

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-LRGEA-CLRFIC-0003-2024- *20263* /R&DM dated **28 JUN 2024**

From

Sri Satyabrata Sahu, IAS
Additional Chief Secretary to Government

To

Secretary, Board of Revenue

All RDCs

All Collectors

Sub: Guidelines for correction of RoR and maps for forest lands diverted for non-forest purposes under section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Madam/Sir,

In inviting a reference to the subject cited above, I am to say that the Sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act,1980, the Central Government shall provide for diversion of forest land for certain facilities managed by Government, subject to the condition that (i) the forest land to be diverted involve felling of trees not exceeding seventy-five trees per hectare, (ii) the forest land to be diverted involve is less than one hectare in each case and (iii) the proposal has been recommended by the Gram Sabha. The Government of India in Ministry of Tribal Affairs vide letter No. 23011/15/2008-SG-II, dated 18th May 2009 have delineated a detailed procedure for approval of such diversion proposal. Copy enclosed.

2. In this connection, a guideline for correction of RoR and maps for forest lands in Revenue villages for which forest rights have been granted was issued vide this Department letter No.44430 dated 10.12.2018. The said guideline was for recording of individual forest rights and community forest rights in revenue records of the State i.e. Bhulekh and Bhunaksha database. But no instruction was issued for recording of the diverted forest land under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

3. Now, Collector Keonjhar has requested for issue of instruction as to how to make correction in RoR of forest land which is to be diverted under the provision of section 3 (2) of the ST & OTFD (RFR) Act, 2006 (in short FRA, 2006) with particular reference to the correction of RoR in favour of Kendriya Vidyalaya Sangathan for establishment of Kendriya Vidyalaya at Champua.



4. After careful consideration, the following guidelines are issued for correction of RoR and maps in Bhulekh database with correction of maps in Bunaksha database for forest lands in Revenue villages diverted for non-forest use for setting up of facilities managed by the Government under Section 3(2) of the FRA, 2006.

a) On receipt of the approval for diversion of the forest land u/s 3(2) of the Act communicated along with the sketch map by the DFO or by the District Level Committee, as the case may be, the Tahasildar shall open the LRMS Portal through lrmsodisha.nic.in--own motion-FRA-CFR and enter relevant information and upload the document and the sketch map.

b) Tahasildar shall pass necessary orders for recording the diversion of forest land and for correction of the RoR of the village and map accordingly. The land so recorded shall not be deducted from Government khata. If a full plot is allowed diversion u/s 3(2) of the FRA, 2006, it shall be mentioned in the remarks column of the forest plot that "forest diversion over the plot has been allowed vide Order No. _____ dated _____ of _____ u/s 3(2) of the FRA, 2006 for non-forest use in favour of _____, managed by Central/ State Government for establishment of _____", which may read in Odia as (ଏହି

ଜମିକୁ ଅଣ - ଜଂଗଲ ଉଦ୍ଦେଶ୍ୟ ରେ _____ ରୂପେ ବ୍ୟବହାର ପାଇଁ କେନ୍ଦ୍ର / ରାଜ୍ୟ ସରକାରଙ୍କ ଦ୍ୱାରା ପରିଚାଳିତ _____ କୁ ଜଙ୍ଗଲ ଜମି ଅଧିକାର ଆଇନର ଧାରା ୩(୨) ଅନୁସାରେ _____ କ ଆଦେଶ ନମ୍ବର _____ ତା _____ ରେ ପ୍ରଦାନ କରାଯାଇଛି."

c) If forest diversion has been given over a part plot, a bata plot will be created and recorded in the same Government khata without changing the Kisam of land. The bata plot shall be numbered as a sub-plot of the original plot. For example, if the original forest kisam plot No is 2250 with area of Ac.100.00 and forest diversion is given for Ac.2.00 for a specific purpose, then the Bata plot numbers will be 2250/1 for Ac.2.00.

d) After creation of the bata plots, the area of the original plot will be accordingly reduced. For example after creation of 1st bata plot in respect of the above example, the area in respect of plot No.2250 will be Ac.98.00. However, the bata plot so created will be recorded in the same Government khata and in the remarks column of the bata plot No. it will be mentioned that "forest diversion over the plot has been allowed vide Order No. _____ dated _____ of _____ u/s 3(2) of the FRA, 2006 for non-forest use in favour of _____, managed by Central/ State Government for establishment of _____", which

may read in Odia as (ଏହି ଜମିକୁ ଅଣ - ଜଂଗଲ ଉଦ୍ଦେଶ୍ୟ ରେ _____ ରୂପେ ବ୍ୟବହାର ପାଇଁ କେନ୍ଦ୍ର / ରାଜ୍ୟ ସରକାରଙ୍କ ଦ୍ୱାରା ପରିଚାଳିତ _____ କୁ ଜଙ୍ଗଲ ଜମି ଅଧିକାର ଆଇନର ଧାରା ୩(୨) ଅନୁସାରେ _____ କ ଆଦେଶ ନମ୍ବର _____ ତା _____ ରେ ପ୍ରଦାନ କରାଯାଇଛି."

e) For example, in the instant case of land diverted in favour of Kendriya Vidyalaya Sangathan, Champua, the recording may be done in the remarks column as below;

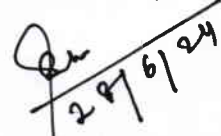
ଏହି ଜମିକୁ ଅଣ - ଜଂଗଲ ଉଦ୍ଦେଶ୍ୟ ରେ କେନ୍ଦ୍ରୀୟ ବିଦ୍ୟାଳୟ, ଚମ୍ପୁଆ ରୂପେ ବ୍ୟବହାର ପାଇଁ କେନ୍ଦ୍ର / ରାଜ୍ୟ ସରକାରଙ୍କ ଦ୍ୱାରା

ପରିଚାଳିତ କେନ୍ଦ୍ରୀୟ ବିଦ୍ୟାଳୟ ସଂଗଠନ କୁ ଜଙ୍ଗଲ ଜମି ଅଧିକାର ଆଇନର ଧାରା ୩(୨) ଅନୁସାରେ ଜିଲ୍ଲାପାଳଙ୍କ ଆଦେଶ ନମ୍ବର _____ ତା _____ ରେ ପ୍ରଦାନ କରାଯାଇଛି ।

f) Correction of map will be done in Bunaksha software immediately as is done in mutation cases.

g) An extract certified copy of the RoR containing the plot number after recording the forest diversion in the remarks column and sketch map shall be provided to the concerned agency/ Department and Gram Sabha.

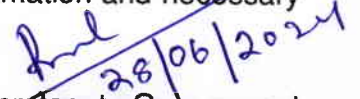
Yours faithfully,


28/6/24

Additional Chief Secretary to Government

Memo No. 20264/R&DM Date 28 JUN 2024

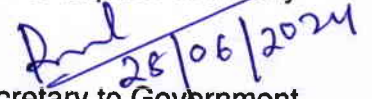
Copy forwarded to All Sub-collectors/ All Tahasildars for information and necessary action.


28/06/2024

Joint Secretary to Government

Memo No. 20265/R&DM Date 28 JUN 2024

Copy forwarded Director (Technical), NIC, Bhubaneswar with a request to modify the software accordingly.


28/06/2024

Joint Secretary to Government

Memo No. 20266/R&DM Date 28 JUN 2024

Copy forwarded to Commissioner-cum Secretary, School & Mass Education Department / Commissioner-cum Secretary, ST & SC Dev Department for kind information and necessary action.


28/06/2024

Joint Secretary to Government

Annexure to letter No 23011/15/2008-SG.II
dated May 18, 2009

**Government of India
Ministry of Tribal Affairs**

Procedure for seeking prior approval for diversion of forest land for non-forest purposes for facilities managed by the Government under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Government, as specified in that Section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if, -

- (i) the forest land to be diverted for the purposes mentioned in the said sub-section is less than one hectare in each case; and
- (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

2. For implementation of the provisions of sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Central Government hereby lays down the following procedure:-

2.1 **Definitions.-** In the procedure, unless the context otherwise requires:-

- (a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- (b) "District Level Committee" shall mean the Committee constituted under Rule 7 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Rules, 2008;
- (c) "Forest Land" shall have the same meaning as defined in Section 2(d) of the Act;
- (d) "Gram Sabha" shall have the same meaning as defined in Section 2(g) of the Act;

- (e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorized by the State Government to deal with matters relating to diversion of forest land under the Act;
- (f) "Section" means a section of the Act;
- (g) "User Agency" means a Department of the Central or State Government or a District Panchayat making a request for diversion of forest land for developmental projects managed by the Government as specified in sub-section (2) of Section 3 of the Act;
- (h) "Village" shall have the same meaning as defined in Section 2(p) of the Act.

2.2 Submission of the proposals seeking approval for diversion of the forest land under sub-section (2) of Section 3 of the Act.-

- (i) Every User Agency, that wants to use any forest land for any developmental project, specified in Section 3(2) of the Act, shall make a proposal in the appropriate Form appended, i.e. Form 'A', and place it before the general assembly of the concerned Gram Sabha for adopting a resolution to that effect.
- (ii) A quorum of atleast half the members of the Gram Sabha should be present for adopting a resolution recommending the diversion of forest land.
- (iii) On receipt of a recommendation of the proposal by the Gram Sabha, the User Agency will submit the proposal to the concerned Range Forest Officer (RFO) of the area, along with the resolution adopted by the Gram Sabha.
- (iv) The Range Forest Officer (RFO) concerned will carry out site inspection of the proposed area to opine on the acceptance of the proposal.
- (v) The Range Forest Officer (RFO) concerned will submit the proposal and his recommendation to the concerned Divisional Forest Officer (DFO) in Form 'B' appended, along with his site inspection report and his opinion within three weeks from the date of receipt of complete proposal from the User Agency.
- (vi) The Divisional Forest Officer (DFO) concerned will consider the proposal, and if he agrees, he will accord his approval and communicate his decision to the Range Forest Officer (RFO) concerned with a copy to the

Chairperson of the District Level Committee, within four weeks from the date of receipt of the proposal from the RFO.

- (vii) After receipt of the approval from the concerned DFO, the RFO will demarcate the area of the forest land approved for diversion and hand over the same to the User Agency under the supervision of the Gram Sabha.
- (viii) If the Divisional Forest Officer (DFO) concerned does not approve the proposal submitted by the User Agency through the Range Forest Officer (RFO), he shall forward the proposal to the District Level Committee for a final decision.
- (ix) The District Level Committee will meet and take a final decision, with at least 1/3 quorum, and convey the decision to the DFO for implementation and correction of records and map if the proposal is accepted.
- (x) The approval for diversion of the forest land by the Divisional Forest Officer (DFO) or by the District Level Committee, as the case may be, shall be accorded subject to the condition that the land diverted for a specific purpose shall not be allowed to be used for any other purpose and the diverted land would be appropriated by the Forest Department if the activity for which the land was diverted is not started within one year of handing over the land to the User Agency.
- (xi) The DFO concerned will submit a quarterly report of the approvals accorded for diversion of forest land under Section 3(2) of the Act to the Nodal Officer of the State who, in turn, will furnish the consolidated information quarterly to the Secretary, Tribal Welfare Department who will, in turn send the consolidated report to the Ministries of Tribal Affairs and Environment & Forests.
- (xii) The Nodal Officer will also monitor the progress.

APPENDIX

Form for seeking prior approval for diversion of forest land for non-forest purposes for the facilities managed by the Government under sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

FORM-A

[See para 2.2(i)]

(To be filled up by the User Agency)

1. Project details:
 - (i) Short narrative of the proposed project / scheme for which the forest land is required.
 - (ii) Details of the forest land required (two options to be indicated)
 - a. Location – Survey No./ Compartment No.
 - b. Extent of the area (in hectare)
 - c. Forest Division
 - d. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
 - (iii) Justification for locating the project in proposed forest land(s)
 - (iv) Number of trees to be felled (per hectare) and number that will be kept standing
2. Detailed, purpose-wise break-up of the total forest land required with proposed building/activity area map.
3. Confirmation that User Agency will plant at least twice the number of trees to be felled, in the project or adjacent area and the amount to be provided annually for protection and maintenance of these plants for at least five years (Details to be enclosed).
4. Recommendation of the Gram Sabha – Accepted/Rejected
[Please tick (), as the case may be]. [Copy of the Gram Sabha resolution to be attached.]

Signature of the authorized person for the User

Agency

(Name in Block letters)

Address _____

Date: _____

Place: _____

Serial No. of proposal

FORM-B

[See para 2.2(iv)]

(To be filled by the concerned Range Forest Officer)

Serial No. of proposal _____

1. Location of the project / Scheme:
 - (i) State / Union Territory
 - (ii) District.
 - (iii) Forest Division
 - (iv) Proposed forest land(s) (two options to be indicated)
 - i. Location – Survey No./ Compartment No.
 - ii. Extent of the area (in hectare)
 - (v) Whether part of biosphere reserve, tiger reserve, elephant corridor, etc.

2. Site inspection report (to be attached), containing the date of visit, and justified opinion on the acceptability of the proposal (separately for the two options).

3. Specific recommendation of the Range Forest Officer for acceptance or otherwise of the proposal and the better option.

Signature of the RFO

_____ Name

_____ Official Seal

Date: _____

Place: _____

Accepted / Not accepted
with reasons to be recorded

Signature of the DFO

_____ Name

_____ Official Seal

Date: _____

Place: _____

