

GOVERNMENT OF WEST BENGAL
OFFICE OF THE DIRECTOR OF LAND RECORDS AND SURVEYS
AND JOINT LAND REFORMS COMMISSIONER, WEST BENGAL
35, GOPAL NAGAR ROAD, ALIPORE, KOLKATA 700027

Memo. No. 16/2454(19)C/14

Dated, Alipore, the 15th July, 2015

To
The District Land and Land Reforms Officer,

Sub:: Guideline for conversion of unsurveyed forest village into revenue village, distribution of patta as per provision of FRA 2006 and subsequent recording in the R-o-Rs.

The Scheduled Tribes and other traditional Forest dwellers (Requisition of Forest Rights) Act 2006 (herein after referred as FRA 2006) was promulgated to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and traditional forest dwellers.

The Section 3(1)(h) of the FRA, 2006 the forest right relating to settlement and conversion of all forest village, old habitations, unsurveyed village and other village into revenue villages are recognized and vested in the forest dwelling Scheduled Tribes and traditional forest dwellers. The Act recognizes and vests the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers. This is subject to the condition that such forest dwellers had occupied forest land before 03/12/2005 and as envisaged in Section 4 (4) of the Act, such rights shall be heritable but not transferable and shall be registered jointly in the name of both the spouses in case of married persons, and in the name of single head, if it is single headed family.

A Certificate conferring the title of community forest rights and title to forest land under occupation as per rule 8 (h) as FR Rules, 2007 are given to eligible forest dwellers.

It may also be mentioned here that as per provision of Section 4 (6) of the FRA 2006, where forest rights, so recognized and vested are in respect of forest lands and in such land shall be under the occupation of an individual or family and shall be restricted to the area under actual occupation and shall in no case exceed an area of 4 hectares.

Procedure to be followed for survey of such unsurveyed land and recording there of:

In most cases, forest land is unsurveyed and unrecorded land.

Firstly, traverse and Cadastral Survey is to be taken up. For speedy completion of this process modern methods like GTS/ETS survey may be adopted. The forest land so converted into revenue village will be recorded in favour of the forest department.

After completion of survey, preliminary record preparation commonly known as "Khanapuri" will be started. Unlike old revenue villages where R-o-Rs are already framed and published in earlier settlement operations, here the possession of the forest dwellers will be noted in the records for the first time.

After "Khanapuri" the work of *bujharat* will be taken up in the usual manner.

The forest dwellers will produce certificate issued by the District Level Committee as per annexure ii & iii (Forest *Patta*) [Rule 8 (h)] and that should be treated as conclusive proof of title of an individual over the land.

It may also be kept in mind that some plots may be occupied by any forest dweller, but she/he may not have the certificate. In such cases possession of that plot will be recorded in the relevant column of the R-o-Rs. Such matter should also be brought to the notice of the Sub-Division Level Committee/ District Level Committee.

For speedy completion of the work u/s 51 of the WBLR Act, attestation stage may be skipped under Rule 22, Schedule- A of WBLR Rules in order to go directly to D.P.

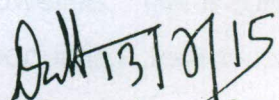
In case of old revenue mouzas- located mostly in Bankura, Purulia, Paschim Midnapore, forest *pattas* shall be recorded in stages u/s 51 of the WBLR Act, 1955 and where mouza is finally published the same shall be done u/s 50 (1) (c) of the WBLR Act, 1955.

In every cases, a noting in the following style be given:

‘বনাধিকার আইন ২০০৬ এর ৪(৪) ধারা মতে হস্তান্তর নিষিদ্ধ’

It should be kept in mind that in case of community right, name of no individual should be featured in the R-o-Rs. The land shall remain recorded in the name of "Forest Department" and only the mode of use of the said land be featured in remarks column " সর্বসাধারণের জন্য ব্যবহৃত".

If there is any further query in this regard, DLLROs are requested to make correspondence to this Directorate with his specific views/suggestions.


Director of Land Records and Surveys
and Joint Land Reforms Commissioner
West Bengal