



Kalinga Institute of Social Sciences (KISS)

(Registered Under Societies Act XXI of 1860)

(Organization in Special Consultative Status with the Economic & Social Council-ECOSOC since 2015)

Associated with United Nations Department of Public Information (UNDPI)

Ranked 189 in the prestigious 2019 Top 500 NGOs of the World

16th March, 2020

Ref. No. 197/KISS/SECY/Land/2020

To

The Divisional Forest Officer
Chandaka (WL) Division
Bhubaneswar.

Sub: Proposal for diversion 4.032 ha. of Government Revenue Forest Land for KISS, Bhubaneswar (State Sl.No.FP/OR/SCH/26930/2017)

Ref. Your Letter No.3486/4F (F.C.Act & Offence) 71/2019 dated 6th July 2019 (**Copy Enclosed as Annexure – I**) & Memo No.2332/4F (Misc)-25/2019 dt.01st.July, 2019 of RCCF, Bhubaneswar.

Dear Sir,

In inviting a reference to your letter no. cited above on the captioned subject, I am to submit that, we had moved the Principal Secretary to Government, Revenue and Disaster Management Department in my D.O. No. 7166/SECY/GC/2019 dated 2nd July, 2019 (**Copy Enclosed as Annexure – II**) to allot revenue forest land measuring Ac.10.00 dec. in Mz-Patharagadia under Bhubaneswar Tahasil in favor of KISS subject to diversion of the same for non forest use.

The Government in R & DM Department sought the views of the Collector, Khordha on our proposal. The Collector, Khordha communicated his views to the Government vide his Letter No. 14339 dated 30th August, 2019 (**Copy Enclosed as Annexure – III**).

On receipt of the views of the Collector, Khordha, the R & DM Department sought the views of the ST & SC Development Department and the Forest and Environment Department, Govt. of Odisha in the matter.

The ST & SC Development Department vide their Letter No. 2994 dated 13.03.2020 have informed the R & DM Department that KISS is a Non-Government organization, running a residential primary and residential secondary school in Bhubaneswar for tribal students and that KISS is availing Grant-in-Aid for 10,000 students from Govt. of India, Ministry of Tribal Affairs.

The Forest and Environment Department has clarified that in principle approval can be given subject to the condition that due approval under the FC Act shall be obtained.

After careful consideration of our proposal, report of the Collector, Khordha, views furnished by the ST & SC Development Department and Forest and Environment Department, the Government have been pleased to accord in-principle approval to allow KISS, Bhubaneswar to use the revenue forest land measuring Ac. 10.00 in Mouza-Patharagadia, under Bhubaneswar Tahasil, (as per the land schedule

furnished by the Collector, Khordha in his letter no. 14339 dated 30.08.2019 – **Copy Enclosed as Annexure-III**) for non-forest purposes; subject to the following conditions,

- Due prior approval under the Forest (Conservation) Act shall be obtained from the Forest and Environment Department and MoEFCC, Govt. of India.
- The kissam and ownership of the land shall remain unchanged and will continue in the same Khata, even after the same land is allowed for non-forest use.
- If prior approval is accorded by the Central Government under the FC Act, the user Agency, i.e. KISS, Bhubaneswar shall be allowed to use the land for non-forest purposes, subject to terms, conditions and limitations provided in such approval order.

The Govt. approval was communicated to KISS by the Additional Chief Secretary to Government, vide his letter no. RDM-LRGEB-KHD-0047-2015-**12338**/R&DM dated 13 March, 2020 under intimation to the Forest and Environment Department and Collector, Khordha vide Memo No. 12339/R&DM dated 13 March, 2020.

In enclosing a copy of the approval letter (**Annexure-IV**) of the Government of Odisha, I am resubmitting the proposal for diversion of 10.00 Acres of Revenue Forest Land for non-forest use by KISS for reconsideration by the RCCF, Bhubaneswar and for onward recommendation.

Thanking you,

Yours faithfully,


R.N. Dash, IAS (Retd.)
Secretary, KISS

Encl: Annexure-I, II, III & IV

Memo No. 198 Dated 16.03.2020

Copy forwarded to the Additional Chief Secretary to Government, R&DM Department, Govt. of Odisha, Bhubaneswar for kind information.

Memo No. 199 Dated 16.03.2020

Copy forwarded to the Special Secretary to Government, Forest & Environment Department, Govt. of Odisha for kind information.

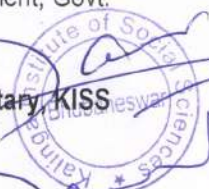
Memo No. 200 Dated 16.03.2020

Copy forwarded to the Collector, Khordha for kind information.


Secretary, KISS


Secretary, KISS


Secretary, KISS



OFFICE OF THE DIVISIONAL FOREST OFFICER & WILDLIFE WARDEN
CHANDAKA WILDLIFE DIVISION, GAJA VIHAR
BARAMUNDA BHUBANESWAR-751003

Ph. (0674) 2355400/ 2355885 (O).

Email - dfochandakawl.od@gov.in/chandakadampara@gmail.com

Letter No. **3486/** 4F (F.C. Act & Offence) - 71/2019

Dated, Bhubaneswar the **06th July, 2019**

To

Sri R.N. Dash
Secretary, KISS
Bhubaneswar

Sub: Proposal for diversion 4.032 ha. of Government Revenue Forest land for KISS, Bhubaneswar (State Sl. No. FP/OR/SCH/26930/2017)

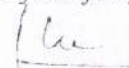
Sir,

Enclosed please find herewith memo. No. 2332 dtd. 01.07.2019 of the Regional Chief Conservator of Forests, Bhubaneswar Circle, Bhubaneswar for your information and necessary action.

The proposal in quadruplicate is returned herewith.


Encl: as above

Yours faithfully


06/07/19
Divisional Forest Officer
Chandaka Wild Life Division
Bhubaneswar

Memo No. **3487/** dtd. **06-07-2019**

Copy forwarded to the Regional Chief Conservator of Forests, Bhubaneswar Circle, Bhubaneswar for favour of kind information and necessary action with reference to his office memo. No. 2332 dt. 01.07.2019.


06/07/19
Divisional Forest Officer
Chandaka Wildlife Division
Bhubaneswar



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D.O. No. 7166/SECY/GC/2019

Date: 2nd July, 2019

From

Shri R.N. Dash, IAS (Retd.)
Secretary

Sub: Request for allotment of Government Land by way of Lease measuring Ac. 10.00 in favor of Kalinga Institute of Social Sciences (KISS), Bhubaneswar at Mauza-Patharagadia-reg..

Ref. Our Letter No. KISS/F/077/17 dated 10.05.2017 and M.A. No. 157/2017/EZ IN Original Application No. 92/2016/EZ in the matter of KISS Vs SUBHAS MOHAPATRA & ORS

Dear Sir,

In inviting a reference to the letter no. and M.A. No. cited above on the captioned subject, I would seek your kind permission to lay before you the following points for favorable consideration.

1. In obedience to the Orders of the Hon'ble National Green Tribunal (EZ), Kolkata (**Annexure-I**), we had approached the Revenue Department, Govt. of Odisha for allotment of revenue forest area measuring 10.00 acres in favor of KISS (**Annexure-IX**).
2. As a prelude to such allotment, it was necessary to submit proposal to the Forest Department for diversion of the land in question for non-forest purposes.
3. In obedience to the Orders of the NGT, the DFO, Chandaka (WL) Division, advised us to submit the Forest Diversion (FD) Proposal online (**Annexure-II**).
4. Accordingly, we submitted the Proposal online.
5. The Proposal was considered in two parts by the Forest Department, i.e., Proposal for Compensatory Afforestation and the Proposal for Diversion of Forest Land for Non-Forest Purposes.
6. The RCCF, Koraput recommended (**Annexure-III**) our Proposal to PCCF, Odisha for compensatory afforestation in about 11 Acres of Land belonging to KISS at Koraput, which is under consideration of the PCCF.
7. The DFO, Chandaka (WL) sought certain clarification from Collector, Khordha, which were complied by the Collector, Khordha (**Annexure-IV**).
8. After due scrutiny, the DFO, Chandaka (WL) recommended the complete Proposal to RCCF, Bhubaneswar (**Annexure-V**).
9. The RCCF sought certain clarification from the DFO, Chandaka (WL) Division, which was met by the DFO (**Annexure-VI**).
10. After due scrutiny, the RCCF found the Proposal in order except that, the land in question has not been transferred to KISS and therefore, rejected the Proposal of the DFO (**Annexure-VII**).
11. So far as KISS is concerned, we have complied to each and every requirement of the Proposal and we can not proceed further without allotment of land in our favor by way of Lease subject to approval of the Forest Diversion Proposal.

Regd. Office: KISS, PO-KIIT, Bhubaneswar-751 024, Odisha, Tel-(0674) 2725386, Email: ceo@kiss.ac.in, info@kiss.ac.in

Website: www.kiss.ac.in, www.facebook.com/kissfoundation

A home for 27,000 tribal children

12. The National Policy in regard to diversion of Forest Land for setting of Schools is laid down by the Govt. of India, MoEF vide their Circular No. 11/9/98 FC dated 31.02.05 (Annexure-VIII). The Circular favors diversion of forest land of 10.00 Acres for the purpose of Schools.
13. The only way the process of forest diversion proposal can move further, is to allot the said land in favor of KISS subject to the condition that, the diversion proposal will be approved since this is the only point which remains to be complied.

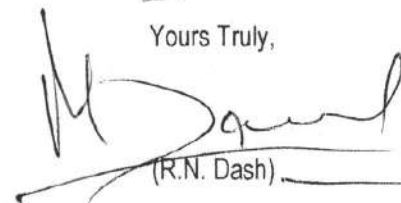
Under the circumstances, I have no other alternative except to approach you kindly to consider to allot the aforesaid Revenue Forest Land by way of Lease subject to in favor of KISS at an early date subject to diversion of the same for no-forest use.

Thanking you,

With Best Regards,

Encl: As Above

Yours Truly,


(R.N. Dash)

To

Mr. Nikunja Kishore Dhall, IAS
Principal Secretary to Government
Revenue & Disaster Management Department
Govt. of Odisha, Bhubaneswar.





Tel. No. :06755- 220001(O)
 Fax No. :06755- 221567
 E-mail : dm-khurda@nic.in

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, KHORDHA
 (REVENUE SECTION)

No. 14399 /Rev Dt. 30 08 19

To

The Additional Secretary to Government,
 Revenue & Disaster Management Department,
 Odisha, Bhubaneswar

Sub: Letter No. 21169 / R & DM dated 23.07.2019 of Revenue & Disaster
 Management Department, Odisha

Sir,

In inviting a reference to the subject cited above, I am to say that the Secretary, KISS, Bhubaneswar has filed an application under the provisions of the OGLS Act, 1962 and the Rules framed there under for sanction of lease in respect of the land schedule given below for the expansion of Tribal Residential School of Kalinga Institute of Social Sciences (KISS), Bhubaneswar.

Land Schedule (Sabik)
[Final Publication Dated 09.03.1962]
 Village-Patharagadia PS- Chandaka PS. No. 40

Khata No.	Plot No.	Area	Kissam
420 (Anabadi)	541	Ac 32.030 (P) Ac 10.000	Chhota Jungle

The Hal Settlement operation in respect of village – Patharagadia has been finally published by the settlement authorities on 21.11.2013. The relevant Hal Land Schedule is given below for better appreciation.

Land Schedule (HAL)
[Final Publication Dated 21.11.2013]
 Village- Patharagadia PS- Chandaka PS No. -40

Khata No.	Plot No.	Area	Kissam
1	2	3	4
2240	1456	0.200	Rasta
(Sarba Sadharan)	1449	0.285	Jungle
	1447	0.100	Jungle
	1458	0.228	Jungle

1458/6817	0.063	Jungle
1458/6818	0.055	Jungle
1458/6854	0.060	Jungle
1458/6851	0.062	Jungle
1458/6852	0.062	Jungle
1458/6853	0.062	Jungle
1461	0.080	Jungle
1462	0.100	Jungle
1463	0.090	Jungle
1464	0.095	Jungle
1465	0.090	Jungle
1466	0.090	Jungle
1467	0.090	Jungle
1468	0.119	Jungle
1469	0.135	Jungle
1470	0.155	Jungle
1471	0.155	Jungle
1473	0.150	Jungle
1474	0.465	Jungle
1633	2.456	Jungle
1475	0.095	Jungle
1476	0.090	Jungle
1477	0.175	Jungle
1478	0.200	Jungle
1479	0.279	Jungle
1480	0.185	Jungle
1481	0.175	Jungle
1482	0.190	Jungle
1483	0.260	Jungle
1484	0.470	Jungle
1485	0.380	Jungle
1486	0.215	Jungle
1487	0.315	Jungle
1537	0.130	Jungle
1538	0.200	Jungle
1539	0.120	Jungle
1540	0.140	Jungle
1541	0.080	Jungle
1542	0.140	Jungle
1543	0.160	Jungle
1544	0.100	Jungle
1545	0.120	Jungle
1431/7285	0.100	Jungle
Total No. of Plots	Total Area	
48	Ac. 10.000	

Certified copies of the above Rolls are enclosed herewith.

Collector, Bhubaneswar, the applicant was asked to take necessary diversion of the forest land for use by the applicant for expansion of residential school of KISS in view of the restrictive provisions of the Forest (Conservation) Act, 1980 read with the order dated 12.12.96 passed by the Hon'ble Apex court in WP(C) No. 202/1995 in the matter of T.N. Godavarman - Vrs- Union of India and Others.

In the meantime, one application was filed by Subash Mohapatra & others before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata bearing OA No. 92/2016 praying for action against KISS for alleged violation of the provisions of the Forest (Conservation) Act, 1980. Pending disposal of the original application, KISS has filed a Misc. case bearing No. 157/2017. The Hon'ble Tribunal has disposed of the M.A. No. 157/2017 arising out of the OA No. 92/2016 with the following observations :-

"This MA which arises from OA 92/2016/EZ, is taken up today. Notices stand dispensed with as the Learned Counsel for the respondents are present.

In the meanwhile, the State Respondents shall consider the application for allotment of forest area in question in accordance with law and dispose it of expeditiously considering the circumstances stated in the application"

In the meantime, the Secretary of KISS has submitted forest diversion proposal before the DFO, Chandaka Wildlife Division, Bhubaneswar for diversion of forest land for non-forest use.

The Regional Chief Conservator of Forest has dropped the diversion proposal observing that the land proposed for diversion is not transferred or owned by the applicant organization. Hence, there is no scope of diversion of forest land.

Keeping in view the observation of RCCF, the Secretary KISS has submitted representation before the Revenue & Disaster Management Department for sanction of lease in favour of KISS subject to diversion of the forest land by the competent authority.

On verification of the documents it is seen that KISS has already completed the following paraphernalia as a part of the forest diversion proposal.

1. The Collector, Khordha has issued FRA Certificate vide order No. 1912 dated 21.08.2018 under the provisions of the Scheduled

Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act) 2006


2. KISS has offered an area of Ac. 10.000 dec. of non-forest land in village- Panchada under Laxmipur Tahasil in the district of Koraput for compensatory afforestation.
3. KISS is willing to deposit the required amount of CAMPA fund for compensatory afforestation.
4. DGPS survey of the land has been completed by ORSAC.
5. The area applied for lease is situated adjoining to KISS campus and is suitable for the purpose for which it is applied for.
6. KISS has submitted an undertaking indicating that the institution will deposit the prescribed Govt. dues after sanction of lease.

During field enquiry it is seen that:

1. There is no sairat sources over the suit plots.
2. The suit plots are connected with roads.
3. The suit land has not been leased out to any individual and institution earlier.
4. There is no application pending for consideration except the application of KISS.
5. There is no communal right of the public over the suit plots.
6. There is no forest growth over the suit plots.
7. There is no objection from the public for the proposed lease as seen from the copy of the proceeding of the Grama Sabha conducted in the village on 10.05.2018.
8. The suit plots are coming under public and semi public use zone as seen from the CDP map prepared by BDA.

In view of the above facts, necessary clearance may be given in favour of KISS for filing of forest diversion proposal before the competent authority.

Yours faithfully,


Collector, Khordha

Enclosures

The list of documents furnished by the applicant along with the copies of RoRs are enclosed

By e-Mail/FAX

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. RDM-LRGEB-KHD-0047-2015-12338/R&DM

dated 13 MAR 2020

From

Sri P. K. Mohapatra, IAS,
Additional Chief Secretary to Government

To

Secretary,
Kalinga Institute of Social Sciences (KISS),
P.O:-KIIT, Bhubaneswar-751024

Sub: In-principle approval in favour of Kalinga Institute of Social Sciences (KISS), Bhubaneswar for use of revenue forest land measuring Ac. 10.00 dec. in Mz- Pathargadia under Bhubanewar Tahasil for non forest purposes.

Sir,

In inviting a reference to your D.O. No.7166/SECY./GC/2019, dated 02.07.2019 on the above cited subject, I am directed to say that Collector Khurda vide his letter No. 14339 dated 30.08.2019 has reported that the scheduled land comprising of 48 plots with an area of Ac.10.00 dec has been recorded in hal settlement (finally published on 21.11.2013 as Jungle (Forest) in kisan and kept in Sarbasadhanan khata. In sabik records, the land was recorded as 'Chote Jungle'. Collector has also reported that the area applied for lease is situated adjoining to KISS campus and there is no communal right of public over the suit plot and there is no forest growth thereon.

2. The ST&SC Development Department and Forest and Environment Department were requested to furnish their considered views in the matter. The ST&SC Development Department has vide their letter No. 2994 dated 13.02 have informed that KISS is a Non-Government organisation, running a residential primary and residential secondary school in Bhubaneswar for tribal students. The said organisation is availing Grant in Aid for 10,000 students from Govt. of India, Ministry of Tribal Affairs. The Forest and Environment Department has clarified that in principle approval can be given subject to the condition that due approval under the FC Act shall be obtained.

3. Section 2 (ii) of the Forest (Conservation) Act, 1980 provides that no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing that any forest land or any portion thereof may be used for any non-forest purpose. Thus, since the land is forest in kisam and will continue to remain so even after approval of forest diversion proposal, it cannot be leased out under the OGLS Act, 1962. However, the agency can be permitted under the provisions of the Forest (Conservation) Act, 1980 for non-forest use with prior approval of the MoEFCC.

4. After careful consideration of your proposal, report of the Collector, Khurda, views furnished by ST&SC Development Department and Forest and Environment Department, the Government have been pleased to accord in-principle approval to allow KISS, Bhubaneswar to use the revenue forest land measuring Ac. 10.00 in Mouza- Patharagadia under Bhubaneswar Tahasil (as per the land schedule furnished by Collector, Khurda in his letter No. 14339 dated 30.08.2019) for non-forest purposes; subject to following conditions:

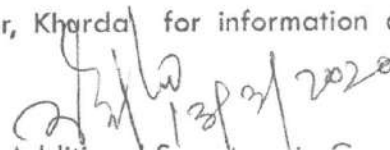
- a. Due prior approval under the Forest (Conservation) Act shall be obtained from the Forest and Environment Department and MoEFCC, Government of India.
- b. The kisam and ownership of the land shall remain unchanged and will continue in the same khata, even after the same land is allowed for non-forest use.
- c. If prior approval is accorded by the Central Government under the FC Act, the user agency i.e KISS, Bhubaneswar shall be allowed to use the land for non-forest purposes, subject to terms, conditions and limitations provided in such approval order.

Yours faithfully,


13/03/2020
Additional Chief Secretary to Government

Memo No. 12339 /R&DM; Dated. 13 MAR 2020

Copy forwarded to Special Secretary to Government, Forest & Environment Department/ Collector, Khurda for information and necessary action.


13/3/2020