By Fax/ e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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No. GE (GL) –S- 10/2017- 10894 **/ R&D.M Dated** 31.3.2017

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collectors

Sub- Clarification regarding realization of premium from the user agencies for use of forest land for mining, industrial and other purposes

Madam/ Sir,

I am directed to say that the erstwhile Revenue & Excise Department vide G.O No. 18758/R dated 07.04.1998 had communicated the decision of Government that the user agencies have to pay the premium for the forest land used for mining, industries or other purposes. The principle regarding determination of quantum of premium for different purposes was also laid down in the aforesaid G.O.

2. Subsequently, this Department vide G.O No. 34969/R&DM dated 31.08.2007, while reiterating the same position, further communicated the decision of Government that the premium shall be collected by the Collector of the concerned district irrespective of the category of the forest land, whether it is of revenue forest, reserved forest, protected forest etc. The said G.O also specified that in all such cases, the user agency need not pay any premium for the non-forest lands alienated in favour of Forest & Environment Department for compensatory afforestation.

3. However, the aforesaid two G.Os of this Department have been quashed by Hon'ble High Court of Orissa in separate judgments passed in different writ petitions and also by the Hon'ble Supreme Court in SLP filed by the State Government against the judgments of Hon'ble High Court in the meantime. Now, the State Government is contemplating to file a fresh Inter Locutory Application before the Hon'ble Apex Court praying for allowing the Government to collect the premium/ user charges of the forest land used by user agencies.

4. Under these circumstances, doubts are being raised in several quarters as to whether the user agencies are liable to pay the premium of the forest land being

diverted for non-forest use or not. It has also come to the notice of Government that handing over the forest land to user agencies, for which final approval of Central Government have already been accorded, are getting delayed due to absence of clear-cut guidelines issued from Government.

5. Keeping the above position in view, the Government, after careful consideration, have been pleased to decide that the forest land in respect of which Central Government has accorded final approval for diversion under section 2 of the Forest (Conservation) Act, 1980 may be handed over to the user agency following due procedure of law subject to the condition that the user agency shall furnish an undertaking through an affidavit to the effect that the agency shall pay such amount to the State Government as would be decided in accordance with the final judgment of the Hon'ble Supreme Court in respect of the forest land diverted for non-forest use.

6. Government have further been pleased to decide that in respect of the non-forest government land being alienated in favour of State Forest & Environment Department for compensatory afforestation purpose, the project proponents/ user agencies other than Government projects shall have to pay the cost of such land as per the principles laid down in this Department G.O No. 22958/R&DM dated 04.08.2014 read with G.O No. 31312/R&DM dated 24.10.2014.

Appropriate action may be taken in the matter accordingly.

Yours faithfully,

31/3

Principal Secretary to Government

Memo No. 10895 / RDM Dated 31.3.2017

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

31/3/17

Joint Secretary to Government

Memo No. 10896 / RDM Dated 31.3.2017

Copy forwarded to Forest & Environment Department/ Industries Department/ Steel & Mines Department for information and necessary action.

31/3/17

Joint Secretary to Government

Memo No. 10897 / RDM Dated 31.3.2017

Copy forwarded to Deputy Secretary to Government (in charge of IMU Cell)/ all seats of LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.

31/3/17

Joint Secretary to Government