

Most urgent

Government of Odisha
Forest & Environment Department

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No.10F(Cons)165/2018 2733/F&E, Bhubaneswar, dated the 26-12-18
From

Sri Debidutta Biswal, IFS
Special Secretary to Government

To

The Principal Chief Conservator of Forests, Odisha

Sub: Diversion of 4.16ha. of revenue forest land in Fatamunda village of Rampur Tahasil (within jurisdiction of Subarnapur Forest Division) for construction of Aadarsha Vidyalaya(Model School), Dunguripali in Subarnapur district, Odisha by District Education Officer, Sonapur (**Proposal No. FP/OR/SCH/29971/2017**)

Sir,

With reference to your letter No. 20124 dt. 29.9.2018 and No. 24876 dt. 12.12.2018 on the subject mentioned above, I am directed to say that the proposal for diversion of 4.16ha. of revenue forest land in Fatamunda village of Rampur Tahasil (within jurisdiction of Subarnapur Forest Division) for construction of Aadarsha Vidyalaya(Model School), Dunguripali in Subarnapur district, Odisha by District Education Officer, Sonapur was examined as per guidelines prescribed by the Government of India, MoEF&CC vide their letter F.No. 11-9/98-FC dt. 13.5.2011, dt.16.6.2011 and dt.15.2.2018 in the matter of taking up establishment of 14 categories of critical public utility infrastructures by Government Departments in LWE affected districts of the State which also includes **construction of schools.**

It is observed that construction of Model Schools is being taken up in each of Educationally Backward Blocks of the Country based on the norms of Kendriya Vidyalaya. An extent of 10 acres of land is required for establishment of Model Schools for accommodating different components like school building, hostel, parks, playground, parking space etc. In this context, the State Government in S&ME Department have decided to open one Odisha Adarsha Vidyalaya(Model School) in all 314 blocks phase wise. The District Education Officers have been authorized to file requisition for alienation/lease of Government land for establishment of Model School/Odisha Adarsha Vidyalaya on behalf of S&ME Department. In this sequel, an Adarsha Vidyalaya(Model School) is to be opened at Fatamunda village in Dunguripali Block of Subarnapur district. The Collector, Subarnapur has identified an area of 10.400 acres of land of kism Gramya Jungle out of total area of 15.093acres in Plot No. 25 of Khata No. 234 in village



Fatamunda under Rampur Tahasil of Subarnapur district for the purpose of construction of Aadarsha Vidyalaya. The applicant has furnished detailed justification for locating the project on forest land. It is revealed that other two sites examined for locating the project involve forest land with Beheramal RF and Andharibanji PRF and are also located 8Km/12Km distance from Dunguripali. The proposed site in village Fatamunda involving revenue forest kism land does not have any tree growth and it has much better communication facilities from the nearby rural areas of Dunguripali block. The students from about 111 villages around the area having a population of 1,15,773, shall be enrolled in the school who shall be provided with quality education from Class VI to XII in CBSE Pattern. It has been certified by the user agency as well as the Divisional Forest Officer, Subarnapur that no other alternate suitable non-forest land nearby Dunguripali is available for the purpose of establishment of the above mentioned school in this block. Hence the proposed site at Fatamunda village is found to be most suitable for establishment of Model School for Dunguripali Block in Subarnapur district.

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 40.0ha for carrying out 14 kinds of critical public utility infrastructure projects involving felling of even more than 50 trees per hectare, 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 like **schools** in the Naxal affected districts are many of such critical public utility infrastructure projects. This project of construction of Odisha Aadarsh Vidyalaya (Model School) at village Fatamunda under Dunguripali Block of Subarnapur district would enable the State Government to provide quality education to rural students of the Block coming within the LWE-affected district of Subarnapur. It is also observed that forest land to be diverted under general approval orders of MoEF&CC for the purpose of construction of Odisha Aadarsha Public School, has no tree growth. As such there will be no tree felling for this infrastructure project of public importance. The Collector, Subarnapur has furnished certificate/other compliance as per format prescribed in FRA guidelines of MoEF&CC pertaining to forest land proposed for diversion. The user agency has also furnished DGPS map of forest patches to be diverted duly verified by ORSAC and authenticated by the DFO, Subarnapur Forest Division along with soft copy in CD form.

In view of the essentiality involved for diversion of 4.16ha. of revenue forest land of kism Gramya Jungle out of total area of 15.093acres in Plot No. 25 of Khata No. 234 in village Fatamunda under Rampur Tahasil of Subarnapur district, Odisha for establishment of Odisha Aadarsha Vidyalaya(Model School) by the District Education Officer, Subarnapur and general approval of Government of India, MoEF&CC accorded under Section 2(ii) 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 dt. 15.2.2018 , State Government have been pleased to grant permission in favour of the District Education Officer, Subarnapur for diversion of 4.16ha of revenue forest land in Fatamunda village of Rampur Tahasil (within jurisdiction of Subarnapur Forest Division) for construction of Aadarsha Vidyalaya(Model School), Dunguripali in Subarnapur district, Odisha under Section 2 of Forest Conservation Act, 1980 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 4.16ha. shall not be used for any purpose other than specified in the proposal.
3. No tree felling is to be done for execution of this project on forest land.
4. The user agency shall take up plantation of indigenous of plants in the vacant spaces of the proposed school campus as well as outside the project area under the supervision of Divisional Forest Officer, Subarnapur Forest division at project cost to maintain greenery in the locality.
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.
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. In the alternative, they may also provide LPG to the labourers so engaged.



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. Any other condition that the State Forest Department/Pr. CCF, Odisha/RCCF, Bhawanipatna /Divisional Forest Officer, Subarnapur/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.
14. 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&CC, 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 Subarnapur forest division 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. The DFO, Subarnapur 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. 27734 /F&E dt. 26-12-18 Special Secretary to Government
24/12/18

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. 27735 /F&E dt. 26-12-18 Special Secretary to Government
24/12/18

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. 27736 /F&E dt. 26-12-18 Special Secretary to Government
24/12/18

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

Special Secretary to Government
24/12/18

Memo. No. 27737 /F&E dt. 26-12-18
Copy forwarded to PCCF (WL) & CWLW, Odisha/ Regional Chief Conservator of Forests, Bhawanipatna Circle/ Divisional Forest Officer, Subarnapur Division for information and necessary action.

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

Memo. No. 27738 /F&E dt. 26-12-18 Special Secretary to Government
24/12/18

Copy forwarded to P&C Department/ S&ME Department/Home Department/Collector, Subarnapur for information and necessary action.

Memo No. 27739 /Dated. 26-12-18 Special Secretary to Government
24/12/18

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

Special Secretary to Government
24/12/18

E:mail:- deosonepur29@gmail.com

Memo No. 27740 /Dated.

26-12-18 ✓

Copy forwarded to District Education Officer, Subarnapur, Rameswar Road, At/PO Sonepur, Dist. Subarnapur Pin- 767017, Odisha 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 as well as to 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, Subarnapur/ Divisional Forest Officer, Subarnapur/Regional Chief Conservator of Forests, Bhawanipatna Circle /Pr. CCF, Odisha/F&E Department for reference.*

Memo No. 27741

Dated-

26-12-18

Special Secretary to Government

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 unflinching.**

Memo No.

27742

Dated-

26-12-18

Special Secretary to Government

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