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

Memo No. 3596 /3F-763/2021. Date: 4-12-2021.

To

The Addl. 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 Canal System in under Keonjhar Division in Keonjhar District by Executive Engineer, Kanupur Canal Division, Jhumpura of Water Resource Department of Odisha.

Ref:- 1. Letter No. 5-ORA472/2021-BHU dated 20.10.2021 of IRO, MoEF & CC, Govt. of India, Bhubaneswar.
2. Memo No. 18917/FE&CC dated 28.10.2021 of Special Secretary to Government, FE&CC Department.
3. Your Memo No.19650 dated 18.11.2021.
4. Memo No. 8644 Dtd.02.12.2021 of DFO, Keonjhar Forest Division.

With reference to the aforementioned Memos on the captioned subject, the DFO, Keonjhar Division vide his Memo No.8643 Dtd.02.12.2021 addressed to this office with copy to you in the next Memo of even date has submitted the compliance with the observations of the MoEF & CC, GoI vide their Letter No. 5-ORA472/2021-BHU dated 20.10.2021 in respect of the aforementioned proposal which may kindly be perused.

The point wise compliance submitted by the DFO, Keonjhar Division is as follows:-

- a. **As per KML file in Google Imagery, the user agency has already constructed canal in Kaliakaprasad RF and some Revenue Forest land in violation of FC Act, 1980 which was corroborated during the site inspection. Detail and extent of violations, including the name & designation of officials prima facie found guilty along with names of DFOs/CF/RCCF posted in the project Forest Division/ Circle from 2016 to 2021 and Action Taken Report be submitted to the IRO, Bhubaneswar.**

The DFO, Keonjhar Division has reported that as per Memo No. 18917/FE&CC dated 28.10.2021 of Special Secretary to Government, Odisha, Bhubaneswar detailed field inquiry was conducted on dated 11.11.2021 along with User Agency, Range Officer, Champua Range. He has submitted the following point wise compliance with the above observation of MoEF&CC.

1. As reported by the DFO, Keonjhar Division, 8.00 ha in Kalikaprasad RF area to be diverted has already been broken up and the main canal has been constructed. As per statement of Asst. Engineer, Kanpur Irrigation Project, work was executed from 2012 to 2013. The same is

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corroborated by Google time line showing the historical imagery **(Annexure-A)**. After that there is no further work done by the user agency in the said Reserved Forest. It appears that due to continuity of already diverted forest and lack of awareness on the part of field officials of the user agency and contractor, the work was executed in non-diverted part of Kalikaprasad RF un-knowingly. The violation is not intentional but due to lack of knowledge of Forest (Conservation) Act, 1980.

2. Further, the DFO, Keonjhar has reported that 235.269 Ha Forest Land was diverted vide Letter No. 8-26188-EC dated 04.07.89 of MoEF, Govt. of India for the purpose of Reservoir and Canal System. 235.269 Ha of forest land has been used for non-forest use i.e. Reservoir and Canal system since 1989 till date across a span of 32 years. The long gestation period of the project itself has led the User Agency to think for realignment of the Canal for the very fact of cost accrued over years, which costs Rs. 2438.29 crore, at present than the original cost of the project i.e. Rs.86.03 Crore.
3. As reported by the DFO, Keonjhar Division, at present 38.958 ha of diverted forest land (9.10 ha Reserved Forest land & 29.858 ha Khesra Forest land) is still left unutilized at the level of the User Agency out of the total diverted forest land of 235.269 Ha. The User Agency has utilized forest land, without having tree growth, other than that diverted for the purpose, on the presumption that the forest land falling in the realignment route will be compensated by the balance forest land left with the User Agency. The said activity effected on presumption was confined within the period from 1989 till 2012/13.
4. As reported by the DFO, Keonjhar Division, when the user agency submitted a proposal for felling of trees in non-diverted forest land as per realigned route, the user agency was warned that forest land falling in the new realignment route will attract FC Act approval and felling proposal of the User Agency was disregarded by the Divisional Forest Officer vide letter No. 3761 date 27.04.2015 with suggestion for submitting fresh proposal seeking approval under FC Act. The non-forest use in the realigned route neither was intimated by User Agency to Divisional Forest Officer nor has the department accorded any such permission in violation of FC Act. It is only a presumption by the User Agency for continuation of work on the strength of the left over diverted forest land.
5. As reported by the DFO, Keonjhar Division, the user agency has not utilized 9.10 ha of Reserved Forest land which has already been diverted during the year 1989 (Laxmiposi RF- 7.10 ha + Bardhna RF- 2.00 ha). However, they have used the contiguous Kalikaprasad RF land over 8.00 ha which has not been diverted, thinking that they have 9.10 ha diverted forest land against which they used non-diverted land unknowingly and out of ignorance.
6. As reported by the DFO, Keonjhar Division, 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 is very difficult to identify actual working and non-working area. Moreover, at that time technology like GIS, Google Map, DSS was

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not existent, which helps in detection of any violation with bird's eye view. The proposed forest land for diversion over 310.110 ha is cutting across 131.060 Km length of main 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.

7. As reported by the DFO, Keonjhar Division, FC Act being an act that evolves on every day on merits of work and sprints of Act, the presumption made by the User Agency may not be considered as a violation being a Govt. project that still awaits to see the dawn of day despite its inception 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.

- b. As per DSS, the Irrigation canal corridor and CA land identified in Ukhunda RF is overlapping each other, clarification may be furnished in this regard.**

The DFO, Keonjhar Division has reported that during his Site Inspection on dated 11.11.2021 and on verification through Google Earth it is seen that the Kanpur Irrigation Canal Corridor is passing through identified CA site over an area of 3.77 ha which is excluded from identified CA site of Ukhunda RF. Therefore, the CA land identified in Ukhunda RF is not overlapping each other. The map showing in Google Earth which is enclosed as **Annexure-B**.

- c. The State Govt. has reported that 59,931 nos. of trees has been enumerated over the proposed forest land of 310.110 ha. Details of trees enumerated and actually felled over the proposed forest land may be furnished, since construction has already been done at the proposed forest land.**

As reported by the DFO, Keonjhar Division, the diversion proposal over 310.110 ha has been applied by the user agency vide proposal No. FP/OR/IRRIG/40827/2019. For processing of diversion proposal, the concerned Range Officer was requested to take up detailed tree enumeration during the year 2018. Accordingly, the Range Officer concerned had taken up tree enumeration of the proposed forest land available over 310.110 ha as per tree in the proposed forest land and included in the diversion proposal. No tree has yet been felled out of the above enumerated tree of 59,931 nos. The tree enumeration list over 310.110 ha is enclosed as **Annexure-C**.

- d. The State Govt. has not furnished compliance report of stipulated conditions of final approval granted by Ministry vide letter No. 8-261/88-FC dated 04.07.1989 for diversion of 235.269 ha of forest land for Kanpur Major Irrigation Project. Further, the non-forest land identified for CA over 235.269 ha against Kanpur Major Irrigation Project has not been declared as PF/RF by the State Govt. till date.**

The DFO, Keonjhar Division has submitted the compliance report of the conditions of final approval granted by Ministry vide letter No. 8-261/88-FC dated 04.07.1989 for diversion of 235.269 ha of forest land which is enclosed herewith as **Annexure-D**.

As reported by the DFO, Keonjhar Division, Compensatory afforestation proposed over 235.269 ha of Non-Forest land and as per the scheme approved, the user agency had deposited Rs. 29,54,979/- with OFDC Ltd. The plantation was already completed over the entire area by OFDC Ltd and handed over to territorial division, Keonjhar. The details of plantation undertaken by OFDC Ltd is furnished hereunder-

Bhaliadal	12.000 ha	in	1991-92
Badektali	24.427 ha	in	1992-93
Basantapur	51.040 ha	in	1992-93
Jhinkipita	147.802 ha	in	1992-93

Further as reported by the DFO, Keonjhar Division, Non-forest area identified for the purpose for compensatory afforestation has been mutated in the name of Forest Department. The village Badektali, Basantapur & Jhinkipita are coming under Keonjhar(WL) Division. The PF notifications have not been done so far. The draft notification proposals for declaration of the aforesaid Non-forest land as PF will be submitted by the DFO, Keonjhar Division very soon.

This is for favour of your kind information and necessary action

Encl:- As above.

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11/12/21

[Handwritten signature] Regional Chief Conservator of Forests,
Rourkela Circle.

Memo No. 3597 Date: 4-12-2021.

Copy forwarded to the Divisional Forest Officer, Keonjhar Forest Division for information with reference to his Memo No.8643 Dtd.02.12.2021.

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11/12/21

[Handwritten signature] Regional Chief Conservator of Forests,
Rourkela Circle.