



OFFICE OF THE REGIONAL CHIEF CONSERVATOR OF FORESTS, ROURKELA CIRCLE,
AT/P.O. PANPOSH, ROURKELA-769 004.

Memo No. 3410 /3F-763/2022. Date: 30-9-2022

To

The Principal Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act),
O/o the Principal Chief Conservator of Forests & HoFF,
Odisha, Bhubaneswar.

Sub:- Diversion of 310.110 Ha of forest land for construction of Right Main Canal and Distributary of Kanpur Irrigation Canal System under Keonjhar Division in Keonjhar District by Executive Engineer, Kanupur Canal Division, Jhumpura of Water Resource Department of Odisha- GoI observations regarding.

Ref:- 1. Letter No.5-ORA472/2021-BHU Dtd.02.09.2022 of MoEF & CC, GoI
2. Your Memo No.17729 dated 09.09.2022.
3. Memo No.7458 Dtd.29.09.2022 of DFO, Deogarh Division.

With reference to the aforementioned Memo on the captioned subject, the DFO, Keonjhar Division vide his Memo No.7457 Dtd.29.09.2022 addressed to this office & copy thereof endorsed to you in the next Memo of even date has submitted the point-wise compliance with the observations made vide Letter No.5-ORA472/2021-BHU Dtd.02.09.2022 of GoI, MoEF & CC, IRO, Bhubaneswar.

The point wise compliances submitted by the DFO, Keonjhar Division are as follows:-

- i. **Detailed report on violation of Forest (conservation) Act, 1980 reported to be committed during the period 2016-2018.**

As reported by the DFO, Keonjhar Division, the total canal network is 466.21 Km including main canal, distributaries, minor and sub-minor canal. The canal work was started in the 1990's in first phase when there were no technical tools like GPS / DSS/ DGPS etc. Accordingly, measurements were done using traditional methods.

Moreover, canal network involves RF, PRF, Gramya jungle, Revenue Forest, Sabik Forest inter-mixed with each other making it very difficult to demarcate in every Khata & Plot No of Revenue land(**Annexure-I**).

Due to these reasons, canal work on Revenue Forest land over 28.15414 ha in 84 nos. plots(in Champua Tehsil 13.95 ha + Jhumpura Tehsil 4.67 ha + Keonjhar Tehsil 1.88 ha + Barbil Tehsil 7.646 Ha) was carried out which was contiguous to non-forest land and was devoid of green cover. Therefore, the canal construction work in forest area was unintentional and circumstantial.

The canal work on non-forest land which later found to be in Sabik Forest Kissam over 28.0573 ha in 376 nos. Plots (in Champua Tehsil 8.81 ha + Jhumpura Tehsil 17.69 ha + Keonjhar Tehsil 1.54 ha) were also executed. The same work was stopped over remaining Sabik Forest Kissam land once it was detected.

The main objective of FCA 1980 is to regulate the unavoidable use of forest land for various developmental purposes following laid out procedure.

It embodies our firm commitment to ensure integrated and sustainable development by striking a balance between the economic and ecological considerations. Importantly, this act is not prohibitory but regulatory in nature.

In the instant case, all procedures for unavoidable use of forest land were followed but due to above mentioned circumstantial factors, some forest land was used for canal work unintentionally.

FC Act being an Act that evolves every day on the basis of merits of work and critical developmental compulsions, the violation made by the User Agency may not be considered as a violations being a Govt. project that still awaits to see the dawn of day despite its inception way back in 1989. The larger public interest may be weighed in the balance of the FC Act to take the project to its logical end under apriorism of FC Act.

Keeping spirit of FC Act in mind to strike the balance between ecology and development and considering the long gestation period of this project, the violations over revenue forest land may be condoned for the larger public interest.

ii. **Detail action taken by the State Government after taking cognizance of violation of violation of Forest Conservation Act, 1980.**

As reported by the DFO, Keonjhar Division, the names of the forest staff who were incumbent during the violation period have been intimated to the higher authorities vide his office Memo No.6349 dtd. 20.08.2022 & Memo No.6347 dated 20.08.2022.

Further show cause notice has been issued by the DFO, Keonjhar Division against the Forest Guard vide his office O.O. No. 6316 dated 12.08.2022. (Copy enclosed as **Annexure-II**).

The Principal Chief Conservator of Forests & HoFF, Odisha, Bhubaneswar has issued show cause notices to those in incumbent (Range officer, Asst conservator of forest, Divisional Forest officer) when violation occurred vide his office order No.1054 dated 20.09.2022(**Annexure-III**).

iii. **Authorities in the State Government as well as DCF & CF / CCF in their inspection report dated 22.10.2020 & 30.12.2020 respectively have reported no violation of Forest (conservation) Act, 1980 giving the fact that, the violations have been committed during the year 2016-2018, non-reporting the same by DCF & CF/CCF concerned amounts to concealing the information on violation of Forest (Conservation) Act, 1980. Justification in this regards to be provided by the State Government.**

As reported by the DFO, Keonjhar Division, the reasons for which the violations were not reported by the DCF/CF/CCF is furnished below:

1. Due to complex canal network (Main Canal, Sub-Canal, Minor Canal, Sub-minor Canal) & highly interspersed and intermingled forest and Sabik Forest kissam land patches, it was very difficult to identify actual working and non-working area. The proposed forest land for diversion over 310.110 ha is cutting across 131.060 Km length of main canal, Sub-Canal (28.00 Km) and distributary minor & sub-minor canals (103.052 Km), involving 839 nos. forest patches. Due to this complexity, the same violation may have been overlooked.

2. Moreover, it was peak of 2nd wave of CORONA (October to Dec 2020) which further added to constraints at every level of bureaucratic hierarchy against going into details of the inspection. However it was unintentional without any callousness or criminal negligence. The officers who did inspections hold highest respects and commitment to public service and have shown utmost honesty in their career.

Hence this act which has been done unintentionally may be condoned.

- iv. **IRO in its inspection report indicates that most of work has been already executed during the period 2016-2018. Considering the fact that most of the project work has been already been executed, justification for proposing 59931 project affected trees to be felled in the forest land.**

The DFO, Keonjhar has stated that as per field enquiry (Sample survey) by him it is found that there are two sub-divisions in Kanpur Irrigation Project i.e. Jhumpura Sub-division and Remuli sub-division. Most of the work is pending in Remuli Sub-division except some work of main canal (38.00 Km to 78.00 Km) over non-forest land. The work of sub-minor and minor is not done in most of the area of both the sub-divisions.

So for executing work in missing connecting link of main canal which is a forest area, felling of trees is essential.

As the distributaries, minor and sub-minor canals are the critical link for actual ayacut area overage of whose work mostly not yet started, needs felling of trees as enumerated.

- v. **Present status of violation of FC Act, 1980 i.e. whether the work in violation of Forest (Conservation) Act, 1980 has been stopped or still continuing.**

As reported by the DFO, Keonjhar Division, there is no any canal work going on in violation of FCA 1980 in the proposed forest diversion area in Kanpur Irrigation Project.

- vi. **As per DSS analysis of the area proposed for CA in degraded forest land (to afforestation balance tree) an area of 28.00 ha in Barabanka & 1.00 ha in Raghunathpur is observed under MDF category therefore suitability of the same needs to be re-confirmed by the IRO in consultation with the State Authorities.**

As reported by the DFO, Keonjhar Division, the scheme over 86.280 ha degraded forest land identified in Raghunathpur RF has been prepared @600 nos. seedlings per ha in the identified area. As per the field reality 51,768 nos. seedlings can be accommodated. Therefore, 86.280 ha of degraded forest land is proposed for CA to fulfil the criteria of "tree by tree" concept over and above the non-forest land identified in Raghunathpur RF. One ha forest land in Raghunathpur RF out of 86.280 ha land is shown as MDF category. But actually, it comes under open forest category (**Annexure-IV**). It needs gap plantation @600 plants per ha to convert it into MDF or DF through CA plantation. Hence it may be included in CA scheme.

20.00 ha forest land out of 110.749 ha in Barabanka RF comes under MDF category as shown in 6 patches is enclosed as **Annexure-V**. Though it

is MDF, there is huge biotic pressure which is damaging regeneration. Moreover patches 1, 2, 3 & 5 are adjacent to human habitation. Hence, they need protection and must be included in CA scheme. Patches 4 & 6 are shown as MDF in DSS but are actually open forest patches as per photographs attached where 600 plants/ ha can be planted (**Annexure-VI**). Hence, whole land may be taken for CA to ensure its management as compact patch rather excluding them.

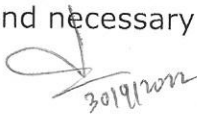
vii. **Monitoring report of the status of compliance of conditions stipulated in the approval granted vide letter No.8-261/1988-FC dated 04.07.1989 for diversion of 235.269 ha of forest land for construction of Kanpur Irrigation Project.**

As reported by the DFO, Keonjhar Division, monitoring report of the status of compliance of conditions stipulated in the approval granted vide letter No.8-261/1988-FC dated 04.07.1989 for diversion of 235.269 ha of forest land for construction of Kanpur Irrigation Project is enclosed herewith for reference vide **Annexure-VII**.

As the canal construction work is incomplete for want of forest clearance, compliance of condition stipulated in approval granted vide No.8-261/88-FC dt.04.07.1989 of MoEF, GoI, New Delhi could not be done. However, in this regard the User Agency has furnished an undertaking for further compliance which is enclosed as **Annexure-A**.

This is for favour of your kind information and necessary action

Encl:- As above.


30/9/2022
Regional Chief Conservator of Forests,
Rourkela Circle.

Memo No. 3411

Date: 30-9-2022

Copy forwarded to the Divisional Forest Officer, Keonjhar Forest Division for information with reference to his Memo No.7457 Dtd.29.09.2022.


30/9/2022

Regional Chief Conservator of Forests,
Rourkela Circle.