Recognition & Mapping of Community Forest Resource Rights

An initiative in Similipal Tiger Reserve of Mayurbhanj and Jamujhari Panchayat of Kandhamal in collaboration with Gram Sabhas, Civil Society Organisations & District Administration
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Recognition & Mapping of Community Forest Resource Rights
About Vasundhara

Vasundhara is a research and policy advocacy group that works on environment conservation and sustainable livelihood issues. The organisation was initially conceived to support and strengthen community based initiatives to protect and conserve forest in the state of Odisha. Over the years while working and retaining its focus on community forestry, Vasundhara has a more explicit focus on issues of natural resource governance, climate change and sustainable livelihood of forest dependent community.

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We Sincerely Acknowledge...

...... support of the communities and Gram Sabhas inside Similipal Tiger Reserve in Mayurbhanj and Jamujhari Panchayat in Kandhamal. We pay our gratitude to the district collector, Shri Rajesh Prabhakar Patil, for his leadership in the implementation of Forest Rights Act in the district of Mayurbhanj. We extend our gratitude to Ms. Madhu Sarin and Dr. Kundan Kumar for their support and guidance. We are also indebted to Mr. Y. Girli Rao for providing guidance and valuable insights in the entire process. We are grateful the Rights and Resources Initiative for supporting the CFR mapping intervention.
Community Forest Resource Rights

Forest Rights Act 2006 recognizes and vests forest rights to the scheduled tribes and other traditional forest dwellers who have been residing in forests for generations but whose rights could not be recorded. The law provides for a framework for recording of the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. From among the provisions under Forest Right Act, the rights to Community Forest Resources establish the authority of the Gram Sabhas to protect, regenerate or conserve or manage any community forest resources which they have been traditionally protecting and conserving for sustainable use, thereby providing a scope of democratizing forest governance and natural resource management. This booklet provides a learning of the process of recognition and vesting of rights over community forest resources with reference to the legal provisions of Forest Rights Act and the Rules. The experiences gained in facilitating the process inside the Similipal Tiger Reserve in Mayurbhanj and Jamujhari Panchayat in Kandhamal have been reflected in this booklet.
Process of Delineation of Community Forest Resources & Filing of Claim
Rights over Community Forest Resources

Forest Right Act 2006 recognizes and Vests, “right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use (Section 3 (1)(i))”

This right is further strengthened by Section 5 of the FRA which empowers the holders of forest rights, the Gram Sabha, and the village level institutions to protect the wild life, forest and biodiversity specifically focusing on catchment areas, water sources and ecological sensitive areas. It also ensures to protect the habitat of forest dwelling communities from any form of destructive practices affecting the cultural and natural heritage along with giving the authority to Gram Sabha to take decision to regulate access to community forest resources and stopping any activity affecting wild animals, forest and bio-diversity.

Notes:

Community forest resource means customary forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as sanctuaries and National Parks to which the community had traditional access.

Forest land means land of any description falling within any forest area and includes unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, sanctuaries and National Parks.

Gram Sabha means a village assembly which shall consist of all adult members of a village and in case of states having no Panchayat, Padas, Talas and other traditional village institutions and elected village committees, with full and unrestricted participation of women.

Forest Right Committee is the elected committee of not less than ten but not exceeding than fifteen members amongst which at least two-third members shall be schedule tribe and not less than one-third of such members shall be women. The FRC executes the decisions of the Gram Sabha.
Procedure for Determination, Claim Making & Verification of Claims by Gram Sabha & Forest Right Committee

Determination of Rights over the Community Forest Resources

The Gram Sabha initiates the process of determination of community forest resources rights involving the village elders, resource user groups & women of the village which includes the customary boundary of the village. The Community Forest Resources include revenue forest, reserve forest, protected forest, protected areas or land of any description falling within any forest area. The Gram Sabha passes a resolution on the discussion held for the determination of the community forest resources. The quorum of the Gram Sabha is ensured with participation of at least 50% of the adult members of the village including at least 1/3rd participation of women members. (As per the sec 11 (b) of the rules)

Note: The Gram Panchayat convenes the Gram Sabha by issuing a letter to initiate the process of Community Forest Resource Rights.
Preparation of Community Forest Resource Map and Claim form ‘C’

Forest Right Committee delineates / prepares the community forest resource map with recognizable landmarks with the involvement of Resource user groups, elder and women members of the Gram Sabha and the claim for community forest resources in form ‘C’ on behalf of the Gram Sabha (As per sec 11 (4), 12 (1) (f), 12 (1) (g) of the rules).

The delineation of Community Forest Resources is based on the customary boundary of the village which includes the Reserve Forests, Protected Forests, National Parks and Sanctuaries.

On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorized officer. (As per Sec 12 (4) of the Rules)

The requisite information and evidences are attached with the claim as enumerated in Rule 13(2) such as Nistar, traditional grazing grounds, areas for collection of minor forest produce, fishing grounds, irrigation systems, sources of water for human or livestock use, medicinal plant collector territories of herbal practitioners, remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds, government records or earliest classification of current reserve forest as protected forest or as gochar or other village common lands, nistari forests, earlier or current practice of traditional agriculture etc.

The Gram Sabha, the sub-divisional level committee, and district level committee consider more than one of the above-mentioned evidences in determining the forest rights (As per Sec 13 (3) of rules).
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Joint Meeting with Neighbouring Forest Right Committees

Before finalising the community forest resource map Gram Sabha intimates and involves the neighbouring Gram Sabhas and Forest Rights Committees for joint meeting to verify their traditional land marks and resource access areas. This joint meeting is required to deal with potential overlapping and conflicts if any on the CFR boundary.

After getting intimation from Gram Sabha, the forest right committees of the respective Gram Sabhas having overlaps or conflict over customary boundary or common access over a forest land, meet jointly to decide the customary boundary of the village and consider the nature of enjoyment over the forest land (As per the sec 12 (3) of the rules). Adoption of common resolution on the discussion and sharing of a copy of resolution with respective Gram Sabhas.

Provided that, if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred Committee for its resolution by the Gram Sabha to the Sub-Divisional Level.
Process of Verification of Community Forest Resource claim and evidences in presence of Forest & Revenue Officials

After an intimation letter from Forest Right Committee, Forest & Revenue Department meets jointly in the mentioned date and venue for the verification of claims & evidences and signs the proceedings with their designations, date & comments (As per the sec 12 (A)(1) of the rules).

If any objection is made by the forest or revenue department at a later date to a claim approved by the gram sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the gram sabha for the verification by the committee where objection has been raised and if the representatives again fail to attend the verification process, the Gram Sabha’s decision on the field verification shall be final. (As per the sec 12 (A)(2) of the rules)
Final Gram Sabha to Approve the Claim and Forwarding it to Sub-divisional Level Committee

After intimation from Gram Panchayat, final Gram Sabha is organized to consider the claim prepared by Forest Right Committee, pass appropriate resolutions and forward the claim to the Sub-divisional Level Committee for their consideration and approval (As per the sec 11 (S) of the rules). Resolution of the meeting is passed on the discussion held for the final approval of the claim over Community Forest Resources.

The final approved claim by Gram Sabha includes all the notices, resolutions, claim form ‘C’, community forest resource map and evidences. The quorum of the Gram Sabha is ensured with participation of 50% of the adult members of the village.
Approval of Claims and Preparation of Titles

After recomendation and approval of the claim over community forest resources by Sub-divisional Level Committee, District Level Committee considers the claim and approves. After approval by District Level Committee title over community forest resources is prepared. (As per Sec 6(j) and 8 (c) of the rules.

The District Level Committee shall ensure the forest rights under clause (1) of sub-section (1) of section 3 relating to protection, regeneration, or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages with forest dwellers and the titles are issued. (As per the sec 12 (B) (3) of the rules)

In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee. (As per the sec 12 (B) (4) of the rules)
Final Mapping of Community Forest Resources and incorporation in the Record of Rights
On completion of the process of recognition of rights and issuing of titles on Individual Rights, Community Rights and Community Forest Resource Rights, the Revenue and Forest Departments shall prepare the final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier. (Rules 12(A)(9))

Explanation: GPS Mapping of community forest resources area is essential for the forest land which falls outside of the revenue boundary of the village coming under reserve forests, national parks, sanctuaries etc. on which communities have traditional access and use.

Final Community Forest Resource map preparation is the responsibility of District Level Committee and government officials. The final mapping exercise needs to be carried out under the supervision of Gram Sabha and active participation of Forest Rights Committee.
Gram Sabha to Initiate GPS Mapping of Community Forest Resource Area

A Gram Sabha is organized in presence of Forest Right Committee members to discuss on the GPS mapping of community forest resource area with support from the technical support team including Revenue Officials, Forest Officials and Local CSO facilitators. Sketch Map earlier prepared by Gram Sabha is discussed to confirm specific location of the traditional landmarks along the customary boundary with Forest Right Committee in presence of resource user groups, elder and women members before recording of GPS points. Gram Sabha passes a resolution giving consent for the mapping process. The quorum of the Gram Sabha is ensured with participation of 50% of adult members of the village.
Physical mapping of customary boundary and traditional landmarks

A team is constituted including youth, elder and women members who are trained on the application of GPS machine. The team carries out physical transect of the customary boundary for recording the identified traditional landmarks using the GPS machine along with the descriptions of the respective traditional landmarks. The Forest Rights Committee members of the adjoining villages remain present during the mapping process. The youths handle the GPS machine for collection of information recorded during GPS mapping of the traditional landmarks where as elder women who are well-versed with the traditional landmarks guide them on the customary boundaries.
After completion of the mapping process, resolution is prepared by Forest Rights Committee on the process of mapping of the Community Forest Resource area and information recorded during the GPS mapping is maintained along with resolution. The information recorded during GPS mapping including the description of the traditional landmarks is forwarded to the FRA cell for final map preparation.
Preparation of Final CFR Map in FRA Cell

Forest Right Act (FRA) Cell has been set up by the District Administration at Tehsil level where all the information relating to Forest Rights Act including the records of claims, evidences and other requisite information is kept and maintained.

The technical personnel engaged in the FRA cell prepares the final Community Forest Resource maps form the information recorded during GPS mapping process.

The final map shows the precise area of the forest land within the community forest resource boundary along with the physiographic features, cultural places, customary names of the hills and traditional landmarks in Odiya.
Adopting the process described in this booklet, rights over community forest resources has been recognized in the 43 villages of Similipal Tiger Reserve of Mayurbhanj district of Odisha over 24786.22 Ha of forest land which includes mostly reserve forests inside the Protected Area.
Other Initiatives

1. CFR Atlas for Assessment of Potential Areas for Planning and Monitoring


“CFR Atlas is a map which provides information on the number of villages having forest land for recognition of community forest resource right. The map can be prepared for different administrative divisions (i.e. country, state, district, and block) to assess the number of potential areas. The District Administration has extensively used this atlas for developing Tahasli wise action plan and is also been used for facilitation and monitoring the progress of Community Forest Right recognition in the district. The CFR Atlas is prepared based on information and analysis from Census of India 2001, Forest Survey of India report and Toposheets.

Key Features:
- Villages having Forest Land within revenue boundary
- Villages having no Forest Land within revenue boundary
- Villages located in fringe of Reserved Forests land coming under control of State Forest Department
- Un-surveyed habitations having with population (“ZERO” area villages)
- Abandoned Villages/habitations on forest land
- Urban Local Bodies having forest land
2. CFR mapping using Mobile device with Android application

For effective facilitation of the Community Forest Resource Mapping process, Vasundhara piloted on a new methodology which is carried out on the mobile device using the android platform and web based application for mapping of community forest resources area, database storage and creation of final CFR maps for such areas at the backend server. An android tablet/mobile application based mapping tool, can bridge technology divide with more community empowering features. With its ability to integrate with many physiographic information, storing and showing background maps(viz. village cadastral, toposheets, satellite and on-line maps), it can ensure better community participation where community can visualize its own community forest resource area while carrying out the mapping exercise. Such handheld devices, being familiar to communities, are already user-friendly and also offer options for more exciting interfaces to add photo, text and voices at traditional landmarks land marks on the customary boundary. It has the potential to avoid conflict by showing ground features, maps and boundaries of mapped neighbouring villages during mapping and validation process. It also enables easy and fast forward linkages and transmissions through the network of server to a backend server where automated final maps for community forest resource area can be generated. The technical facilitators for the communities like Revenue Inspectors, Forest Officials find it more convenient as they also observe the simplicity of such technical approach which enable them to facilitate the entire mapping process more effectively.
Checklist for Recognition and Mapping of Community Forest Resources

Check list on Community Forest Resource Rights Claim at Gram Sabha Level

**Materials:**
1. Field notebook
2. Claim Form 'C'
3. Cadastral Map/Revenue Map of the village
4. Drawing Materials (sketch pens, rubber, cutter, pencil, drawing sheets)

**Processes:**
1. Whether notice has been served to Gram Sabha by Sarpanch/Ward Member for determination and delineation of community forest resources  
   **Yes/ No**
2. If there is overlap of customary boundaries with other Gram Sabhas, whether a notice has been served to the respective gram sabhas marking a copy to the SDLC, Tehsildar, WEO and FD  
   **Yes/ No**
3. Whether Gram Sabha is organized on the scheduled date to initiate the determination of community forest resource? Whether all forest resource users are included in this process?  
   **Yes/ No**
4. If a community forest resource area is used by multiple gram sabhas, whether notice has been served to the FRCs of respective Gram Sabhas  
   **Yes/ No**
5. Whether joint meeting of respective FRCs has held for delineation and considering the nature of enjoyment of community forest resources and resolution has been passed?  
   **Yes/ No**
6. Whether community forest resource map has been prepared with recognizable landmarks?  
   **Yes/ No**
7. Whether Gram Sabha has filed claim on community forest resources (claim form ‘C’)  
   **Yes/ No**
8. Whether at least two evidences has submitted in support of the claim?  
   **Yes/ No**
9. For the verification of the claim, whether notice has been served with Forest Dept. & Revenue Dept. with marking a copy to the SDLC, WEO?  
   **Yes/ No**
10. Whether meeting has been held on verification of the claim by Govt. Officials on the schedule date and resolution has passed on the findings?  
    **Yes/ No**
11. Whether notice has been served by Sarpanch/Ward Member to the Gram Sabha for the consideration and approval of the community forest resource right claim prepared by the Forest Right Committee along with marking a copy to the SDLC?  
    **Yes/ No**
12. Whether Gram Sabha has been organized on schedule date and minutes of the meeting prepared?  
    **Yes/ No**
13. Whether the community forest resource right claim along with the evidences and resolutions has been forwarded to the SDLC by the Forest Right Committee?  
    **Yes/ No**

Check List for Community Forest Resource Mapping / GPS Mapping

**Materials:**
1. Field notebook
2. Cadastral Map/Revenue Map of the village
3. Drawing Materials (sketch pens, rubber, cutter, pencil, drawing sheets)
4. Case record/Community Forest Resource map (Hand drawn/sketch map)
5. GPS machine
6. Battery

**Processes:**
1. Preliminary discussion with Gram Sabha/FRC about CFR mapping (Using GPS) process  
   **Yes/ No**
2. Validation of community forest resource map / sketch map (in presence of Surrounding FRCs)
   - i. Identification of traditional landmarks/customary boundary
   - ii. Identification of the community forest resources
   - iii. Identification of settlements, roads, cultural places and others  
   **Yes/ No**
3. Constituting a village youth group to train them on GPS machine handling  
   **Yes/ No**
4. Identifying the village elderly group/women to guide the youth group on customary boundary for traditional landmark identification  
   **Yes/ No**
5. Accompanying the youth groups in mapping process allowing them to take GPS readings  
   **Yes/ No**
6. Walking along the customary village boundary to collect traditional landmark readings at the minimum distance possible for more accurate boundary mapping  
   **Yes/ No**
7. Collection of GPS readings of four revenue pillars in four different directions  
   **Yes/ No**
8. Taking GPS readings of other places (cultural places, school, community hall, cultural importance areas, historical places etc.)  
   **Yes/ No**
9. Noting down all GPS readings in field notebook in their respective sections i.e. customary point reading, Revenue pillar reading and other important point reading (cultural places, resource use areas, other important locations)  
   **Yes/ No**
10. Handing over one copy of the GPS readings to the technical facilitator/volunteer and keeping one copy with the FRA register  
    **Yes/ No**
11. Guiding the FRC to write down the resolution in the FRA register on mapping process carried out in the village and attaching the copy on GPS readings with the resolution along with the facilitators/volunteer’s signature in the GPS reading note.  
    **Yes/ No**
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