

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT

No. 11663 / SSD, Bhubaneswar Dated 16.06.2021
STSCD-FRA-MISC-0034-2015

From

Smt. Guha Poonam Tapas Kumar, IAS
Director, ST

To

All Collectors-cum-Chairperson of DLCs on FRA.
(Except Dhenkanal)

Sub:- Process adopted in Dhenkanal District for conversion of Forest villages/un-surveyed villages into Revenue village under Forest Rights Act.

Ref.:- This Department's Memo No.9779/SSD dated 29.04.2021.

Madam/Sir,

In inviting a reference to the subject cited above and as per the discussions held on 19.04.2021 through V.C. under the Chairmanship of DC-cum-ACS, I am directed to send herewith the booklet incorporating the detail process adopted in the Dhenkanal District for conversion of forest villages/ un-surveyed villages into Revenue villages under the Forest Rights Act, 2006 for your information.

You are therefore, requested to consider the process adopted by the district administration Dhenkanal as a model/best practice and initiate needful action in your District for conversion of all forest villages, un-surveyed habitations and old habitations into Revenue villages.

This is for your information and necessary action.

Yours faithfully,


Director, ST

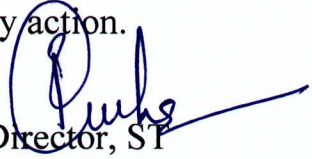
Memo No. 11664 / SSD, Dt. 16.06.2021

Copy along with a copy of the enclosure sent to all Nodal Officer on FRA (Except Dhenkanal) for information and necessary action. They are requested to follow and replicate the process in their respective Districts as adopted in Dhenkanal District for conversion of forest villages/un-surveyed villages into Revenue villages.


Director, ST

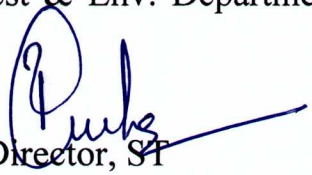
Memo No. 11665 / SSD, Dt. 16.06.2021

Copy along with a copy of the enclosure sent to the Director, SCSTRTI, CRP square, Bhubaneswar/ All RDCs for information and necessary action.


Director, ST

Memo No. 11666 / SSD, Dt. 16.06.2021

Copy along with a copy of the enclosure sent to the Additional Secretary to Govt., Revenue & DM Department / PR &DW Department / Forest & Env. Department for information and necessary action.


Director, ST



Conversion of Forest Village to Revenue Village Under FRA

Procedure followed in conversion of the Forest Villages to Revenue Village

Process Document of Dhenkanal District experience

Prepared by:

District Administration

Dhenkanal

in Dhenkanal District, Odisha

The rights of settlement and conversion of all forest villages, old habitations, un-surveyed villages etc. into revenue village has been recognised as one of the rights of the forest dwelling Scheduled tribe 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 (FRA in short). The Ministry of Tribal Affairs, Government of India, have issued comprehensive guidelines to all the state and union territories on various aspects of implementation of the Act, which inter alia, emphasised 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 exception or exemption 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.

State initiative for conversion of forest village using FRA:

The State Level Monitoring Committee (SLMC), Odisha on implementation of FRA held on 21.07.2015 has decided that the Revenue and 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 letter no 29453, dated 16.10.2015 on this score. 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 also been issued by the Ministry of Tribal Affairs, Government of India, vide letter no 23011/33/2010-FRA dated 8.11.2013. 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 village u/s 3(1)(h) is exempted from the requirement of Section 2 of the Forest (conservation) Act, 1980. Approval u/s 2 of the Forest Conservation Act, 1980 of the Ministry of Environment and Forest is also not required for the above purpose. 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". However, while converting forest villages into revenue villages, it shall be ensured that the legal status of the forest land in the said village shall not change.

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/s3(1)(h) of the Act. It has been further clarified that the FRA 2006 does not require de-notification or de-reservation of the forest land for recognition of the above forest rights. The forest villages and such of the villages inside the Wildlife Sanctuaries and National Parks 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 usages.

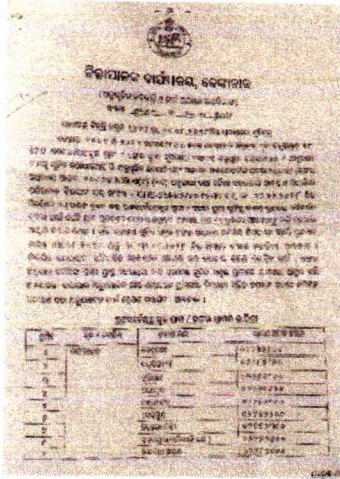
For expediting the process of such conversion, the Principal

Government of Odisha Revenue & Disaster Management Department No. O.N.D. 14/2015-PRM/DM Dated: 16.10.2015	
From:	Dr. Manu Sharma, IAS Principal Secretary to Government
To:	The Secretary, Areas of Revenue, Odisha, Cuttack Director, Land Revenue 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.
Re:	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 recognised 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. The Ministry of Tribal Affairs, Government of India, have issued comprehensive guidelines on 16.10.2015 and 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, old habitations and other settlements 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. All concerned Collectors of the District are directed to issue the said guidelines for conversion of forest villages and other such villages into revenue villages as hereby issued as enclosure attached to the letter for necessary action at your level.
	Yours faithfully, Principal Secretary to Government

Secretary to government, Revenue and Disaster Department, Government of Odisha issued a letter to all Collectors vide letter no CHS-SM-72/2015-3831 dated 2.2.2017.

Initiation of process by District Collector:

In response to this letter the process of conversion of such forest, un-surveyed village started in Dhenkanal with the issue of proclamation letter by the District Collector vide a general notice no. 1492 dated 06.08.2018. As per the 2011 census Dhenkanal district had 17 such forest / un-surveyed village as recorded. Through the notice the district administration intimated all the forest, un-surveyed villages to initiate the process of claiming the revenue status of their village as per the letter issued by the Secretary, Revenue and Disaster Department, Government of Odisha (ref letter no CHS-SM-72/2015-3831 dated 2.2.2017). The notice also clarified that the Forest Right Committee of the concerned village will only make the necessary claim and get it approved in the Gram Sabha of their concerned Panchayats. The Gram Sabha will then forward the claims with its resolution to the Sub-Divisional Level Committee (SDLC) for final inspection and approval.



Circulation of notice to concerned Forest villages:

The copy of this notice was served to all the forest, un-survey village of Dhenkanal district and was sent to all sub collectors, Divisional Forest Officers, tahasildars, Block Development Officers. As per the 2011 and 2011 census there were 17 such villages existed in Dhenkanal district. In the notice the Tahasildar's were requested to serve the notice to all eligible un-surveyed village and display the copy of the notice in the GP office for wider circulation. BDOs were requested to constitute the Forest Right Committees in these village and organise special Gram Sabha's to facilitate the claiming process.

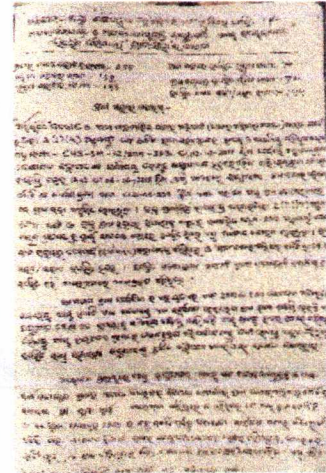
Constitution of Forest Right Committees (FRCs):

Following the issuance of the general notice by the Collector, the Tahasildars issued letter on 31.08.2018 to all Revenue Inspectors to conduct special sensitisation meetings in the forest, un-surveyed villages to discuss about the provisions of the FRA with the community members and form the Forest right Committee in their respective village as per the Forest Right Amendment Rules of 2012 and provide necessary support in preparing the village map.



Resolution of Gram Sabha:

During September 2018 special Gram Sabha's were organised to constitute the FRCs in all these villages and the FRCs were given the responsibility to prepare indicative map of their habitation defining the village boundary, present land use of the villagers, extent and location of other land use, map indicating the lands coming under proposed Individual Forest Right claim and Community Forest Right claim, extent and location of their community forest resource over which the community forest resource rights were to be demanded. In the Gram Sabha resolution, the community members requested for providing them necessary support from the district administration specially from the revenue and forest department to help them in preparing the maps as per the present land use and future land required for development purpose. The resolution also gave a descriptive outline of the village boundary.



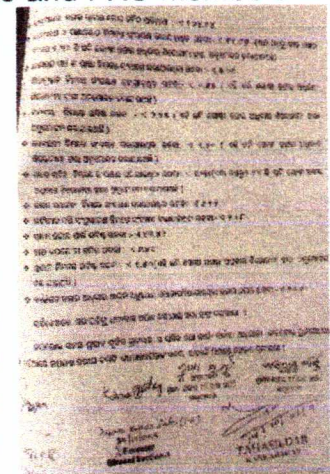
Filling of claim forms under FRA (IFR, CFR, CFRR):

Upon getting these Gram Sabha resolutions the Sub Collector issued a letter to the Tahasildars to provide necessary support to these villages in filling their individual and community claims using the provision of the FRA and in preparing the map using the GPS / DGPS technology where ever possible. He also requested two NGOs namely FES and Landesa to support the community members in filling their community and individual claims respectively. Both the organisations supported the community members in filling up the claim forms. FES supported in filling up the CFR and CFRR claim forms and helped the community members in drawing up the resource boundary using the Common Land Mapping (CLM) tool.



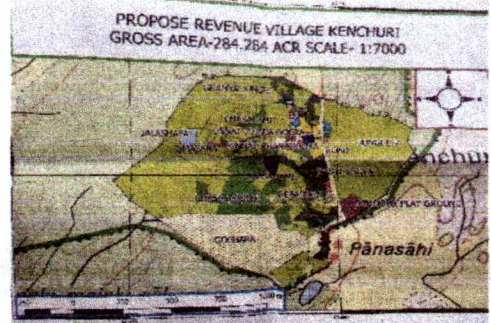
Preparation of reservation:

Reservation proceeding was prepared in consultation with the villagers and FRC members in each forest, un-surveyed village in order to ascertain the minimum requirement of land for various purposes as per Board of Revenue letter No. 4898-R dated 28.01.1966. As per the provision given in this letter in case of reservation of land for pasture (Gochara), for an un-surveyed village is to be made at the rate of one acre for every 14 inhabitants of the village. In case of reservation for village forest and for communal and development purpose including homestead land for future - minimum double the area reserved for pasturage shall be reserved for the purpose. Using these provisions reservation of lands was made while preparing the map of the villages. The revenue inspector and forest department officials were present in these meetings along with the Tahasildars.



Demarcation of village boundary:

Taking the recommendation of the reservation proceedings village boundaries were identified afresh in-consultation with the FRC members through GPS available with the forest officials. During the joint verification of revenue and forest officials land falling under the category of Gochara (pasture), Gramya Jungle (village forest), UnataJojanaJogya (future development lands), SarbasadharabaJogya (future community purpose land), road, educational Institution, Anganawadi, health center, Smasana (grave yard), Water Tank, IFR land, Homestead land, Bastijogya (habitation land) etc. were identified as per the utilization of the land keeping in mind the present and future requirements of the village.



Gram Sabha to obtain approval of map prepared:

After the demarcation of the land the Tahasildars requested the BDOs to issue letter for organising Gram Sabha for approving the map prepared. The Tahasildars then issued letters for conducting special Gram Sabhas to approve the maps prepared by the villager with support from the revenue and forest department officials. In the presence of Sarpanch, members of the Forest Right Committee and department officials the details of the map were presented in the Gram Sabha where the members present then made necessary corrections where ever required and approved the map.

Final Gram Sabha to obtain approval of map, IFR, CFR, CFRR claims:

The FRC with help of the NGOs and government officials filled up the IFR, CFR and CFRR claim forms for claiming their individual rights, community forest rights and community forest resource rights. Form A, B, C were duly filled up following all the necessary steps and were submitted in the final Gram Sabha for its consideration. In the final Gram Sabha, which were



attended by the representative of SDLC like Sub Collector, BDOs, Tahasildars, Panchayat officials, Sarpanches, Revenue and forest department officials, NGO representatives and media etc. the FRC members of the forest, un-surveyed village submitted their map, IFR, CFR, CFRR claim forms, all Gram Sabha Resolutions, member list, list for Community Forest Management Committee members etc. for its kind approval and further submission in the SDLC.

Preparation of final case record:

The final case record was prepared and submitted by the Tahasildars to the SDLC with all the proceedings of the Gram Sabhas, IFR, CFR, CFRR claims documents, maps prepared with joint verification statement, voter list, population survey list and all other relevant documents. In all the relevant documents signature with seal of government officials,

Panchayat representatives and FRC office bearers were ensured before submitting it to the SDLC.

Sub divisional Level Committee's recommendation

The Sub Divisional Level Committee (SDLC) of Kamakhyanager sub division under the chairmanship of the Sub-Collector, Kamakhyanager verified the case record of 12 forest/un-surveyed villages between July 2019 to December 2019 in 6 SDLC meeting and forwarded the recommendation along with the necessary records and documents to District Level Committee (DLC) for final consideration. The SDLCs were attended by the block level officials including the people's representatives, BDOs, tahasildars, revenue department officials, ACF, Rangers, ADWO, representative of NGOs supporting the process in the field.



District Level Committee's (DLC) approval:

The DLC under the chairmanship of the Collector was convened twice in November and December 2019 where the case of the conversion of the 12 forest, un-surveyed villages were discussed in great details and taking the consent of all the members present it approved the conversion proposals of Forest Villages into Revenue Village.

The DLC then authorised the DWO to send the case record along with proceedings of DLCs to the Dy Collector, Revenue to take further course of action for settlement of land rights of the village as per the provision of Revenue Laws. The DLC meeting was attended by the people's representatives, NGO representative, DFO, ADM, DWO and Sub Collectors of



the district.

PROCEEDING OF DISTRICT LEVEL COMMITTEE MEETING ON IMPLEMENTATION OF STs & OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHT ACT, 2006).

Date : 24.12.2019
Venue : Salfubans Conference Hall, Collectorate Dhenkanal
Time : 09.00 P.M.

The District Level Committee Meeting on implementation of STs and other Traditional Forest Dwellers (Recognition of Forest Right Act, 2006) was held on 24.12.2019 at 09.00 PM under the Chairmanship of Collector & Dist. Magistrate, Dhenkanal in Salfubans Conference Hall of Collectorate Dhenkanal. The Addl. District Magistrate, Dhenkanal, Divisional Forest Officer, Dhenkanal, Sub Collector, Kamakhyanager, Sub-Collector, Dhenkanal, Salar alongwith other members of DLC as per Annexure 'A' were present in the meeting. The Regional Co-ordinator of the 'NAB Foundation for Development Society' (NAB) Mrs. Swagata Sarangi has attended the meeting in special invitee.

At the outset, the Chairman welcomed all the participants and asked the DWO to initiate discussion on per agenda. Participating in the deliberation, the DWO apprised the Committee that proposals in respect of 46 no. of IFR claims, 15 no. of CFR claims, 15 no. of CFR claims and 04 (Four) no. of conversion of Forest villages into Revenue Village have been recommended by the Sub-Divisional Level Committee (SDLC), Kamakhyanager. The case record of all the above said recommended proposals received from SDLC, Kamakhyanager were submitted before the DLC by the BWO for perusal, scrutiny and disposal. The members present in the meeting participated in the deliberation and after thorough discussion, the following decisions were taken unanimously by the committee and resolution passed accordingly for implementation.

Agenda No.1:

Conversion of Forest Village / Forests of Village into Revenue Village:

The DWO apprised the Committee that, being upon the proclamation made by the Collector & D.M., Dhenkanal vide order No. 1402 DRO/08.2018, process for conversion of 17 no. of Forest Villages into Revenue Village as per provisions contained under section-11 (b) of the Forest Rights Act-2006 was going on in 4 no. of Tahasils of this district. The Sub-Divisional Level Committee, Kamakhyanager (SDLC) has approved and recommended the proposals in respect of 4 no. of Forest Villages for conversion into Revenue Village and communicated same by letter No. 4022 Dn.2.1.12.2019 and No.0357 Dn.2.3.12.2019. Besides the recommendation made by SDLC, Kamakhyanager previously in respect of Deotisha Village is pending for decision as per last meeting proceeding of DLC which was

Proceedings of the Sub-Divisional Level Committee Meeting held on Dt. 19.11.2019 at 3.30 P.M. on conversion of Unsurveyed Forest Villages to Revenue Village and approval of CFR/CFPR Cases.

The Sub-Divisional Level Committee Meeting was held on 19.11.2019 at 3.30 P.M. on conversion of Unsurveyed Forest Villages to Revenue Village and approval of CFR/CFPR Cases under the Chairmanship of the Sub-Collector, Kamakhyanager. All the participants present in Annexure-1. Proposal for conversion of Unsurveyed Forest Villages to Revenue Village: 1.1-Chandakot, 2.Gangpannada, 3.Dhotiwarangh, 4.Bhadrakal under Tahasil, Kankadahal and Dhotiwarangh under Tahasil, Kamakhyanager received from both the Tahasildars was examined thoroughly. After detailed discussion the proposal for conversion of the following forest villages was approved in the SDLC and decided to submit the case records to the DLC for further course of action.

Approval of Proposals for Conversion of Unsurveyed Forest Villages to Revenue Villages to SDLC

1. Case Record for Conversion of Unsurveyed Forest Village to Revenue Village Chandakot under Kankadahal Tahasil
2. Case Record for Conversion of Unsurveyed Forest Village to Revenue Village Gangpannada under Kankadahal Tahasil
3. Case Record for Conversion of Unsurveyed Forest Village to Revenue Village Bhadrakal under Kankadahal Tahasil
4. Case Record for Conversion of Unsurveyed Forest Village to Revenue Village Dhotiwarangh under Kankadahal Tahasil
5. Case Record for Conversion of Unsurveyed Forest Village to Revenue Village Dhotiwarangh under Kamakhyanager Tahasil

Similarly proposal of CFR/CFPR Cases of the above villages received from the Tahasildars, Kankadahal and Tahasildar, Kamakhyanager was examined thoroughly. After detailed discussion it was approved in SDLC and decided to submit the Case Records to the DLC for further course of action at their level.

Sub-Collector & Chairman, SDLC expressed his satisfaction for the supports of the officials of NGO, PWS facilitating for CFR/CFPR Cases and LAKESSA for facilitating individual Forest Rights Cases.

During SDLC discussion the ACF, Dhenkanal pointed out that in the revised map as per the proposal of villages regarding inclusion of additional length of road and proposed road by the site of the plantation area, DFO has sought clarification from Govt. As such forest range officer has not signed the revised map prepared as per the proposal of the villages in the Committee. He also suggested that the case record may be submitted to the DLC for finalization at their level examining the provision of law in presence of DFO, Dhenkanal.

It was unanimously decided to send all the records to DLC with the recommendation of SDLC. It has been finalized to convene next SDLC on 29.11.2019 at 3.30 P.M. The Tahasildars were requested to submit the case records before the coming SDLC.

The meeting ended with vote of thanks to the chair.

Sub-Collector & Chairman, SDLC, Kamakhyanager