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**Government of Odisha
Revenue & Disaster Management Department.**

*** 3831
No. CHS-SM-72/2015 -/R&DM, Dated 2.2.17

From:

Dr. Mona Sharma, IAS,
Principal Secretary to Government.

To

The Secretary, Board of Revenue, Odisha, Cuttack
Director, Land Records Survey & Consolidation, Odisha, Cuttack
All Collectors.

Sub: Conversion of all forest villages, un-surveyed villages and old habitations etc. into revenue villages under Section 3(1)(h) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Sir,

I am directed to say that the rights of settlement and conversion of all forest villages, old habitations un-surveyed villages etc. into revenue villages have been recognized as one of the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands U/S 3(1)(h) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act, 2006). The Ministry of Tribal Affairs, Government of India, have issued comprehensive guidelines 2013 to all the State / UT Governments on various aspects of implementation of the Act which, inter alia, emphasized the need to implement the provisions of the FRA with regard to conversion of forest villages and other such villages into revenue villages.

Draft comprehensive guidelines for conversion of forest villages, un-surveyed villages and forest habitations into revenue villages U/S-3(1)(h) of the above Forest Rights Act, 2006 were issued in this Department letter No.29453 dated 16.10.2015. After careful consideration of the matter, the detailed guidelines for conversion of forest villages and such other villages into revenue villages are hereby issued as Annexure attached to this letter for necessary action at your level.

Yours faithfully,

Mona Sharma
3/2

Principal Secretary to Government.

Memo No. 3832 / R& DM

Dated- 2.2.17

Copy forwarded to the Special Secretary to Government, Forest and Environment Department for information with a request to issue necessary instructions to their field officers accordingly.

Sujal
2/2/2017

Joint Secretary to Government.

Memo No. 3833 / R& DM

Dated- 2.2.17

Copy forwarded to the all Sub-Collectors / all Tahsildars for information and necessary action.

Sujal
2/2/2017

Joint Secretary to Government.

Memo No. 3834 / R& DM

Dated- 2.2.17

Copy forwarded to the IMU Cell, Revenue & Disaster Management Department for uploading in the website.

Sujal
2/2/2017

Joint Secretary to Government.

Memo No. 3835 / R& DM

Dated- 2.2.17

Copy forwarded to the LR&GE(A) Branch for information and necessary action.

Sujal
2/2/2017

Joint Secretary to Government.

Annexure

Guidelines for conversion of Forest villages and settlements into Revenue villages.

The rights of settlement and conversion of all forest villages, old habitations un-surveyed villages etc. into revenue villages has been recognized as one of the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands U/S 3(1)(h) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short, Forest Rights Act, 2006). The Ministry of Tribal Affairs, Government of India, have issued comprehensive guidelines to all the State/ UT Governments on various aspects of implementation of the Act which, inter alia, emphasized the need to implement the provisions of the FRA with regard to conversion of forest villages and other such villages into revenue villages, without any exceptions or exemptions being provided to such villages in any category of forest lands. The State Governments have been asked to convert all erstwhile forest villages, unrecorded settlements and old habitations into revenue villages in a time bound manner.

The State Level Monitoring Committee (SLMC), Odisha on implementation of Forest Rights Act and Rules held on 21.07.2015 has decided that the Revenue & Disaster Management Department shall issue comprehensive guidelines incorporating the existing State Revenue Laws for conversion of forest villages and other such villages into revenue villages. A set of comprehensive draft guidelines were issued vide this Deptt. Letter No. 29453 dated 16.10.2015 on this score. The following guidelines are issued for the above purpose which may kindly be followed at field level.

Clarification on issues pertaining to conversion of forest villages, old habitations, un-surveyed villages etc. into revenue villages under Section 3(1)(h) of the Act have been issued by the Ministry of Tribal Affairs, Government of India, vide letter No. 23011 / 33 / 2010-FRA dated 8.11.2013 (copy enclosed at **Annexure-I**). It has been clarified therein that U/S-4(7) of the Act, the recognition and vesting of all forest rights, including the settlement and conversion of forest villages and other such villages into revenue villages u/s 3(1)(h) is exempted from

the requirement of Section 2 of the Forest (Conservation) Act, 1980, as well as the requirement of compensatory afforestation and payment of net present value. Approval U/S-2 of the Forest Conservation Act, 1980 of the Ministry of Environment and Forest is also not required for the above propose. It has been clarified that "it is necessary that every village thus converted are recorded in the revenue records as village to ensure that its legal status as such is secure." While converting forest villages/habitations into revenue villages, it shall be ensured that the legal status of forest land in the said villages shall not change. However, the present land use and future land use shall be recognized. The specific method will depend upon State Level Land Revenue Laws.

The District Level Committee (DLC) is the final authority for approving the rights relating to conversion of forest villages and such other villages into revenue villages U/S 3(1)(h) of the Act. It has been further clarified that the FRA, 2006 does not require de-notification / de-reservation of the forest land for recognition of the above forest right. The forest villages and such of the villages inside the Wildlife Sanctuaries and National Parks are also required to be converted into revenue villages under the section as mentioned above. It has been reiterated that conversion would include the actual land use of the village in its entirety, including lands required for current or future community usage like schools, health facilities, public spaces etc.

For conversion to Revenue villages, the identification of forest villages and other such villages is considered preliminary to conversion. Rule 2A of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 as amended vide the Forest Right Amendment Rules, 2012 notified on 06.09.2012 provides the process of identification of hamlets or settlements and their inclusion for conversion to revenue villages. These can also be identified with help of District Statistical Handbooks and Census village Directories. All settlements with zero revenue land should be presumed to be revenue villages in order to be converted into revenue villages. The district wise abstract of forest villages and un-surveyed settlements/habitations etc., as obtained from SC & ST Department is at **Annexure-II**. Accordingly, there are 20 forest villages and 589 such settlements.

2. The following procedure shall be followed for conversion of forest village into revenue village.

- i. Collectors of the districts shall take requisite steps for enabling the inhabitants of the forest villages to file their claim applications for conversion into revenue villages.
- ii. For this purpose, the Collector of the district shall issue a General notice under his seal and signature informing the inhabitants of forest villages / tracts / un-surveyed villages etc. to file the claim application for conversion of such villages into revenue villages.
- iii. The notice shall be published by beat of drum and affixing a copy of the same at a conspicuous place of the locality in presence of not less than two persons of the village.
- iv. Provided that where a village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village.
- v. A copy of the notice shall be sent to the concerned Tahasil office, RI Office, GP, FRC of the tract/village. The publication of notice by beat of drum also shall be made in the local Hat (market) of the forest village, if any. All possible steps shall be taken by the Collector for awareness among the inhabitants of the forest village / forest tract for filing their claim applications.
- vi. The copy of the notice shall be sent to the concerned DFO.
- vii. The RI shall visit the village/hamlet/tract and inform the inhabitants to file claim for conversion. He shall arrange a meeting with the villagers and FRC members. The meeting of the villagers and FRC members shall also be attended by the local forester with relevant maps. The RI shall submit the copy of the proceedings of the meeting to the concerned Tahsildar who in turn will forward it to the DLC through SDLC for keeping a copy of the proceedings in the case record.
- viii. Collector of the district shall primarily be responsible for ensuring that the inhabitants of such villages/old habitations are enabled to file their claim for conversion/settlement.

3. Filing of claim application:-

- I. A claim for conversion of forest villages shall be submitted collectively by the Gram Sabha of the settlement.
- II. If any settlement fails to submit such a claim within a period of three months from the date of notice, the Collector should direct a revenue officer not below the rank of Tahsildar to visit the settlement and inform the residents of their right to file a claim.
- III. Any village/habitation on forest and which is not a revenue village shall be considered eligible for conversion.

For the purposes of the Act, the assembly of all adult residents of each such village/habitation is recognized as the Gram Sabha, U/S 2(P)(iii) of the Act, and shall elect its own Forest Rights Committee(FRC).

In cases where the number of adult residents of an old habitation or an un-surveyed village are less than the number specified for a Forest Rights Committee, they may form a smaller FRC. If such small habitations are in the vicinity of a revenue village, they may pass a unanimous resolution if they so desire, that they shall be included in the larger village after conversion.

4. Details to be included in claim applications:

- i. The Gram Sabha/Forest Rights Committee of the concerned forest village/habitations shall first define the boundaries of the village / habitation and then prepare, with the help as required and requested by the community from the local land revenue officials, local forest officials, and/or representatives from the Sub- divisional Committee, a detailed map showing the present land use of the village. At this stage the Tahsildar and his representative i.e. R.I, ARI and Amin shall help the committee to submit the claim. The Committee must accept all the rights so far recognized and take into account other factors mentioned below;
- ii. extent and location of cultivable area, homestead lands/buildings, forests, water bodies and common lands such as grazing/pasture lands, burial grounds, etc.
- iii. extent and location of other land uses (such as school buildings, religious places, playgrounds, health centers and other community buildings / centers).

- iv. extent and location of their community forest resource over which various community forest rights are exercised.
- v. spirit of the principles contained in reservation of Government land for specific purpose in rural areas as communicated vide letter No.4898-R dated 28.01.1966 .
- vi. Since the villagers / FRC members may not visualize the future needs, the Tahsildar and the local RI can sensitize the FRC members on the issue.
- vii. The Revenue inspector shall maintain a record of all individual and community rights so far recognized, the pending claims at all level, the land to be utilized for future needs and thus help the Gram Sabha members to prepare the map accordingly.
- viii. Tahsildar shall issue intimation to the local forest official i.e. Forest Ranger or ACF of the area to remain present at the time of consultation and preparation of map.
- ix. The Gram Sabha shall recommend the name of the proposed revenue village after conversion.
- x. The Gram Sabha shall approve the map thus prepared and submit the same to the Sub-Divisional Level Committee, along with its resolution claiming the right of conversion to a revenue village. The claim shall also include the list of all adult residents of the village. Incomplete claims shall not be rejected but remanded to the Gram Sabha with specific instructions on the additional required information.
- xi. After examining the claim, map and the List, the Sub-divisional Level Committee shall send it to the District Level Committee with recommendation for taking necessary steps to recognize the right of conversion of the concerned settlement. Within two weeks of the decision of the District Level Committee, the Collector shall take necessary steps for declaration of revenue village for settling the land rights of the residents under revenue laws;
- xii. In the case of villages / habitations consisting entirely of Scheduled Tribe inhabitants, or mixed villages with majority of Scheduled Tribe inhabitants, conversion of the village / habitation should follow if the settlement existed prior to December 13, 2005.

- xiii. For declaration of new revenue village under Sub-Section 14 of Section 2 of OS&S Act, 1958, the Collector shall open the case record containing details like the map of the village list of inhabitants, list of claimants of forest rights by the Forest Right Committee, resolution of Gram Sabha and its approval of DLC. He shall mention the Thana No. of the proposed revenue village. He shall recommend the proposal to the DL&RS for declaration of new revenue village.
- xiv. After receipt of the case record from the Collector, the Board of Revenue may declare the revenue village U/s 2(14) of OS&S Act, 1958 and issue notification to that effect. The Board shall send back the case record to the Collector for publishing the notification in the Notice Board of the Collectorate. The Board of Revenue shall also send a copy of such notification to Government with recommendation for notifying the village u/s 3(1) of OS&S Act, 1958 or the OSS&S Act, 2012. Then the usual process of survey, preparation of record of rights, publication of final record of rights under the relevant provisions of OS&S Act, 1958 or OSS&S Act, 2012 and with their corresponding Rules shall be carried on to settle the land rights of the residents of the new revenue village within a stipulated period.

Annexure-I

No 23011/33/2010-FRA
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi,
Dated: 8.11.2013

To,

1. The Chief Secretaries of all State Governments
(except Jammu & Kashmir, Punjab, Haryana and Delhi)
2. The Administrators of all Union Territory Administrations
(except Lakshadweep and Puducherry)

Sub: Conversion of all forest villages, old habitations, unsurveyed villages etc. into revenue villages under Section 3(1)(h) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

As you are aware, the rights of settlement and conversion of all forest villages, old habitations, unsurveyed villages etc. into revenue villages has been recognized as one of the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands under Section 3(1)(h) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short, Forest Rights Act, 2006). The Ministry has last year issued comprehensive guidelines to all the State/ UT Governments on various aspects of implementation of the Act, which also emphasized the need to implement the provisions of the FRA with regard to conversion of forest villages and other such villages into revenue villages, without any exceptions or exemptions being provided to such villages in any category of forest lands. The State Governments were advised to convert all erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. It was also clarified that the conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 notified on 6.9.2012 also contains a similar provision.

2. Though the Forest Rights Act, 2006 has been in operation for more than five years now, the State/ UT Governments have reported very slow progress towards conversion of forest villages and other such villages into revenue villages so far. It has come to the notice of the Ministry that the State Governments are not taking any action for conversion of forest villages and other such villages into revenue villages as the State Forest Department officials still consider that the provisions of the Forest Rights Act, 2006 do not supersede the provisions of Forest (Conservation) Act, 1980 and the Hon'ble

Supreme Court judgment dated 13.11.2000 in I.A.No 2 in WP No.337/1995 regarding diversion/ denotification of forest land and that the de-reservation/ de-notification of forest villages and other such villages is stayed. There are several other issues also connected with the conversion of forest villages and other such villages into revenue villages on which there is no clarity to the State Government officials responsible for implementation of the Act, namely, whether approval of the Ministry of Environment & Forests is required under Section 2 of the Forest (Conservation) Act, 1980 for conversion of forest villages and other such villages into revenue villages; whether such conversion would require denotification of the forest land; whether on conversion of forest villages and other such villages into revenue villages, the legal status of the land would be altered from "forest" to "revenue"; how the habitations, unrecorded or unsurveyed settlements and other villages on the forest land which are not in the records of the Forest Department are to be converted, etc. There is also no clarity on the procedure to be followed for conversion of such forest villages and other such villages into revenue villages amongst the State Government officials.

3. In order to bring about clarity on the above issues and to expedite the conversion of the forest villages and other such villages into revenue villages under Section 3(1)(h) of the Act, the following clarifications are issued to all the State Governments/ UT Administrations:

Sl.No.	Issue	Clarification
1.	Whether the provisions of the Forest Rights Act, 2006 supersede the provisions of Forest (Conservation) Act, 1980 and the Hon'ble Supreme Court judgment dated 13.11.2000 in I.A.No.2 in WP No.337/1995	<p>> It is a well settled principle of statutory interpretation that a subsequent statute supersedes all preceding court judgments or orders of prior date.</p> <p>> Section 4(1) of the Forest Rights Act, 2006, which recognizes and vests forest rights in the forest dwelling Scheduled Tribes in the States or areas in States where they are declared as Scheduled Tribes and the other traditional forest dwellers, lays down that the forest rights under Section 3(1) of the Act, including the right under Section 3(1)(h), are recognized and vested in the forest dwelling Scheduled Tribes and other traditional forest dwellers "notwithstanding anything contained in any other law for the time being in force". This non-obstante clause, therefore, recognizes and vests the</p>

forest rights under Section 3(1) in accordance with the provisions of the FRA, regardless of whether such forest rights might be contrary to other laws, which includes statutory law as well as judicial precedent, if any.

➤ Further, Section 4(7) of the Act provides that the forest rights under the said Act 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 the said Act. The plain meaning of this provision is that recognition and vesting of all forest rights, including the settlement and conversion of forest villages and other such villages into revenue villages under Section 3(1)(h), has been exempted from the requirements of Section 2 of the Forest (Conservation) Act, 1980, as well as the requirement of compensatory afforestation as well as payment of net present value.

➤ After operationalization of the Forest Rights Act, 2006 with effect from 31.12.2007, the interim order dated 13.11.2000 of the Apex Court in I.A.No.2 in WP No.337/1995, which was passed in the context of the widespread violation of the provisions of the Forest (Conservation) Act, 1980 would, therefore, be guided by the provisions of Section 3(1)(h) of the FRA, 2006 and that the forest right relating to conversion of forest villages and other such villages into revenue villages under this Section has also to be vested and recognised as per the laid down

		<p>procedure, like any other forest right specified in Section 3 (1) of the Act.</p>
2.	<p>Whether approval of the Ministry of Environment & Forests under Section 2 of the Forest (Conservation) Act, 1980 is required for conversion of forest villages and other such villages into revenue villages.</p>	<p>➤ In view of the position indicated against issue No. 1 above, approval under Section 2 of the Forest Conservation Act, 1980 of the Ministry of Environment & Forests is not required for conversion of forest villages and other such villages into revenue villages.</p> <p>➤ As per the provisions of the Forest Rights Act, 2006, the District Level Committee is the final authority for approving the record of forest rights specified in Section 3(1) of the Act, including the right relating to conversion of forest villages and other such villages into revenue villages under Section 3(1)(h) of the Act.</p>
3.	<p>Whether conversion of forest villages and other such villages is required in lands which are not classified as forest lands.</p>	<ul style="list-style-type: none"> • The Supreme Court in a landmark judgment dated 12.12.1997 in the Godavarman case, held as under: <i>"The term "forest land" occurring in Section 2 (of the Forest Conservation Act, 1980) will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership."</i> • Since then the term 'forest land' is to be widely understood in its wider definition, that is, including not only forest land classified as such, but also all other forests, which would include revenue forests, private forests, community forests, and any other kind of forest lands. • Since the rights conferred under the Forest Rights Act apply to all forest lands, if there are forest villages or any other such villages on forest lands which are not necessarily classified as forest land, these villages are also required to be converted into revenue villages.
4.	<p>Whether the conversion of forest villages and other such villages into revenue villages would require de-</p>	<p>➤ The FRA, 2006 envisages recognition and vesting of all forest rights, including the right relating to</p>

	<p>notification/ de-reservation of the forest land, or alteration of status of land.</p>	<p>conversion of forest villages and other such villages into revenue villages, over all forest lands within the larger definition of forests (see above).</p> <ul style="list-style-type: none"> ➤ Some forest villages may be on lands which are revenue forests or private forests or community forests or any other kind of forests. ➤ The FRA, 2006 does not require de-notification/ de-reservation of the forest land for recognition of the forest right relating to conversion of forest villages and other such villages into revenue villages. ➤ However, it is necessary that every village thus converted are recorded in the revenue records as "village" to ensure that its legal status as such is secure. The specific method will depend upon State level Land Revenue laws, which are varied.
5.	<p>Whether the forest villages and other such villages located inside the Wildlife Sanctuaries and National Parks are also required to be converted into revenue villages under Section 3(1)(h) of the Act.</p>	<ul style="list-style-type: none"> ➤ The FRA, 2006 envisages recognition and vesting of the forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, including the Sanctuaries and National Parks. ➤ The forest villages and other such villages located inside the Wildlife Sanctuaries and National Parks are also, therefore, required to be converted into revenue villages under Section 3(1)(h) of the Act.
6.	<p>Whether the process of recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers can be taken up/ continued, pending conversion of forest villages and other such village</p>	<ul style="list-style-type: none"> ➤ As per the provisions of the FRA, 2006, conversion of forest villages and other such villages into revenue villages under Section 3(1)(h) of the Act is not a precondition for recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other

	sinto revenue villages	<p>traditional forest dwellers</p> <p>➤ The process of recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers can, therefore, be taken up/ continued without waiting for conversion of forest villages and other such villages into revenue villages.</p>
7.	How the old habitations, unrecorded or unsurveyed settlements and other villages on the forest land which are not part of any Revenue or Forest village record are to be converted into revenue villages.	<p>➤ As provided under Rule 2-A, in order to ensure that the Act is implemented in letter and spirit, it is necessary that the district administration under the leadership of the Collector, and the panchayat raj institutions, take pro-active steps to ensure that all forest villages and other such villages are identified, as a preliminary to conversion.</p> <p>➤ The process for identification of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, and their inclusion as villages for the purposes of the FRA, 2006 is laid down in Rule 2A of the Forest Rights Rules, 2008, as amended vide the Forest Rights Amendment Rules, 2012 notified on 6.9.2012. This Rule also provides that on recognition of such hamlets and habitations as a village, the process of recognition and vesting of rights in these hamlets and habitations is to be undertaken without disturbing any rights, already recognized.</p>
8.	In the case of forest villages and other such villages which are primarily inhabited by other traditional forest dwellers, whether it is necessary for the other traditional forest dwellers to establish that they had been	<p>➤ Section 4(1)(b) read with Section 2(o) of the FRA, 2006 requires that, for purposes of recognition of forest rights under the Act, a "member or community" of other traditional forest dwellers must establish that it has for at least three generations (being 75 years)</p>

primarily residing in the said village for 75 years at one place prior to the 13th day of December, 2005, before such forest villages and other such villages could be converted into revenue villages.

prior to the 13th day of December, 2005 "primarily resided in or depended on the forest or forest land for bona fide livelihood needs"

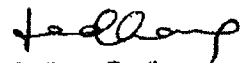
➤ There is no requirement in the Act that, for purposes of recognition and vesting of forest rights, a person or community of other traditional forest dwellers must have been specifically located in a particular and identifiable location in the forest for 75 years. As long as they are able to establish that they have been primarily residing in and dependent on forests or forest land for bonafide livelihood needs for 75 years prior to 13th day of December, 2005, they are to be considered eligible for recognition and vesting of forest rights under the Act. The same approach has to be adopted while taking up the conversion of forest villages and other such villages primarily inhabited by other traditional forest dwellers into revenue villages.

4. As regards the procedure is to be followed for settlement and conversion of forest villages, old habitations and other settlements on forest land etc. into revenue villages, Certain guidelines as indicated in the Annexure to this letter are accordingly being issued for compliance by all the State Governments/UT Administrations.

5. It is requested that the above clarifications/ procedure may be brought to the notice of all the implementing agencies in your State/ Union Territory for guidance and necessary action. This Ministry may be apprised of the action taken for conversion of forest villages into revenue villages at an early date.

6. This issues with the approval of competent authority.

Yours faithfully,



(Dr. Sadhana Rout)

Joint Secretary to the Government of India
Tel: 23383622

No.23011/33/2010-FRA
Government of India
Ministry of Tribal Affairs

Guidelines for conversion of forest villages into revenue villages under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

This is in supersession of this Ministry's D.O.NO. 17014/2/2007 PC&V (Vol VI) dated February 25, 2008, and further supersession of this Ministry's letter No. 23011/28/2008-SG-II dated 3.12.2008.

Section 3(1)(h) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter 'the Act') which defines 'forest rights' includes therein:

"3.(1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers in all forest lands, namely:-

xxx

(h) rights of 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;"

Section 2 (d) defines "forest land" as under:

"forest land" means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing of deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;"

Section 2(p)(iii) of the Act, while defining 'village' includes:

"(iii) forest villages, old habitation or settlements and un-surveyed villages, whether notified as village or not;"

Section 2(f) of the Act defines 'forest villages' as follows:

"forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of taungya settlements, by whatever name called, for such villages and includes lands for cultivation and other uses, permitted by the Government;"

Rule 2A of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 (hereafter 'the Rules') as amended up-to-date, states as follows:

"2A. Identification of hamlets or settlements and process of their consolidation -
The State Government shall ensure that, -

- (a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or un-surveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.
- (b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalised as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalised by the District Level Committee after considering public comments, if any.
- (c) on finalisation of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized.¹

Further, Rule 12B (5) of the Rules states as follows:

"12 B. Process of Recognition of Community Rights:-

xxx

- (5) The conversion of forest villages, unrecorded settlement under clause (h) of section 3 shall include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces."²

In July 2012, Guidelines also issued by this Ministry which emphasized the need to implement the provisions of the FRA with regard to conversion of forest villages into revenue villages, without any exceptions or exemptions being provided to such villages in any category of forest lands, such as protected areas. Clause (iii)(d) states:

"(iii) Community Rights:

xxx

- (d) The forest villages are very old entities, at times of pre-independent era, duly existing in the forest records. The establishment of these villages was in fact encouraged by the forest authorities in the pre-independent era for availability of labour within the forest areas. The well defined record of each forest village, including the area, number of inhabitants, etc. exists with the State Forest Departments. There are also unrecorded settlement and old habitations that are not in any Government record. Section 3(1)(h) of the Act recognises the right of forest dwelling Scheduled Tribes and other traditional forest dwellers relating to settlement and conversion of forest villages, old habitation, un-surveyed villages and other villages and forests, whether recorded, notified or not into revenue villages. The conversion of all forest villages into revenue villages and recognition of the forest rights of the inhabitants thereof should actually have been completed immediately on enactment of the Act. The State Governments may, therefore,

¹ Inserted by Rule 4 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E) dated 6th September, 2012)

² Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E) dated 6th September, 2012)

convert all such erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. The conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. Records of the forest villages maintained by the Forest Department may thereafter be suitably updated on recognition of this right."

Pursuant to the above, this Ministry is issuing the present Guidelines to provide for the procedure for settlement and conversion into revenue villages.

Suggested Procedure for Settlement and Conversion into revenue villages:

The following procedure may be followed for the settlement and conversion of forest villages, old habitations and other settlements on forest land into revenue villages:

1. All villages/settlements on forest land should be identified with the help of District Statistical Handbooks and Census Village Directories. All settlements with zero revenue land should be presumed to be forest villages in order to be converted into revenue villages under the Act. In addition, public suggestions and inputs should be invited through a public notice in all panchayat offices, forest offices and market places informing the public of this right and requesting villages on forest land to submit claims or to contact the concerned officials for assistance. The Collector of each district shall be responsible for getting lists of such villages prepared.
2. The Sub-Divisional Officers of the Sub Divisional Level Committee shall consolidate the lists of hamlets and habitations which at present are not part of any village but which fall within the definition of 'forest villages' under Section 3(1)(h) of the Act, and shall forward the same to the Collector.
3. Collector shall be responsible for ensuring that residents of such villages/old habitations are enabled to claim their conversion/settlement.
4. In each such village / habitation a notice should be posted stating that such a claim can be filed, giving the procedure for doing so (as per this order), and inviting the filing of a claim.
5. The list as prepared in each district, with updates of new additions where applicable, shall be communicated to the State Level Monitoring Committee, which should maintain a consolidated state-wide list of forest villages and old habitations and the status of their conversion. A progress report, with the district-wise list of forest villages and the status of their conversion, should be communicated to the Ministry every three months.
6. For the purposes of the Act, the assembly of all adult residents of each such village/habitation is recognized as the Gram Sabha, as per Section 2(p)(iii) of the Act, and shall elect its own Forest Rights Committee (FRC).
7. In cases where the number of adult residents of an old habitation or an unsurveyed village are less than the number specified for a forest rights committee, they may form a smaller FRC. If such small habitations are in the vicinity of a revenue village, they may pass a unanimous resolution if they so desire, that they will be included in the larger village after conversion.
8. A claim for the conversion of forest villages, old habitations, unsurveyed villages

and other villages on forest land, whether recorded, notified, or not, into revenue villages under section 3(1)(h) of the Act, shall be made collectively by the Gram Sabha of the settlement (see below). If any settlement fails to submit such a claim within a period of three months after posting of a notice as referred to above, the Collector should direct a revenue official not below the rank of Tehsildar to visit the settlement and inform the residents of their right to file a claim.

9. Any village/habitation on forest land which is not a revenue village shall be considered eligible for conversion, including;

- All Forest Villages including Taungya Villages of all types which the Forest Department established, and recorded/recognised as forest villages from time to time.
- All forest Villages including Taungya Villages which the Forest Department established for forestry and other works on forest land, but which have not been recorded/recognized as forest villages.
- All forest villages including Fixed Demand Holdings which have come up as a result of the Forest Department granting various types of leases on forest land from time to time to various individuals.
- All villages/habitations on forest land established by any Government Department /Agency for persons displaced by development projects or for labour/workers for any type of work, but which have not been recognized, surveyed and recorded as revenue villages.
- All old habitations or unsurveyed villages on forest land which have escaped proper survey and settlement due to the land over which they are located getting classified as forest land.

10. The Gram Sabha/Forest Rights Committee of the concerned forest village/habitation shall first define the boundaries of the village/habitation and then prepare, with help as required and requested by the community from the local land revenue officials, and/or representatives from the Sub-divisional Committee, a detailed map showing the present land use of the village. The Map would contain:

- Extent and location of cultivable area, homestead lands/buildings, forests, water bodies and common lands such as grazing/pasture lands, burial grounds, etc.
- Extent and location of other land uses (such as school building, religious places, playgrounds, health facilities and other community buildings/facilities)
- Extent and location of their community forest resource over which various community forest rights are exercised.

11. The Gram Sabha shall approve the map thus prepared and submit the same to the Sub-Divisional Level Committee, along with its resolution claiming the right to conversion to a revenue village. The claim shall include a list of all adult residents of the village. Incomplete claims shall not be rejected but remanded to

the Gram Sabha with specific instructions on the additional required information.

12. After examining the claim, map and the List, the Sub-Divisional Level Committee shall pass it on to the District Level Committee which shall take the necessary steps to recognize the right of conversion for the concerned village. Within two weeks of the decision of the District level Committee, the Collector will initiate necessary proceedings to convert the village into a revenue village and settle the land rights of the residents under revenue laws;

Provided that such conversion would in no way curtail or restrict the forest rights of the residents of the converted village;

13. In the case of villages/habitations consisting entirely of Scheduled Tribe inhabitants, or mixed villages with majority of Scheduled Tribe inhabitants, conversion of the village/ habitation should follow if the settlement existed prior to December 13, 2005.

14. On finalisation of the lists of hamlets and habitations as provided above, the process of recognition and vesting of rights in these hamlets and habitations shall be undertaken without disturbing any forest rights already recognised.

List of Forest / Un - Surveyed Villages in the Districts of Odisha

Sl. No.	Name of the District	Revenue Villages(Surveyed villages)	"ZERO" area (Un-surveyed villages / Settlement etc.)	Total Inhabited Village	No. of forest villages
1	Mayurbhanj	3724	24	3748	
2	Keonjhar	2031	38	2069	
3	Sundargarh	1677	46	1723	
4	Gajapati	1458	54	1512	
5	Kandhamal	2344	35	2379	
6	Koraput	1839	83	1922	
7	Malkangiri	867	112	979	
8	Nwarangpur	867	9	876	
9	Rayagada	2433	34	2467	
10	Balasore	2586	1	2587	
11	Jagatsinghpur	1226	1	1227	
12	Khurdha	1353	5	1358	3
13	Nayagarh	1528	3	1531	
14	Puri	1590	1	1591	
15	Angul	1652	9	1661	5
16	Bargarh	1173	7	1180	7
17	Bolangir	1763	1	1764	2
18	Deogarh	699	12	711	
19	Dhenkanal	1059	17	1076	
20	Jharasuguda	341	5	346	
21	Sambalpur	1231	7	1238	
22	Boudh	1106	9	1115	
23	Ganjam	2759	53	2812	
24	Kalahandi	2081	16	2097	3
25	Nauapara	641	7	648	
Total		40028	589	40617	20