

**GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

SM-132/09 43974 / R&DM., dtd.29.10.2010

From

Shri B. N. Das,
Special Secretary to Government

To

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

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 in Annexure-II appended to the Rules of 2007 made under the Act.

Sir,

I am directed to say that Government have been pleased to issue a set of guidelines for correction of RoR and Maps to incorporate the rights recognised under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in terms of the Title Certificates issued in respect of forest land in revenue villages. A copy of the said guidelines is sent herewith for favour of your information and necessary action.

Yours faithfully

Sd/-

Special Secretary to Government

Memo No. 43975 / R&DM, dtd. 29.10.2010

Copy with copies of the enclosures forwarded to Commissioner-cum-Secretary to SC & ST Dev. Department / Principal Secretary, Forest and Environment Department for kind information and necessary action.

Sd/-

Special Secretary to Government

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 as 'ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱୀକୃତି) ଆଇନ୍, ୨୦୦୬ ମୁତାବକ ବିଧାୟକାଧିକାର 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 ପୁରୁଷାନ୍ୱକ୍ରମିକ 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.