

छत्तीसगढ़ शासन
वन तथा राजस्व एवं आपदा प्रबंधन विभाग
मंत्रालय, महानदी भवन, नया रायपुर

क्रमांक एफ 7-39/2001/10-2

नया रायपुर, दिनांक 13 दिसम्बर, 2013

प्रति,

1. **समस्त संभागायुक्त**
छत्तीसगढ़
2. **समस्त वन संरक्षक (क्षेत्रीय / वन्यप्राणी)**
छत्तीसगढ़
3. **समस्त कलेक्टर,**
छत्तीसगढ़
4. **समस्त वन मंडलाधिकारी, (क्षेत्रीय)**
छत्तीसगढ़
5. **समस्त उप संचालक,**
राष्ट्रीय उद्यान / अभ्यारण्य छत्तीसगढ़

विषय :- वन ग्रामों को राजस्व ग्रामों में परिवर्तन के संबंध में दिशा-निर्देश ।

- संदर्भ :-1. भारत सरकार, जनजातीय कार्य मंत्रालय, नई दिल्ली का पत्र क्रमांक 23011 /33/2011-FRA, दिनांक 24.06.2013 ।
2. प्रधान मुख्य वन संरक्षक छ.ग. का पत्र क्र./मा.चि./एल.एम.425-1218 दिनांक 17.07.2013 ।
3. भारत सरकार, जनजातीय कार्य मंत्रालय, नई दिल्ली का पत्र क्रमांक 23011 /33/2011-FRA, दिनांक 08.11.2013 ।

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उपरोक्त विषय में संदर्भित पत्र के माध्यम से भारत सरकार, जनजातीय कार्य मंत्रालय, नई दिल्ली के द्वारा वन ग्रामों को राजस्व ग्रामों में परिवर्तन के संबंध में क्र. 23011/33/2010-FRA दिनांक 24.06.2013 एवं 08.11.2013 द्वारा मार्गदर्शन जारी किया गया है । सुलभ संदर्भ हेतु भारत सरकार से प्राप्त पत्र दिनांक 24.06.2013 तथा दिनांक 08.11.2013 की छायाप्रति संलग्न प्रेषित है । भारत सरकार के उक्त पत्र में दिये गये निर्देशों तथा अनुसूचित जनजाति और अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 की धारा 3(1)(ज) के प्रावधानों के संदर्भ में वन ग्रामों को राजस्व ग्राम में परिवर्तन करने के लिए निम्नलिखित प्रक्रिया अपनाई जावे :-

1. **वन ग्रामों के निवासियों को वन अधिकार मान्यता पत्र का प्रदाय :-**

वन ग्राम के निवासियों को वर्तमान में “छत्तीसगढ़ वन ग्राम नियम” के प्रावधानों के तहत वन विभाग द्वारा वन भूमि के अस्थाई पट्टे प्रदाय किये गये हैं । राज्य में अभी तक यह अवधारणा थी, कि अनुसूचित जनजाति और अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 के प्रावधान वन ग्रामों के लिए लागू नहीं होते एवं इसीलिए अभी तक वन ग्रामों में वन अधिकार मान्यता पत्रों का वितरण नहीं किया गया है । अतः भारत सरकार से प्राप्त मार्गदर्शन के परिपेक्ष्य में सर्वप्रथम वन ग्रामों में निवासरत व्यक्तियों से 13-12-2005 के पूर्व के कब्जे की भूमि के आवेदन प्राप्त कर निर्धारित प्रक्रिया अनुसार वन अधिकार मान्यता पत्र प्रदाय किया जावे । इस प्रक्रिया में उन्हें पूर्व में प्रदाय पट्टे की भूमि को भी शामिल किया जाये । वन अधिकार मान्यता पत्र देने का कार्य अनुसूचित जनजाति और अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 तथा तत्संबंधी संशोधन नियम 2012 में दर्शित प्रक्रिया के अनुसार किया जावे ।

2. सामुदायिक वन अधिकार मान्यता पत्र का प्रदाय :-

वन अधिकार अधिनियम 2006 की धारा 3(1) में निस्तार के रूप में उपयोग में लायी जा रही भूमि, चाहे उसे किसी भी नाम से जाना जाता हो, को वन अधिकार मान्यता प्रदान करने के प्रावधान है । अतः अन्य ग्रामों की भांति वन ग्रामों में भी अधिनियम की धारा 3(1)(अ-ड तक) को परिभाषित ग्रामवासियों के सामुदायिक अधिकारों को चिन्हित कर अधिनियम में निर्धारित प्रक्रिया अपनाते हुए सामुदायिक वन अधिकार मान्यता पत्र जारी किया जावे ।

3. वन ग्रामों को राजस्व ग्रामों के रूप में संपरिवर्तन :-

अनुसूचित जनजाति और अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 की धारा 3(1)(ज) में यह प्रावधान है, कि वन में निवास करने वाली अनुसूचित जनजातियों और अन्य परम्परागत वन निवासियों को सभी वन ग्रामों, पुराने बसाहट, असर्वेक्षित ग्राम, वन के अन्य ग्राम चाहे वन लेखबद्ध, अधिसूचित हो या न हों, को राजस्व ग्राम के रूप में व्यवस्थापन तथा संपरिवर्तन के अधिकार होंगे । इस कार्यवाही को पूरा करने के लिए भी वही प्रक्रिया अपनाई जावेगी, जो वन अधिकार मान्यता प्रमाण-पत्र देने के लिए अपनाई जा रही है अर्थात् वन ग्राम के ग्रामवासियों के द्वारा सामूहिक रूप से निर्धारित प्रपत्र में आवेदन पत्र प्रस्तुत कर वन ग्रामों को राजस्व ग्रामों के रूप में परिवर्तन की मांग की जावेगी । उक्त आवेदन पत्र पर स्थल निरीक्षण जांच, ग्राम सभा का प्रस्ताव, अनुभाग स्तरीय समिति द्वारा परीक्षण तथा जिला स्तरीय समिति द्वारा परीक्षण एवं निर्णय की कार्यवाही वन अधिकार मान्यता पत्र के लिए निर्धारित प्रक्रिया अनुसार ही की जावेगी । वर्तमान में राज्य में कुल 420 वन ग्राम हैं । अतः इन सभी वन ग्रामों को राजस्व ग्रामों में परिवर्तन की कार्यवाही की जानी होगी । उक्त परिवर्तन से वन ग्रामों से संबंधित वन भूमि की वैधानिक स्थिति में कोई परिवर्तन नहीं होगा, अर्थात् वन ग्रामों की भूमि पूर्ववत वन भूमि ही बनी रहेगी तथा वन भूमि को राजस्व भूमि घोषित करने के आशय की कोई

पृथक से अधिसूचना जारी नहीं की जावेगी । उक्त संबंध में यह भी स्पष्ट किया जाता है, कि चूंकि उपरोक्तानुसार वन ग्राम को राजस्व ग्राम में परिवर्तन की कार्यवाही वन अधिकार अधिनियम 2006 की धारा 3(1)(ज) के तहत की जा रही है तथा उक्त संपरिवर्तन से वन भूमि की वैधानिक स्थिति में कोई परिवर्तन नहीं हो रहा है ।

4. सर्वे बंदोबस्त तथा नक्शों के निर्माण:-

परिवर्तित वन ग्राम का संक्षिप्त इतिहास तथा GPS लोकेशन लेकर वनक्षेत्र का 1:15000 स्केल का मैप एवं पटवारी नक्शा 1:4000 स्केल में (Cadastral Map) दोनों विभागों (राजस्व एवं वन) के संयुक्त हस्ताक्षर से तैयार कर उसमें प्रदत्त वन अधिकार पत्र की भूमि का इंद्राज किया जाएगा, जिसमें बी-1 तैयार हो सके तथा शासन की योजना का लाभ लोगों को प्राप्त हो सके ।

5. परिसंपत्तियों का हस्तांतरण:-

वन ग्राम में जितनी भी सार्वजनिक परिसंपत्तियां होंगी उन्हें संबंधित ग्राम पंचायतों को हस्तांतरित किया जावेगा तथा उनका रखरखाव एवं संचालन हेतु जिला कलेक्टर संबंधित विभागों को निर्देशित करेंगे । वन ग्रामों में स्थित आबादी के उपयोग हेतु सार्वजनिक भवन, श्मशान भूमि, तालाब, सड़क तथा धार्मिक स्थल आदि परिसंपत्तियां राजस्व ग्राम के भाग होंगे ।

6. ग्राम कोटवार:-

वन ग्रामों में अथवा ग्रामों के समूह के लिए कोटवार भी नियुक्त है । वन ग्रामों के कोटवारों को पारिश्रमिक का भुगतान वन विभाग के द्वारा ही किया जाता है । वन ग्रामों के राजस्व ग्रामों में परिवर्तित होने पर उन ग्रामों में नियुक्त कोटवार राजस्व प्रशासन के अध्यक्षीन हो जायेंगे तथा उन्हें पारिश्रमिक का भुगतान भी राजस्व विभाग द्वारा किया जावेगा । कलेक्टर अपने जिले में पदस्थ ऐसे कोटवारों के पारिश्रमिक की परिगणना कर अतिरिक्त आबंटन आयुक्त भू-अभिलेख से मांग करेंगे ।

7. वृक्षों पर अधिकार :-

वन ग्रामों में जो भी वृक्ष स्थित हैं, उनसे प्राप्त होने वाले लघु वनोपज का उपभोग अनुसूचित जनजाति और अन्य परम्परागत वन निवासी कर सकेंगे, किन्तु वृक्षों का स्वामित्व शासन में ही अर्थात् वन विभाग में निहित होगा तथा उनकी कटाई प्रतिबंधित रहेगी ।

अनुसूचित जनजाति एवं अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 में तथा भारत सरकार, जनजातीय कार्य मंत्रालय, नई दिल्ली के पत्र क्र 23011/33/2010-FRA दिनांक 08.11.2013 के तहत जारी दिशा-निर्देशों में वन ग्रामों एवं

अन्य बसाहटों को राजस्व ग्राम में परिवर्तित करने के संबंध में विस्तृत प्रक्रिया का उल्लेख है, जो परिशिष्ट-1 में दर्शायी गई है।

छत्तीसगढ़ राज्य के कुल 420 वनग्रामों को राजस्व ग्राम में परिवर्तन करने की कार्यवाही युद्धस्तर पर निर्धारित समय-सीमा में पूर्ण किया जाना है। अतः इस हेतु जिला स्तर की कार्यवाही अनिवार्यतः दिनांक 31.12.2013 के पूर्व पूर्ण कर, दैनिक प्रगति एवं कार्य पूर्णता से शासन को अवगत कराएं।

संलग्न:-उपरोक्तानुसार परिशिष्ट-1।

(अमिताभ जैन)

प्रमुख सचिव,

छ.ग.शासन, वन विभाग

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दूरभाष - 0771-2221204

(के. आर. पिस्टा) 13/12/2013

सचिव,

छ.ग.शासन,

राजस्व एवं आपदा प्रबंधन विभाग

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दूरभाष - 0771-2221972

पृष्ठांकमांक एफ 7-39/2001/10-2

नया रायपुर, दिनांक 13 दिसम्बर, 2013

प्रतिलिपि :-

1. प्रमुख सचिव, मुख्यमंत्री, मुख्यमंत्री सचिवालय, मंत्रालय नया रायपुर
2. अपर मुख्य सचिव, पंचायत एवं ग्रामीण विकास विभाग, मंत्रालय, नया रायपुर
3. अपर मुख्य सचिव, वित्त विभाग।
4. सचिव, छत्तीसगढ़ शासन, आदिम जाति तथा अनुसूचित जनजाति विकास विभाग मंत्रालय नया रायपुर
5. अवर सचिव, मुख्य सचिव कार्यालय, मंत्रालय नया रायपुर,
6. प्रधान मुख्य वन संरक्षक, छत्तीसगढ़ रायपुर,
7. प्रधान मुख्य वन संरक्षक, (वन्यप्राणी) छत्तीसगढ़ रायपुर,
8. प्रबंध संचालक, छ.ग.राज्य वन विकास निगम लि., रायपुर
9. अपर प्रधान मुख्य वन संरक्षक (भू-प्रबंध), छत्तीसगढ़ रायपुर, की ओर सूचनार्थ सम्प्रेषित।
10. NIC छ.ग. रायपुर की ओर वन विभाग, आदिम जाति तथा अनुसूचित जनजाति विकास विभाग एवं राजस्व एवं आपदा प्रबंधन विभाग की वेबसाईट में अपलोड किये जाने हेतु।

संलग्न :- उपरोक्तानुसार परिशिष्ट-1

प्रमुख सचिव,

छ.ग.शासन, वन विभाग

सचिव, 13/12/2013

छ.ग.शासन,

राजस्व एवं आपदा प्रबंधन विभाग

भारत सरकार, जनजातीय कार्य मंत्रालय, नई दिल्ली के द्वारा वन ग्रामों को राजस्व ग्रामों में परिवर्तन के संबंध में क. 23011/33/2010-FRA दिनांक 08.11.2013 द्वारा जारी मार्गदर्शन के प्रमुख अंश ।

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1. सर्वप्रथम वन भूमि में विद्यमान समस्त ग्रामों/बसाहटों की पहचान किया जाए । इस हेतु जिला सांख्यिकी पुस्तिका एवं जनगणना निर्देशिका से जानकारी ली जा सकती है, ऐसे बसाहट जहां कोई राजस्व भूमि नहीं है उसे वन ग्राम माना जावे । इस संबंध में समस्त ग्राम पंचायत कार्यालय, वन विभाग कार्यालय एवं हाट बाजार में जनसूचना जारी कर सुझाव एवं आवेदन आमंत्रित किया जावे । इस प्रकार ग्रामों की सूची तैयार कराने का उत्तरदायित्व जिला कलेक्टर का होगा ।
2. जिले में उप खण्ड स्तरीय समिति (SDLC) की ओर से अनुभागीय अधिकारी समस्त बसाहट जो वर्तमान में कोई ग्राम का भाग नहीं है परन्तु वन अधिकार अधिनियम की धारा 3(1)(ज) के तहत वन ग्राम की परिभाषा में आते हैं, की सूची तैयार कर जिला कलेक्टर को प्रेषित करेगा ।
3. ऐसे समस्त ग्रामों/पुरानी बसाहटों के निवासियों का राजस्व ग्राम में परिवर्तन करने संबंधित दावा का निराकरण हेतु जिला कलेक्टर उत्तरदायी होंगे ।
4. प्रत्येक ग्राम/बसाहट में दावा प्रस्तुत करने की प्रक्रिया की विस्तृत जानकारी देने वाले सूचना पट्टिका का आवश्यक रूप से प्रदर्शित की जावेगी ताकि ऐसे ग्राम के निवासी आसानी से अपना दावा प्रस्तुत कर सकें ।
5. इस प्रकार प्रत्येक जिले में तैयार की गई सूची की अद्यतन जानकारी राज्य स्तरीय निगरानी समिति को दी जावेगी, जो राज्य स्तर पर ग्रामों/पुरानी बसाहटों की सूची एवं उनका राजस्व ग्राम में परिवर्तन की स्थिति (Status) तैयार करेंगे । जिलेवार वन ग्रामों की सूची एवं वन ग्रामों के राजस्व ग्रामों में परिवर्तन की अद्यतन जानकारी प्रत्येक 3 माह में आदिम जाति विकास मंत्रालय भारत सरकार को प्रेषित की जावेगी ।
6. ग्रामों/बसाहटों के प्रत्येक बालिग व्यक्तियों के समूहों को Forest Right Act के प्रावधान के तहत ग्राम सभा मान्य किया जावेगा एवं वे अपनी वन अधिकार समिति का चयन करेंगे ।
7. यदि किसी बसाहट अथवा असर्वेक्षित ग्राम में बालिग ग्रामीणों की संख्या वन अधिकार समिति हेतु नियत संख्या से कम है, तो वहां एक छोटी वन अधिकार समिति बनाई जा सकती है । यदि ऐसे छोटे बसाहट के समीप कोई राजस्व ग्राम विद्यमान है, तो वे अपनी बसाहट को उस राजस्व ग्राम में विलय करने बाबत प्रस्ताव पारित कर सकते हैं ।

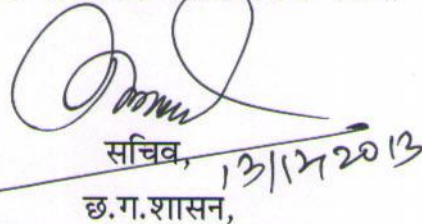
8. वनग्राम/पुरानी बसाहट/असर्वेक्षित ग्राम जो वन भूमि में विद्यमान है चाहे वो अभिलेख में हो अथवा नहीं, के निवासियों द्वारा इस अधिनियम की धारा 3(1)(ज) के तहत अपने बसाहटों को राजस्व ग्रामों में परिवर्तित किये जाने का दावा प्रस्तुत किया जावेगा । यदि किसी बसाहट द्वारा सूचना जारी होने के 3 माह बाद भी इस प्रकार का दावा प्रस्तुत नहीं किया जाता है, तो जिला कलेक्टर तहसीलदार से अनिम्न किसी अधिकारी को संबंधित बसाहट का निरीक्षण करने एवं वहां के निवासियों को इस संबंध में दावा प्रस्तुत करने के लिये आवेदन प्रस्तुत करने हेतु जानकारी देने बाबत निर्देशित करेंगे ।
9. कोई भी ग्राम/बसाहट जो वन भूमि में विद्यमान है एवं राजस्व ग्राम नहीं है, वह राजस्व ग्राम में परिवर्तन किये जाने हेतु उपयुक्त माना जायेगा, यदि :-
 - वन विभाग द्वारा बसाये गये समस्त टोंगिया ग्राम, समस्त वन ग्राम जिन्हें समय समय पर वनग्राम के रूप में मान्यता दी गई,
 - ऐसे समस्त वन ग्राम एवं टोंगिया ग्राम जिन्हें वन विभाग ने वानिकी कार्य हेतु वन के भीतर बसाया था किंतु उन्हें वन ग्राम के रूप में मान्यता नहीं दी गई,
 - ऐसे समस्त वन ग्राम एवं Fixed demand Holding जो वन विभाग द्वारा विभिन्न प्रकार के लीज दिये जाने के फलस्वरूप उद्भूत हुए,
 - ऐसे समस्त ग्राम/बसाहट जो शासकीय विभागों के द्वारा विकासोन्मुखी कार्यों के कारण विस्थापित व्यक्तियों द्वारा बसाये गये हों, जो असर्वेक्षित है एवं अधिसूचित नहीं है ।
 - वनभूमि में विद्यमान ऐसे समस्त पुरानी बसाहट एवं मसाहती ग्राम जिनका सर्वेक्षण अथवा बंदोबस्त इस कारण से नहीं हो पाया क्योंकि वह भूमि कालांतर में वन के रूप में परिवर्तित हो गई ।
10. ग्राम सभा/वन अधिकार समिति द्वारा सर्वप्रथम ऐसे ग्राम / बसाहटों के चौहदी का सीमांकन किया जावेगा तथा राजस्व अधिकारी एवं उप खण्ड स्तरीय समिति SDLC के सदस्यों की सहायता से ऐसे क्षेत्रों का भूमि उपयोग नक्शा (Land Use Map) तैयार करेगी जिसमें निम्नानुसार जानकारी होगी :-
 - वर्तमान विद्यमान कृषि भूमि का रकबा एवं स्थिति,
 - आवासीय भवन, बाड़ी, वन, तालाब, बांध आदि, चरनोई/चारागाह भूमि श्मशान स्थल,
 - अन्य समुदायिक परिसंपत्तियां जैसे स्कूल भवन, धार्मिक स्थल, खेल मैदान, स्वास्थ्य केन्द्र एवं अन्य सामुदायिक उपयोग के भवन आदि,
 - सामुदायिक वन संसाधन की जानकारी एवं निस्तार जिनका लाभ ग्रामीण वर्तमान में ले रहे हों,
11. इस प्रकार एकत्र की गई जानकारी के आधार पर ग्राम सभा एक नक्शा तैयार करेगी एवं राजस्व ग्राम में परिवर्तित करने के अपने प्रस्ताव के साथ SLDC को प्रस्तुत करेगी । इस प्रस्ताव में ग्राम के समस्त बालिग लोगों की सूची शामिल होगी । किसी भी प्रकार के अधूरे प्रस्ताव को अमान्य नहीं किया जावेगा बल्कि

उन्हें आवश्यक जानकारीयां प्रस्तुत करने के निर्देश के साथ ग्राम सभा को वापस किया जावेगा ।

12. इस प्रकार प्रस्तुत दावा/नक्शा एवं सूची को उप खण्ड स्तरीय समिति SLDC, जिला स्तरीय समिति DLC को अग्रेषित करेगी जो अधिकारों का विनिश्चयन करने तथा संबंधित ग्राम को राजस्व ग्राम में परिवर्तन करने हेतु आवश्यक कार्यवाही करेगी । जिला स्तरीय समिति के निर्णय के 2 सप्ताह के अंदर जिला कलेक्टर द्वारा संबंधित ग्राम को राजस्व ग्राम में परिवर्तित करने, वहां के निवासियों के अधिकारों को विनिश्चयन करने की कार्यवाही की जावेगी । उपरोक्तानुसार राजस्व ग्राम में परिवर्तन के फलस्वरूप संबंधित ग्राम के निवासियों के वन अधिकार में कोई कटौती नहीं होगी ।
13. यदि कोई ग्राम/बसाहट में केवल आदिवासी निवासरत हैं अथवा वहां के अधिकांश ग्रामीण आदिवासी हैं, तो उक्त ग्राम को राजस्व ग्राम में परिवर्तित किया जा सकेगा बशर्ते ऐसे बसाहट 13.12.2005 के पूर्व विद्यमान थे ।
14. उपरोक्तानुसार ग्राम /बस्ती/बसाहटों में अधिकारों के विनिश्चयन की कार्यवाही पूर्व में विद्यमान किसी प्रकार के वन अधिकार को प्रभावित किये बिना किया जावेगा ।



प्रमुख सचिव,
छ.ग.शासन, वन विभाग



सचिव, 13/12/2013
छ.ग.शासन,

राजस्व एवं आपदा प्रबंधन विभाग

Shri Pinda
Sany, Revenue

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

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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	<ul style="list-style-type: none"> ➤ It is a well settled principle of statutory interpretation that a subsequent statute supersedes all preceding court judgments or orders of prior date. ➤ 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 "<i>notwithstanding anything contained in any other law for the time being in force</i>". This <i>non-obstante</i> 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.</p> <p>➤ 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.</p> <p>➤ 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>
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		procedure, like any other forest right specified in Section 3 (1) of the Act.
2.	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>➤ 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.	Whether conversion of forest villages and other such villages is required in lands which are not classified as forest lands.	<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.	Whether the conversion of forest villages and other such villages into revenue villages would require de-	➤ The FRA, 2006 envisages recognition and vesting of all forest rights, including the right relating to

	notification/ de-reservation of the forest land, or alteration of status of land.	<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.	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.	<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.	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 villages	<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 pre-condition for recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other

	into 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 panchayati 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>

	<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.</p>	<p>prior to the 13th day of December, 2005 "<i>primarily resided in or depended on the forest or forest land for bona fide livelihood needs</i>".</p> <p>➤ 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.</p>
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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

Copy to:

All Principal Secretaries/ Secretaries/ Commissioners of State Tribal/ Welfare Departments for
information and necessary action.

(Uttam Kumar Kar)
Under Secretary to the Government of India

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 provides to such villages in any category of forest lands, such as protected areas. Clause (iii)(d) states:

"(iii) Community Rights:

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- (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

¹ Inserted by Rule 3 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)

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, 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.
