

**Government of Odisha
Revenue & D.M. Department**

No. 22958/R&DM, Bhubaneswar, dated the 4th August, 2014.
GE (GL)-S-31/2014

From

Dr. Taradatt. IAS,
Additional Chief Secretary to Government.

To

All Collectors.

Sub: Diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980.

Sir,

I am directed to invite reference to the aforementioned subject and to say that requisitions are being filed before the revenue authorities to transfer non-forest Government land for the purpose of compensatory afforestation in lieu of forest land required for development purposes in general and for mining and other industrial projects in particular. Govt. of India, Ministry of Environment & Forest have stipulated that for diversion of forest land for non-forest use under the provisions of Forest (Conservation) Act, equivalent quantum of non-forest land need to be handed over to the Forest Department for raising compensatory afforestation. As such, whenever a forest diversion proposal is processed under the Forest (Conservation) Act, 1980, a scheme for compensatory afforestation which is required to be executed over the non-forest land is identified for this purpose by the revenue and forest officers.

2. You are aware that Government lands are borne in four khata in the record of rights finally published under the provisions of the Orissa Survey & Settlement Act, 1958 viz., Abadajogya Anabadi, Abada Ajogya Anabadi, Rakhit and Sarbasadharana. While the land recorded as Sarbasadharan and Rakhit cannot be used for any purposes other than those of the community and is in the nature of *res communis*, the land recorded as Abadajogya Anabadi can only be diverted for raising compensatory afforestation. It may be pertinent to mention here that the land recorded as Abadajogya Anabadi is also set apart for settlement in favour of landless and homesteadless persons. It must also be kept in mind that for the purpose of

sustainable development of the State, the housing, transport and other developmental needs and rights of the populace has to be met. Moreover, a certain percentage of land of the effective area of the village is also reserved for Gramya jungle.

3. Of late, Government faced difficulties in implementing various development projects in the state due to non-availability of suitable Government land for the purpose. In order to overcome these difficulties, Government have formulated a principle for direct purchase of private land through bi-lateral negotiation for timely execution of social development projects undertaken by different Departments.

4. In view of the difficulties enumerated above, Government have been pleased to decide as follows:

- (i) The Circular No. F. No.5-1/2007-FC, dated 28.12.2007 issued by the Govt. of India, Ministry of Environment & Forest deals with compensatory afforestation of non-forest land and takes into account the difficulty of States in finding non-forest land for the purpose of compensatory afforestation. It is clarified that the revenue lands recorded as forest on which the provision of Forest (Conservation) Act, 1980 are applicable would be considered for the purpose of compensatory afforestation. The above category of land may be identified and accepted for compensatory afforestation against the development projects.
- (ii) Govt. of India, MoEF, in their guidelines have suggested to provide degraded forests twice in extent to the forest area being diverted for the purpose of compensatory afforestation where suitable non-forest lands are not available for exchange. The Collector, the Divisional Forest Officer and the District Level Officer of the Department requiring forest land for the purpose of mining, industrial or other development projects, as the case may be, should jointly identify the area comprised in the degraded forests for the purposes of compensatory afforestation and send to the appropriate authority the proposal for diversion of

forest land for compensatory afforestation complete in all respect.

- (iii) In view of scarcity of non-forest Government land, project proponents other than Government projects requiring forest diversion should go for private purchase of land or acquire land through land acquisition mode for raising compensatory afforestation. As far as possible the private land for compensatory afforestation should be identified contiguous to or in the proximity of the reserved forest or protected forest to enable the Forest Department effectively manage the newly planted area. However, in case of availability of surplus unobjectionable Government land, the same may be offered on payment of premium.

5. Considering the importance and urgency of the matter, the State Government expect that all field officers concerned shall act with due diligence and expedition in formulating proposals for diversion of forest land for mining, industrial and other development projects.

Yours faithfully,



Additional Chief Secretary

Memo No. 22959 /R&DM, Date. 04.08.2014.

Copy to the Principal Secretary, Forest & Environment Department/ Principal Chief Conservator of Forests for information and necessary action.



Additional Chief Secretary