

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-LRGEA-MISC-0011-2018 **26552**/R&DM

dated **19 JUL 2018**

From

Dr. C.S. Kumar, IAS
Principal Secretary to Government

To

State Informatics Officer,
National Informatics Centre (NIC),
Sachivalaya Marg, Unit-4, Bhubaneswar- 751001

Sub: Incorporation of drop-down option in status (i.e. ସ୍ୱତ୍ୱ) column of RoR under Bhulekh database for recording of individual forest right

Madam,

In inviting a reference to the subject cited above, I am to say that NIC has developed the Bhulekh database for this Department and this is being widely used for maintenance and updating of the Record of Rights. The Forest rights granted to the Scheduled Tribes and Traditional Forest Dwellers under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly known as FRA are to be included in the Record of Rights and in the Bhulekh database. However, it is seen that due to non-availability of drop-down option in status (i.e. ସ୍ୱତ୍ୱ) column of Bhulekh database, the concerned Tahasildars are recording such status as 'Govt. Land' in the RoR.

2. In this connection, this Department vide G.O No. 43974/R&DM dated 29/10/2010 has laid down guidelines prescribing the procedure for correction of RoR and Maps for forest land in revenue villages for which title has been issued under the ST&OTFD (RFR) Act, 2006 i.e. FRA, 2006.

3. Paragraph 3 of the said guidelines prescribes as follows:-

"In view of the peculiar status of land, new Khatians shall have to be prepared for such land covered under forest right after the existing Government khatas of the village and allotted new numbers following the last in serial of Government Khata. The status column of the RoR in respect of such forest land under individual tenure shall record the status as "Forest right recognized under the ST&OTFD (RFR) Act, 2006" which in Odia may read as

"ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱୀକୃତି) ଆଇନ,
୨୦୦୬ ମୁତାବକ ଦିଆଯାଇଥିବା ଅଧିକାର" ."

A copy of the said G.O is enclosed for reference.

4. Hence, it is requested that the web portal may be modified within 15 days and a drop down option such as "ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱୀକୃତି) ଆଇନ, ୨୦୦୬ ମୁତାବକ ଦିଆଯାଇଥିବା ଅଧିକାର" may be made available under the Status i.e. ସ୍ତମ୍ଭ column of the RoR in Bhulekh database so that concerned Tahasildars will be able to record the status in the aforesaid manner in case of individual title holders under FRA.

Yours faithfully,


Principal Secretary to Government

Memo No. 26553 dtd. 19 JUL 2018

Copy forwarded to all Collectors/ Tahasildars for information and necessary action.


Principal Secretary to Government

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ଅନୁମୋଦନ ନିମିତ୍ତ ଚିଠି DRAFT FOR APPROVAL

ସଂଖ୍ୟା ୪୩୨୭୪

ତା. ୨୯/୧୦/୨୦୧୦

ସମ୍ପର୍କିତ ସଂଖ୍ୟା
୧୩-୧୩୨/୦୯

ସଂଖ୍ୟା
କ୍ରମିକ ସଂଖ୍ୟା

To
Member, Board of Revenue, Orissa, Cuttack
All RDCs.
All Collectors.
DLRS&C, Orissa, Cuttack.

certificates issued
in revenue villages.

title
land in revenue
x in towns of forest
in respect of

Sub:- Guidelines for correction of ROR and maps for forest land in revenue villages for which title has been issued under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Annexure-II appended to the Rules of 2007 made under the Act.

Sir;

I am directed to say that Govt. have been pleased to ^{issue} ~~approve~~ a set of guidelines for correction of ROR and maps for ^{to} ~~in~~ ^{revenue} ~~land~~ ^{villages} distributed under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. A copy of the said guidelines is sent herewith for ^{your} ~~the~~ favour of your information and ^{appropriate} ~~the~~ action.

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Memoranda

with copy of ^{the} ~~the~~ ^{enclosure} ~~enclosure~~ forwarded to
SC&ST Dev. Deptt. / Principal Secy. Forest & Environment Deptt. for ^{kind} ~~kind~~ information and n.a.

Y. F.

Principal Secy. Forest & Environment Deptt.

(1)

GUIDE LINES FOR CORRECTION OF R.O.R. AND MAPS FOR FOREST LAND IN REVENUE VILLAGES FOR WHICH TITLE HAS BEEN ISSUED UNDER THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006 IN ANNEXURE -II APPENDED TO THE RULES OF 2007 MADE UNDER THE ACT.

Introduction:

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognizes and vests forest rights including right to hold and live in the forest land under individual or common occupation for habitation or self-cultivation for livelihood by (i) the forest dwelling Schedule Tribes as defined in section 2(c) and (ii) other traditional forest dwellers who has for at least three generation prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forest land for bonafied livelihood needs as provided under section 2 (o). Among other forest rights, the provisions of section 3(g) and 3(h) of the Act read with section 4 there of vest in such forest dwelling Scheduled Tribes and other traditional forest dwellers the right for conversion of leases or grants on forest land to titles and settlement and conversion of all Forest villages, old habitation, un-surveyed villages and other villages in forest whether recorded, notified or not into revenue villages. Such rights are heritable but not transferable under sub-section (4) of section 4 of the Act. Sub-section (6) of section 6 of the Act provides that the decision of the District Level Committee on the record of forest rights shall be final and binding. District Level Committees have been formed in each district under sub-section (5) of section 6 of the Act read with rule 7 of the S.T. and OTFD (RFR) Rules, 2007.

Need for correction of R.O.R. and Map:

Rule 8(f) of the aforesaid rules provides that the District Level Committee shall issue directions for incorporation of the forest rights in the relevant government records including record of rights. Rule 8(g) further provides that the Committee shall ensure publication of the record of forest rights as may be finalised.

1. Manner of Correction of R.O.R. and Map:

In view of the above provisions of law, the Tahasildar who maintains the records of right shall on receipt of copies of title for forest land under individual tenure in Annexure-II issued under rule 8(h) of the ST & OTFD(RFR) Rules, 2007 and the sketch map of the said land from the District Level Committee in respect of revenue village, proceed to incorporate the contents of the title in the Record of rights of the Revenue village and correct the R.O.R. and Map accordingly. Wherever necessary, bata plots shall be carved out of original plots as is done during correction of records of rights to give effects to orders in mutation cases and such bata plots given bata numbers in the manner provided in paragraph 81 of the Orissa Mutation Manual.

2. Joint records in the name of both spouses:

The record shall be prepared jointly in the name of both the spouses in case of married person and in the name of single head in the case of a household headed by a single person as required under sub-section (4) of section of the Act.

3. Status of the land:

In view of the peculiar status of land, new Khatians shall have to be prepared for such land covered under forest right after the existing Government khatas of the village and allotted new numbers following the last in serial of Government Khata. The

status column of the R.O.R. in respect of such forest land under individual tenure shall record the status as "Forest right recognized under the ST & OTFD (RFR) Act, 2006" which in Oriya may read:

ଏହି ଅନୁସୂଚିତ ଜମିଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱୀକୃତି) ଥାଇନ୍, ୨୦୦୬ ମୁତାବକ ବିଧିବଦ୍ଧ ଅଧିକାର

4. Non-transferability of the land :

The forest right conferred under the Act is heritable but not alienable or transferable as mentioned earlier. The special incidence column of the R.O.R. should, therefore, contain the note that the right is heritable but not transferable or alienable which in Oriya may read as "ଏହି ଜଙ୍ଗଲ ଅଧିକାର ପୁରୁଷାଧିକୃତ ହେବ କିନ୍ତୁ ହସ୍ତାନ୍ତରିତ କିମ୍ବା ସ୍ଥାନାନ୍ତରିତ ହୋଇପାରିବ ନାହିଁ" ।

5. Kissam :

Sub-section (7) of section 4 of the Act of 2006 provides that the forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and compensatory afforestation' for diversion of forest land, except those specified in this Act. The jungle kissam of such forest land over which the forest right of individual occupants is recognised will remain unchanged.

6. Supply of certified copy of R.O.R. to the claimant :

Rule 8(h) of the Rules of 2007 provides that the District Level Committees is to ensure that a certified copy of the record of forest rights is provided to the concerned claimant. A certified copy of the

records of right newly created shall, therefore, be provided to the occupants.

7. Correction of records maintained by the R.I. :

The records maintained by the Revenue Inspector shall be similarly corrected for which intimation slip and sketch map may be sent to the Revenue Inspector in duplicate of which one copy will be returned by the R.I. with an endorsement that he has retained one copy with him.