VOLUME 4

Land Records, Registration & Tahasil Administration

Mutation · RoR · survey, settlement & demarcation · stamps & registration · Tahasil administration

04

COMPILED BY

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odishrevenuelaws.com

Edition · November 2026

About this volume

This volume brings together the Acts and the Government of Odisha orders, circulars, notifications and resolutions on mutation, RoR, survey and settlement, stamps & registration and Tahasil administration that are published on odisharevenuelaws.com. Each document is reproduced as issued, in its original form. Use the Contents page or the PDF bookmarks to jump to any document. Page numbers at the foot of each page run continuously through the volume. This is a compilation for ready reference only; for official purposes, please rely on the notified text and the latest orders of the Government.

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Fax/e-Mail

GOVERNMENT OF ODISHA
REVENUE & DISASTER MANAGEMENT DEPARTMENT
RDM-LRGEC Misc-0006/2017-20771 /R&DM. Dated 28.6.17

From

Dr. Chandra Shekhar Kumar, IAS
Principal Secretary to Government

To

Secretary, Board of Revenue
All RDCs
All Collectors

Sub: Standard Operating Procedure for disposal of Mutation cases and delivery of other services.

Sir,

In inviting a reference to the subject cited above, I am to say that up-to-date maintenance of Record of Rights and Maps, finally published under the Survey and Settlement Act, 1958 is one of the important functions of the Tahasildars including Additional Tahasildars. The changes in the field position are reflected in the RoRs and maps through mutation proceedings. Hence, mutation cases and subsequent correction of RoRs, & maps and demarcation of land are very important services to be rendered to the general public in a time bound manner.

2. From the grievance petitions received at Government level and feedback taken from the Senior Officers of this Department after conducting field visits to different tahasils and R.I. Offices through out the State during 5th to 11th June, 2017, it is learnt that delivery of revenue services including mutation cases, correction of RoRs and maps, distribution of pattas and demarcation of land is not up to the expected standards. Although these services have been notified under the ORTPS Act, 2012 with strict timelines for disposal, yet there are remarkable gaps in implementation within the timeline. Many instances have come to the notice of the undersigned that mutation cases are pending for years and correction of RoR, even distribution of corrected pattas are pending for months. Maps are not being corrected at all in many tahasils and R.I. Offices.

3. In order to overcome the inertia at field levels, a Standard Operating Procedure (SOP) for disposal of mutation cases has been prepared keeping in view

the provisions of the ORTPS Act and Mutation Manual. In the said SOP, emphasis has been given to strict adherence to the timeline at all levels and technological intervention for tracking and monitoring to expedite the delivery of services to general public. Proper supervision and monitoring shall also be done by Sub-collector, ADM and Collector of the District.

4. In enclosing herewith a copy of the SOP, you are requested to circulate the same to all field level officers and to ensure adherence to the timeline as per the SOP at Tahasil and R.I. levels for timely disposal of all pending and current mutation cases, thereby ensuring better service to the general public.

Yours faithfully,

28.6.2017

Principal Secretary to Government

Memo No. 20772 **/ R&DM** **Date** 28.6.17

Copy along with the enclosures forwarded to all Sub-Collectors/ all Tahsildars/ all Sub-Registrars/ all DSRs for information and necessary action. Tahasildars are requested to furnish a copy of this letter to all R.I.s under their respective administrative control for information and necessary action.

28/6/17

Joint Secretary to Government

Memo No. 20773 **/ R&DM** **Date** 28.6.17

Copy forwarded to all Branch Officers of R&DM Department for information and necessary action. Dy Secretaruy, IMU Cell is requested to upload the letter in the Department website.

28/6/17

Joint Secretary to Government

Standard Operating Procedure on Disposal of Mutation Cases

1. Tahasildar can initiate mutation proceeding:

   I. On receipt of Form- 3 from the Registrar or Sub-Registrar appointed under the Indian Registration Act,1908; or

   II. On application for mutation from any person interested; or

   III. On receipt of an order of any Court; or

   IV. On receipt of the abatement order on land acquisition under the LA Act or RFCTLAR&R Act.

   V. On receipt of order of the Revenue Officer, for partition of holdings on mutual agreement under section 19(1)(c) of the OLR Act, 1960

2. **Registration of sale deeds:**

- Before registration the sub-Registrar shall ensure that the mobile contact number of the petitioner/ purchaser, concerned Tahasildar and R.I is given with the documents for registration.
- Sub Registrar, after registration of the deed shall instruct the petitioner to deposit the required amount with concerned Tahasildar towards court fees, demarcation fee, user fees for mutation of the land.
- Sub-Registrar shall fix a date exactly **one month** after the date of registration for hearing of the mutation case and the petitioner shall appear before the concerned R.I with original documents for verification along with receipt showing deposit of the fees.
- After registration of sale deed, a machine generated **text message** shall go to the petitioner as well to the R.I. concerned with following words.
  "Your document submitted on dated _____ has been registered and your date of hearing for mutation is on _____(after one month). You are to deposit the required fees with Tahasildar/ R.I towards court fees, demarcation fee, user fees etc. for mutation of the land.

Appear with all original documents and receipt before concerned R.I on the next date of hearing."

- Sub-Registrar shall forward Form-3 online **within 24 hours** and hard copy **within 3 days** to the concerned Tahasildar.

3. Institution of Mutation case

- On receipt of the intimation slip from Sub Registrar or on application of the parties, Tahasildar (mutation Clerk) shall enter the same in the Mutation Register village-wise and the serial number of the form 3 in the register shall be the number of the mutation case and the Mutation Case Record shall be opened. In case of on-line mutation cases, the LRMS software shall generate Mutation case number automatically.
- The Mutation Clerk shall send the Case Record to the Record Room for verification of records and the Record Keeper shall verify with the existing Khatians of the Tahasil, the land schedule, the recorded tenants and the flow of the title, if flows any to the transferee and record his remarks in the case record/ LRMS.
- The record Keeper with his remarks shall return the case record to the Mutation Clerk. The Mutation Clerk shall attach the General Notice and individual notices to the case record and with approval of Tahasildar shall transmit the same to the concerned R.I for hearing.
- It should be taken care that the case record after completion of all the above processes should reach the concerned R.I. **within 10 days** from the date of Registration.
- If the transaction involves part plots, then Tahsildar shall direct one Amin to cause field verification and prepare trace map, in duplicate with actual measurements and submit the report along with the trace maps to the Tahsildar/ R.I Concerned. The report and trace map should reach the R.I. before the next date of hearing.

4. **Disposal of Pending mutation cases:**

- Tahasildar shall cause-list of all the pending cases and arrange the same as per seniority.
- A tentative date of hearing in case of all such pending cases shall be indicated. While indicating date of hearing it should be borne in mind that all pending cases must be heard and disposed of within **next 3 months.**
- The Cause list shall be published in the notice board and put in the District website.
- A copy of the cause list shall also be sent to the concerned R.I. for disposal on the stipulated date.

5. **Hearing of the case:**

- The concerned R.I, immediately after receipt of the case record shall issue the General proclamation in the village inviting objections, if any to be filed **within 15 days** and issue notices to the individual parties to appear before him on the date fixed for hearing.
- In case of online mutation, the Amin report shall be uploaded in the LRMS by the Tahasildar. R.I. shall attach the report of Amin, if any to the hard copy case record or if required, may cause the field enquiry. But this should be completed before the due date of hearing.
- On the date of hearing, the concerned R.I shall verify the original registered documents, hear the necessary parties, examine the objections if any and pass necessary orders in the case.
- If it is found that the case is contested, he shall return the case record **within 7 days** with his remarks to the Tahasildar for hearing.
- If the case is simple and uncontested, he shall allow mutation and pass order for necessary correction of records and send back the case record to Tahasildar **within 7 days** for confirmation.

6. **Confirmation of the order and correction of RoR and Map**

- On receipt of the case record from R.I., Tahasildar shall confirm the order of R.I. in respect of uncontested cases and remand the case record to Record Room for correction of RoR and map after completion of the appeal period of 30 days.
- The contested cases shall be heard afresh by the Tahasildar.
- On receipt of the case records, the Record Keeper shall correct the RoR and Map as per the order immediately.
- After correction of the RoR, the Record Keeper shall send the following text message to the petitioner.

  "***Your record has been corrected; please collect the RoR copy from this office on next Monday or within 7 days.***"
- The Tahasildar shall review his own office work on **every Saturday** and distribute the corrected RoRs in **every Monday**. Thus, Monday shall be the patta distribution day. In the event, one petitioner fails to get the patta on any Monday, he can file a grievance petition to the Tahasildar on the same day as Monday is also the Grievance day.
- Correction of maps should be done simultaneously without waiting for all other pending corrections are updated.

7. **Intimation slip to R.I and correction of records**

- After correction of documents (RoR & map) at tahasil level, the Record Keeper shall send the intimation slip in duplicate along with the trace map, if any to the R.I. Concerned **within 7 days**.
- On the basis of the intimation slip, The R.I shall correct his RoR and map and return a copy of the intimation slip to the Tahasildar as token of proof of correction incorporated in the documents at his level.
- This process should be completed **within 3 days**.
- ***As per the ORTPS Act, the whole process of mutation shall be completed within 90 days from the date of institution.***

8. Checklist of cases requiring mutation

Sl	Cause of Action	relevant Act & Rules/ Checklist	Standard Order
1	Mutation on Sale/ purchase of land through RSD/ Decree of Court	Section 34 of the Odisha Survey & Settlement Act,1958 and OS&S Rules,1962/ Mutation Manual Checklist: 1. Check if recorded tenant has sold or 2. all legal heirs of the RT have sold 3. Whether land is Chak in kisam, if so, whether full chak has been sold, 4. If ST& SC land, whether permission has been obtained, 5. ST land cannot be transferred to non-ST persons in scheduled area	1. Delete the land from the present holding 2. Add to the holding of the purchaser or 3. If no land of the purchaser in the village, create a new holding. 4. Change the demand in the old and new holding 5. Correct maps
2	Mutation on Partition of holdings	Under section 19(1) of the OLR Act Correction of RoR & maps on Partition of holdings may be allowed on; 1. By Registered Deed 2. By decree of a court or 3. By order of Revenue Officer through mutual consent of all TRs or their legal heirs Checklist on mutual agreement cases: 1. All RTs must give their consent	1. Create separate khata in favour of each RT as per their consent and possession. 2. Calculate rent and cess and incorporate in each separate khata as per their possession. 3. Create Joint khata in respect of properties jointly held by the RTs. 4. Calculate rent and cess for the properties in the Joint Khata and incorporate in the Joint Khata itself.

		2. There must be separate and independent possession of all RTs agreeing for partition 3. Obtain mutual agreement through an affidavit sworn in by all RTs. 4. Check that all RTs or their legal heirs have received notice 5. Be double sure that no other RT or legal heir has been left out. 6. Check the identity and signature of RTs, before passing order 7. If any RT remains absent during hearing, double check that the notice has been duly served on him and after passing of order, intimate him the decision of partition through RP or by hand service again. 8. Check that the property is not under dispute in Ceiling cases.	
3	Mutation after acquisition of land	The Land Acquisition Act, 1894 and the RFCTLAR&R Act, 2013 • All updation of RoRs must be completed within 60 days of the preliminary Notification for acquisition of land under the RFCTLAR&R Act.	Land acquisition is done by Government on behalf of different agencies and the same land is transferred to the concerned agency for use of the same for the purpose for which it was acquired. 1. On receipt of the abatement proposal, delete the acquired

		• Mutation of land should not be allowed after the above period. • Mutation proceeding shall be initiated on receipt of the abatement proposal from Land Acquisition Officer after acquisition of land.	lands from the khatas of the Recorded Tenants. 2. Correct the rent and cess in the respective khatas. 3. If the acquired land has been transferred to the concerned agency, record, it in their name like that of NHAI, Railways, IDCO or concerned Industries, etc 4. Incorporate rent and cess as per the order in favour of the industries. 5. If acquired for any Department of Government and duly trabsferred, record it in the name of that Department. 6. If not transferred to any Agency after acquisition, record it in the Rakshita Khata of Govt and mention in the remarks column that "the land has been acquired for _____ purpose."
4	Mutation of leasehold land	The OGLS Act,1962 and OGLS Rules 1983 **Relinquished land:**	If the land of any Department has been relinquished to R&DM Department, record the land in 'Anabadi' khata in Urban area or in AJA khata in rural area, with remarks that " this land was originally recorded in the name of ___ Department and has been relinquished to Revenue Department."
		Leasehold land	Record the name in favour of the lessee on 'Pattadar status' with rent and cess as admissible as per order.
		Reserved Land:	Record the land in Rakshita

		If the land has been reserved for any purpose through a Notification u/s 3(a) of the OGLS Act,	Khata, with remarks that the land is reserved for _____ purposes
5	Mutation of acquired land through direct purchase on bilateral negotiations by any Department or Govt Agency	RFCTLAR&R Act Circular No. 10241 dated 31.03.2014/ No. 2846 dated 27.01.2016 & No.10811 dated 5.04.2016	Record the land in the khata of the concerned Department with remarks that "this land was raiyati land earlier and this Department has purchased the land vide RSD No.____, dated ___.

9. Housekeeping and monitoring:

(a) Tahasil level:

i. All Tahsildars and R.I.s should conduct a review of pendency in their respective offices on weekly basis, preferably on **every Saturday.** If proceeding on tour or busy in other activit, then the review may be conducted in the afternoon. Next week's activity to reduce the pendency should be planned in accordance with the review.

ii. The Tahasildar shall ensure that cause list of all pending mutation cases is published and disposed of on a mission mode within next 3 months.

iii. All the pending correction of RoR and maps are also to be completed within 3 months' time.

iv. Supply of electricity and connectivity to R.I Offices and availability of hardware and computer consumables be reviewed in weekly meetings.

v. Updation requirements may be brought to the notice of Collector and steps be taken to ensure connectivity and consumables by utilizing the user fee funds.

vi. Tahasildar and Addl Tahsildar, each shall inspect at least 4 R.I offices in a month and review the process of mutation and correction of RoRs and maps.

(b) Sub-Collector:

i. Every Sub-Collector shall inspect at least 4 tahasils in a month and review the progress of delivery of revenue services including mutation in the tahasil.

ii. Sub-Collector shall also visit at least 4 R.I offices in a month and review the progress.

iii. Availability of infrastructure and other facilities in the R.I offices may also be reviewed by the Sub-Collector.

iv. Operationalisation of Sairat sources, collection of land revenue, pendency of public grievances and promptness in delivery of services are to be supervised by the Sub-collector.

v. At the end of every month, Sub-collector shall prepare the visit note with his findings and suggestions for improvement of service and submit the same to the Collector and concerned Tahsildars for follow up action.

(c) Addl District Magistrate.

i. Every ADM shall inspect at least 2-3 tahasils and R.I offices in a month and review the progress of delivery of revenue services including mutation in the tahasil.

ii. He shall review the visit note of Sub-Collectors and suggest appropriate action on the matter to the Collector.

iii. Care should be taken to choose the tehsil with heavy pendency of public grievances and cases for inspection.

iv. Tahasils already inspected by Sub-collector during the month should be avoided.

v. ADM, on the basis of his inspection and visit note of Sub-collector shall prepare a resume on important issues and bottlenecks with suggestions and submit to Collector.

(d) Collector:

i. **Collector is advised to review the diligent adherence of above matters in the monthly review meeting of ADM, Sub collectors, Tahasildars, DSR and Sub-Registrars.**

ii. Collector may inspect one or two Tahasils to check the standard and promptness of service delivery system there.

iii. Care should be taken to choose the tehsil with heavy pendency of public grievances and cases for inspection.

iv. **Collector is advised to apprise this Department about any shortcomings and suggestions for better functioning of Tahasil, Sub-registrar and R.I Offices.**

28.12.17

Principal Secretary to Government
Revenue &DM Department

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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No. RDM-CHS-CLRFIC-0004-2018 16449 /R&DM dated 7/5/2018

From

Dr. Chandra Shekhar Kumar, IAS.
Principal Secretary to Government .

To

The Secretary, Board of Revenue
All Collectors

Sub- Rejection of Mutation cases on various grounds: clarifications thereof

Sir,

Maintenance of Record of Rights and keeping it up-to-date is the primary responsibility of Tahasildars. Records are updated through mutation proceedings. For timely delivery of Public Services, timeline for uncontested mutation cases is ninety days. It has been brought to notice of this Department that Tahasildars are rejecting mutation cases on various flimsy grounds which is detrimental to the updation of land records. The following instructions are issued for the guidance of Tahasildars.

1. In some instances, Tahasildars are rejecting mutation cases presuming that the sale deed relating to a particular transaction is fraudulently made and void thereby. In this connection, it is reiterated that once a sale deed is registered under the provisions of the Registration Act, 1908, the sale deed remains valid in the eye of law, unless such instrument of sale is declared void or cancelled by the competent Civil Court under section 31 of the Specific Relief Act, 1963. Consequently, the allegation of fraud does not render the transaction or the deed void ***ab initio*** before the Revenue Officer who is considering mutation. A person who is aggrieved by the sale deed can only approach the competent Civil Court for relief and unless the sale deed is declared void by the Civil Court, mutation cannot be rejected.

2. Rejection of mutation case instituted on the basis of Form-3 in e-Mutation process, due to absence of the vendee / purchaser on the date for hearing of the case or non-production of registered sale deed by the purchaser is strictly prohibited. Since e-Mutation has been rolled out in all Tahasils, the registered sale deeds can be viewed on-line in LRMS software. Hence, the necessity of the presence of vendee / purchaser or production of documents shall be dispensed with at the time of disposal. Only in case of any mutation, where the interim sale deeds are required to assess the flow of title in favour of the purchaser, the production of document shall be insisted upon. The reasonable opportunity of being heard is to be provided to the applicant / purchaser.

3. After passing of the Registration (Odisha Amendment) Act, 2013, the Registering Officer has been mandated U/s-22-A(1) of the Act to refuse to register-

(a) any instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease-

(i) *belonging to the State Government, or the Local Authority;*

(ii) belonging to any religious institution to which the Odisha Hindu Religious Endowment Act, 1951 is applicable;

(iii) belonging to or recorded in the name of Lord Jagannath, Puri;

(iv) donated for Bhoodan Yagna and vested in the Odisha Bhoodan Yagna Samiti established under section 3 of the Odisha Bhoodan and Gramdan act, 1970;

(v) belonging to Wakfs which are under the supervision of the Odisha Wakf Board established under the Wakf Act, 1995;

unless a sanction in this regard is issued by the competent authority as provided under the relevant Act or in absence of any such authority, an authority so authorized by the State Government for this purpose, is produced before the registering officer.

4. Besides, the Registering Officer shall refuse to register any instrument relating to transfer of immovable property, the alienation or transfer of which is prohibited under any State or the Central Act.

5. In view of the above, while adjudicating mutation case, Tahasildar shall not reject the mutation case unless the Registering Officer has allowed registration in violation of the provisions of the Registration Act as mentioned in paragraph-4 & 5.

6. In case of a Will which is not probated, the mutation shall be rejected. Even in case of a Will which is probated, mutation shall not be allowed in Scheduled Area, if the immovable property contained in the Will belongs to person belonging to Scheduled Tribe.

7. The mutation for flats under Real Estate may be rejected in absence of definite policy on the matter.

8. Any application received through SWO for mutation of land where cause of action relates to pre-final publication, the case shall be dropped and applicant may be advised to file revision cases under section15(b) of OS&S Act, 1958 before the Board of Revenue.

9. In case, where application for mutation is filed on the basis of Court Order directing mutation of Government land in the name of private person, the concerned Tahasildar shall file appeal in consultation with Government Pleader.

10. Mutation cases may be dropped where the stay has been obtained from higher courts.

Above instructions may please be brought to the notice of all Tahasildars. Any deviation from the instruction shall be viewed seriously.

Yours faithfully

Principal Secretary to Government

Memo No. 16450 /R&DM dated. 7/5/2018

Copy forwarded to all Sub-Collectors / Tahasildars for information and necessary action.

7.5.2018

Additional Secretary to Government

Memo No. 16451 /R&DM dated. 7/5/2018

Copy IMU Cell for information and necessary action.

7.5.2018

Additional Secretary to Government

Government of Odisha

Revenue & Disaster Management Department

******

RDM-CHS-POLICY-0042-2019L. No.19507 / R & DM dated, 11 JUN 2020

From

Shri Bishnupada Sethi, IAS

Principal Secretary to Government

To

All Collectors

Sub: **Regarding disposal of mutation cases.**

Madam/ Sir,

You are aware that uncontested mutation cases across the state constitute 70% of the total number of revenue cases and therefore, this is an important public service delivered by the Department. Several instructions have been issued from time to time for expeditious disposal of mutation cases in accordance with ORTPSA norms adopted by the Department. An uncontested mutation case is disposed of within 90 days and the Tahasildars also dispatch RoRs to the citizens through Speed Post within the same timeline. However, Government had received grievances alleging undue delay in disposal of mutation cases and therefore, it was decided that both Odisha Survey and Settlement Rules, 1962 as well as Mutation Manual needed to be amended.

Now, the Odisha Survey and Settlement (Amendment) Rules, 2020 have been notified in the extraordinary issue of Odisha Gazette bearing SRO No.124/2020 dt.27.5.2020 (copy enclosed) and Board of Revenue have also amended Odisha Mutation Manual vide their letter No.51 dt.04.6.2020 (copy enclosed). Both the amendments have been communicated earlier and it is now clarified that since no notice is required to be issued when all co-sharers sell the plot (*part or in full*), the mutation application can be disposed without hearing the parties and conduct of field enquiry. Hence,

uncontested mutation cases can now be disposed of within a week. The amended Rules further provide that an appeal can be presented within 180 days from the date of order appealed against, which was previously 30 days. This has also been provided that appeal period will not be a bar for correction of records. Revised mutation manual provides for correction of RoR and maps immediately after final orders are passed and in an uncontested mutation case, correction of records can be taken up pending appeal order revision, as the case may be.

This may please be appreciated that the Government have ushered in a new phase of dynamism in delivery of public services with the launching of 5T and Mo Sarkar programmes and disposal of uncontested mutation cases within a week will add to those initiatives, thereby ensuring optimum delivery of public services.

You are, therefore, requested to instruct your field officers accordingly so as to ensure that all uncontested mutation cases are disposed of within a week and RoRs are dispatched through Speed Post within the same time.

Yours faithfully,

Principal Secretary to Govt.

Memo No. 19508 / Dt 11 JUN 2020

Copy alongwith enclosures forwarded to all Revenue Divisional Commissioners for information and necessary action..

Addl. Secretary to Govt.

Memo No. 19509 / Dt 11 JUN 2020

Copy alongwith enclosures forwarded to the Secretary, Board of Revenue / Director, Land Records and Survey for information and necessary action.

Addl. Secretary to Govt.

Memo No. 1950 / Dt. 11 JUN 2020

Copy alongwith enclosures forwarded to Joint Secretary, e-Governance for information and necessary action with a request to pursue in GA&PG Department for amendment of timeline for disposal of uncontested mutation case from 90 days to 07 days.

Addl. Secretary to Govt. 11/6/2020

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 689, CUTTACK, WEDNESDAY, MAY 27, 2020/ JAISTHA 06, 1942

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 26th May, 2020

S.R.O.No. 124/2020—Whereas the draft of certain rules further to amend the Odisha Survey and Settlement Rules,1962 were published as required under sub-section (2) of section 43 of Odisha Survey and Settlement Act, 1958 (Odisha Act 3 of 1959) in the *Extra ordinary issue of the Odisha Gazette* No. 423 dated the 3rd March,2020 under the notification of the Government of Odisha in the Revenue & Disaster Management Department No. 9467 inviting objections and suggestions from all persons likely to be affected thereby before expiry of a period of thirty days from the date of such publication.

And whereas, no objection or suggestion has been received in respect of the said draft Rules during the stipulated time period;

Now therefore in exercise of the powers conferred under sub-section (2) of Section 43 of Odisha Survey and Settlement Act,1958 (Odisha Act 3 of 1959) the State Government do hereby make the following rules further to amend the Odisha Survey and Settlement Rules, 1962 namely:-

1. (1) These rules may be called the Odisha Survey and Settlement (Amendment) Rules, 2020.

   (2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Survey and Settlement Rules, 1962 (hereinafter referred to as the said rules), in rule 40, the following proviso shall be inserted namely:-

   "Provided that when all co-shares or recorded tenants sell the plot part or in full, such notice shall not be required to be issued."

3. In the said rules, in rule 41, the following proviso shall be inserted, namely:-

"Provided that when all co-shares or; recorded tenant (s) sell the plot part or in full, the mutation application shall be disposed of without hearing or in full, the mutation application shall be disposed of without hearing of the parties and [further] without holding the field enquiry, so that disposal of such mutation case is ensured within a week."

4. In the said rules, in rule 42, for sub-rule (2), the following sub-rule shall be substituted, namely:-

(2) "Every such appeal shall be presented within 180 (one hundred eighty days from the date of order appealed against:

Provided that the appeal period shall not be a bar for correction of records in respect of mutation case, where all co-shares or recorded tenants sell the plot part or in full."

[No.17235-RDM-CHS-POLICY-0042-2019/R&DM]

By Order of the Governor

BISHNUPADA SETHI

Principal Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SBP Ex.Gaz.95-173+150

Government of Odisha

BOARD OF REVENUE, ODISHA, CUTTACK

NoI-10/20- 51 / M.R, dated 04-06-2020

From:

Sri Subrat Satpathy,
Secretary,

To

All Revenue Divisicnal Commissioner,
All Collectors.
All Sub-Collectors
All Tahasildars.

Sub: **Regarding Amendment of Mutation Manual.- Corrigendum.**

Ref: Board's letter No. 46 / MR, dt. 02.06.2020

Sir,

In continuation to the Board's letter cited above the "Odisha Mutation Manual" is amended as follows:

Paragraph – 75:

"Correction of record -of –rights(including the map) according to orders passed in a mutation case shall be made after expiry of thirty* days from the date of final orders and after the mutation fee whenever payable to Government has been paid. Changes in the entries in the record-of-rights shall be carried out under due attestation of the Tahasildar. Reference to the number of mutation case must be given in all changes. All changes must be recorded in red ink."

*Amended as per Government. in Revenue & Disaster Management Department Notification No.26280/ R & DM dated 09.08.2017.

**Provided that correction of record-rights (including the map) according to orders passed in a mutation case shall be made immediately after final orders are passed.

**As per Government. in Revenue & Disaster Management Department Letter No.RDM-CHS-POLICY-0042-2019/ R&DM – 17234, dated 26th May, 2020

Paragraph – 76:

"Changes in the record- of-rights shall not be effected in cases in which appeals or revisions have been preferred. The record-of-fights can be corrected only after appeals or revisions as the case may be are finalized."

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***Provided that RoR can be corrected in an uncontested mutation case pending appeal or revision as the case may be."

***As per Government. in Revenue & Disaster Management Department Letter No.RDM-CHS-POLICY-0042-2019/ R&DM – 17234, dated 26th May, 2020

Accordingly, action is being taken for printing and issue of necessary correction slip for the amendment of paragraph 75 and 76 of Odisha Mutation Manual.

Yours faithfully,

Secretary, 4/6/2020
Board of Revenue, Odisha, Cuttack

Memo No. 52 /MR, Dated 04-06-2020
Copy forwarded to the Principal Secretary to Govt., Revenue & D.M. Department, Odisha, Bhubaneswar for information with reference to Letter No.17234/R & DM, dated. 26th May, 2020.

Secretary, 4/6/2020
Board of Revenue, Odisha, Cuttack

Memo No. 53 /MR, Dated 04-06-2020
Copy forwarded to the Joint Director, Survey & Map Publication, Odisha, Cuttack for information and necessary action with request to print 1000 copies of correction slip as corrected above.

Secretary, 4/6/2020
Board of Revenue, Odisha, Cuttack

Memo No. 54 /MR, Dated 04-06-2020
Copy forwarded to the Director, Land Records & Surveys and Consolidation, Odisha, Cuttack for information and necessary action.

Secretary, 4/6/2020
Board of Revenue, Odisha, Cuttack

Memo No. 55 /MR, Dated 04-06-2020
Copy to Principal System, Analyst, NIC for information and necessary action with a request to up-load the amendment in the website of Board of Revenue, Odisha, Cuttack..

Secretary,

Scanned with CamScanner

Top Priority

By Fax / e-Mail

Government of Odisha

Revenue & Disaster Management Department

******

RDM-CHS-POLICY-0042-2019 10186 / R & DM dated, 24 MAR 2021

From

Shri Bishnupada Sethi, IAS

Principal Secretary to Government

To

All Collectors

Sub: Regarding disposal of mutation cases

Ref: This Department letter No.19507 dt.11.6.2020

Madam/Sir,

I am to say that detailed instructions for disposal of uncontested mutation cases were issued vide the afore-mentioned letter. It was made abundantly clear that uncontested mutation cases across the state constitute about 70% of the total number of revenue cases and therefore need due attention for public service delivery by the Department. Though further instructions had been communicated for expeditious disposal vide this Department letter no. 31757 dated 4th of November, 2020, it appears, the field officers need further sensitisation.

Recently, Odisha Survey and Settlement Rules,1962 have been amended along with Mutation Manual. As per amendments, no notice is required to be issued when all co-sharers sell the plot (part or in full) and mutation application therefore can be disposed of without hearing the parties and resorting to any field enquiry which were taking long time earlier. It has now been provided that period of appeal which

was previously 30 days is extended to 180 days and more so, appeal period will not be a bar for correction of records and maps once final order is passed in a mutation case.

You are aware that when pursuant to registration, Form No.3 is forwarded to concerned tahasil for auto-registration of mutation case, land particulars etc. are properly checked at the level of Registering Officer with reference to Bhulekh and other connected records/ documents, so that a transaction is prima-facie flawless. *Therefore, this leaves little scope for the Tahasildar to treat a mutation case as 'contested' unless there are compelling reasons.* However, several complaints are being received at this end that uncomplicated transactions are being treated as contested cases, citing flimsy grounds. This is not expected from the Revenue Officers when this Department has been covered under Mo Sarkar programme and acknowledged as a forerunner of 5T Initiatives in the state. Postponement of disposal citing unjustifiable/ pretty ground is an *alibi* which defeats the cardinal principle of public service.

Therefore, after careful consideration, the Government have now been pleased to instruct as follows:

a. Mutation cases under normal circumstances shall be disposed of within a week.

b. NIC has been instructed to make necessary changes in e-Mutation application software to incorporate new provisions including hierarchical matrix in which information on mutation cases pending beyond fixed timeline will be escalated to senior officers.

c. A red flag will be generated for those cases pending with Tahasildar/ Addl. Tahasildar beyond 04 working days.

d. If mutation is delayed beyond 07 working days, an intimation will be sent to concerned Sub-Collector.

e. If the delay is beyond 15 days, Collector will be notified in the system and those mutation cases pending beyond one month with Tahasildar will be escalated to R & DM Department senior officers.

f. In case, it turns out that a mutation case is contested, the same shall be disposed of maximum within a period of **30** working days.

g. RoRs as advised earlier, shall remain to be dispatched through Speed Post.

It is also decided that to dispose with personal appearance of the applicant in a contested mutation case, the Tahasildar shall resort to video calling/ conference through whatsapp or any other digital mode as convenient to the applicant. At the same time, Tahasildar shall ensure that the person presenting himself/ herself through video call is genuine and as per requirement, he may insist on production of any recognized document in support of identity.

The Government is also keen to appreciate the good performance of Tahasildars, specifically on disposal of mutation cases. Detailed guidelines will be communicated later on, which may be used by Revenue Officers in their PAR by attaching the Rank/ Performance document as will be communicated by this Department.

Keeping in view the importance of disposal of mutation cases, you are advised to ensure that these instructions are meticulously followed by the field officers and senior Revenue Officers are entrusted with monitoring of case disposal during their visit to tahasils.

This supersedes all previous instructions in the matter.

Yours faithfully,

Principal Secretary to Govt.

Memo No. 10187 / Dt 24 MAR 2021

Copy forwarded to all Revenue Divisional Commissioners for information and necessary action.

Addl. Secretary to Govt.

Memo No. 10188 / Dt 24 MAR 2021

Copy forwarded to the Secretary, Board of Revenue / Director, Land Records and Survey for information and necessary action.

Addl. Secretary to Govt.

Memo No. 10189 / Dt 24 MAR 2021

Copy forwarded to Sr. Director, NIC, Bhubaneswar for information and necessary action.

Addl. Secretary to Govt.

Memo No. 10190 / Dt 24 MAR 2021

Copy forwarded to all Sub-Collectors/ Tahasildars for information and necessary action.

Addl. Secretary to Govt.

Memo No. 10191 / Dt 24 MAR 2021

Copy forwarded to Joint Secretary, e-Governance for information and necessary action with a request to publish the letter in the website of R & DM Department.

Addl. Secretary to Govt.

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-CHS-POLICY-0042-2019-33321 /R&DM dated 15 SEP 2023

From

Shri Sashadhar Nayak
Additional Secretary to Government

To

All Collectors

Sub: Regarding disposal of mutation cases

Ref: This Department letter No.10186 dt.24.03.2021

Sir,

In inviting a reference on the subject cited above, I am directed to enclose herewith a copy of the letter No. 40246 dated 25.07.2023 of O/o the Advocate General, Odisha, Cuttack along with copy of order No-02 dtd. 21.07.2023 passed in the WP(C) No- 18403 of 2023 and to say that Government have already issued detailed instructions for disposal of un-contested mutation cases within 7 days and contested mutation cases within 30 days vide this Department letter No.10186 dt.24.03.2021. You were advised to ensure that these instructions are meticulously followed by the field officers. However, many instances have come to notice where the Tahasildars are not following these instructions while disposing mutation cases and citizens are deprived from availing the facility of mutation services within the timeframe as decided by State Government.

Hence, it is reiterated to strictly follow the instructions enumerated in this Department letter No.10186 dt.24.03.2021(Copy enclosed) while disposal of mutation cases for timely delivery of mutation services .

Further, the Sub Collectors are hereby instructed to make a periodical review(preferably fortnightly) of disposal of cases to find out whether the above practice-directions are being followed meticulously or not so that the mutation cases can be disposed at the earliest and invariably within the time-frame.

This may be treated as **MOST URGENT**.

Yours faithfully,
15/9/2023
Additional Secretary to Government

PTO

Memo No. 33322 / Dt 15 SEP 2023

Copy with enclosure forwarded to all Revenue Divisional Commissioners for information and necessary action.

Additional Secretary to Government

Memo No. 33323 / Dt 15 SEP 2023

Copy with enclosure forwarded to the Secretary, Board of Revenue / Director, Land Records and Survey for information and necessary action.

Additional Secretary to Government

Memo No. 33324 / Dt 15 SEP 2023

Copy with enclosure forwarded to all Sub-Collectors/ Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 33325 / Dt 15 SEP 2023

Copy forwarded to Advocate General, Odisha, Cuttack for information and necessary action in response to his letter No. 40246 dated 25.07.2023.

Additional Secretary to Government

Email : FAX : **COURT MATTER EXTREMELY URGENT**

OFFICE OF THE ADVOCATE GENERAL, ODISHA, CUTTACK

DEBAKANTA MOHANTY, **Email. advgen@nic.in**

ADDL. GOVERNMENT Advocate **FAX : 0671-2507846**

MOBILE NO. 9437039542, 8917345458

E-mail : mohantydebakanta65@gmail.com

L. No. 40246(5) dt **Date : 25.07.2023**

To

1. The Addl. Chief Secretary to Govt.,
   Revenue & Disaster Management Dept.,
   Lokseva Bhawan, Bhubaneswar
2. RDC (SD), Berhampur
3. Collector, Ganjam
4. Sub Collector, Bhanjanagar, Dist. Ganjam
5. Tahasildar, Belaguntha, Dist.- Ganjam

Sub : WP(C) PIL No. 18403/2023 (K. Rabindra Kumar Patro Vs State of Odisha)

Sir,

The above noted PIL is filed against the inaction of the Tahasildar, Belguntha in not disposing of the Mutation applications and other miscellaneous applications in terms of the standing instruction of the State Govt. vide Notification dt. 24.03.2021 which was communicated to all Collectors for strict observance. The petitioner has alleged that Tahasildar, Belaguntha has not observed the said practice / direction as per the said Govt. Notification.

The matter was listed on 21.07.2023 and the Hon'ble Court passed final order a copy of which is enclosed to this letter for strict compliance. In para – 6 of the said order the court has recorded an observation about non-compliance of the Govt. Notification by the Tahasildar, Belaguntha and accordingly the Hon'ble Court in para – 10 of the order directed the State Govt. to issue a fresh memorandum directing all the concerned Revenue Officers to strictly observe the practice/ directions as reflected in the Govt. Notification dt. 24.03.2021. The Hon'ble Court has further directed that responsibility would be saddled on the Sub Collector to make a periodical review of the disposals to find out whether those practice / directions are being observed or not and further the Hon'ble Court directed that the mutation be granted at the earliest and invariably within the time framed as set up in the said Govt. Notification dt. 24.03.2021.

The Addl. Chief Secretary to Govt., Revenue and Disaster Management Dept. is requested to issue fresh memorandum in compliance with the above noted directions of the Hon'ble Court stated in para 10 of the order forthwith.

You can get the copy of the writ petition from the LMS website of the office of the Advocate General. (http://orissalms.in/lms) (Contact No. of LMS cell : 0671-2509188) or you may collect the copy of the writ petition from the office of the Advocate General, Odisha, Cuttack.

Yours faithfully,

(DEBAKANTA MOHANTY)
ADDL. GOVT. ADVOCATE

Encl : Order dt. 21.07.2023.

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC No.18403 of 2023

K. Rabindra Kumar Patro ..... Petitioner

Mr. Sarathi Jyoti Mohanty, Advocate.

-versus-

State of Odisha & Others ..... Opposite Parties

Mr. D.K. Mohanty, Additional Government Advocate.

CORAM:
JUSTICE S. TALAPATRA
JUSTICE SAVITRI RATHO

ORDER
21.07.2023

Order No.

02. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. Sarathi Jyoti Mohanty, learned counsel appearing for the petitioner who is a public spirited individual. He has filed this public interest litigation (PIL) challenging the action of the Tahasildar, Beleguntha (the Opposite Party No.4) alleging that such action has been taken in contrast to the Standing Instruction available in the notification dated 24.03.2021 (Annexure-1 to the writ petition) regarding disposal of the mutation cases.

3. The said notification since contains the practice-directions was communicated and circulated to all the Collectors and the concerned officers for strict observance.

4. According to the petitioner, the said Tahasildar has not observed the said practice-direction. Moreover, he is deciding the mutation cases whimsically, causing prejudice.

5. In such circumstance, the petitioner had filed a representation to the Principal Secretary to the Government of Odisha, Revenue & Disaster Management Department on 02.06.203, urging his intervention and making an inquiry in the matter relating to disposal of the mutation cases by the Tahasildar, Belaguntha.

6. It has been urged that a due inquiry shall be made to ascertain whether the said Tahasildar has been observing the instructions contained in the said notification under Annexure-1 to the writ petition.

7. The primary grievance of the petitioner is that his representation has not been disposed of, communicating what action has been taken on his demand.

8. We have heard Mr. D.K. Mohanty, learned Addl. Government Advocate. He has emphatically stated that in most of Tahasils, those practice-directions are strictly observed, but there may be some cases where within the time frame, the mutation cases cannot be disposed of for various reasons.

9. According to Mr. Mohanty, learned Addl. Government Advocate, the persons who are applying for the mutation are immediately informed why their cases could not be disposed of within the time-frame.

10. Be that as it may, without making any observation on the conduct of the Opposite Party No.4, we direct the Opposite Party No.1 to issue a fresh memorandum directing all the concerned Revenue Officers to strictly observe the practice-

directions as reflected in the Notification under Annexure-1 to this writ petition. We would further direct the competent authority to saddle the responsibility on the Sub Collectors to make a periodical review of disposals to find out whether those practice-directions are being observed or not. The ordinary citizens should not suffer for dereliction of the revenue officers. Mutation be granted at the earliest and invariably within the time-frame as set up by the said notification.

11. In terms of the above observation and direction, this writ petition stands disposed of.

12. A free copy of this order be supplied to Mr. Mohanty, learned Addl. Government Advocate for communications to the appropriate authorities.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Rati Ranjan

Signature invalid

Digitally Signed
Signed by: RATI RANJAN NAYA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 24-Jul-2023 16:03:06

Top Priority

By Fax / e-Mail

Government of Odisha

Revenue & Disaster Management Department

******

RDM-CHS-POLICY-0042-2019 10186 / R & DM dated, 24 MAR 2021

From

Shri Bishnupada Sethi, IAS

Principal Secretary to Government

To

All Collectors

Sub: Regarding disposal of mutation cases

Ref: This Department letter No.19507 dt.11.6.2020

Madam/Sir,

I am to say that detailed instructions for disposal of uncontested mutation cases were issued vide the afore-mentioned letter. It was made abundantly clear that uncontested mutation cases across the state constitute about 70% of the total number of revenue cases and therefore need due attention for public service delivery by the Department. Though further instructions had been communicated for expeditious disposal vide this Department letter no. 31757 dated 4th of November, 2020, it appears, the field officers need further sensitisation.

Recently, Odisha Survey and Settlement Rules,1962 have been amended along with Mutation Manual. As per amendments, no notice is required to be issued when all co-sharers sell the plot (part or in full) and mutation application therefore can be disposed of without hearing the parties and resorting to any field enquiry which were taking long time earlier. It has now been provided that period of appeal which

was previously 30 days is extended to 180 days and more so, appeal period will not be a bar for correction of records and maps once final order is passed in a mutation case.

You are aware that when pursuant to registration, Form No.3 is forwarded to concerned tahasil for auto-registration of mutation case, land particulars etc. are properly checked at the level of Registering Officer with reference to Bhulekh and other connected records/ documents, so that a transaction is prima-facie flawless. *Therefore, this leaves little scope for the Tahasildar to treat a mutation case as 'contested' unless there are compelling reasons.* However, several complaints are being received at this end that uncomplicated transactions are being treated as contested cases, citing flimsy grounds. This is not expected from the Revenue Officers when this Department has been covered under Mo Sarkar programme and acknowledged as a forerunner of 5T Initiatives in the state. Postponement of disposal citing unjustifiable/ pretty ground is an *alibi* which defeats the cardinal principle of public service.

Therefore, after careful consideration, the Government have now been pleased to instruct as follows:

a. Mutation cases under normal circumstances shall be disposed of within a week.

b. NIC has been instructed to make necessary changes in e-Mutation application software to incorporate new provisions including hierarchical matrix in which information on mutation cases pending beyond fixed timeline will be escalated to senior officers.

c. A red flag will be generated for those cases pending with Tahasildar/ Addl. Tahasildar beyond 04 working days.

d. If mutation is delayed beyond 07 working days, an intimation will be sent to concerned Sub-Collector.

e. If the delay is beyond 15 days, Collector will be notified in the system and those mutation cases pending beyond one month with Tahasildar will be escalated to R & DM Department senior officers.

f. In case, it turns out that a mutation case is contested, the same shall be disposed of maximum within a period of **30** working days.

g. RoRs as advised earlier, shall remain to be dispatched through Speed Post.

It is also decided that to dispose with personal appearance of the applicant in a contested mutation case, the Tahasildar shall resort to video calling/ conference through whatsapp or any other digital mode as convenient to the applicant. At the same time, Tahasildar shall ensure that the person presenting himself/ herself through video call is genuine and as per requirement, he may insist on production of any recognized document in support of identity.

The Government is also keen to appreciate the good performance of Tahasildars, specifically on disposal of mutation cases. Detailed guidelines will be communicated later on, which may be used by Revenue Officers in their PAR by attaching the Rank/ Performance document as will be communicated by this Department.

Keeping in view the importance of disposal of mutation cases, you are advised to ensure that these instructions are meticulously followed by the field officers and senior Revenue Officers are entrusted with monitoring of case disposal during their visit to tahasils.

This supersedes all previous instructions in the matter.

Yours faithfully,

Principal Secretary to Govt.

Memo No. 10187 / Dt 24 MAR 2021

Copy forwarded to all Revenue Divisional Commissioners for information and necessary action.

Addl. Secretary to Govt. 24/3/2021

Memo No. 10188 / Dt 24 MAR 2021

Copy forwarded to the Secretary, Board of Revenue / Director, Land Records and Survey for information and necessary action.

Addl. Secretary to Govt. 24/3/2021

Memo No. 10189 / Dt 24 MAR 2021

Copy forwarded to Sr. Director, NIC, Bhubaneswar for information and necessary action.

Addl. Secretary to Govt. 24/3/2021

Memo No. 10190 / Dt 24 MAR 2021

Copy forwarded to all Sub-Collectors/ Tahasildars for information and necessary action.

Addl. Secretary to Govt. 24/3/2021

Memo No. 10191 / Dt 24 MAR 2021

Copy forwarded to Joint Secretary, e-Governance for information and necessary action with a request to publish the letter in the website of R & DM Department.

Addl. Secretary to Govt. 24/3/2021

ଡ. ଅରବିନ୍ଦ କୁମାର ପାଢ଼ୀ
Dr. Arabinda Kumar Padhee, IAS
Additional Chief Secretary

Revenue and Disaster Management Department
Government of Odisha
Loka Seva Bhavan, Bhubaneswar-751001
Tel: + 91 674 2539023
Email: revsec.od@od.gov.in

No. RDM-CHS-MISC-0037-202634112 **/R&DM** **dated** 10 AUG 2026

To

All RDCs,
All Collectors

Subject: Expeditious disposal of mutation cases and correction of Column-2 of RoRs for facilitating Farmer Registration under KMS 2026–27 (Kharif)-Reg

Madam/Sir,

The FS & CW Department has intimated that the Farmer Registration process for KMS 2026–27 (Kharif) has commenced w.e.f 5.8.2026 with a target of achieving to register approximately 20 lakh farmers by 31.08.2026. It has also been informed that the Farmer Registry ID of AgriStack is being integrated with the P-PAS portal for farmer registration for paddy procurement.

Further, it has been intimated that, during last KMS-2025-26, approximately 13 lakh Farmers were registered in P-PAS on the basis of genealogy report furnished by revenue officials, where the RoRs stand recorded in the name of their forefathers. The details of such RoRs have been shared by the FS & CW Department to this Department for taking up immediate updation in column-2 on priority. These activities are essential for timely completion of farmer registration.

In this connection, it is to say that, the up-to-date RoR is undeniably a precursor to successful farmer registration for paddy procurement as well as creation of Farmer ID under AgriStack towards implementation of various welfare schemes like PM-KISAN, Bank loans, agricultural insurance, etc. The ongoing special drive on succession updation in Column-2 of RoR, has so far surveyed and updated more than 1.02 Crore RoRs out of Total 1.71 Cr of the State whereas, the Farmer ID generated through AgriStack now covers only around 46% PM-KISAN beneficiaries. So, it is imperative on the part of both agriculture and Revenue officials to give their best and concerted effort in time bound manner so as to bring the rest of the farmers under a true umbrella of comprehensive DPI (Agriculture) i.e. Agristack.

In view of the above, the matter be accorded **TOP PRIORITY** and the following SOP be followed by all concerned Revenue authorities for expeditious disposal during updation of column-2 correction of RORs.

1. Khatas which are flagged up in Col-2 App through P-PAS App shall be treated as time-bound priority cases. Each RI shall survey at least 25 nos. of khatas in a day without fail.

2. Tahasildar/Addl. Tahasildar shall ensure issue of proclamation in the next day of receipt of reports from RI and final disposal after a period of 15 days is over, in case of no objection received from any quarter.

3. Cases involving dispute regarding succession shall be dealt with under the applicable statutory procedure. Such cases shall, however, be separately identified and reported, so that the undisputed cases are not held up.

4. Khatas where the recorded tenant(s) is found alive on enquiry, it needs to mention "alive" against the said name and the relationship of farmer with the recorded tenant.

5. ADM, Revenue/Sub-Collector being the Nodal Officer shall monitor the progress of Col-2 work under their jurisdiction every day.

6. Issues which cannot be resolved at Tahasil including technical issues relating to application, shall be brought to the notice of the Department/NIC by the ADM,Revenue without delay.

7. The Collectors shall personally monitor the implementation of the above SOP and ensure the convergence of all officers of concerned Departments at PACS/LAMPS and the work is taken up on a **campaign mode**. Review of progress in every week focussing on following points must be held:

    a. Number of khatas verified by RI against the daily target of 25 nos. of khatas

    b. number of enrolments approved by RI in Farmer registry

    c. number of Col-2 cases disposed of by Tahasildar/Addl. Tahasildar

    d. number of enrolments approved by Tahasildar/Addl. Tahasildar in Farmer registry.

8. RDCs shall ensure close monitoring of the exercise within their respective Divisions and ensure that no deviation, avoidable delay or laxity on the part of any official concerned is noticed during the farmer registration period. ADM/Sub-Collector/Tahasildar shall be made accountable for timely disposal of the cases assigned to their respective jurisdiction.

9. NIC is requested to make suitable provisions in column-2 App for flagging of approximately 23.4 lakh khatas against 13 lakh farmers in order to make those visible to the RIs. Further State MIS needs to be developed by NIC & Log in credentials to be shared with the FS&CW Department & DAFE.

10. The objective shall be to ensure that **no eligible farmer is deprived of registration under KMS 2026–27 merely because of avoidable pendency in mutation or Column-2 correction**, while maintaining due compliance with the applicable statutory provisions and integrity of land records.

11. The above instructions may be communicated immediately to all concerned ADMs, Sub-Collectors, Tahasildars and Revenue Inspectors for strict compliance.

This may be accorded TOP PRIORITY.

Yours faithfully,

Additional Chief Secretary

Revenue & Disaster Management Department

Addl. Chief Secretary to Govt.
Revenue & D.M. Department

Memo. No. 34113 /RDM, dated 10 AUG 2026

Copy forwarded to the Principal Secretary, Food Supplies & Consumer Welfare Department with respect to PTI-FSCW-PL-PRC-0022-2025 Letter No. 12312/dated 18.7.2026 / Commissioner-cum-Secretary, Department of Agriculture & Farmers' Empowerment for kind information and necessary action.

Additional Secretary to Government

Memo. No. 34114 /RDM, dated 10 AUG 2026

Copy forwarded to DDG-cum-SIO, NIC, Odisha for kind information and necessary action.

Additional Secretary to Government

Memo. No. 34115 /RDM, dated 10 AUG 2026

Copy forwarded to the PS to Hon'ble Minister, Revenue & DM for kind information of Hon'ble Minister, Revenue & DM.

Additional Secretary to Government

OFFICE OF COLLECTOR
29 APR 2022
KALAHANDI
BHAWANIPATNA

BOARD OF REVENUE, ODISHA, CUTTACK

XXV-07/2021 No 200 /Judl. dt. 29/04/2022

To The All Collectors.

Sub: Correction of Record of Right by Tahasildars- Partial modification of this office letter No 174/Judl Dated 11.04.2022.

Sir,

I am directed to inform that, the powers and functions of Tahasildars have been well defined under the Odisha Survey and Settlement Act, 1958 under Section 16 read with Rule 32 of the Odisha Survey and Settlement Rules, 1962.

1. As per the Odisha Mutation Manual framed under the Odisha Survey and Settlement Act, 1958, the correction of Records of Rights can only be done by the Tahasildar (which includes Additional Tahasildar) in Record of Rights, which have already been finally published under the Odisha Survey and Settlement Act, 1958 or Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972. In this regard, some relevant rulings by the High Court are given at **Annexure** A for reference.

2. The power to make any changes in the Record of Rights prior to publication, in other words in case of " Sabik Khatas" lies with the Revisional Authority, i.e. Member, Board of Revenue under Section 15(b) of the Odisha Survey and Settlement Act, 1958 and Civil Courts. The Revisional Courts functioning under Board of Revenue exercise their powers accordingly

3. The orders passed by the revisional authorities are to be complied by the concerned Tahasildar. **Annexure-B**

4. In order to enable revisional authorities pass clear and unambiguous orders, it is necessary that Tahasildars go through the revision petitions carefully when they are forwarded at the initial stage by the revisional authorities and furnish the para-wise comments carefully. A few examples are given below.

(i) Revision petition deals with spelling of name of caste.

→ Clear reply should be given based on local field inquiry.

(ii) Hal R.O.R. has a smaller extent of area than the area as per R.S.D., where claim is made before the revisional authority on the basis of purchase.

→ Actual area measurement should be done on the ground, based on the sketch map that accompanies the R.S.D and area extraction report should be furnished clearly. if rights of boundary tenants are affected, it should be mentioned in the report clearly.

(iii) Hal R.O.R. is not disputed, but the map is alleged not to be in conformity with the R.O.R.

→ Actual ground measurement should be done. If rights of boundary tenants are affected, details thereof should be clearly mentioned in the report.

Hence , it should be brought to the notice of all the Tahasildars under your jurisdiction, that :-

(i) After receiving order from the Revisional Court, the Tahasildar should institute a notional Miscellaneous Case to ensure LRMS linkage to effect the required changes if clear orders of correction of Record of Rights are given by the Revisional Court.

(ii) The Miscellaneous Case should not lie pending for long unnecessarily. When clear cut orders are passed by the Revisional Court, the orders to be carried out immediately.

(iii) The Tahasildar need not post the case for hearing date after date, in such cases, unless it is specifically ordered by the Revisional Court to provide opportunity to all stakeholders for further field verification.

This should be circulated amongst all Tahasildars of your district for information and necessary action.

Yours faithfully,

28.4.22
Secretary
Board of Revenue, Odisha, Cuttack

Memo No. 201 dt. 29/04/2022

Copy forwarded to All Revenue Divisional Commissioners for information and necessary action.

28.4.22
Secretary

Memo No. 202 dt. 29/04/2022

Copy forwarded to the all the Presiding Officers functioning under Board of Revenue, Odisha, Cuttack for information and necessary action.

28.4.22
Secretary

Memo No. 203 dt. 29/04/2022

Copy forwarded to the Additional Secretary, Revenue and Disaster Management Department, Government of Odisha for information and necessary action.

28.4.22
Secretary

Memo No. 204 dt. 29/04/2022

Copy forwarded to P.S. to Hon'ble Member, Board of Revenue, Odisha for kind information of Hon'ble Member, Board of Revenue.

28.4.22
Secretary

Annexure-A

1. Accordingly, Odisha Mutation Manual needs to be understood that, the mutation is to be confined to matters arising after the publication of Record of Rights and not on the basis of facts which existed prior to the preparation of the Record of Rights - 1997(1) OLR-13 (II) OLR- 495.

2. The executive instruction permitting correction of ROR in terms of Rule 34 of the Oidsha Survey and Settlement Rules for cause of action which arises before preparation of ROR cannot be maintained in the mutations proceedings before the Tahasildars -1998 (II) OLR 495.

3. Cause of action, if arises before the publication of ROR the aggrieved party to approach the Board of Revenue to correct the finally published Record of Rights. -2002 (I) OLR (BOR) 82. See also 2004 (I) OLR 251

4. Record of Rights prepared by the Survey and Settlement Authority cannot be corrected by the Tahasildar, if corrected, it will have no effect- 97 (2004) CLT 400

5. After publication of the Notification under Section 6(1) of the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 every proceeding related to survey, preparation and maintenance of Record of Rights and Settlement of rent shall stand abated after publication of notification under section 6(1) of Odisha Consolidation of Holding and Prevention of Fragmentation of Land Act, 1972 : JBR VOI. XV (1979) part II 40, JBR VOI. XVI (1980) Part III 47.

Annexure-B

1. If the registered sale deed is executed after the final publication of ROR, the Tahasildar has the power to mutate the land and correct the ROR.

2. If the sale transactions have happened before the date of Publication of ROR of that village, the Tahasildar does not have the right to mutate the land or correct the ROR. In such cases, specific the orders of Revisional Authority or Civil Court is essential.

3. In case of orders passed by the Revisional Authority to the Tahasildars to conduct further field verification under intimation to all stakeholders, the Tahasildar needs to start a Miscellaneous Case and give further dates for parties to appear, to facilitate field verification after due service of notice. However, sometimes the Revisional Courts are constrained to pass such orders as the Tahasildars fail to give a clear field report to the concerned Revisional Court in due time. This can be easily avoided, if the concerned Tahasildar gives timely reports to the Revisional Authorities enabling them to pass a clear order for compliance rather than remanding the case to the lower court.

4. Wherever clear order is received from the Civil Court or the Revisional Authority, opening of a Miscellaneous Case should be a formality, to enable linkage with online LRMS. It should not be a means to keep further execution proceedings to linger on, date after date.

URGENT

By e-Mail/FAX

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. RDM-CHS-SCH-0002-2024- 17223 /R&DM dated 31 MAY 2024

From

Sri Sashadhar Nayak, I.A.S. ,

Additional Secretary to Government

To

The DDG & SIO, NIC,

Bhubaneswar

Sub:- Addition of a new provision in LRMS portal for creation/correction of RoR in case of relinquishment deeds.

Madam,

In inviting a reference to the letter No.716 Dated 21.03.2024 of Tahasildar, Tirtol (Copy enclosed) on the subject cited above , I am directed to say that Tahasildar, Tirtol has allowed mutation in favour of two persons vide a relinquishment deed in which other co-sharers have relinquished 11 plots out of 13 plots in favour of two co-sharers. Tahasildar, Tirtol has intimated that after allowing the mutation he has found that, there is no provision in LRMS for creation of new RoR for mutation vide relinquishment deed. It is pertinent to mention here that,

1. In those cases, where the co-sharers relinquish their whole share of land in favour of one/more co-sharers, only waras correction is done after mutation in form of column-2 correction of the RoR.

2. However, in those cases, where the co-sharer(s) has relinquished over some part of the land i.e. some plots in the RoR in favour of another co-sharer(s), then a new khata shall be created in the name of the co-sharer(s) in favour of whom the relinquishment have been done.

The new RoR will contain only those plots in respect of which relinquishment have been done .The other plots in respect of which relinquishment has not been done shall remain intact in the old khata with no change of waras.

3. It seems that there is no such provision in the LRMS for creation of new RoR vide relinquishment deed in which relinquishment has been done over some part of the land(some plots) in RoR.

P.T.O.

I am,therefore, directed to request you to kindly take necessary steps at the earliest to insert a provision in LRMS for creation of new RoR vide relinquishment deed where part relinquishment has been done over the property as has been indicated at point no.2.

Yours faithfully,

31/5/2024

Additional Secretary to Government

Memo No. 17224 /R& DM Dated 31 MAY 2024

Copy forwarded to the DLRS, Cuttack/ Board of Revenue, Cuttack for information and necessary action.

31/5/2024

Additional Secretary to Government

Memo No. 17225 /R& DM Dated 31 MAY 2024

Copy forwarded to the all Collectors/Sub-Collectors/ Tahasildars for information and necessary action.

31/5/2024

Additional Secretary to Government

Memo No. 17226 /R& DM Dated 31 MAY 2024

Copy forwarded to the e-Governance Branch, Rev & DM Department for information and necessary action.

31/5/2024

Additional Secretary to Government

OFFICE OF THE TAHASILDAR, TIRTOL
District- Jagatsinghpur
tah.tirtol-od@nic.in
Letter No. 716 // Dated. 21/03/2024

To

The Director Land Records and Survey, Odisha, Board of Revenue, Cuttack.

Sub:-Regarding functionality issue in LRMS portal for correction of ROR in case of relinquishment deeds

Sir,

In inviting a kind reference to the subject cited above, I am to bring to your kind notice that one relinquishment deed has been executed by the Sri Basanta Kishore Bal, Sri Ranjit Kishore Bal, Smt. Satyabhama Sahani, Smt. Sabitri Swain, Smt. Sanjukta Routray, Sri Arabinda Prasad Bal, Smt. Gayatri Bal, Smt. Prangyan Paramita Bal, Sri Partha Sarathi Bal to Sri Ajay Kishore Bal, Sri Soumendra Prasad Bal bearing khata No-95 , total 11plots executed vide Relinquishment deed no-10772301220 dtd-4.12.2023 registered at Sub-Registrar Office Tirtol. But this khata has a total of 13plots. During the correction of ROR in RK level new khata creation option in not showing in LRMS portal as result we are not in a position to create a new khata with 11plots and issue the ROR in favour of the assignees/ Releasees

It is therefore requested to provide an option in the LRMS portal to generate a new khata for the relinquished option and obliged.

Yours faithfully,

21/03/2024
Tahasildar, Tirtol

Memo No-717 Dt- 21.03.2024

Copy submitted to the Collector & D.M Jagatsinghpur for kind information & necessary action.

21/03/2024
Tahasildar, Tirtol

Memo No. 1133 dated 22.03.2024.

(MISC – 02/2019(PT)

Copy forwarded to Technical Director, NIC, Board of Revenue, Odisha, Cuttack for information and necessary action. She is requested to look into the matter and take expedious steps to sort out the issues at the earliest.

Director, Land Records and Survey

22.03.24

By e-Mail

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANGEMENT DEPARTMENT

****

No. RDM-CHS-EXINST-0001-2024-8394 /RDM, dated 03 MAR 2025.

From

Shri Pradeep Kumar Sahoo, OAS(S)
Joint Secretary to Government

To

All Additional District Magistrates (Revenue)

Sub: Elimination of Commas in Tenant Fields of the Computerized RoR for Multiple Tenants in case of a Joint Holding by 10.3.2025.

Madam/Sir,

In inviting a reference to the above cited subject, I am directed to say that you are aware that, tenant's column of the Record of Rights contains name, father's name, caste, and address of the recorded tenant(s). In cases of multiple tenants in a joint holding having common father's name, caste and address, their names appear jointly being separated with comma sign.

But, in computerized database, it has come to our notice that tenant names in some joint holdings have been entered in a single row with commas instead of separate row for each individual names. Data entry in such erroneous manner leads data-driven system to recognise multiple tenants of joint holding as an individual tenant and creates technical problems in rendering various government schemes linked to land records such as farmers' registration and other beneficiary programs.

In view of the above, you are requested to instruct all Tahsildars concerned under your jurisdiction **to take up a drive for elimination of commas erroneously entered in joint khatas as identified by NIC in their Tahasil in a priority basis so as to complete the same by 10.3.2025 positively.**

Further,Tahasildar are requested to ensure proper data entry by recording each tenant's details in separate row in LRMS henceforth. This will help maintain data accuracy and prevent any technical or administrative difficulties in implementing government schemes.

A list of khatas district-tahasil wise having such errors is enclosed herewith

Yours faithfully,

3.3.2025

Joint Secretary to Government

Memo. No 8395 **/RDM, dated** 03 MAR 2025

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

3.3.2025

Joint Secretary to Government

Memo. No 8396 **/RDM, dated** 03 MAR 2025

Copy forwarded to Senior Technical Director, NIC, Bhubaneswar for information and necessary action.

3.3.2025

Joint Secretary to Government

Memo. No 8397 **/RDM, dated** 03 MAR 2025

Copy forwarded to P.S to ACS, Revenue & DM Department for kind information of ACS, Revenue & DM Department.

3.3.2025

Joint Secretary to Government

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANGEMENT DEPARTMENT

****

No. RDM-CHS-EXINST-0001-2024 6562 **/RDM, dated** 18 FEB 2025

From

Shri Deoranjan Kumar Singh, I.A.S.

Additional Chief Secretary to Government

To

The Secretary , Board of Revenue, Odisha

Director of Land Records & Survey,Odisha

All RDCs

All Collectors

Sub: Special drive for Updation of Tenant's Name in Column-2 of RoR and issue of SoP-Reg

Ref: This dept.i) letter No. 5269/R&DM dated 26.2.2024

ii) Letter No. 34126/ACSR&DM dated 7.10.2022

iii) Letter No. 31999/ACS&R&DM dated 21.9.2022

Madam/Sir,

I am to say that up-to-date RoRs is a precursor to efficient ecosystem of Revenue Administration and good governance as well. But most of the current RoRs which are being used in Revenue Administration are quite old and, in some cases, it is more than two generations old and do not bear the ground reality in terms of name of present actual owner and their details and instead of that they mention the names and other details of their ancestors.

Maintenance of RoRs as envisaged under Sec-16 of OS&S Act 1958 is the first and foremost duty of Tahasildar, being the Chief Officer-in-charge of revenue administration of concerned jurisdiction. In this regard, many instructions have been issued in the past vide letters under reference, but no

headway so far is witnessed mainly due to lackadaisical attitude of Tahasildars for such updation work .

Now, preparation of Farmer Registry is under way where integration of RoR recorded in the name of tenant/farmer is an essential feature of the database and its progress entirely rests with up-to-date database of ownership details in column number 2 of RoR.

A special drive through village camp mode with mobile responsive App especially designed for this purpose will be undertaken in every Tahasil . Hence, for smooth conduct of special drive , a detailed guideline and SOP is hereby issued at Annexure-A in supersession of all instructions issued earlier relating to tenant column updation in the name of successors. The guideline mentioned in the SOP should be followed meticulously at all levels for successful updation of tenant's name in Column 2 of RoR. Collectors should ensure the commencement of the special drive immediately as per the SOP.

Any deviation of the aforesaid guideline at any level will be viewed very seriously and exemplary action will be taken against the defaulting officers.

Yours faithfully,

17/02/2025

Additional Chief Secretary to Government

Memo. No 6563 **/RDM, dated** 18 FEB 2025

Copy forwarded to PS to Hon'ble Minister, Revenue & DM for kind information of Hon'ble Minister, Revenue & DM.

18/02/2025

Additional Secretary to Government

Memo. No 6564 **/RDM, dated** 18 FEB 2025

Copy forwarded to OSD to Chief Secretary, Odisha for kind information of Chief Secretary, Odisha.

18/02/2025

Additional Secretary to Government

Memo. No 6565 **/RDM, dated** 18 FEB 2025

Copy forwarded to PS to Agriculture Production Commissioner-cum-ACS for kind information of Agriculture Production Commissioner-cum-ACS.

Additional Secretary to Government

Memo. No 6566 **/RDM, dated** 18 FEB 2025

Copy forwarded to Principal Secretary, Agriculture and Farmers' Empowerment Department/ Director of Agriculture and Food Production for kind information.

Additional Secretary to Government

Memo. No 6567 **/RDM, dated** 18 FEB 2025

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

Additional Secretary to Government

Memo. No 6568 **/RDM, dated** 18 FEB 2025

Copy forwarded to SIO, NIC, Bhubaneswar for information and necessary action.

Additional Secretary to Government

Memo. No 6569 **/RDM, dated** 18 FEB 2025

Copy forwarded to P.S to ACS, Revenue & DM Department for kind information of ACS, Revenue & DM Department

Additional Secretary to Government

ANNEXURE-A

SOP for Updation of Tenant in ROR

1. **Backgorund Note:**

Post-independence Record-of-Rights in our state were prepared and finally published at different periods between 1962 to 2014 under OS&S Act 1958 and OCH&PFL Act 1972. In the meantime, considerable time has elapsed without any revision settlement operation being held thereafter. About 75-80% of deceased original tenants are continuing in ROR without being substituted by their successors-in-interest. Except mutation based on sale-purchase transactions, the reflection of present actual tenant as per ground reality in RoR is meagre. As of now, there exist 1,93,77,376 khatiyans/ holdings having 3,95,42, 881 recorded tenants in Revenue records. It is a matter of concern that in last 4 years, only 4,12,016 Khatiyan has been updated by means of application received, both online and offline rendering tenants' column of RORs largely obsolete.

The prime duty of all Revenue Officer is to update RORs as envisaged under OS&S Act 1958. The up-to-date RoR is undeniably a precursor to efficient Revenue Administration and implementation of various welfare schemes like PM Kisan, Bank loans, agricultural insurance etc.

Further, implementation of Agristack (Digital Public Infrastructure for Agriculture) under ongoing Digital Agriculture Mission encounters much difficulty in moving ahead due to discrepancies between present landowner farmer and RoR data. GoI has announced a Special Central Assistance of Rs.5000 Crore to the states to incentivize the States to create Farmers' ID which includes comprehensive and useful data on farmers' demographic details. Land holdings, and crop sown. Thus, it is a great opportunity to start a special drive for succession updation in RoRs with collaborative effort of both Revenue and Agriculture Dept.

2. Objective:

To achieve substitution of all dead recorded tenants in column 2 of RORs with their legal successors through suo-motto initiation of mutation cases on the basis of inheritance in a time bound manner across the state under a special drive/campaign which is a gigantic exercise involving ownership updation of immovable property and first of its kind on the part of revenue officials. Thus, a meticulous tiered approach by leveraging IT with mobile App (ଖାନା-9 ପଢା ସଂଶଧନ) is highly imperative to preclude any mischief or wrong-doing in the process. Further, to ensure inclusiveness and accessibility for all tenants regardless of their technical proficiency or location, village-camp approach will be adopted.

3. Process of collection of information and thereby Instituting of Inheritance cases:

Temporary camps in villages will be set up and RI to capture on-the-spot information on deceased tenants and their surviving legal heirs through Mobile Responsive Web App (URL***https://bhulekh.ori.nic.in/RILogin.aspx***). The credential of the users is same as that of LRMS application. The user manual of the App is enclosed at **Annexure-I.**

(i) Tahasil administration will prepare a detail program of village wise camp at identified location within a village in advance. The said program should be published in village concerned, GP Offices, Tahasil, Block Office and other Govt. Offices of the locality for wide awareness among the public.

(ii) On opening day, the Addl.Tahasildar/RS/RI will hold a meeting with the villagers to explain the objective behind such camp and benefits out of these special initiatives for updation. The presence of elderly peoples should be encouraged in the camp as they are the key facilitators in collection of true ground data like who are the son/daughters of a tenant died since long and where they are now living in, etc.

(iii) RI/ARI having reliable internet connection and Android/IOS phone or proper computer setup will access the specially designed App through their own user credential of LRMS.

(iv) First of all, RI will identify the recorded tenants who are dead in each and every Khata/holding in ascending order and against each such khata, he will prepare a Genealogy Tree or list of successor-in-interest for each deceased person in (**Annexure-II**) with details of his/her name, age, relationship, mobile number and consent based Aadhaar number, as stated by the Legal Heirs in presence of other local witnesses.

(v) Simultaneously, RI will enter the detail of successors-in-interest viz. name, age, relationship, Aadhar and mobile number in mobile App and generate a computerised copy of the field enquiry report in the format designed (**Annexure-III**) and obtain signature of declarant-successors and other witnesses present during enquiry. Enough caution and carefulness must be adopted to ensure that no female legal heir is getting excluded in the said list. The Aadhaar Number and Mobile Number of the RT/legal heir will only be used for land records and shall not be form part of any public documents and copy thereof shall not be issued.

(vi) Any legal heir certificate, if issued earlier against a deceased tenant, can be used for reference but will not be considered as a conclusive proof of successors-in-interest. Further enquiry into the legal heirship to be

conducted and accordingly, the genealogy or list of successor-in-interest will be prepared against the deceased tenant(s).

RI shall have to enquire at least 25 khatas or 25 deceased tenants in a day by preparing their genealogy report as well as entering all data in mobile App.

(vii) During course of enquiry, if all co-sharers of a holding express willingness to effect partition of joint property among themselves through mutual consent, then RI shall collect application giving a full description of the land and other details as may be necessary to that effect u/s 19(1)c of OLR Act 1960, and submit the same in Tahasil office for initiating a partition case thereof.

(viii) After finalisation of enquiry and submission of online report (uploading scanned copy of the genealogy / field visit memorandum), auto-institution of inheritance case will be generated in LRMS against all such khatas where the enquiry report has been received.

(ix) At the end of enquiry in respect to a village, Tahsildar shall publish general proclamation/notice in form-9 inviting objection ,if any, and individual notice as per para 38 of mutation manual to the draft genealogy/list of successors against the deceased tenants in the village concerned, GP Offices, Tahasil,Block Office and other Govt. Offices of the locality in the manner as prescribed under mutation manual and Rule-4 of Odisha Survey &Settlement Rules,1962 along with hoisting in website.

(x) After proclamation period is over, Tahsildar shall act upon the cases where no objection is received from any quarter and shall order for substitution of deceased tenant with their legal heirs as determined during course of enquiry followed with correction of column-2 of respective RORs on the same day.

(xi) In case of objection, the complainant must submit his objection petition either in person/ any member of his family or send through Regd. Post to Tahasildar. A village-wise objection register shall be maintained in Tahasil office in **Annexure-IV** for streamlining the disposal of objection petition. Tahasildar shall afford due opportunity of being heard to both parties personally or through their legal representative in hybrid mode. If required, Tahsildar may hold camp court in the village, posting all cases of the village to that date. These contested cases shall be finalised within a period of two months.

(xii) While determining legal heirs of deceased recorded tenants, instructions issued in paragraph 42-46 of *Rayati Jami Record Kariba Pranali* issued by this Department vide letter No. 47582/dated 12.10.1990

should be followed carefully. Para 42 to 46 of *Rayati Jami Record Kariba Pranali* is given at **Annexure-V.**

(xiii) The land allotted by GA & PG Department which were recorded under Pattadar status shall be updated in Column 2 of respective khata only after receipt of mutation order from GA & PG Department.

(xiv) The villages where survey and settlement operation is continuing, the final RoR will be prepared with alive tenants as per the provision of the respective Act & Rules.

(xv) Since there is no requirement of measurement / demarcation for inheritance mutation, no measurement fee would be applicable for such Suo-motto institution of case and updation thereof in LRMS portal, but an updated ROR may be provided to the tenant on payment of usual user fee.

4. Monitoring Mechanism:

Progress on all stages of this campaign i.e. Khata to Khata (K2K) survey, preparation of genealogy, entering data in Mobile responsive web App, publication of general notices, objection hearing and updation of RoR shall be monitored by the Supervisory Officers of the District and higher Authority of State to ensure that the work is not being done in perfunctory manner and to undertake field verification where felt necessary.

The ADMs (Revenue) and Sub-Collectors will act as District nodal officers and Sub-divisional nodal Officers respectively to monitor the programme meticulously and hold regular review of the progress using the report to be generated out of LRMS. Collectors shall hold monthly review meeting of progress of this drive.

An assessment index will be prepared RI wise and Tahasil wise which will be regarded as Key Performance Indicator in Annual Performance Appraisal of all field functionaries including Tahasildar/ Addl.Tahasildar.

5. Incentive for RI /Revenue Supervisor

RI/Revenue supervisor will be incentivized with Rs.5 per AADHAAR authenticated tenant entered through the App developed as per the norms of DILRMP.

6. Information, Education, & Communication (IEC)

To ensure effective user engagement, progress monitoring, and issues resolution, a dedicated helpdesk should be established in Tahasil Office. IEC activities will be taken up through various channels, including radio, newspapers, loudspeakers, banners, etc., to educate farmers. To ensure widespread outreach and awareness among farmers, the PRI members and other eminent persons of the locality may be involved.

7. Continuous updation:

Post-updation drive, continuous changes in Column 2 of ROR through inheritance cases will be taken up to keep the land records up-to-date. In the event of application for any legal heir certificate of a deceased tenant under Odisha Miscellaneous Certificate Rules,2019, options will be provided for applying under Rule 34 of OSS Rules to update the khata(s) in which the deceased is a recorded tenant.

*****



Annexure - I

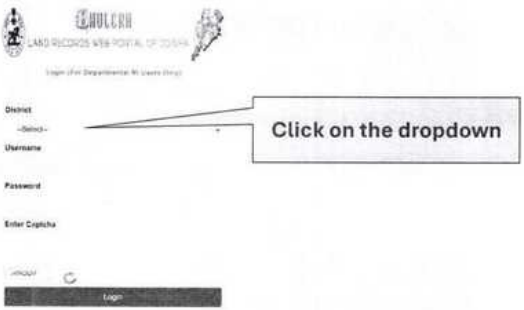
User Manual

Bhulekh Application for RoR Updation

1

Login into Portal

https://bhulekh.ori.nic.in/RILogin.aspx



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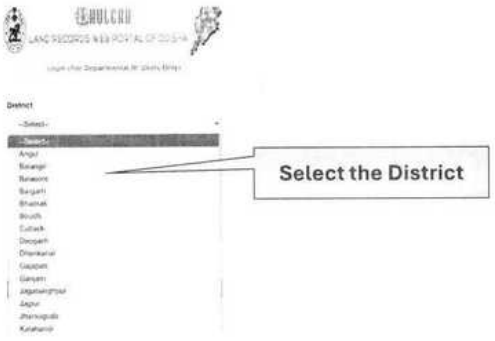
District Selection



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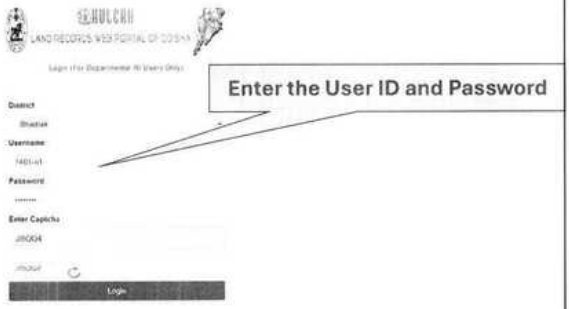
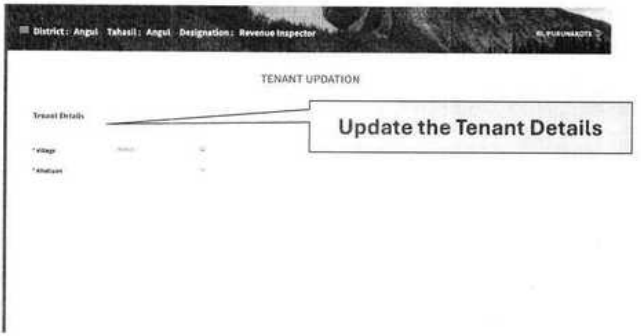
Username and Password



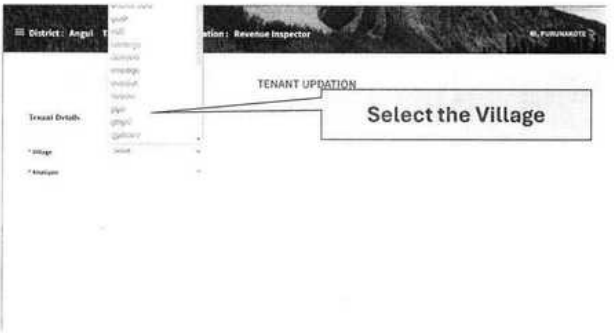
4

Tenant Updation



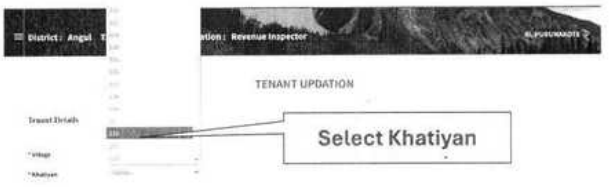
5

Village Selection



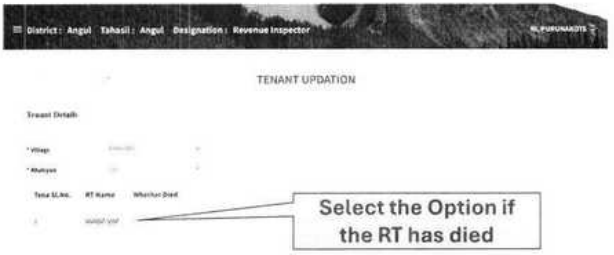
6

Khatiyan Number Selection



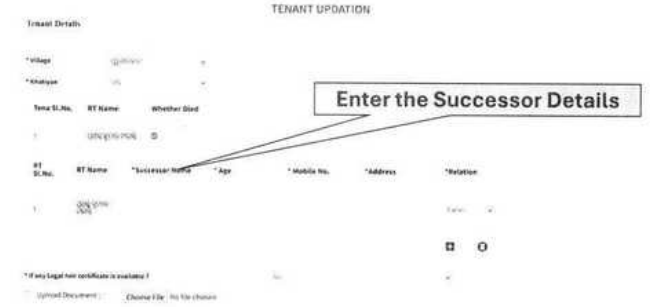
7

RT status



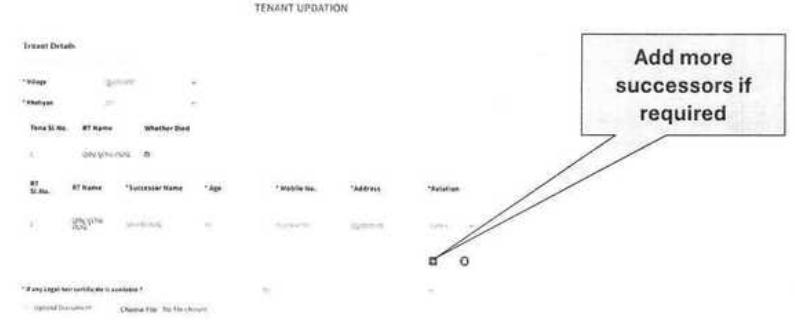
8

Successor Updation



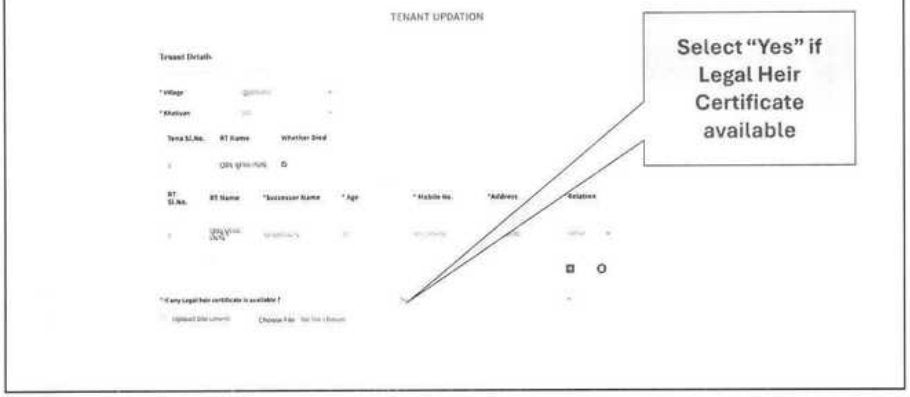
9

Successor Details Updation



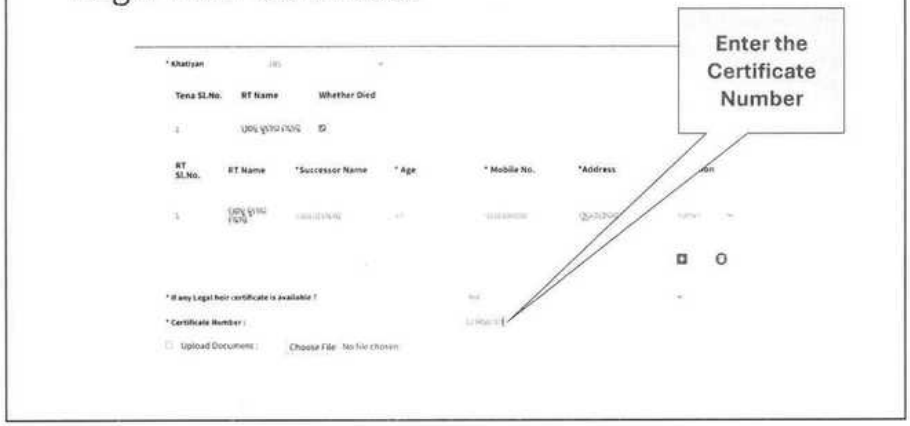
10

Successor Details Updation



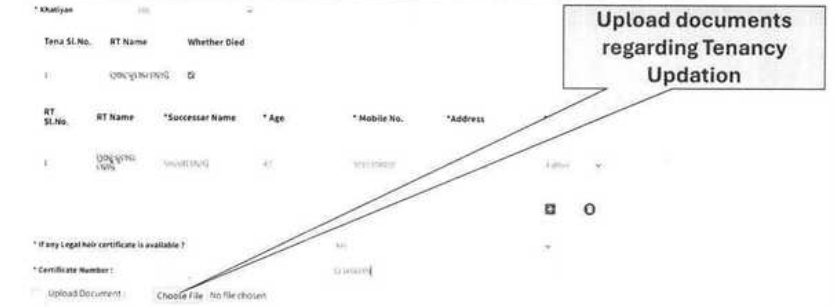
11

Legar Heir Certificate



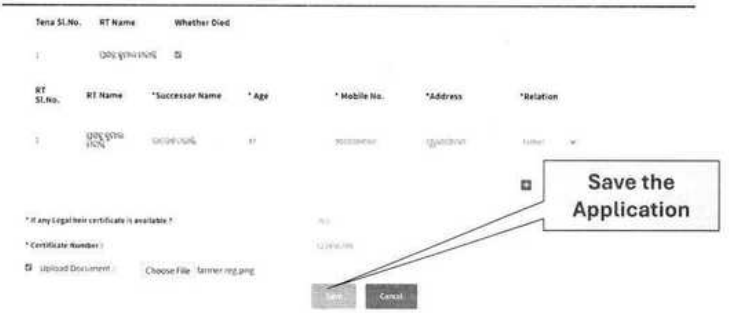
12

Document Upload



13

Save Application



14

Annexure-II

ମୌଜା..... ଖାତା ନଂ..... ମୃତ ରୟତଙ୍କ ବଂଶାବଳୀ ବୃକ୍ଷର ତଦନ୍ତ ବିବରଣୀ

୧. ତଦନ୍ତ ସ୍ଥାନ ଓ ତାରିଖ :

୨. ମୌଜାର ନାମ :

୩. ଖାତା ନଂ :

୪. ଜମିର ପରିମାଣ :

୫. ଖାତା ରୟତଙ୍କର ନାମ :

ବଂଶାବଳୀ ବୃକ୍ଷ

କ୍ର.ନଂ ୧

କ୍ର.ନଂ ୨

କ୍ର.ନଂ ୩

ଖାନା ୨ ସଂଶୋଧନ କ୍ୟାମ୍ପ ରେ ଗ୍ରାମବାସୀ ମାନଙ୍କ ଉପସ୍ଥିତରେ ତଦନ୍ତ ଅନୁସାରେ ମୃତ ରୟତଙ୍କ ଉପରୋକ୍ତ ବଂଶାବଳୀ ବୃକ୍ଷ ନିର୍ଣ୍ଣୟ କରାଗଲା ।

(ତଦନ୍ତ ସମୟରେ ଉପସ୍ଥିତ ଉତ୍ତରାଧିକାରୀ ଓ ସାକ୍ଷୀଙ୍କ ସ୍ୱାକ୍ଷର ଓ ଠିକଣା) ।
ଉପରୋକ୍ତ ତଥ୍ୟ ଆମ ଜ୍ଞାତ ସାରରେ ସଠିକ ଅଛି ।

୧.

୨.

ରାଜସ୍ୱ ନିରୀକ୍ଷକ ଙ୍କ ସ୍ୱାକ୍ଷର ଓ ମୋହର

ପଜା ଖାନା ସଂଶୋଧନ ନିମିତ୍ତ ତଦନ୍ତ ବିବରଣୀ

ରାଜସ୍ୱ ନିରୀକ୍ଷକ....., ତହସିଲ....., ଜି.....

Part-A(to be generated from Bhulekh)

୧. ତଦନ୍ତ ସ୍ଥାନ ଓ ତାରିଖ :

୨. ମୌଜାର ନାମ :

୩. ଖାତା ନଂ :

୪. ଜମିର ପରିମାଣ :

୫. ଖାତା ରୟତଙ୍କର ନାମ :

Part-B(to be enquired by RI in field)

୬. ମୃତ ରୟତଙ୍କ ଉତ୍ତରାଧିକାରୀ ନାମ,ବୟସ, ଠିକଣା ଓ ମୃତକଙ୍କ ସହ ସମ୍ପର୍କ

କ୍ର. ନଂ	ଖାତା ରୟତଙ୍କ ନାମ	ମୃତ /ଜୀବିତ	ମୃତ ରୟତଙ୍କ ଉତ୍ତରାଧିକାରୀଙ୍କ ନାମ	ସମ୍ପର୍କ	ବୟସ	ଠିକଣା	ବଂଶାବଳୀ ବୃକ୍ଷ ର କ୍ରମିକ ସଂଖ୍ୟା
୧	୨	୩	୪	୫	୬	୭	୮

(ମୃତ୍ୟୁ ସାର୍ଟିଫିକେଟ ଓ ଉତ୍ତରାଧିକାରୀ ପ୍ରମାଣପତ୍ର, ଯଦିଥାଏ ସଂଲଗ୍ନ କରିବେ)

୭. ଉତ୍ତରାଧିକାରୀଙ୍କ ସ୍ୱାକ୍ଷର । ଉପରୋକ୍ତ ମୃତ ରୟତଙ୍କ ଉତ୍ତରାଧିକାରୀଙ୍କ ନାମ ସଠିକ ଭାବେ ନିରୂପଣ କରାଯାଇଛି ।

୧.

୨.

ତଦନ୍ତ ସମୟରେ ସାକ୍ଷୀଙ୍କ ସ୍ୱାକ୍ଷର ଓ ଠିକଣା । ଏହା ଆମ ଜ୍ଞାତ ସରରେ ସଠିକ ଅଛି ।

୧.

୨.

ଖାନା ୨ ସଂଶୋଧନ କ୍ୟାମ୍ପ ରେ ଗ୍ରାମବାସୀ ମାନଙ୍କ ଉପସ୍ଥିତରେ ତଦନ୍ତ ଅନୁସାରେ ମୃତ ରୟତଙ୍କ ଉପରୋକ୍ତ ଉତ୍ତରାଧିକାରୀ ଙ୍କୁ ନିର୍ଣ୍ଣୟ କରାଗଲା ।

ମୃତ ରୟତଙ୍କ ବଂଶାବଳୀ ବୃକ୍ଷ ଏଥି ସହିତ ସଂଲଗ୍ନ କରାଯାଇଛି ।

ରାଜସ୍ୱ ନିରୀକ୍ଷକ ଙ୍କ ସ୍ୱାକ୍ଷର ଓ ମୋହର

Annexure-IV

Mutation Case Objection Petition Register

Sl No	Name and address of the objector	Serial number of the mutation case in the mutation register to which the objection relates	Abstract of objection	Date of disposal of the mutation case	Purpose of the order on the objection-petition	Remarks
1	2	3	4	5	6	7

ANNEXURE-V.

ଦ୍ୱାରା ହସ୍ତାନ୍ତର ହୋଇଥିଲେ ମଧ୍ୟ କ୍ଷମତାପନ୍ନ କୋର୍ଟଙ୍କ ଅନୁମତି ଦରକାର । ତା'ଛଡ଼ା କୋର୍ଟଙ୍କ ଅନୁମତି ନ ନେଇ କୌଣସି ଅଭିଭାବକ ବା ନାବାଳକ ସମ୍ପତ୍ତି 5 ବର୍ଷରୁ ଅଧିକ ପଟ୍ଟା ଦେଇପାରିବେ ନାହିଁ କିମ୍ବା ଯେଉଁ ତାରିଖଠାରୁ ନାବାଳକ ସାବାଳକ ହେବ ସେହି ତାରିଖଠାରୁ ଏକ ବର୍ଷରୁ ବେଶି କୌଣସି ଜମି ପଟ୍ଟା ଦେଇପାରିବେ ନାହିଁ ଅର୍ଥାତ୍ ସେ ସମସ୍ତ ପଟ୍ଟା ସାବାଳକତ୍ୱ ପାଇବାର ବର୍ଷକ ମଧ୍ୟରେ ସରିଯାଇଥିବା ଦରକାର । ଯଦି ସେପରି କେହି କରେ ତେବେ ନାବାଳକ ସାବାଳକ ହେଲେ ଓ ଇଚ୍ଛାକଲେ ତାକୁ ରଦ୍ଦ କରିପାରିବେ । ଅଭିଭାବକ ଉଇଲ୍ ଦ୍ୱାରା ନିଯୁକ୍ତ ହୋଇଥିଲେ ଉପରୋକ୍ତ ପ୍ରଥା ଛଡ଼ା ଉଇଲର ସର୍ତ୍ତ ଅନୁସାରେ ତାଙ୍କର କ୍ଷମତା ନିୟନ୍ତ୍ରିତ ହେବ । 18 ବର୍ଷ ହୋଇଗଲେ ଜଣେ ନାବାଳକ ସାବାଳକ ବୋଲି ଗଣାଯିବ । ଜଣେ ନାବାଳକ ଆଉ ଜଣେ ନାବାଳକର ଅଭିଭାବକ ହୋଇପାରିବ ନାହିଁ ।

ଜଣେ ନାବାଳକର ଜମି ବେଆଇନ୍ ଭାବେ ହସ୍ତାନ୍ତର ହୋଇଥିଲେ ତାହା ନିମ୍ନଲିଖିତ ମତେ ରେକର୍ଡ କରାଯିବ ।

''ନାବାଳକ ପି. ଜା. ବା. ନା..... ମରେ ଖାତା କରି ପ୍ଲଟ ମନ୍ତବ୍ୟରେ ବେ.ଦ.ସ୍ୱ.ଦ: (ବା ଯାହା ହୋଇଥିବ) ପି. ଜା. ବା. ସହିତ ଦଲିଲର ବିବରଣୀ ନୋଟ ହେବ ।''

42. ଉତ୍ତରାଧିକାରୀ ନିରୂପଣ

ଜମାବନ୍ଦୀ ରୟତ ଓ ସାବକ ରୟତ ମୃତ ହୋଇଥିଲେ ତାଙ୍କର ଜମି ସେମାନଙ୍କର ଉତ୍ତରାଧିକାରୀମାନଙ୍କ ନାମେ ତଦନ୍ତ କରି ସାକ୍ଷ ପ୍ରମାଣ ନେଇ ବର୍ତ୍ତମାନ ବନ୍ଦୋବସ୍ତ ତଥା କାର୍ଯ୍ୟାଳୟରେ ବିଭିନ୍ନ ପର୍ଯ୍ୟାୟରେ ରେକର୍ଡ କରାଯିବ । ଉତ୍ତରାଧିକାରୀ ସାବ୍ୟସ୍ତ କରିବା ପାଇଁ ବିଭିନ୍ନ ପ୍ରଚଳିତ ଆଇନର ଆଶ୍ରୟ ନେବେ ଏବଂ ସିଭିଲ୍ କୋର୍ଟରେ କୌଣସି ଡିଗ୍ରୀ ଜାରୀ ଥିଲେ ବିଚାରକୁ ନିଆଯାଏ । ନିମ୍ନଲିଖିତ ପ୍ରକାରେ ଥିଲେ ଉତ୍ତରାଧିକାରୀ ସ୍ୱତ୍ୱ ଉଦ୍‌ଭବ ହେବ ।

ହିନ୍ଦୁ ସକ୍‌ସେସନ ଆକ୍ଟ :

ଏଇ ଆଇନ୍ 17-6-1956 ତାରିଖଠାରୁ ବଳବତ୍ତର ହେଲା । ଜଣେ ହିନ୍ଦୁ ପୁରୁଷ ତାଙ୍କର ସମ୍ପତ୍ତି ପାଇଁ କୌଣସି ଉଇଲ୍ ନକରି ମୃତ ହୋଇଥିଲେ ସେହି ସମ୍ପତ୍ତି ଉପରେ ମୃତ ବ୍ୟକ୍ତିଙ୍କ ଉତ୍ତରାଧିକାରୀଙ୍କର ସେହିକ୍ଷଣି ସ୍ୱତ୍ୱ ଉଦ୍‌ଭବ ହେବ ।

ପୁତ୍ର କନ୍ୟା ଓ ବିଧବା ସ୍ତ୍ରୀ ସମସ୍ତେ ଏକ ସଙ୍ଗରେ ଉତ୍ତରାଧିକାରୀ ସୂତ୍ରେ ରେକର୍ଡଭୁକ୍ତ କରାଯିବ ଏବଂ ନିମ୍ନମତେ ସ୍ୱତ୍ୱ ଉଦ୍‌ଭବ ହେବ ।

(କ) ପୁତ୍ର, କନ୍ୟା, ବିଧବା ସ୍ତ୍ରୀ, ମାତା

ମୃତ ପୁତ୍ରର ପୁତ୍ର, ମୃତ ପୁତ୍ରର କନ୍ୟା, ମୃତ କନ୍ୟାର ପୁତ୍ର

ମୃତ କନ୍ୟାର କନ୍ୟା, ମୃତ ପୁତ୍ରର ସ୍ତ୍ରୀ ଇତ୍ୟାଦି

ଏମାନେ ପ୍ରଥମ ଶ୍ରେଣୀର ଉତ୍ତରାଧିକାରୀ ଅନ୍ତର୍ଭୁକ୍ତ ।

(ଖ) ଯଦି ଉପରୋକ୍ତ ପ୍ରଥମ ଶ୍ରେଣୀର ଉତ୍ତରାଧିକାରୀ ନଥାନ୍ତି ତେବେ ପିତା, ପୁତ୍ରର କନ୍ୟାର ପୁତ୍ର, ପୁତ୍ର କନ୍ୟାର କନ୍ୟା ଇତ୍ୟାଦି କ୍ରମାନ୍ୟରେ ସମ୍ପତ୍ତିରେ ଅଧିକାର ପାଇବେ । ଏମାନେ ଦ୍ୱିତୀୟ ଶ୍ରେଣୀର ଉତ୍ତରାଧିକାରୀ ଅନ୍ତର୍ଭୁକ୍ତ ।

(ଗ) ଉପରୋକ୍ତ ଦ୍ୱିତୀୟ ଶ୍ରେଣୀର ଉତ୍ତରାଧିକାରୀ ନଥିଲେ ମୃତ ବ୍ୟକ୍ତିର ନିକଟ ସଂପର୍କ ବନ୍ଧୁମାନେ ଅଧିକାର ପାଇବେ ।

(ଘ) ଉପରୋକ୍ତ କ, ଖ, ଗ ଶ୍ରେଣୀର ଉତ୍ତରାଧିକାରୀମାନଙ୍କର ଅଭାବରେ ମୃତ ବ୍ୟକ୍ତିର ଦୂର ସଂପର୍କୀୟ ବନ୍ଧୁମାନେ ଅଧିକାର ପାଇବେ ।

ପ୍ରଥମ ଶ୍ରେଣୀର ଉତ୍ତରାଧିକାରୀମାନେ ଏକ ସଙ୍ଗରେ ଅଧିକାର ପାଇବେ ଓ ଦ୍ୱିତୀୟ ଶ୍ରେଣୀର ଉତ୍ତରାଧିକାରୀମାନେ କ୍ରମାନ୍ୟରେ ସ୍ୱତ୍ୱ ଓ ଅଧିକାର ପାଇବେ ।

ଉତ୍ତରାଧିକାରୀ ସମ୍ବନ୍ଧୀୟ କୌଣସି ସନ୍ଦେହ ଉପୁଜିଲେ ତାହା କେବଳ ଚାର୍ଜ ଅଫିସର ବା କନ୍‌ସୋଲିଡେସନଙ୍କ ସ୍ତରରେ ଫଇସଲା ହେବ ।

43. ଉଇଲ

ଯଦି କୌଣସି ଲୋକ ନିଜ ଜୀବଦଶାରେ କିଛି ସମ୍ପତ୍ତି ଦାନ କରିଥାଏ ତତ୍‌କ୍ଷଣାତ୍ ତାଙ୍କ ଜୀବଦଶାରେ କାର୍ଯ୍ୟକାରୀ ହୁଏ । କିନ୍ତୁ ଉଇଲ୍‌ଦାତା ଉଇଲ୍ କରିଯାଇଥିବା ସମ୍ପତ୍ତି ତାଙ୍କର ମୃତ୍ୟୁପରେ ଉଇଲର ସର୍ତ୍ତ ଅନୁସାରେ କାର୍ଯ୍ୟକାରୀ ହୁଏ ।

ଜଣେ ହିନ୍ଦୁ ପୁରୁଷ ବା ସ୍ତ୍ରୀ ଜୀବିତ ଅବସ୍ଥାରେ ତାଙ୍କର ଭୂ-ସମ୍ପତ୍ତି କାହାରିକୁ ଉଇଲ୍ କରି ମୃତ ହୋଇଥିଲେ ଉଇଲର ସର୍ତ୍ତ ମୁତାବକ ଏହା କାର୍ଯ୍ୟକାରୀ ହେବ । ଉଇଲ୍ କର୍ତ୍ତା ଯଦି ତାଙ୍କର ସମ୍ପତ୍ତିକୁ ଯେଉଁ ବ୍ୟକ୍ତି ଉପଭୋଗ କରିବା ପାଇଁ ଉଲ୍ଲେଖ କରିଥାନ୍ତି ସେହି ଉଇଲ୍ ଗ୍ରହୀତା ସମ୍ପତ୍ତି ପାଇବାର ହକ୍‌ଦାର ଅଟନ୍ତି । ତା' ପୂର୍ବରୁ ଉକ୍ତ ଉଇଲ୍ ପ୍ରୋବେଟ୍ ହେବା ଆବଶ୍ୟକ ।

ଉଇଲ୍ ପ୍ରତ୍ୟାହାର ଆଇନାନୁମୋଦିତ ଅଟେ । ଜଣେ ଲୋକ ଗୋଟିଏ ଉଇଲ କରି ପରେ ତାହା ପ୍ରତ୍ୟାହାର କରି ଆଉ ଗୋଟିଏ ଉଇଲ୍ କରିପାରେ । ଏ ସ୍ଥଳରେ ତାଙ୍କର ଶେଷ ଉଇଲ୍‌ଟି କାର୍ଯ୍ୟକାରୀ ହେବ ।

44. ମହମଡ଼ାନ ''ଲ''

ଏହି ଆଇନ କେବଳ ମୁସଲମାନ ଧର୍ମାବଲମ୍ବୀମାନଙ୍କ ପାଇଁ ପ୍ରଯୁଜ୍ୟ । ଯେଉଁ ବ୍ୟକ୍ତି ମୁସଲମାନ ଧର୍ମକୁ ବିଶ୍ୱାସ କରନ୍ତି ସେ ମୁସଲମାନ ବୋଲି ଗଣ୍ୟ ହେବେ ।

କୌଣସି ବିବାହିତ ହିନ୍ଦୁ ପୁରୁଷ ଯଦି ମୁସଲମାନ ଧର୍ମ ଗ୍ରହଣକରି କୌଣସି ମୁସଲମାନ ସ୍ତ୍ରୀକୁ ବିବାହ କରିଥିବେ ତେବେ ତାଙ୍କର ମୃତ୍ୟୁପରେ ତାଙ୍କ ସମ୍ପତ୍ତିର ସେହି ମୁସଲମାନ ସ୍ତ୍ରୀ ଓ ତାଙ୍କର ସନ୍ତାନ ସନ୍ତତିଗଣ ହକ୍‌ଦାର । ତାଙ୍କ ପୂର୍ବରୁ ଥିବା ହିନ୍ଦୁ ସ୍ତ୍ରୀ ଓ ତାଙ୍କ ଔରସଦାର ପିଲା ସେହି ସମ୍ପତ୍ତିରେ ଅଧିକାରୀ ହୋଇପାରିବେ ନାହିଁ ।

ମୁସଲିମ୍‌ର ସମ୍ପତ୍ତି ଉତ୍ତରାଧିକାର ନିୟମରେ ସ୍ଥାବର ଓ ଅସ୍ଥାବର ସମ୍ପତ୍ତି ମଧ୍ୟରେ ପାର୍ଥକ୍ୟ ଅଥବା ସ୍ୱପାର୍ଜିତ ଓ ପୈତୃକ ସମ୍ପତ୍ତି ମଧ୍ୟରେ ତାରତମ୍ୟ ବିଧିସମ୍ମତ ନୁହେଁ । ପ୍ରତ୍ୟେକ ମୁସଲମାନର ସମସ୍ତ ସ୍ଥାବର ଓ ଅସ୍ଥାବର ସମ୍ପତ୍ତି ସ୍ୱପାର୍ଜିତ ବୋଲି ପରିଗଣିତ ହୁଏ । କୌଣସି ମୁସଲମାନ ପରିବାର ଅବିଭକ୍ତ ନୁହେଁ । ପ୍ରତ୍ୟେକ ପରିବାରର ଟଙ୍କା ପଇସା ଓ ଗୃହପୋକରଣ ଉପରେ ଗୃହ ସ୍ୱାମୀର ଅଧିକାର ସାବ୍ୟସ୍ତ ହୁଏ, ପୂର୍ବ ପୁରୁଷଙ୍କ (Ancestor) ମୃତ୍ୟୁ ଅନ୍ତେ ହିଁ ସମ୍ପତ୍ତିର ଉତ୍ତରାଧିକାରୀଙ୍କର (Inheriting) ଅଧିକାର ବିଦ୍ୟମାନ (Existence) ହୁଏ, ତା' ପୂର୍ବରୁ ସମ୍ପତ୍ତିରେ ତାଙ୍କର ସମ୍ଭାବ୍ୟ ଅଧିକାରର ପ୍ରଶ୍ନ ଉଠେନାହିଁ ।

ଯଦି କୌଣସି ବ୍ୟକ୍ତି ଅନ୍ୟ କୌଣସି ବ୍ୟକ୍ତିର ହତ୍ୟା ମୃତ୍ୟୁର କାରଣ ହୋଇଥାଏ, ତେବେ ସେ ମୃତ ବ୍ୟକ୍ତିର ସମ୍ପତ୍ତିରେ ଉତ୍ତରାଧିକାରୀ ହୋଇପାରିବ ନାହିଁ । କୌଣସି ମୁସଲିମ୍ କୌଣସି ଉଇଲ୍ ନକରି ମରିଗଲେ, ତାଙ୍କର ମୃତ୍ୟୁର ପର ମୁହୂର୍ତ୍ତରୁ ସମ୍ପତ୍ତି ମୃତ ଲୋକଙ୍କ ଉତ୍ତରାଧିକାରୀମାନଙ୍କ ନିକଟକୁ ଚାଲିଯାଏ । ଏହି ଉତ୍ତରାଧିକାରୀ ତିନି ପ୍ରକାରର ଅଟେ ।

(କ) ନିର୍ଦ୍ଧାରିତ (Sharer) ଉତ୍ତରାଧିକାରୀ

(ଖ) ଅବଶିଷ୍ଟାଂଶ ଉତ୍ତରାଧିକାରୀ ଅଥବା ନିର୍ଦ୍ଧାରିତ ଅଂଶ ଉତ୍ତରାଧିକାରୀଙ୍କ ଅଂଶପରେ ଅନ୍ୟ ଅଂଶିଦାର ଯାହାର କି ନିର୍ଦ୍ଦିଷ୍ଟ ଅଂଶ ନଥାଏ ।

(ଗ) ଦୂର ସଂପର୍କୀୟ ଉତ୍ତରାଧିକାରୀ, ଯେଉଁମାନଙ୍କ ସହ ମୃତ ବ୍ୟକ୍ତିର ରକ୍ତ ସଂପର୍କ ଅଛି ଅଥଚ ସେମାନେ ଅଂଶ ନିର୍ଦ୍ଧାରିତ ଅଥବା ଅବଶିଷ୍ଟାଂଶ ଉତ୍ତରାଧିକାରୀ ନୁହନ୍ତି ।

45. ଆଦିବାସୀ ସଂପ୍ରଦାୟଙ୍କ ଉତ୍ତରାଧିକାରୀ

ଆଦିବାସୀ ସଂପ୍ରଦାୟ ହିନ୍ଦୁ ଉତ୍ତରାଧିକାରୀ ନିୟମାନୁଯାୟୀ ପରିଚାଳିତ ନୁହଁନ୍ତି । ସେମାନେ ସ୍ଥାନୀୟ ପ୍ରଚଳିତ ପ୍ରଥା ଅନୁଯାୟୀ ପରିଚାଳିତ । ଓଡ଼ିଶା ସରକାରଙ୍କ ଟ୍ରାଇବାଲ୍ ରିସର୍ଚ୍ଚ ବ୍ୟୁରୋ, ଭୁବନେଶ୍ୱର [ଚିଠି ନଂ 1952(TRB) ତା 14-9-1972] ବୌଦ୍ଧ ସବ୍‌ଡିଭିଜନର ହରଭଙ୍ଗା ଦେଶୀଆକନ୍ଧ ପ୍ରଭୃତି କେତେକ ଆଦିବାସୀ ସଂପ୍ରଦାୟଙ୍କ ଉତ୍ତରାଧିକାରୀ ଓ ସୂତ୍ର ନିମ୍ନମତେ ପ୍ରକାଶ କରିଛନ୍ତି ।

ପ୍ରଚଳିତ ପ୍ରଥା ଅନୁଯାୟୀ ଝିଅ ବିବାହ ପରେ ପରିବାରରୁ ବହିଃଭୂତ ହୋଇଯାଇଥିବାରୁ ଓ ମୃତ ପିତୃପୁରୁଷଙ୍କର ପ୍ରେତାତ୍ମାଙ୍କର ପିଣ୍ଡଦାନ କରୁ ନଥିବାରୁ ଝିଅମାନେ ମୃତ ପିତାଙ୍କର ସମ୍ପତ୍ତିରେ ଉତ୍ତରାଧିକାରୀ ହେବାରୁ ବଞ୍ଚିତ ହେବେ ।

ପୁନଶ୍ଚ ଜଣେ ବିବାହିତ ସ୍ତ୍ରୀ ସ୍ୱାମୀଙ୍କ ପରେ ସ୍ୱାମୀଙ୍କର ପିତୃପୁରୁଷଙ୍କୁ ପିଣ୍ଡଦାନ କରୁ ନଥିବାରୁ ଓ ଗ୍ରାମଦେବାଦେବୀଙ୍କର ପୂଜା ପାଠରେ ଯୋଗ ଦେଉ ନଥିବାରୁ ସେ ମଧ୍ୟ ସମ୍ପତ୍ତିର ପୂର୍ଣ୍ଣ ଉତ୍ତରାଧିକାରୀ ହୋଇପାରିବେ ନାହିଁ ।

ତେଣୁ ପିତାଙ୍କର ମୃତାନ୍ତେ ସମ୍ପତ୍ତି ପୁତ୍ରମାନଙ୍କୁ ପ୍ରାପ୍ତ ହେବ । ପିତାଙ୍କ ପରେ ଜ୍ୟେଷ୍ଠପୁତ୍ର ପରିବାରରେ ପ୍ରଧାନ ସ୍ଥାନ ଅଧିକାର କରୁ ନଥିବାରୁ ସେ ଅନ୍ୟାନ୍ୟ ପୁତ୍ରମାନଙ୍କ ଅପେକ୍ଷା ସାମାନ୍ୟ ଅଧିକ ସମ୍ପତ୍ତି ଭାଗସୂତ୍ରେ ପାଇଥାନ୍ତି । ଅନ୍ୟ ପୁତ୍ରମାନେ ସମ ଭାଗ ପାଆନ୍ତି ।

ପିତାଙ୍କ ଜୀବିତାବସ୍ଥାରେ ମଧ୍ୟ ପୁତ୍ରମାନେ ପୃଥକ୍ ହୋଇଥାନ୍ତି ଓ ପିତାଙ୍କ ଜମି ଭାଗ କରି ଭୋଗ ଦଖଲ କରିଥାନ୍ତି । ଜ୍ୟେଷ୍ଠ ପୁତ୍ର ଅନ୍ୟପୁତ୍ରମାନଙ୍କ ଅପେକ୍ଷା ସାମାନ୍ୟ ଅଧିକ ସମ୍ପତ୍ତି ଭାଗ ସୂତ୍ରେ ପାଇଥାଏ । କିନ୍ତୁ ପିତାମାତା ସାନପୁତ୍ର ସଙ୍ଗରେ ରୁହନ୍ତି । ସେଥିପାଇଁ ସାନପୁଅ ପିତାଙ୍କର ଘର ପାଇବାକୁ ହକ୍‌ଦାର ହୁଅନ୍ତି ।

ଜଣେ ଜମିମାଲିକ, ଯାହାର ପୁତ୍ର ନଥାଏ ସେ ଗୋଟିଏ ପୋଷ୍ୟପୁତ୍ର ଗ୍ରହଣ କରିପାରନ୍ତି କିମ୍ବା ତାଙ୍କର ଏକ ଜ୍ୱାଇଁକୁ (Prospective Son-in-Law) ଘରେ ରଖିପାରନ୍ତି ।

ପୋଷ୍ୟପୁତ୍ର ତାଙ୍କର ନିଜ ସଂପ୍ରଦାୟର ହୋଇଥିଲେ ପୋଷ୍ୟ ପିତାଙ୍କ ମୃତାନ୍ତେ ତାଙ୍କର ସମ୍ପତ୍ତି ଉତ୍ତରାଧିକାରୀ ସୂତ୍ରେ ପାଇବାକୁ ହକ୍‌ଦାର ହୁଅନ୍ତି ।

ଜମି ମାଲିକ ରଖିଥିବା ଜ୍ୱାଇଁ ମଧ୍ୟ ବିବାହ ପରେ ଶ୍ୱଶୁରଙ୍କ ଘରେ ଅବସ୍ଥାନ କଲାପରେ ଜମିମାଲିକଙ୍କ ମୃତାନ୍ତେ ତାଙ୍କର ସମ୍ପତ୍ତିର ଉତ୍ତରାଧିକାରୀ ହୋଇଥାନ୍ତି ।

ପ୍ରଥାନୁଯାୟୀ ବଡ଼ ସ୍ତ୍ରୀର ପୁଅମାନେ ସାନ ସ୍ତ୍ରୀର ପୁଅଙ୍କ ଅପେକ୍ଷା ଅଧିକ ଭାଗ ପାଇଥାନ୍ତି । କିନ୍ତୁ ବିଚାର ବିଭାଗୀୟ ରାୟ ଓ ହିନ୍ଦୁ ସମାଜର ଭାଗ ପଦ୍ଧତି ପ୍ରଭାବରେ ଏହା କ୍ରମେ ଅକାମୀ ହେବାକୁ ଯାଉଛି । ଯଦି କୌଣସି ପୁତ୍ର ତାଙ୍କର ଦୁଷ୍କର୍ମ ହେତୁ ସମାଜରୁ ବିତାଡ଼ିତ ହୋଇଥିବେ, ସେ ପିତାଙ୍କର ସମ୍ପତ୍ତିରୁ ଭାଗ ପାଇବାରୁ ବଞ୍ଚିତ ହେବେ ।

ଯଦି ମୃତ ବ୍ୟକ୍ତିଙ୍କର ପୁତ୍ର ମରିଯାଇଥାନ୍ତି ଓ ତାଙ୍କର ନାତି ଜୀବିତ ଥାନ୍ତି, ତେବେ ତାଙ୍କର ସମ୍ପତ୍ତି ତାଙ୍କର ଭାଇ କିମ୍ବା ଭାଇଙ୍କର ପୁଅ ଉତ୍ତରାଧିକାରୀ ସୂତ୍ରେ ପାଆନ୍ତି ।

ଆବଶ୍ୟକ ଅନୁସନ୍ଧାନ କରାଯାଇ ଯଦି କୌଣସି ଲୋକର ଉଆରସ ନଥାନ୍ତି, ତା'ହେଲେ ତାଙ୍କର ସମ୍ପତ୍ତି ସରକାରଙ୍କଠାରେ ନ୍ୟସ୍ତ ହେବ ଓ ସରକାରୀ ଜମି ରୂପେ ଗଣ୍ୟ କରାଯାଇ ସରକାରୀ ଖାତାଭୁକ୍ତ ହେବ ।

ବିଶେଷ ଦ୍ରଷ୍ଟବ୍ୟ :

ଏଠାରେ ମନେରଖିବାକୁ ହେବ ଯେ ଟ୍ରାଇବାଲ୍ ରିସର୍ଚ୍ଚ ବ୍ୟୁରୋକୁ ମିଶାଇ ଅନ୍ୟ ଯେକୌଣସି ଅନୁଷ୍ଠାନ ଆଦିବାସୀ ସଂପ୍ରଦାୟ ମଧ୍ୟରେ ଉତ୍ତରାଧିକାର ପାଇଁ ପ୍ରଚଳିତ ଯେଉଁ ପ୍ରଥା ବା ପରମ୍ପରା ବିଷୟରେ ଯାହା ପ୍ରକାଶ କରିଥାନ୍ତୁ ନାଁ କାହିଁକି, ତାହା ଗ୍ରହଣ କରି ସେହି ଅନୁସାରେ ରେକର୍ଡ ପ୍ରସ୍ତୁତ କରିବା ପୂର୍ବରୁ ହରିଜନ ଓ ଆଦିବାସୀ ମଙ୍ଗଳ ବିଭାଗର ସହମତି ନେବାକୁ ପଡ଼ିବ । ଏ ସଂପର୍କରେ କେବଳ ଜିଲ୍ଲା ମଙ୍ଗଳ ଅଫିସର ବା ତାଙ୍କର ପ୍ରତିନିଧିଙ୍କ ସହମତି ଯଥେଷ୍ଟ ନୁହେଁ । ହରିଜନ ଓ ଆଦିବାସୀ ମଙ୍ଗଳ ବିଭାଗ ଏହାକୁ ଗ୍ରହଣ କରିଥିବେ ଓ ସେହି ମର୍ମରେ ଲିଖିତ ସରକାରୀ ଆଦେଶ କରିଥିବେ । ଯାହାର ହାଓ୍ୱାଲୀ ଉତ୍ତରାଧିକାର ନିରୂପଣ କଲାବେଳେ ଦିଆଯିବ ।

ଏଠାରେ ପୁଣି ମନେରଖିବାକୁ ହେବ ଯେ, ଉତ୍ତରାଧିକାର ପାଇଁ ପ୍ରଚଳିତ ପ୍ରଥା ବା ପରମ୍ପରା ଭିନ୍ନ ଭିନ୍ନ ସଂପ୍ରଦାୟ ପାଇଁ ପୃଥକ୍ ହୋଇପାରେ । ଉଦାହରଣସ୍ୱରୂପ କେତେକ ସଂପ୍ରଦାୟରେ ''ଛାଡ଼ିରି'' ବା ଛାଡ଼ପତ୍ର ପ୍ରଥା ପ୍ରଚଳିତ ଥାଇପାରେ । ''ଛାଡ଼ିରି'' ସ୍ତ୍ରୀ ଲୋକ ପୁନରାୟ ଅନ୍ୟତ୍ର ବିବାହ ମଧ୍ୟ କରିପାରେ ।

ବନ୍ଦୋବସ୍ତ ବା ଚକବନ୍ଦୀ ଶିବିରରେ ଆଦିବାସୀ ସଂପ୍ରଦାୟ ମଧ୍ୟରେ ଉତ୍ତରାଧିକାର ପାଇଁ କି ପ୍ରକାର ସ୍ଥାନୀୟ ପ୍ରଥା ବା ପରମ୍ପରା ପ୍ରଚଳିତ ଅଛି ସେ ସମ୍ବନ୍ଧରେ କୌଣସି ବିବାଦ ବା ଦରଖାସ୍ତ ବିଚାର ଓ ଫଏସଲା ପାଇଁ ଗ୍ରହଣ କରାଯିବନାହିଁ ।

ଯେଉଁଠାରେ କୌଣସି ନିର୍ଦ୍ଦିଷ୍ଟ ପ୍ରଥା ବା ପରମ୍ପରା ସମ୍ବନ୍ଧେ କୌଣସି ପ୍ରମାଣ ନାହିଁ (ଯାହା ଉପରକଥିତମତେ ହରିଜନ ଓ ଆଦିବାସୀ ମଙ୍ଗଳ ବିଭାଗଙ୍କ ସହମତି ପାଇଥିବ) ସେ ସ୍ଥଳରେ ହିନ୍ଦୁ ଉତ୍ତରାଧିକାର ଆଇନର ନିୟମମାନ ପ୍ରଯୁଜ୍ୟ ନୁହେଁ ।

46. 1956 ମସିହାର ଆଡ଼ପ୍‌ସନ୍ ଓ ମେଣ୍ଟେନାନ୍‌ସ ଆକ୍‌ଟ

ଏହା ତା. 21-12-1956 ଠାରୁ ବଳବତ୍ତର ହେଲା ଯେ, ଯେକୌଣସି ପ୍ରକୃତିସ୍ଥ ବା ସୁସ୍ଥ ମସ୍ତିଷ୍କ ପୁରୁଷ ନିଜର ପୁତ୍ର ବା କନ୍ୟା ନଥିଲେ ବା ପୁତ୍ରର ପୁତ୍ର ବା କନ୍ୟା ନଥିଲେ ଯେକୌଣସି ଏକ ପୁତ୍ର ବା କନ୍ୟାକୁ ପୋଷ୍ୟପୁତ୍ର ବା ପୋଷ୍ୟ କନ୍ୟା ରୂପେ ଗ୍ରହଣ କରିପାରିବେ । ମାତ୍ର ଏହା କରିବା ପୂର୍ବରୁ ସେ ତାଙ୍କର ଜୀବିତ ସ୍ତ୍ରୀଙ୍କର ବା ସ୍ତ୍ରୀମାନଙ୍କର ମତ ନେବେ ଯଦି ତାଙ୍କର ସ୍ତ୍ରୀ ହିନ୍ଦୁଧର୍ମ ପରିତ୍ୟାଗ କରିଥାନ୍ତି ବା କୌଣସି କୋର୍ଟ ଦ୍ୱାରା ଅପ୍ରକୃତିସ୍ଥ, ଅସୁସ୍ଥ ବା ବିକୃତମତିର ବୋଲି ଘୋଷିତ ହୋଇଥାନ୍ତି, ତେବେ ସେ କ୍ଷେତ୍ରରେ ତାଙ୍କର ମତ ନେବାର ଆବଶ୍ୟକତା ନାହିଁ ।

ସେହିପରି ଏକ ସାବାଳକ ହିନ୍ଦୁ ସ୍ତ୍ରୀ ମଧ୍ୟ ନିଜର ପୁତ୍ର ବା କନ୍ୟା ନଥିଲେ ବା ପୁତ୍ରର ପୁତ୍ର ବା କନ୍ୟା ନଥିଲେ ଓ ସେ ଯଦି ଅପ୍ରକୃତିସ୍ଥ ବା ବିକୃତମତିର ହୋଇ ନଥାନ୍ତି ବା ଯଦି ସେ ଅବିବାହିତ ଥିବେ ବା ବିବାହିତ ହୋଇଥିଲେ ତାଙ୍କର ସ୍ୱାମୀ ମରିଯାଇଥାନ୍ତି ବା ସେ ହିନ୍ଦୁଧର୍ମ ତ୍ୟାଗ କରିଥାନ୍ତି ବା କୌଣସି କୋର୍ଟ ଦ୍ୱାରା ଅପ୍ରକୃତିସ୍ଥ ବା ବିକୃତ ମସ୍ତିଷ୍କର ବୋଲି ଘୋଷିତ ହୋଇଥାନ୍ତି ବା ଯଦି ତାଙ୍କର ବିବାହ ଉଚ୍ଛେଦ ହୋଇଥାଏ, ତେବେ ସେ ମଧ୍ୟ ଯେକୌଣସି ପୁତ୍ରକୁ ବା କନ୍ୟାକୁ ନିଜର ପୋଷ୍ୟପୁତ୍ର ବା ପୋଷ୍ୟାକନ୍ୟା ରୂପେ ଗ୍ରହଣ କରିପାରିବେ ।

କୌଣସି ବାଳକ ଓ ବାଳିକାକୁ ପୋଷ୍ୟ କରିଦେବା କ୍ଷମତା କେବଳ ଜନ୍ମିତ ପିତାମାତାଙ୍କର ଏବଂ ତାଙ୍କ ଅଭାବରେ ଅଭିଭାବକଙ୍କର ବଭଜ ପାଇଁ ସମର୍ଥ ହୋଇପାରିବେ । ଯେକୌଣସି ସୁସ୍ଥ ମସ୍ତିଷ୍କ ବ୍ୟକ୍ତି ତାଙ୍କ ସ୍ତ୍ରୀ ବା ସ୍ତ୍ରୀମାନଙ୍କ ସମ୍ମତକ୍ରମେ ପୋଷ୍ୟପୁତ୍ର ବା ପୋଷ୍ୟ କନ୍ୟା ଗ୍ରହଣ କରିପାରିବେ । ପୋଷ୍ୟ ପୁତ୍ର କନ୍ୟା ଗ୍ରହଣ କରିବାପାଇଁ ରେଜିଷ୍ଟ୍ରେସନ୍ ଆବଶ୍ୟକ କିନ୍ତୁ ବାଧ୍ୟତାମୂଳକ ନୁହେଁ । ପୋଷ୍ୟପୁତ୍ର ଓ ପୋଷ୍ୟାକନ୍ୟା ଗ୍ରହଣ ପାଇଁ ଉଭୟ ଗ୍ରହୀତା ବା ଜନ୍ମିତ ପିତା କିମ୍ବା ମାତାଙ୍କ ସମ୍ମତି ଥିବା ଆବଶ୍ୟକ ।

ଯେଉଁମାନଙ୍କୁ ପୋଷ୍ୟପୁତ୍ର ବା ପୋଷ୍ୟାକନ୍ୟା ରୂପେ ଗ୍ରହଣ କରାଯିବ, ସେମାନେ ହିନ୍ଦୁ ହୋଇଥିବେ ଓ ପୂର୍ବରୁ ଅନ୍ୟ କାହା ଦ୍ୱାରା ପୋଷ୍ୟପୁତ୍ର ବା ପୋଷ୍ୟାକନ୍ୟା ରୂପେ ଗୃହୀତ ହୋଇନଥିବେ । ସେମାନେ ଅବିବାହିତ ଥିବେ ଓ 15 ବର୍ଷରୁ ଅଧିକା ବୟସ୍କ ହୋଇନଥିବେ । ବାପ ପୋଷ୍ୟାଝିଅ ଓ ମା ପୋଷ୍ୟ ପୁଅ ଦୁହିଁଙ୍କ ମଧ୍ୟରେ 21 ବର୍ଷର ବ୍ୟବଧାନ ରହିଥିବ । ଭାରତର ସମ୍ବିଧାନ ଅନୁଯାୟୀ, ଯେକୌଣସି ଜାତିର ପୁଅଝିଅଙ୍କୁ ପୋଷ୍ୟପୁତ୍ର ରୂପେ ନିଆଯାଇପାରିବ ।

ବିଧିବଦ୍ଧ ପୋଷ୍ୟପୁତ୍ର ବା ପୋଷ୍ୟା କନ୍ୟା ହୋଇଥିଲେ ପୁତ୍ର ବା କନ୍ୟା ୱାରସଦାର ରୂପେ ସେମାନଙ୍କର ଅଧିକାର ରେକର୍ଡ କରାଯିବ ।

ପୋଷ୍ୟପୁତ୍ର ବା ପୋଷ୍ୟା କନ୍ୟା Adoption ସମ୍ବନ୍ଧୀୟ ବିବାଦ ସହକାରୀ ଚକବନ୍ଦୀ ଅଫିସର ବା ସହକାରୀ ବନ୍ଦୋବସ୍ତ ଅଫିସର ଫଏସଲା କରିପାରିବେ ନାହିଁ । ସେପରିସ୍ଥଳେ ସେ ପକ୍ଷମାନଙ୍କୁ ସିଭିଲ୍ କୋର୍ଟର ଆଶ୍ରୟ ନେବାକୁ ପରାମର୍ଶ ଦେବେ ।

47. 1895 ମସିହାର Governments Grant Act ଅନୁସାରେ ବନ୍ଦୋବସ୍ତ ହୋଇଥିବା ଜମି

ସାଧାରଣତଃ ସରକାର 1962 ମସିହାର ଭୂମି ବନ୍ଦୋବସ୍ତ ଆଇନ ଅନୁସାରେ ଚାଷ ବା ଅଣଚାଷ ଉଦ୍ଦେଶ୍ୟରେ ଜମି ବନ୍ଦୋବସ୍ତ କରିଥାନ୍ତି । ତା'ଛଡ଼ା ଭୂ-ସଂସ୍କାର ଆଇନ ଅନୁସାରେ ଉଦ୍‌ବୃତ୍ତ ବୃଦ୍ଧି ବ୍ୟକ୍ତିବିଶେଷଙ୍କ ନାମରେ ବନ୍ଦୋବସ୍ତ ହୋଇଥାଏ । ପୁଣି 1972 ମସିହାର ଭୂମି ଅବରୋଧ ନିରାକରଣ ଆଇନ ଅନୁସାରେ ଆପତ୍ତିବିହୀନ ବେଆଇନ୍ ଦଖଲ ଜମିକୁ ଭୂମିହୀନ ବା ବାସଡିହହୀନ ଲୋକମାନଙ୍କ ସପକ୍ଷରେ ବନ୍ଦୋବସ୍ତ କରାଯାଇଥାଏ । ଏହାଛଡ଼ା କେତେକ ସ୍ୱତନ୍ତ୍ର ଆଇନ (ଯଥା– ଜମିଦାରୀ ଉଚ୍ଛେଦ ଆଇନ, ଭୂ-ସଂସ୍କାର ଆଇନ୍ ଇତ୍ୟାଦି) ଦ୍ୱାରା ଦିଆଯାଇଥିବା କ୍ଷମତା ବଳରେ କ୍ଷମତାପ୍ରାପ୍ତ ଅଧିକାରୀ (ଯଥା– ଇଷ୍ଟେଟ୍ ଆବୋଲିସନ୍ କଲେକ୍ଟର, ରେଭିନ୍ୟୁ ଅଫିସର ଇତ୍ୟାଦି) ରୟତ ସ୍ୱତ୍ୱରେ ଜମି ବନ୍ଦୋବସ୍ତ କରିଥାନ୍ତି ।

ଏହାଛଡ଼ା କେତେକ କ୍ଷେତ୍ରରେ ସରକାର ତାଙ୍କର ସାର୍ବଭୌମ କ୍ଷମତା ବଳରେ 1895 ମସିହାର Government Grants Act ଅନୁସାରେ ବ୍ୟକ୍ତି ବା ଅନୁଷ୍ଠାନ ବିଶେଷଙ୍କ ପକ୍ଷରେ ଜମି ବନ୍ଦୋବସ୍ତ କରିଥାନ୍ତି । ସେ କ୍ଷେତ୍ରରେ ଜମି ବନ୍ଦୋବସ୍ତର ଉପଯୁକ୍ତ ପ୍ରମାଣ ଦର୍ଶାଇଲେ ସଂପୃକ୍ତ ପକ୍ଷଙ୍କ ନାମରେ ଖାତା ହୋଇ ବିଶେଷ ଅନୁସଙ୍ଗରେ ନିମ୍ନଲିଖିତ ନୋଟ୍ ରହିବ । ''ଏହି ଖାତାର ଜମି 1895 ମସିହାର Government Grants Act ଅନୁସାରେ ବନ୍ଦୋବସ୍ତ ହୋଇଅଛି ।''

Top Priority

By Fax / e-Mail

Government of Odisha

Revenue & Disaster Management Department

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RDM-CHS-PGOT-0303-2020 /L. No. 3063 / R & DM dated, 28 JAN 2021

From

Shri Bishnupada Sethi, IAS

Principal Secretary to Government

To

All Collectors

Sub: **Recording of *Dakhal Satwa Bisista* and *Dakhal Satwa Sunya* status land**

Madam/Sir,

This Department vide letter No.47582 dt.12.10.1990 had issued a set of instructions titled *'Rayati Jami Record Kariba Pranali O Satwaa Satwa Niyamabali* to guide recording of rayati land. In Paragraph No.23 of the said instructions, it is clearly indicated that in course of settlement operation in the (undivided) districts of Puri, Cuttack and Balasore, the land recorded in status of *'Bajyapti Stitiban', 'Dakhal Satwa Bisista' and 'Dakhal Satwa Sunya'* will be recorded in stitiban status. In other districts, if such status is noticed, then the same will be recorded as 'rayati' status.

Despite clear-cut instructions of Government, it has been noticed that in several Tahasils, certain lands continue to be recorded in *Dakhal Satwa Bisista* and *Dakhal Satwa Sunya* status and Tahasildars are neither correcting the records on institution of sou-motu cases nor disposing of applications/ petitions filed by the raiyats to record such land in stitiban. This may be noted that the Government on recommendations of the

Board of Revenue is planning to rationalise Satwas and Kisams and in the new scheme all lands recorded as Bajyapti stitiban, Dakhal Satwa Bisista and Dakhal Satwa Sunya status will be recorded in stitiban status.

You are therefore advised to issue suitable instructions to your field officers for proper recording of land in light of instructions of this Department issued vide letter No. 47582 dt. 12.10.1990. Compliance may be reported by 15th of March 2021.

Yours faithfully,

Principal Secretary to Govt.

Memo No. 3064 / Dt 28 JAN 2021

Copy forwarded to all Revenue Divisional Commissioners for information and necessary action..

Additional Secretary to Govt.

Memo No. 3065 / Dt 28 JAN 2021

Copy forwarded to the Secretary, Board of Revenue, Odisha, ...k for information and necessary action.

Additional Secretary to Govt.

...5 / Dt 28 JAN 2021

...ed to the DLRS, Odisha, Cuttack for information and ...nce to his letter No.282 dt.25.1.2021.

Additional Secretary to Govt.

28 JAN 2021

3 plots	...n noticed in Dakhal ... are neither disposing of ...nd in stitiban ...ndations of the

...Sub Collectors for information and ...nubaneswar may refer to this Department ...20.

Memo No. 3068 / Dt 28 JAN 2021

Copy forwarded to all Tahasildars for information and necessary action.

Additional Secretary to Govt. 28/1/2021

By e-Mail/Fax

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

****

No. RDM-CHS-POLICY-0006-2018- 15935 / R&D.M Dated 21 DEC 2018

From

Dr. C.S. Kumar, IAS
Principal Secretary to Government

To

Collector, Angul/ Bargarh/ Bhadrak/ Balangir/ Cuttack/ Gajapati/ Ganjam/ Jharsuguda/ Kalahandi/ Kandhamal/ Khurda/ Koraput/ Malkangiri/ Nabarangpur/ Nuapada/ Puri/ Rayagada/ Sambalpur/ Sundargarh

Sub: Recording of Gramakantha Paramboke, Khasmahal, Nazul and Abadi category of land in favour of lawful occupants

Madam/ Sir,

I am directed to say that prior to the year 1990, the recording of Gramakantha Paramboke (GKP) lands, rent fixation thereof etc. were governed by executive orders issued by Government. One such executive instruction was issued vide erstwhile Revenue Department letter No. 91550/R dated 25/11/1975 addressed to D.L.R&S, Odisha, Cuttack in which instruction was given to the effect that house sites within "Gramakantha Paramboke" lying in urban areas of Ganjam district should be recorded under status "Gharabari" as well as with the same classification as intimated in G.O No. 73975 dated 20.09.1975. Further, it was instructed therein that a separate khata has to be prepared in favour of each individual occupant who is to be treated as a tenant. Such tenant will have no transferable right although he is liable to pay the rent fixed on his separate holding covering such land. This fact should be noted in the special incidence column of the khatian relating to such land.

2. Basing on the aforesaid instruction of this Department, a Memo bearing No. LI-3/76-9849 dated 27/11/1976 was issued by office of the Settlement Officer, Ganjam- Koraput Major Settlement, Berhampur to all A.S.Os of town rent camp requesting them to note in Oriya in the final incidence column of the khatian in respect of the village site Paramboke in possession of raiyats as follows:

"ଏହି ଜମି ହସ୍ତାନ୍ତର ଯୋଗ୍ୟ ନୁହେଁ ।"

3. Recently, the Hon'ble MLA, Jeypore has brought it to the notice of Government that the aforementioned note has been mentioned in the Special Incidence Column of most of the RoRs of Gramakantha Paramboke category of lands thus making transfer of such lands virtually impossible which has created resentment among its occupants. This issue has also been raised by several Hon'ble MLAs on the floor of the Assembly during Question Hours in the recent past.

4. In this connection, it is to mention that during the year 1990, the OGLS Act, 1962 was amended to include GKP lands situated in the ex- Madras areas of the State along with Khasmahal, Nazul and Abadi lands within the meaning of "Government land".

5. Subsequently, the OGLS Act, 1962 was further amended during the year 2009 to substitute the earlier provision of settlement of GKP category of lands along with Khasmahal, Nazul and Abadi category of lands. The new provision now provides for permanent settlement of such lands wherever situated and used for any purpose with heritable and transferable rights with the person who is in occupation of such land either on the basis of lease or otherwise for a period of at least 3 years prior to 26th February, 2009.

6. Basing on the amended provision of statute, Government have also made the OGLS (Amendment) Rules, 2010 prescribing Schedule- V and the OGLS (Amendment) Rules, 2014 prescribing Schedule V-A. As you are aware, while Schedule V deals with the procedure of settlement of such lands used for homestead purpose, Schedule V-A deals with the procedure of settlement of such lands used for purposes other than homestead and agriculture.

7. Thus, it may be seen that all GKP category of lands along with Khasmahal, Nazul and Abadi category of lands situated in the State are now being governed under the OGLS Act, 1962 from the date the Amendment Act, 1990 came into force and presently settlement of such land are being governed under the OGLS (Amendment) Act, 2009 and Rules made there under. So, with the coming into force of the statute in the year 1990, any circular issued prior to that in respect of GKP land including the one issued on 25/11/1976 has become redundant by operation of law.

8. So, the person in occupation of GKP, Khasmahal, Nazul or Abadi category of land has to file application for settlement of the same for the purpose for which it is being used, which shall be disposed of on merit by following the procedure prescribed in Schedule V or Schedule V-A, as the case may be. If the applicant is otherwise eligible and the land qualifies for settlement under the respective Schedule, the land shall be settled on permanent basis with heritable and transferable right with him and fresh RoR will be issued in his favour accordingly.

9. As you must be aware, the Government vide this Department notification No. 30939/R&DM dated 21/08/2018 (published in the Extraordinary issue of the Odisha Gazette bearing No. 1545 dated 23/08/2018) have extended the date for making application for settlement of such land for homestead purpose under Schedule V by a further period of one year and two months w.e.f. 17/02/2018. Similarly, Government vide this Department notification No. 30932/R&DM dated 21/08/2018 (published in the Extraordinary issue of the Odisha Gazette bearing No. 1544 dated 23/08/2018) have also extended the date for making application for settlement of such land for purposes other than homestead and agriculture under Schedule V-A by a further period of eleven months w.e.f. 11/05/2018.

10. Further, as provided under clause 7 (a) of both the Schedules, applications, if any, received before the coming into force of the Amendment Rules shall be deemed to be applications received under the provisions of these Schedules and shall be disposed of in accordance with the provisions of the respective Schedules notwithstanding the fact that the applications have not been made in respective Forms. So, any application received prior to coming into force of the Amendment Rules of 2010 or of 2014 can also be processed and disposed of by the concerned revenue authority without waiting for fresh application from the person.

11. In the above context, Government have been pleased to direct that the following steps may be taken for recording of GKP, Khasmahal, Nazul and Abadi category of land with the persons in lawful occupation:-

(i) A detailed survey of such plots of land may be undertaken to ascertain as to whether any application has not been received in respect of any of the plots.

(ii) The concerned Tahasildars may be instructed to direct their Revenue Inspectors to cause a field visit to the plots of land in respect of which no application has been received and to affix a notice at a conspicuous place intimating the persons in occupation regarding the extended date for making applications. The R.I may also collect duly filled in applications from the persons in occupation and deposit the same in Tahasil office for further action.

(iii) The above exercise should be completed by 31st January, 2019.

(iv) All expenses in this regard may be borne out of the funds provided under the Programme Expenditure "Conferment of Land Rights".

12. You are, therefore, requested to complete the exercise by the stipulated dateline and furnish compliance report to this Department by 5th February, 2019 positively for kind information of Government.

Yours faithfully,

21/12/2018

Principal Secretary to Government

Memo No. 15936 /RDM Dated 21 DEC 2018

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

21/12/18

Additional Secretary to Government

Government of Odisha
Revenue and DM Department
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No 44019 /R&DM, Bhubaneswar, dated the ~~September~~ 23rd Nov', 2013
GE(GL)-5-63/13

From
Dr Taradatt, IAS
Additional Chief Secretary

To
All RDCs
All Collectors
All Sub-Collectors
All Tehsildars

Sub:- Clarification regarding classification of land in the RoR

Sir,

I am directed to invite a reference to this Department's letter no 43968/R&DM, date 24-10-2011 and to say that doubts have been entertained at different quarters as to whether the provisions of Forest(Conservation) Act, 1980 are attracted to the land recorded as forest in the sabik records but subsequently classified as non-forest in the Hal Record of Rights.

Government after careful examination of the issue have been pleased to clarify that if RoR prepared under the statute does not recognize any land as forest, the same may be treated as non-forest land. So long the

entry of the Hal RoR as non-forest land stands good, the Forest (Conservation) Act, 1980 will not be applicable to those lands. However, presumption under the RoR is rebuttable and the unless the entry in the RoR is changed by the competent authority in due procedure of law the same shall hold good. In this regard, it should be seen that there is no mismatch between the RoR text and the corresponding cadastral maps.

Further, In view of the affidavit filed by the State Government in WP(C) no 202/1995, the lands included within the list filed before the Hon'ble Apex Court may be treated as forest land and which are not included in the list may be treated as non-forest land.

Yours faithfully

22.11.13

Additional Chief Secretary

Memo No 44020 Date 23.11.13

Copy forwarded to Principal Secretary, Forest and Environment Department/ Principal Chief Conservator of Forests, Odisha, for kind information and necessary action.

22.11.13

Additional Chief Secretary

Top Priority
By Fax / e-Mail

Government of Odisha
Revenue & Disaster Management Department
******

L. No. 44681 / R & DM dated, 12-12- 2018
RDM-CHS-PLAN-0001-2018

From

Dr. C. S. Kumar, IAS
Principal Secretary to Government

To

The Collectors

Sub: Regarding Digital RoR

Sir,

I am to say that the NIC has already been advised to complete the development of e-signing of digital RoR. You may appreciate that such practice has already been implemented in other States and it has been decided by the Govt. that we will go for digital RoR w.e.f. **20.12.2018**. This has also been decided that pending introduction of e-signature, there will be digital signing of RoR by the OIC, Record Room of concerned Tahasil.

You are therefore advised to procure digital signature of the concerned officers following due procedure, if the same is not available. The District Informatics Officer (DIO), NIC and Asst. Programmer may be asked to coordinate the activities, so that digital signature are procured through empanelled 3rd party, latest by **15.12.2018**. The cost for obtaining such digital signature may be borne out of the user fees available with the Tahasils. This may be brought to the notice of the Field Officers immediately and time-bound compliance may please be ensured.

Yours faithfully,

11/12/2018

Principal Secretary to Govt.

Memo No. 44682 / Dt 12-12-18

Copy forwarded to the Senior Technical Director, NIC, Odisha, Bhubaneswar for information and necessary action. He is requested to advise the DIOs to coordinate the activities.

Addl. Secretary to Govt.

FREQUENTLY ASKED QUESTIONS ON ODISHA RECORD MANUAL 1964

Question 1. What does Odisha Record Manual 1964 prescribe?

Answer - The Odisha Record Manual 1964 prescribes the procedure relating to Government Office management system. It deals with how to deal with correspondences, files, records, their processing, preservation, and destruction, supply of certified copies, maintenance of Library etc.

Question 2. What is the area of applicability of ORM 1964?

Answer - Procedures laid down in the manual are applicable to the entire State of Odisha and for all the offices in the Heads of Departments, District, and Subordinate levels. Except Odisha Secretariat where the process is regulated by the provisions laid down in the Odisha Secretariat practice and procedure. In all other cases the record maintenance would be carried out according to provisions laid down in Odisha Record Manual.

Question 3. Briefly describe the broad structure of ORM 1964.

Answer - The manual is divided into two parts. The first part deals with the processes relating to record maintenance and the second part has several appendixes that describe the provisions of laws, guidelines issued by the Board of Revenue and different formats to be maintained as per the provisions of the manual.

Question 4. What are the subjects that have been dealt with in Part I of the Manual?

Answer= Part I of the Odisha Records Manual deals with the following subjects –

1. Dealing with correspondences;
2. Dealing with Revenue case records;
3. Dealing with Sub-Divisional and Tehsil records;
4. Miscellaneous records; and
5. Library

Question 5. Where in the ORM 1964 you can find the rules relating to destruction of records?

Part II of the said manual deals with the following topics –

1. Destruction of Records Act 1917;
2. Rules and guidelines issued from time to time by Government and Board of Revenue; and
3. Different forms and formats for maintenance of records.

Question 6. What are the important aspects of dealing with correspondences received in the office?

Answer – All correspondences received in an office will come in the dak file to the head of the office or authorized officer who will initial them. Then they will go to central diary where they will be diarised date wise. Thereafter they will be sent to the Head Ministerial Officer for marking to respective sections. Letters marked as confidential shall be retained by the Head of Office or his Personal Assistant for dealing it separately. It can also be marked to the confidential section if there is such section. Other letters after marking will go to the Assistant who will enter them in log book and give priorities and deal with them accordingly.

Question 7. What is personal handbook and who will maintain it?

Answer – Personal handbook is the register to be maintained by the Officer personally or by his PA recording all important letters and correspondence and their follow-up action. The objective is timely dealing of such letters and materials.

Question 8. What is "pending list" and how it is dealt with?

Answer – Pending list is usually maintained fortnightly. It shows the number of receipts with the DA, the section, the branch, and the office as a whole during the fortnight under review. The number is derived by the following formula –

No. of letters pending on the first day of the fortnight under review + Nos of letters received during the fortnight – number of letters disposed off during the fortnight (For instance; 149 + 84 -125 = 108 at the closure of the fortnight)

Question 9. What are the broad responsibilities of the persons dealing with correspondences and files in a Government office?

Answer – Broad responsibilities of the persons dealing with records and files in any Government office are of four types. These are - preparation or opening up; regular maintenance; their preservation; and destruction after the specified period of preservation. For instance; a file should usually be consigned to record room after three years of life span. The Dealing Assistant and Section Officer are responsible for the maintenance, safe

keeping and consignment of the file. They will also be responsible for destruction of class III papers at the time of consignment.

Question 10. What is consignment of records? Who are responsible for this?

Answer – Consignment refers to depositing files and records after they complete their specified period of preservation in the office. For instance; a file should be consigned to record room after three years. Before that the Dealing Assistant, Section Officer, and Branch Officer shall classify the papers into class I, II, and III in the file. The Class III papers will be destroyed with the orders of the authority and in presence of a responsible Officer. Rest part of the file with page renumbered and title page describing the details shall be consigned to the record room.

Question 11. How many types of records are consigned in the record room? What are the duration of preservation in Record Room of such records?

Answer – Ordinarily files, case records, registers, treasury records are consigned after specified period of existence. If there is a Record Room in the office it will be consigned there where it will stay for 12 years and then it will be consigned to Central Record Room of the district of Head of Departments. After 30 years the records shall be deposited in the State Archives. If there is no Record Room in the office then the records can be deposited in the Central Record Room directly.

Question 12. Who can frame rules relating to safe custody, preservation, and destruction of records?

Answer - Chapter I of Part I deals with the preliminaries. It says that High Court in respect of records in the custody of different Courts under its control, Board of Revenue in respect of records in custody of Revenue Courts and officers, and the Government of Odisha, in respect of records in custody of other offices is the competent authority to frame rules relating to maintenance, preservation, and destruction of such records.

Question 13. Where can one find the procedures relating to preservation and consignment of records?

Answer - Chapter II of Part I of the manual deals with the classification, preservation, consignment, and destruction of records. Procedures have been laid down for –

- Classification, consignment, and destruction of files;
- Classification, consignment, and destruction of registers; and
- Classification, consignment, and destruction of Treasury records.

Question 14. What other important matters have been dealt with in Chapter II of Part I of the Manual?

Answer - Here one will come across the procedure of disposal of files by the officers. It also explains the action to be taken on the file received back with or without orders. Preparation of drafts, fair copies of approved drafts, and signature by authorized officers have been dealt in this chapter. Finally, the chapter specifies the procedure for mailing and arrangement and custody of papers in the organization.

Question 15. What is the procedure for classification of papers in a Government office?

Answer - Papers In the file are classified as A, B, and C and the C category papers are destroyed in the Branch before consignment of the file to Record Room. Procedure in the Record Room after consignment of the record is also provided. The same way the registers and treasury records are also classified, preserved, and destroyed.

All papers that are required for permanent references and financial matters, court judgments, rules and policies etc shall be 'A' class. They will be preserved permanently. B class papers have value for a limited period and will be preserved for 12 years. All papers that are not required permanently or even for a limited period are C class. The model classification of classes of papers is available in Appendix H under paragraph 155 (2) of the Manual. For instance; papers relating to abatement of revenue are 'A' class, papers relating to accidents in factories are B class; and routine reminders are C class. One can refer to the list provided for easy comprehension.

Question 16. How to deal with Revenue case records?

Answer - Chapter III of Part I of the Manual prescribes the procedure for dealing with Revenue case records. It says how to use the *combined title page* and how to maintain, preserve, consign, and destroy these case records. Important aspects are use of combined title page and other papers for the case record. Finally, it lays down the procedure for arrangement and consignment of case records in the record room.

Question 17. Where can one find the procedure for maintenance of records in Tehsil and Sub division office?

Answer - Chapter IV of Part I of the Manual prescribes the procedure to be followed in case of Sub-Divisional and Tehsil records.

Question 17. Which are the chapters dealing with Record Room, Public & Private documents, Record Room Expenses, and Library?

Answer – Procedures relating to Record Room, Public & Private documents, Record Room Expenses, and Library have been described in Chapters V, VI, VII, and VIII of the Part I of the Manual respectively.

Question 18. Where the provisions relating to dealing with certified copies have been mentioned?

Answer - Chapter IX of Parr I of the Manual deals with dealing with the certified copies of case records and other records.

Question 19. What are the contents of Part II of the ORM 1964?

Answer - In Part II of the Manual there are 19 appendixes and they deal with the following subjects.

A. The Destruction of Records Act 1917.
B. The 1963 notification by erstwhile Political & Services Department of Government of Odisha.
C. Rules made by Board of Revenue under the Destruction of Records Act 1917.
D. Model form of index for Collections in offices.
E. Model for formation of sections and sub-sections in district offices.
F. Correspondence Registers (Forms 1-21)
G. Correspondence Forms (Forms 22-47)
H. Model classification of correspondences
I. Record Room Registers (Forms 48-68)
J. Record Room Forms (Forms 69-80)
K. Classification, Preservation, and destruction of Registers.
L. Classification, Preservation, and destruction of Treasury records.
M. Classified list of Case Records
N. Permanent Registers in Sub-Division and Tehsil offices.
O. Extracts of orders passed by the Odisha High Court of Judicature 1949
P. Five types of inspections and questionnaires for them.
Q. Library Forms (Forms 81-85)

R. Law Department notification of 1943 relating to reduction and remission in Court Fees.
S. Extracts of Rules and Orders of High Court of Judicature Criminal on inspection, information, copies, and copyist, fees and costs.

Question 20. What are the different types of inspections provided in ORM 1964?

Answer – Five types of inspections have been prescribed in ORM 1964. These are –

1. Correspondence work;
2. Revenue Case Records;
3. Record Room;
4. Copying Section; and
5. Library.

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT
*****

No. 20764 / SSD, Bhubaneswar Date 02-12-2022
STSCD-FRA-PLAN1-0001-2015

From

Srikanta Tarai, OAS (SAG)
Director, ST

To

All Nodal Officers on FRA(9 PA, ITDAs & 21 DWOs).

Sub:- **Guidelines for correction of RoRs/ Map in respect of the forest right titles vested with the claimants under FRA,2006 and uploading in the Bhulekh portal.**

Ref.:- O.M. No.19418/FE&CC dated 01.11.2022 of the Forest, Env. & CC Department.

Madam/Sir,

I am directed to enclose herewith the detailed guidelines issued by the Forest, Environment & CC Department for correction of RoRs/ Map in respect of the forest right titles vested with the claimants under FRA, 2006 and uploading in the Bhulekh portal, which is self-explanatory for needful action at your end. This matter may please be placed in the DLC meeting on FRA to be convened by you and instructions contained therein may strictly be adhered to.

This is for your information and immediate necessary action.

Yours faithfully,

Director, ST

Memo No. 20765 / SSD, Dt. 02-12-2022

Copy along with the copy of the enclosure sent to all Collectors/ all Sub-Collectors/ all Tahsil office for information and necessary action.

Director, ST

Memo No 2637 Dated 03.12.2022
Copy submitted to DFO, Kld, South Divn./ North Divn Bhawanipatna / Sub-Collector, Bhawanipatna / Dh.garh / All Tahasildars of Kld. / All BDOs of Kld / PA-ITDA, Th.Rampur for kind information and necessary action.
Copy to Dy. Collector, Revenue for information & Necessary action.

3/12/22
District Welfare Officer
Kalahandi

GOVERNMENT OF ODISHA

FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

****

OFFICE MEMORANDUM

No. 19418 /FE&CC, Date: 1/11/22

(PT1-FE-DIV-MISC-0010-2021)

Sub: Guidelines for correction of RoRs/ map in respect of the forest right titles vested with the claimants under FRA, 2006 and uploading in the Bhulekh portal.

As per the statutory requirement under Forest Rights Act, 2006 and Rule 12 A (9) and Rule 8 (f) and (g) of the amended Forest Rights Rules, 2012, It is required that after issuance of titles, the recognized Forest area needs to be clearly demarcated and incorporated in Govt. records and copy of the RoR shall be provided to the right holders. For this, the following procedures are proposed to be followed:

1. FRA Titles issued inside any Notified Forest Blocks, as notified under Indian Forest Act/ Odisha Forest Act/ any Forest Blocks incorporated in the approved working plans of Forest Department (RF/PRF/PF/UDPF/VF etc.) are to be mobile GPS surveyed by the Forest Department using the "Forest Right Act Survey" mobile App module available under OFMS mobile developed by FITGC, O/o the PCCF & HoFF, Odisha.

- The frontline field staffs along with representative of Gram Sabha will jointly verify the area of settlement inside forest block before capturing the polygon data of the IFR area, in the presence of the title holder.
- Photo of the Forest staff, representative of Gram Sabha and the title holder will be captured.
- Each RoR in a particular Forest Block will have a unique ID such as Name of FB/ Year of Title Settlement/ Serial number in three digits (from 001 to 999). The system generated RoR copy will carry a survey number/ plot number.
- Concerned Range Officer will validate in the OFMS website. The Range Officer will physically check at least 10% of the cases.
- Record of Right in three copies will be signed by concerned Range Officer and one copy each will be retained with RoR holder, Range Office & Division Office. The RoR will be printed in paper similar to the RoR used by R & DM Department and will be made available in OFMS website. (The format of the RoR is enclosed herewith).
- Such areas will also be incorporated on the Forest Block maps, a copy of which will be kept in the Range Office and the Division Office.

2. FRA Titles issued in Revenue Forests will be jointly mobile GPS surveyed by ST & SC Development and Revenue Department officials using "Odisha Forest Rights: Mobile GPS Survey" application which is initiated by OFMS and developed &

P.T.O.

maintained by ORSAC. The android mobile application is available in google play store link **"https://play.google.com/store/apps/details?id=ofms.odishafra.com."** The Revenue & Disaster Management Department will incorporate the FRA data in Bhulekh/ Bhunaksha portal.

3. Geospatially validated FRA Title data captured from the Revenue Forest Land will be shared from OFMS servers under Web Map service (WMS) with Revenue Department or NIC for incorporating in Bhulekh/ Bhunaksha portal.

(Dr. Mona Sharma)

Additional Chief Secretary to Government

Memo No. 19419 /FE&CC, Date 1/11/22

Copy forwarded to the Revenue & Disaster Management Department/ ST&SC Development Department for information & necessary action.

1.11.2022

Special Secretary to Government

Memo No. 19420 /FE&CC, Date 1/11/22

Copy forwarded to the Secretary, Board of Revenue, Cuttack/ All RDCs/ All Collectors for information & necessary action.

1.11.2022

Special Secretary to Government

Memo No. 19421 /FE&CC, Date 1/11/22

Copy forwarded to the Principal Chief Conservator of Forests & HoFF, Odisha/ Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha/ Principal Chief Conservator of Forests (KL), Odisha/ Chief Executive Officer, ORSAC, Bhubaneswar/ All RCCFs/ All DFOs (T/WL/KL) for information & necessary action.

1.11.2022

Special Secretary to Government

Memo No. 19422 /FE&CC, Date 1/11/22

Copy forwarded to the Director (Technical), NIC, Bhubaneswar/ Head, State Portal, I.T. Centre, Odisha Secretariat, Bhubaneswar/ Office Establishment Section, FE&CC Department/ Guard File (5 spare copies) for information and necessary action.

1.11.2022

Special Secretary to Government

PT1-FE-DIV-MISC-0010-2021/01/2022

Records of Rights

(See the Rule 8(f) & (g) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012)

Name of Village:		Name of the Forest Division	
Name of the GP:		Name of the Forest Range:	
Name of the Block/ Tehsil:		Name of the Forest Section:	
Name of the Sub-Division and District:		Name of the Forest Beat:	

1) Name of the Land Lord	Government of Odisha				
2) Serial No. of RoR					
3) Name of the Right holder(s)					
4) Name of Family Members	Sl. No.	Name	Sex	Age	Relationship with Right Holder
5) Caste of the Right Holder(s)					
6) Address of Right Holders (s)					
7) The Status:	This right has been recognised under 'The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006'				
8) Fees:	This is cess free rights				
9) Specific details if any:	The right is heritable, but not transferable or alienable				

Name of the Forest & Compartment No.	Block No.	Plot No.	Legal Status of Land	Extent of Land		Nature of Forest Rights (Homestead/Agriculture/Allied Agricultural activities)
				Area in Acres	Area in Hect.	
10	11	12	13	14	15	16

Signature with Seal of the Designated Officer

P.T.O.

BY FAX/e-mail

Government of Odisha
Revenue & Disaster Management Department

No.SM-72/2015- 11804 /RDM, Dated. 10.04.2017

From

Sri Sashadhar Nayak, OAS(SAG),
Additional Secretary to Government.

To

All Collectors.

Sub : Correction of RoR and Maps for forest land in revenue villages for which title has been issued under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 –uploading of same in Bhulekh Portal.

Ref. : This Department letter No.43974, dated 29.10.2010.

Sir,

In inviting reference to the above mentioned subject, I am directed to say that the Guidelines for correction of RoR and Maps to incorporate the rights recognized under the Schedule Tribes and other Traditional Forest Dwellers(Recognition of Forest Rights)Act,2006 in terms of title certificates issued in respect of Forest Land in revenue villages were issued vide this Department letter No.43974, dated 29.10.2010. But the correction of RoR is not uploaded in the Bhulekh Portal. As a result, it has come to the notice of the Government, that the title holders under the aforesaid provisions of the Act are facing problem in selling their paddy at MSP in few procurement centres. Directions have already been issued by Revenue & D M Department and Food Supply & Consumer Welfare Department to ensure that paddy at MSP is procured based on FRA pattas issued by the Collectors.

After careful consideration, the Government have been pleased to order that correction of RoR and Maps for forest land in revenue villages shall be made in pursuance to the above guidelines and followed by uploading of the same in Bhulekh Portal. Besides in pending cases of non-correction of RoR in respect of title certificates, the Tahasildars shall make all out effort to correct the same in the light of above guidelines and upload the corrected RoR in the Bhulekh. The entire exercise should be completed before May end.

Yours faithfully,
10.4.2017
Additional Secretary to Government

Memo. No. 11805 /RDM, Dated. 10.04.2017

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/ All RDCs/ DLRS & C, Odisha, Cuttack for information and necessary action.

10.4.2017
Additional Secretary to Government

Memo. No. 11806 /RDM, Dated. 10.04.2017

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

10.4.2017
Additional Secretary to Government

E-mail
Speed Post

Government of Odisha
Revenue & Disaster Management Department.
*** 3831
No. CHS-SM-72/2015- -/R&DM, Dated 2.2.17

From:

Dr. Mona Sharma, IAS,
Principal Secretary to Government.

To

The Secretary, Board of Revenue, Odisha, Cuttack
Director, Land Records 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**

Sir,

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 recognized 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 (Forest Rights Act, 2006). The Ministry of Tribal Affairs, Government of India, have issued comprehensive guidelines 2013 to all the State / UT Governments on various aspects of implementation of the Act which, inter alia, 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, un-surveyed villages and forest habitations 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. After careful consideration of the matter, the detailed guidelines for conversion of forest villages and such other villages into revenue villages are hereby issued as Annexure attached to this letter for necessary action at your level.

Yours faithfully,

Mona Sharma
2/2

Principal Secretary to Government.

9.B
Pl. issue with copy of the encl.
2/2/17

Memo No. 3832 / R& DM Dated- 2.2.17.

Copy forwarded to the Special Secretary to Government, Forest and Environment Department for information with a request to issue necessary instructions to their field officers accordingly.

2/2/2017
Joint Secretary to Government.

Memo No. 3833 / R& DM Dated- 2.2.17.

Copy forwarded to the all Sub-Collectors / all Tahsildars for information and necessary action.

2/2/2017
Joint Secretary to Government.

Memo No. 3834 / R& DM Dated- 2.2.17.

Copy forwarded to the IMU Cell, Revenue & Disaster Management Department for uploading in the website.

2/2/2017
Joint Secretary to Government.

Memo No. 3835 / R& DM Dated- 2.2.17.

Copy forwarded to the LR&GE(A) Branch for information and necessary action.

2/2/2017
Joint Secretary to Government.

Annexure

Guidelines for conversion of Forest villages and settlements into Revenue villages.

The rights of settlement and conversion of all forest villages, old habitations un-surveyed 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 U/S 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 of Tribal Affairs, Government of India, have issued comprehensive guidelines to all the State/ UT Governments on various aspects of implementation of the Act which, inter alia, 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 have been asked to convert all erstwhile forest villages, unrecorded settlements and old habitants into revenue villages in a time bound manner.

The State Level Monitoring Committee (SLMC), Odisha on implementation of Forest Rights Act and Rules held on 21.07.2015 has decided that the Revenue & 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 this Deptt. Letter No. 29453 dated 16.10.2015 on this score. The following guidelines are issued for the above purpose which may kindly be followed at field level.

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 been issued by the Ministry of Tribal Affairs, Government of India, vide letter No. 23011 / 33 / 2010-FRA dated 8.11.2013 (copy enclosed at **Annexure-I)**. 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 villages u/s 3(1)(h) is exempted from

the requirement of Section 2 of the Forest (Conservation) Act, 1980, as well as the requirement of compensatory afforestation and payment of net present value. Approval U/S-2 of the Forest Conservation Act, 1980 of the Ministry of Environment and Forest is also not required for the above propose. 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." While converting forest villages/habitations into revenue villages, it shall be ensured that the legal status of forest land in the said villages shall not change. However, the present land use and future land use shall be recognized. The specific method will depend upon State Level Land Revenue Laws.

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/S 3(1)(h) of the Act. It has been further clarified that the FRA, 2006 does not require de-notification / de-reservation of the forest land for recognition of the above forest right. The forest villages and such of the villages inside the Wildlife Sanctuaries and National Parks are 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 usage like schools, health facilities, public spaces etc.

For conversion to Revenue villages, the identification of forest villages and other such villages is considered preliminary to conversion. Rule 2A of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 as amended vide the Forest Right Amendment Rules, 2012 notified on 06.09.2012 provides the process of identification of hamlets or settlements and their inclusion for conversion to revenue villages. These can also be identified with help of District Statistical Handbooks and Census village Directories. All settlements with zero revenue land should be presumed to be revenue villages in order to be converted into revenue villages. The district wise abstract of forest villages and un-surveyed settlements/habitations etc., as obtained from SC & ST Department is at **Annexure-II**. Accordingly, there are 20 forest villages and 589 such settlements.

2. The following procedure shall be followed for conversion of forest village into revenue village.

i. Collectors of the districts shall take requisite steps for enabling the inhabitants of the forest villages to file their claim applications for conversion into revenue villages.

ii. For this purpose, the Collector of the district shall issue a General notice under his seal and signature informing the inhabitants of forest villages / tracts / un-surveyed villages etc. to file the claim application for conversion of such villages into revenue villages.

iii. The notice shall be published by beat of drum and affixing a copy of the same at a conspicuous place of the locality in presence of not less than two persons of the village.

iv. Provided that where a village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village.

v. A copy of the notice shall be sent to the concerned Tahasil office, RI Office, GP, FRC of the tract/village. The publication of notice by beat of drum also shall be made in the local Hat (market) of the forest village, if any. All possible steps shall be taken by the Collector for awareness among the inhabitants of the forest village / forest tract for filing their claim applications.

vi. The copy of the notice shall be sent to the concerned DFO.

vii. The RI shall visit the village/hamlet/tract and inform the inhabitants to file claim for conversion. He shall arrange a meeting with the villagers and FRC members. The meeting of the villagers and FRC members shall also be attended by the local forester with relevant maps. The RI shall submit the copy of the proceedings of the meeting to the concerned Tahsildar who in turn will forward it to the DLC through SDLC for keeping a copy of the proceedings in the case record.

viii. Collector of the district shall primarily be responsible for ensuring that the inhabitants of such villages/old habitations are enabled to file their claim for conversion/settlement.

3. **Filing of claim application:-**

I. A claim for conversion of forest villages shall be submitted collectively by the Gram Sabha of the settlement.

II. If any settlement fails to submit such a claim within a period of three months from the date of notice, the Collector should direct a revenue officer not below the rank of Tahsildar to visit the settlement and inform the residents of their right to file a claim.

III. Any village/habitation on forest and which is not a revenue village shall be considered eligible for conversion.

For the purposes of the Act, the assembly of all adult residents of each such village/habitation is recognized as the Gram Sabha, U/S 2(P)(iii) of the Act, and shall elect its own Forest Rights Committee(FRC).

In cases where the number of adult residents of an old habitation or an un-surveyed 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 shall be included in the larger village after conversion.

4. **Details to be included in claim applications:**

i. The Gram Sabha/Forest Rights Committee of the concerned forest village/habitations shall first define the boundaries of the village / habitation and then prepare, with the help as required and requested by the community from the local land revenue officials, local forest officials, and/or representatives from the Sub- divisional Committee, a detailed map showing the present land use of the village. At this stage the Tahsildar and his representative i.e. R.I, ARI and Amin shall help the committee to submit the claim. The Committee must accept all the rights so far recognized and take into account other factors mentioned below;

ii. extent and location of cultivable area, homestead lands/buildings, forests, water bodies and common lands such as grazing/pasture lands, burial grounds, etc.

iii. extent and location of other land uses (such as school buildings, religious places, playgrounds, health centers and other community buildings / centers).

iv. extent and location of their community forest resource over which various community forest rights are exercised.

v. spirit of the principles contained in reservation of Government land for specific purpose in rural areas as communicated vide letter No.4898-R dated 28.01.1966 .

vi. Since the villagers / FRC members may not visualize the future needs, the Tahsildar and the local RI can sensitize the FRC members on the issue.

vii. The Revenue inspector shall maintain a record of all individual and community rights so far recognized, the pending claims at all level, the land to be utilized for future needs and thus help the Gram Sabha members to prepare the map accordingly.

viii. Tahsildar shall issue intimation to the local forest official i.e. Forest Ranger or ACF of the area to remain present at the time of consultation and preparation of map.

ix. The Gram Sabha shall recommend the name of the proposed revenue village after conversion.

x. 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 of conversion to a revenue village. The claim shall also include the 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.

xi. After examining the claim, map and the List, the Sub-divisional Level Committee shall send it to the District Level Committee with recommendation for taking necessary steps to recognize the right of conversion of the concerned settlement. Within two weeks of the decision of the District Level Committee, the Collector shall take necessary steps for declaration of revenue village for settling the land rights of the residents under revenue laws;

xii. 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.

xiii. For declaration of new revenue village under Sub-Section 14 of Section 2 of OS&S Act, 1958, the Collector shall open the case record containing details like the map of the village list of inhabitants, list of claimants of forest rights by the Forest Right Committee, resolution of Gram Sabha and its approval of DLC. He shall mention the Thana No. of the proposed revenue village. He shall recommend the proposal to the DL&RS for declaration of new revenue village.

xiv. After receipt of the case record from the Collector, the Board of Revenue may declare the revenue village U/s 2(14) of OS&S Act, 1958 and issue notification to that effect. The Board shall send back the case record to the Collector for publishing the notification in the Notice Board of the Collectorate. The Board of Revenue shall also send a copy of such notification to Government with recommendation for notifying the village u/s 3(1) of OS&S Act, 1958 or the OSS&S Act, 2012. Then the usual process of survey, preparation of record of rights, publication of final record of rights under the relevant provisions of OS&S Act, 1958 or OSS&S Act, 2012 and with their corresponding Rules shall be carried on to settle the land rights of the residents of the new revenue village within a stipulated period.

Annexure-I

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 villagesinto 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

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	➢ 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 "*notwithstanding anything contained in any other law for the time being in force*". This *non-obstante* clause, therefore, recognizes and vests the

		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. ➢ 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. ➢ 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

		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.	➢ 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. ➢ 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.
3.	Whether conversion of forest villages and other such villages is required in lands which are not classified as forest lands.	• The Supreme Court in a landmark judgment dated 12.12.1997 in the Godavarman case, held as under: *"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."* • 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 villagesinto 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.	conversion of forest villages and other such villages into revenue villages, over all forest lands within the larger definition of forests (see above). ➢ 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 villageslocated inside the Wildlife Sanctuaries and National Parks are also required to be converted into revenue villages under Section 3(1)(h) of the Act.	➢ 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 villageslocated 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 village	➢ As per the provisions of the FRA, 2006, conversion of forest villages and other such villagesinto 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

	sinto revenue villages	traditional forest dwellers ➢ 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 villagesinto revenue villages.
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.	➢ 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. ➢ The process for identification of hamlets or habitations, unrecorded or unsurveyed settments or forest villagses 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.
8.	in the case of forest villages and other such villageswhich are primarily inhabited by other traditional forest dwellers, whether it is necessary for the other traditional forest dwellers to establish that they had been	➢ 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)

	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.	prior to the 13th day of December, 2005 *"primarily resided in or depended on the forest or forest land for bona fide livelihood needs"* ➢ 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.

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

ANNEXURE

No.23011/33/2010-FRA
Government of India
Ministry of Tribal Affairs
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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:

xxx

(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 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,

[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)

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.

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Annexure - II

List of Forest / Un - Surveyed Villages in the Districts of Odisha

Sl. No.	Name of the District	Revenue Villages(Surveyed villages)	"ZERO" area (Un-surveyed villages / Settlement etc.)	Total Inhabited Village	No. of forest villages
1	Mayurbhanj	3724	24	**3748**	
2	Keonjhar	2031	38	**2069**	
3	Sundargarh	1677	46	**1723**	
4	Gajapati	1458	54	**1512**	
5	Kandhamal	2344	35	**2379**	
6	Koraput	1839	83	**1922**	
7	Malkangiri	867	112	**979**	
8	Nwarangpur	867	9	**876**	
9	Rayagada	2433	34	**2467**	
10	Balasore	2586	1	**2587**	
11	Jagatsinghpur	1226	1	**1227**	
12	Khurdha	1353	5	**1358**	3
13	Nayagarh	1528	3	**1531**	
14	Puri	1590	1	**1591**	
15	Angul	1652	9	**1661**	5
16	Bargarh	1173	7	**1180**	7
17	Bolangir	1763	1	**1764**	2
18	Deogarh	699	12	**711**	
19	Dhenkanal	1059	17	**1076**	
20	Jharasuguda	341	5	**346**	
21	Sambalpur	1231	7	**1238**	
22	Boudh	1106	9	**1115**	
23	Ganjam	2759	53	**2812**	
24	Kalahandi	2081	16	**2097**	3
25	Nauapara	641	7	**648**	
Total		**40028**	**589**	**40617**	**20**