

Gokul Chandra Pati, IAS
Chief Secretary, Odisha



GOVERNMENT OF ODISHA

Phone : (+91 674) 2536700/4300

Fax : (+91 674) 2536660

Email : csori@nic.in

No.R&DM-GE(GL)-S-63/13 ⁴⁸²² /CS
Bhubaneswar, dated the 12th February, 2015

To

All Collectors.

Sub:- Change of classification of land in the Record of Rights.

Madam/Sir,

I am directed to invite a reference to Letter No.44019/R&DM, dated 23.11.2013 and Letter No.17450/R&DM, dated 17.06.2014 regarding applicability of provisions of Forest Conservation Act, 1980 to land(s) recorded as 'forest' in the Record of Rights (RoRs) that existed prior to 25.10.1980 i.e. Sabik RoR and subsequently classified as 'non-forest' in the Hal RoRs on the basis of the nature, character and use of the land before the said Act came into force.

The Forest Conservation Act, 1980 (FC Act) has been enacted with a view to checking further deforestation, and seeks to operate in respect of forest land which existed as on 25.10.1980. It may be noted that the change of RoRs is a well established continuing statutory process. Accordingly, changes are reflected in the RoRs prepared during the settlement operations which take place at considerable gaps of time i.e. 30-40 years. As per provisions u/s 13(3) of the Orissa Settlement Act, 1958, if any entry in the RoRs is altered in subsequent RoRs, the later has to be presumed to be correct until it is proved by evidence to be incorrect, but the previous entry can be admissible as evidence of facts existing at the time such entry was made. In case required for a project, the status of land classified as 'forest' on 25.10.1980 is to be diverted for non-forest use after obtaining prior approval of Central Government as per provision of the F.C.Act.

Hence, where the present RoR has been published after 25.10.1980, the old RoR may have to be referred to find out the forest land required to be diverted for non-forest purpose and Forest Diversion Proposal (FDP) is required to be processed accordingly. If old RoR is not available in cases where RoR is published after 25.10.1980, the status of land classified as 'forest' as on 25.10.1980 needs to be ascertained as per the current RoR and other records available with Tahasildar while preparing FDP. While preparing land particulars for FDP, a certificate as suggested below may be furnished by Tahasildar/Addl.Tahasildar to facilitate decision on the FDP.

“Certified that status of total land involved in the project (both forest & non-forest) as given in the Table below is as per Government records as on 25.10.1980”.

The land related information relating to FDP of different projects/proponents should be processed and furnished as quickly as possible.

Yours faithfully,


11-2-2015
Chief Secretary,
Odisha