15110 Dated-

11-7-18

Copy forwarded to the Under Secretary to Government, Office Establishment Section, F&E Department for information and necessary action with reference to their letter No.21646/F&E Dt. 22.11.2016.

Special Secretary to Government

APanich
11/7/18

Jajpur
11/7/18