

# **The Orissa Forest (Management of Coastal Shelter Belt Plantation Raised on Private Lands) Rules, 1980**

ODISHA

India

## **The Orissa Forest (Management of Coastal Shelter Belt Plantation Raised on Private Lands) Rules, 1980**

### **Rule**

### **THE-ORISSA-FOREST-MANAGEMENT-OF-COASTAL-SHELTER-BELT- of 1980**

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The Orissa Forest (Management of Coastal Shelter Belt Plantation Raised on Private Lands) Rules, 1980 Published vide Notification No. S.R.O. 963/80, dated 27th September, 1980, Orissa Gazette Extraordinary No. 1433-D/30.10.1980 S.R.O. 963/80. - In exercise of the powers conferred by Clause (c) of Sub-section (1) of Section 82 of the Orissa Forest Act, 1972 (Orissa Act 14 of 1972) the State Government do hereby make the following rules, namely :

### **1. Short Title and Commencement.**

(1) The rules may be called The Orissa Forest (Management of Coastal Shelter Belt Plantation Raised on Private Lands) Rules, 1980. (2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions.**

- In these rules unless the context otherwise requires-(a) Act means the Orissa Forest Act, 1972 (b) Agreement means the agreement executed by the land owner of private land with the Governor of Orissa, the form of which is appended to these rules in Appendix 1; (c) Coastal Belt means the tract of land lying along the sea-coast of Orissa from the high water marks to a width of one kilometre inland; (d) Divisional Forest Officer means the Forest Officer in charge of Coastal Shelter Belt Afforestation Division or of any other Forest Division under whose jurisdiction the Shelter Belt Plantations are raised and managed; (e) Land owner means the owner of private land as per the Revenue Record-of-Rights; (f) Shelter Belt Plantation means plantation raised along the

Coastal Belt.(2)All other words and expressions used but not defined herein shall have the same meaning respectively assigned to them in the Act.

### **3. Procedure for Raising Shelter Belt Plantation.**

(1)The land owner shall intimate the Divisional Forest Officer in writing his willingness to spare his land raising shelter belt plantations with details of the name of village, Khata, plot, area, location and the like by the 31st October of every year. In exceptional circumstances such intimation may be allowed to be made up to the 15th November of a year.(2)On receipt of such intimation the Divisional Forest Officer shall make such enquiry as he may deem necessary regarding the title of the applicant and the suitability of the land for plantation, so as to complete the enquiry by the 1st December of the year. During this enquiry, the land owner shall be required to produce Revenue Records, maps and the like in order to prove his right and title over the land.(3)On completion of such enquiry, if the land is considered suitable for plantation, the land owner shall be required to execute an agreement in the form appended hereto by the 31st January of the year of planting.(4)The Divisional Forest Officer may make necessary arrangements for raising nursery stock and plantations on such private lands after the agreement is duly executed by the land owner.

### **4. Protection and Management.**

(1)The Divisional Forest Officer shall take all necessary steps for the protection and management of the plantations. The land owner shall not interfere in any manner with the protection and management of the plantation raised on his land. He shall render necessary assistance, as and when required of him by any Forest Officer in raising plantations and in protecting the same over his land.(2)The State Government shall bear the entire expenditure on account of raising the plantations, managing and harvesting them.(3)The land owner shall not permit cattle of any kind to be let loose in or around such plantations to graze within the plantation areas nor he should interfere with the operations of plantations and their maintenance including erection of palisade perimeter barriers such as fencing and the like wherever required, and digging of surface well so long the plantations remain over his land.(4)The Divisional Forest Officer may permit grazing over such portion of plantations where the trees are well grown and not likely to be damaged by ordinary grazing. The incidence of grazing shall be decided by him but in no event any goat or sheep shall be allowed to graze in such plantations.The Divisional Forest Officer shall ensure immediate replantation in areas where felling operations are conducted after maturity of the plantations by mutual agreement with land owner.

### **5. Appropriation of the Income.**

(1)The ownership of such trees planted on his land at Government cost will vest in Government.(2)[The land owner shall be entitled to enjoy the usufructs in case of fruit bearing trees of such plantation without causing any damage and shall also be entitled to get the whole of the net income accrued from the plantations when felled and harvested. Such net income shall be arrived at by the Divisional Forest Officer or any Forest Officer authorised in this behalf after deducting the cost of raising such plantation and its maintenance, protection, management, harvesting and all other

relevant expenses incurred by the Government on that account and the interest on such cost at the market rate.] [Substituted by O.G.E. No. 828, dated 30.6.1986.](3)The Divisional Forest Officer or any other officer or agency authorised by the State Government in this behalf shall have the right to dispose of forest produce and the owner shall have no right to interfere with the disposal of forest produce even though such produce is grown on his land.(4)The land owner shall not obstruct any purchaser, lessee or other transferee of the trees grown over his land in cutting, lopping, injuring, appropriating or removing such trees, when all or any of these acts are done by the purchaser, lessee or transferee or any person acting on his behalf with the previous permission of the Divisional Forest Officer.(5)It shall be lawful for the Collector or any Forest Officer, or police Officer, to render assistance to a purchaser, lessee or transferee of such trees or any person acting on his behalf in cutting, lopping, injuring, appropriating or removing of the same from the said private land and enter into the private land for any such purpose.

## **6. Liability of the Land-Owner.**

(1)The land-owner shall, in the event of injury caused or likely to be caused, to any tree planted over his land forthwith report the fact to the nearest Forest Officer of the area.(2)The land owner shall be liable to pay compensation as may be assessed by the Divisional Forest Officer for any damage or loss or waste caused to the plants by the land owner or his agent or servant in such plantations.(3)All sums payable by the land owner under Sub-rule (2) to the State Government shall, if not paid when due, be recoverable as if it were an arrear of public demand.

## **7. Appeal.**

- Any land owner, aggrieved in any manner by the order of Divisional Forest Officer under these rules during the subsistence of agreement, may prefer an appeal in writing within three months from the cause of action to the Conservator of Forests within whose jurisdiction the plantations situate. The Conservator of Forests shall, after due enquiry into the matter, decide the case and his decision shall be final and binding.

## **8. Register.**

(1)In addition to the register prescribed under paras 197 to 199 of Chapter X of the Plantation Manual, the Forest Officer shall maintain a permanent bound register with the title 'Register of Plantation in Private Land' in the prescribed Form as given in Appendix 11, for plantations raised in all the private lands in respect of which agreements have been executed under Sub-rule (3) of Rule 3.(2)Forest Officer or an officer duly authorised by him on his behalf not below the rank of Forest Ranger, shall maintain an up-to-date record of all plantations and expenditures incurred in the aforesaid register.(3)Forest Officer shall verify the entries in the register at least once in a year and certify their correctness as on the date of verification. Appendix-I Agreement for Raising Shelter Belt Plantations on Private Lands This Agreement made on the..... day of..... 20..... Between Sri/Smt..... son/wife of..... Village..... P.S..... Tahasil..... District..... (Hereinafter called "The land owner" which expression shall, where the context shall apply, or imply, be deemed to include his heirs/executors/administrators) of the one part. and The Government of Orissa

(hereinafter called the "Government which expression shall, where the context shall apply or imply, be deemed as his successors in office) of the other part. Whereas the Coastal District of the State of Orissa, namely, Balasore, Cuttack, Puri and Ganjam are subject to periodic cyclones taking heavy toll of life and damaging extensive agricultural fields, houses and properties; And whereas, State Government have decided to raise plantations within one kilometer wide zone along the sea coast of Orissa from the high tide line hereafter called shelter belt as a measure against cyclonic winds, sand castings and tidal bores; And whereas, State Government have decided to raise Shelter Belt Plantations both on Government land as well as on private lands situated within one kilometer belt from high water mark along the sea shore of Orissa; And whereas, the land owner has agreed with the Government to spare his land as described in the Schedule 'A' and Schedule 'B' hereto raise Shelter Belt Plantation by the Government of Orissa at the cost of Government on the following terms and conditions. Now the Parties Hereto Have Mutually Agreed as follows-

- 1. That this agreement shall be effective from the date of its execution till the date of harvesting by way of clear-felling or up to a period of 15 years whichever is earlier. This agreement can be renewed by further mutual agreement executed by both the parties for any further period after expiry of this agreement on such terms and conditions as may be mutually agreed to.**
- 2. That the Government will raise Shelter Belt Plantations through Forest Officer as defined under Section 2 (f) of the Orissa Forest Act over an area of..... hectare, the details of which have been embodied in Schedule 'A' and the sketch map of which has been delineated in Schedule 'B' appended to this agreement and the land owner shall not alienate, utilise the said land so set aside for any other purpose except for raising the plantations as herein contained.**
- 3. That the land owner hereby consents that the provisions of Section 43 or 44 or 39 of the Orissa Forest Act, 1972, as the case may be, applied by the State Government in respect of the said lands referred to in Clause 1 supra.**
- 4. That the cost of raising such plantations over the said land including their future maintenance and management shall be borne by the State Government and the land owner shall not be liable to pay any, expenditure for the said plantations.**
- 5. That the land owner shall permit and assist the Forest Officers in raising the plantations and in protecting the same and shall not interfere in any way with the raising maintenance, management, felling and harvesting of such plantations and all these operations shall be carried out by the State**

**Government in accordance with the rules framed under Section 82 (1) (c) of the Orissa Forest Act, 1972 through the Forest Officers.**

**6. That the land owner hereby delivers possession of land-described in Schedule 'A' and Schedule 'B' appended to this agreement for carrying out operations of plantations including raising of nurseries by the, State Government.**

**7. That the land owner shall not permit cattle of any kind to be let loose or to graze within the plantation area nor interfere with the operation of plantation and their maintenance including erection of palisade and fencing wherever required so long the plantation continues on the said land. Any interference or damage caused to the plantation shall be deemed to be a breach of condition and contravention of the Orissa Forest Act for which the land owner would be liable for penalty, under Section 83 of the said Act.**

**8. That the land owner shall pay to the Governor the sum of amount equal to the cost of raising the plantation, maintenance, management and protection charges plus the value of usufructs enjoyed by him till the date of such payment plus such other compensation as determined by the Forest Officer in the event he decides to resume the land so set aside, for any other purpose.**

**9. [ That the land owner shall be entitled to enjoy usufructs in case of fruit bearing of such plantation without causing any damage to the trees and shall also be entitled to get the whole of the net income accrued from the plantation in respect of other trees when felled and harvested. Such net income shall be calculated by the concerned Divisional Forest Officer or any other Forest Officer authorised in this behalf by then concerned Divisional Forest Officer after deducting the cost of raising such plantation and its maintenance, protection, management harvesting and all other relevant expenses incurred by the Government on that account and the interest on such cost at the market rates : [Substituted vide O.G.E. No. 193, dated 1.2.1989 Notification No. 167-dated 21.1.1989.]**

Provided, that no tree shall be felled by the land owner or by any body on his behalf without previous permission of the concerned Divisional Forest Officer. Permission for felling of a tree below 10 years of age shall not be given in it dead or uprooted.]

**10. That the land owner would be liable to pay damages to be assessed by the Divisional Forest Officer in accordance with Section 89, of the Orissa Forest Act, if any damage or loss of waste is caused by the land owner or his agent or servants to such plantation for which no penalty is levied under Section 83 of the Orissa Forest Act as indicated in Clause 7 supra.**

**11. That it is hereby mutually agreed between the parties that any sum that becomes payable to the State Government by way of damages or compensation, if any, from the land owner would be recoverable under the Orissa Public Demands Recovery Act, 1962.**

**12. In the event of any dispute, doubt, difference or any questions arising whether during the continuance of or after the expiry of the period covered by the contract, with regard to breach of any of the agreement or as to the sums to be paid for such breach or as to the persons liable for such sum or of any part or provision of the said agreement the matter has to be referred to Conservator of Forests, Coastal Afforestation Circle or any other Conservator of Forests which the Government may nominate in accordance with and subject to the provisions of Section 77 of the Orissa Forest Act, 1972 and his decision upon the matter of such dispute or question shall be final and binding on both the parties.**

**13. Should there be any occasion for any party under the terms of this agreement to resort to a Court of Law, then it should always be deemed that this agreement has been executed within the territorial limits of the State of Orissa and that a Court subordinate to the High Court of Orissa only will have jurisdiction to hear the matter in dispute.**

## **A**

Plot No.....Khata No.....Mouza.....Kisam of  
land.....Tahasil.....Surrounding Area.....

## **B**

Sketch MapIn witnesses where the parties hereto have executed this agreement on the dates mentioned under their respective signatures.

Signature of the land-owner

(1) Witness

Designation and  
Address

(2) Witness

Designation and  
Address

Divisional Forest Officer, acting in the premises for and on behalf of the  
Governor of Orissa.

(1) Witness

Designation and  
Address

(2) Witness

Designation and  
Address

Appendix-II Name of Division.....Register of Plantation in Private Lands.....Name of  
Tahsil.....Name of village.....

Sl. No.	Name and address of land owner	Land taken for plantations	Particulars of plantations	Species planted	Expenditure incurred	Remarks					
Registration No. and date	Plot No. with area	Date of plantation	Area planted in hectares	1st year	2nd year	3rd year	4th year	9	10	11	12
1	2	3	4	5	6	7	8				