



RECOGNITION OF COMMUNITY FOREST RIGHTS UNDER THE FOREST RIGHT ACT:



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The document is an outcome of the intervention of Vasundhara in collaboration with Gram Sabha, district administration and CREFTDA to do the historical injustice of non recognition of rights of the forest dependent communities of Similipal by implementing Forest Right Act 2006 which recognizes and vests rights over forest to schedule tribe and other traditional forest dwellers who are residing and/or depending on forest of Similipal over generations for life and livelihood. The law provides a framework for recording of forest rights so vested along with the evidences required for the recognition and vesting of such rights. Among of its wide range of provisions, rights over community forest resources holds an immense magnitude in terms of transferring the authority and governance over community forest resources for protection, conservation and management on any kind of forest land within the customary area, to the Gram Sabhas of Similipal which hails to a paradigm shift in access, control and management of forest land and resources in India. This document provides an insight to the recognition of such rights within Similipal Tiger Reserve of Mayurbhanj district of Odisha, which is believed to be a unique story of success of communities living inside forest with support from the district administration, local civil society organizations and communities put together. The experiences gained from facilitating the process of recognition of community forest resources right in Similipal Tiger Reserve has been reflected here.

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EXPERIENCES FROM

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FOREWORD

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Foreword

The Forest Right Act 2006, recognised and vested forest rights of tribals and other forest dwelling communities who have been residing inside forest for generations. Along with the rights, of course, comes the duties, the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance. On one hand it has opened up opportunities to strengthen livelihood of tribals and on the other hand created platform for community to work with Government machinery specially, Forest Department while protecting nature and rejuvenating natural resources.

Mayurbhanj District Administration has been on forefront in recognising CFR inside the Simlipal Tiger Reserve and the Biosphere Reserve. It was beautiful joint effort on the part of Civil Administration, Forest Department, and VASUNDHARA, a resource NGO empowering Tribals with CFR through community based assessment mechanism.

I believe and sincerely hope that the action oriented strategies and process documentation on CFR right recognition inside Similipal Biosphere reserve will be useful to governments, and officials working for implementation of forest right act inside sanctuary, protected areas. I take this opportunity to thank the vibrant tribal communities residing in Similipal Forest, VASUNDHARA, my team of officials and Similipal Tiger Reserve authorities who have made this endeavour a success.

(Rajesh P. Patil)

ABOUT VASUNDHARA

Vasundhara is a non-governmental, non-profit knowledge and advocacy group that works on issues of natural resource management and sustainable rural livelihoods. It has primarily focused on community forestry issues with a focus on research on institutional dimensions of community forestry. The organisation advocates facilitation of policy changes for sustainable community-based forest management systems through policy advocacy, research and documentation, capacity building and networking. In the present context, Vasudhara's work is highly regarded at the state and national levels on the Forest Right Act, 2006, a landmark legislation that promises to address historical injustices faced by schedule tribes and other traditional forest dwellers living on forest land.

ACKNOWLEDGMENT

This is to acknowledge the help rendered by Dr. Sumi Krishna and the field level staff of Vasundhara who helped in preparing this report. We would also like to thank the district administration of Mayurbhanj, especially Mr. Rajesh P. Patil, Collector for all his support. We also thank Ms. Madhu Sarin, Independent Researcher and Dr. Kundan Kumar, Regional Director, Asia, Country and Regional Programs, Rights and Resources Initiative, Mr. Y. Giri Rao, Executive Director, Vasundhara and Mr. Tushar Dash, Program Coordinator, Vasundhara for their help and unstinting work. Finally, we thank all the people of Mayurbhanj whose inputs have made the report what it is.

LIST OF ABBREVIATIONS USED

FRA: Forest Rights Act (The Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006)

CR: Community Rights

CFR: Community Forest Resources

RoR: Record of Rights

STR: Similipal Tiger Reserve

SBR: Similipal Bio-sphere Reserve

DLC: District Level Committee

SDLC: Sub-divisional Level Committee

FRC: Forest Rights Committee

DM: District Magistrate

PAITDA: Project Administrator Integrated Tribal Development Agency

RI: Revenue Inspector

ARI: Assistant Revenue Inspector

DFO: Divisional Forest Officer

NTFP: Non-Timber Forest Produce

GPS: Global Positioning System

GIS: Geographical Information System

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1.1 Overview of Similipal

Similipal National Park is located in Mayurbhanj district of North Odisha, and is a part of the Mayurbhanj Elephant Reserve which includes three protected areas: Similipal Tiger Reserve, and Hadgarh and Kuldiha Wildlife Sanctuaries. Similipal was named after simili (red silk cotton) trees found abundantly in its forests. These forests were the hunting grounds for the ruling family of the erstwhile Mayurbhanj princely state. It was designated a tiger reserve in 1956 and was brought under Project Tiger in 1973. Similipal Biosphere Reserves (SBR) is one among 18 such reserves in India. Similipal is yet to be recognized as a National Park as around 10,000 people are living in 61 villages within its ambit.

Similipal is rich in biodiversity which includes 94 species of orchids and about 3000 species of other plants out of which two species of orchids are endemic. Eight species of plants are endangered and another eight species of plants are vulnerable. There are 34 rare species of plants. Similipal also harbours the rare black and melanistic tiger due to its conducive environment. The identified fauna include 12 species of amphibians, 29 species of reptiles, 264 species of birds and 42 species of mammals. The Hill, Forest, Grassland and Wetland ecosystems put together constitute the composite 'Similipal ecosystem' with indicator species like the tiger, elephant, giant squirrel, mugger crocodile and turtles. This composite ecosystem and the diverse species inhabiting it make Similipal a particularly valuable area for scientific and ecological studies.

The original human inhabitants of the Similipal hills are the Hill Khadias (also spelt as 'Kharia'), although Gonds too lived in a few pockets in the dense forest. The hill Khadia living in Similipal currently speak Odia rather than their former Austro-Asiatic language because of their interactions with non-tribal communities living in and around Similipal.

This is unlike other tribal groups in the area who continue to use their languages such as Kol (or Kolarian), Mundari, and Santali. According to Census 2001, the total ST population in Similipal area is around 11,520 (91.77%) which include two particularly vulnerable tribal groups Khadia and Mankidia. The forests of Similipal constitute the customary habitat of the Khadia and Manikdia communities. In the 44 villages within Similipal that come under the Jasipur block, the major inhabitants are the Kol (or Kolha), Kolha Christian, and Bathudi (a Hinduised tribe who speak Odia).

1.2 The Importance of Community Forest Rights in Similipal

The Forest Rights Act (FRA), 2006, is a historic legislation, ensuring the constitutional right to tenurial, livelihood, and ecological security of the forest dwelling communities of India. Among the rights vested under the FRA, Community Rights (CR) under Section 3(1) and rights to community forest resources (CFR) under Section 3 (1) (i) and authorities under Section 5 of FRA, are crucial as they provide the Gram Sabha with power and authority to frame their own system and rules to manage and govern their forest. Community Rights, as defined under Section 3 (1) and Rule 2 (c), signify the rights of access over forest land such as Nistar, NTFPs, Water bodies, Grazing land, Cultural places and other traditional access except hunting, trapping or extraction of any part of Wild Animal. Community forest resources (CFR), as defined in Section 2(a) of the Act, means customary common forest land within the customary or traditional boundary of the village or the 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 has traditional

access. Section 3(1) (i) of the FRA recognises the right to protect, regenerate, conserve and manage any community forest resources traditionally protected by communities for sustainable use. In 2012, the Ministry of Tribal Affairs issued guidelines on the procedure of delineation and recognition of CFR, which were to be explicitly claimed under the form "C". As per the Amended Rules, under Section 11 (1) (b), the Gram Sabha is mandated to fix a date for initiating the process of determination of its community forest resource. Further, Section 12 (B) (3) mandates provisions for the Divisional Level Committee (DLC) to ensure that the forest rights under clause (i) of sub – section (1) of section 3, are recognised in all villages with forest dwellers and that the titles are being issued. Hence, putting FRA in the fore front, community forest rights for the villages within Similipal is even more crucial considering the rich conglomeration of flora and fauna of the region.

All the tribal and non-tribal inhabitants of Similipal, along with the 'Particularly Vulnerable' foregers Mankidias and Khadias, living within the sanctuary, subsist largely on the collection of non-timber forest products (NTFPs) including honey, gum, arrowroot and wild mushrooms. People also collect bark of the paja tree (*Litsea monopetala*) of the laurel family; the flowers and seeds of mahua (*Mahua longifolia* var. *latifolia*) the Indian butter tree; and seeds of sal (*Shorea robusta*). The people of the villages in Similipal collect and array of NTFPs including various types of seeds, leaves, roots, fruits etc, which they used and sale for its medicinal purposes and edible consumption (food and oil). Further they make small baskets and plates out of the leaves that they collect from forest. In and around the forests, there are grazing lands for cattle, goat, sheep and other domestic animals.

Further more sixty two types of wild tuberous plants,

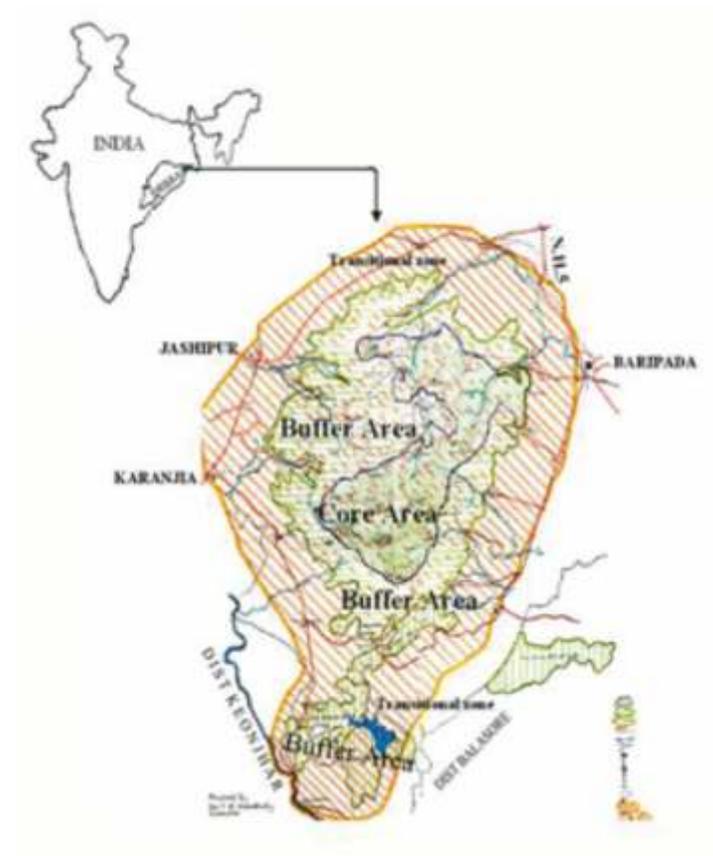
94 types of leafy vegetables, and 74 types of fruit plants have been recorded inside the SBR. Paddy, black gram, cow pea, green gram, horse gram, chick pea, maize etc. are cultivated by the people in fields inside the biosphere reserve. A variety of trees, fruit, vegetables, herbs, and other crops are grown in and around the homesteads and kitchen gardens which includes neem, drumstick, papaya, ash gourd, bottle gourd, bitter gourd, ridge gourd, pumpkin, potato, brinjal, cabbage, cauliflower, radish, cucumber, tomato, spinach, amaranth, broad beans, french beans, snake beans, green chillies, coriander, mustard, onion, garlic, ginger, oil seeds like mustard, sesame, and castor. People also collect fruits from the forest like jackfruit, mango, litchi, red custard apple, amla (*myrobalan*, the Indian gooseberry), fig, guava, lemon, custard apple, orange, passion fruit, ber (*Ziziphus Mauritiana*, the Indian jujube) etc. Again around some 20 varieties of mushrooms and tubers like yam, wild yam, sweet potato, turmeric, arrowroot, colocassia etc are also collected from the forest which constituted a major source of food for the people living there.

Forest produces collected from the wild and crops grown in the cultivated fields or homestead gardens are essential not only for people's well being and nutrition but also form a vital part of their livelihoods. But numerous forest offence cases have been registered against the tribal people for accessing and using the forest for livelihood needs. Such actions affect the life and livelihood of the forest dwelling communities negatively. It is in this context, that community forest rights in the Similipal Biosphere Reserve become significant, as FRA provides for the opportunity to regain and recognize the rights of the forest dwelling communities, and enables them to supplement their bonafide livelihood needs, and to protect, conserve, regenerate and manage their community forest resources.

1.3 The Intervention Site

Figure 01: Similipal Biosphere Reserve

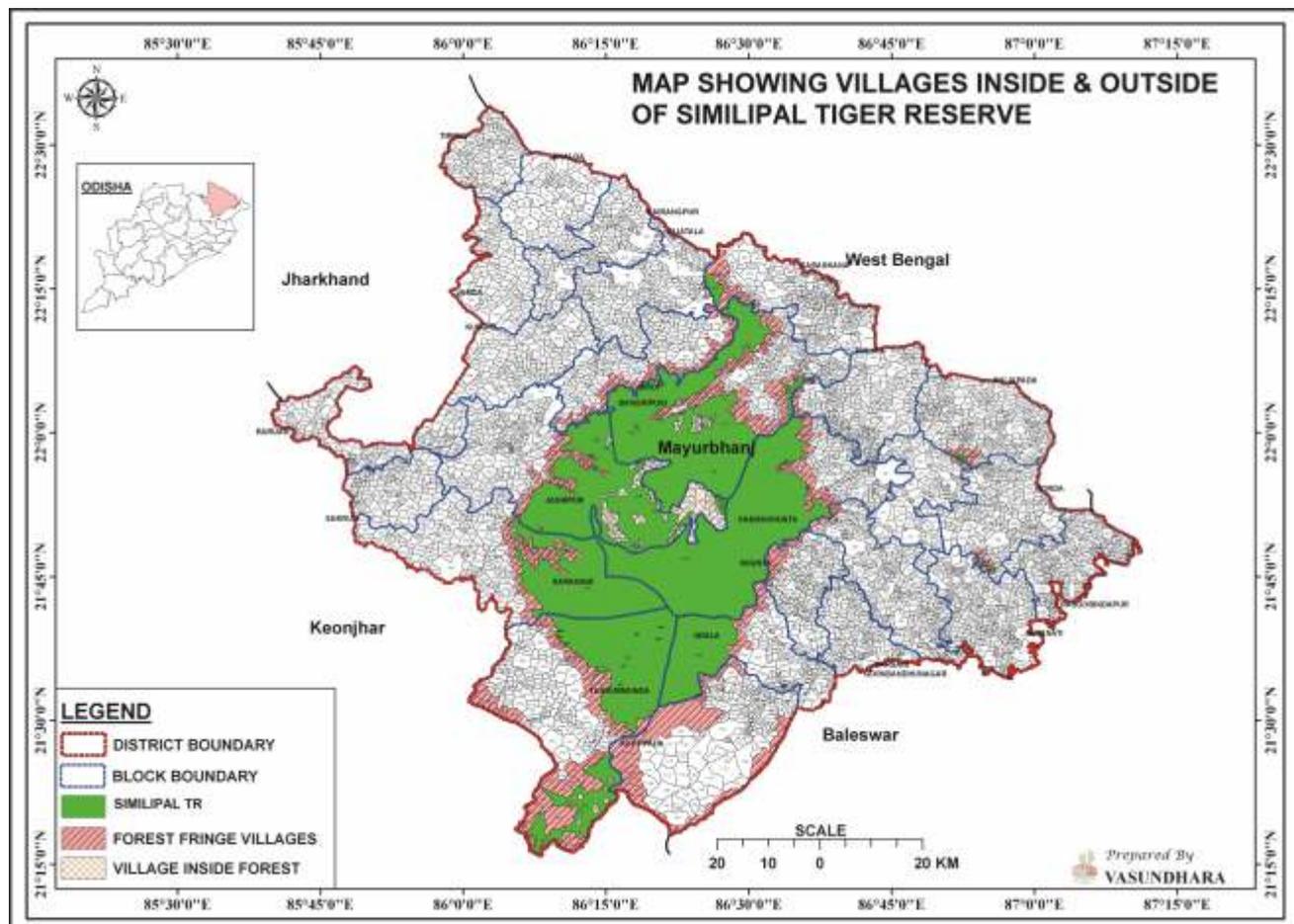
SIMILIPAL BIOSPHERE RESERVE



Similipal Biosphere Reserve (SBR) consist of three zones, i.e. Core Zone, Buffer Zone, and Transitional Zone. There are 65 villages within SBR out of which four villages are situated entirely in the core area and the rest are located in the buffer area. Administratively, these 65 villages come under three tehsils i.e. Jasipur, Bangriposi and Thakurmunda. Of these, 60 villages are under Astakunwar, Gudugudia, Barehipani, and Sorisiapal Gram Panchayats of Jasipur and Bangriposi respectively. The other five villages are in ThakurmundaTehsil. The villages of Jenabil (Jasipur Tehsil), Upper Barha Kamunda, and Bahaghar (Thakurmunda GP) have been relocated. According to census 2001, three villages - Meghasini,

Debasthali, and Kandadhanu are uninhabited ; as per our findings their current status is not clear. Information gained from the Forest Department under RTI reveals the relocation of two villages(Meghasini and Debasthali) in Thakurmunda Tehsil. But there has been no information from any historical sources or current records about the rights of two habitations of Meghasini and Debasthali which are said to be uninhabited now. The transition zone of the Biosphere Reserve has 1200 villages having a total population of about 4.5 lakh where 73% are tribal depending on the forest resources. The wildlife, human population and cattle live in close proximity with each other.

Figure 02: Map showing villages inside & outside of Similipal Tiger Reserve



1.4 Drawing the First Line for Recognition of Rights

After Forest Rights Committees (FRC) were constituted in 2008, under FRA, neither the administration nor the community made any significant efforts towards the recognition of CR & CFR. First such effort was initiated in Saharapat village of Gudugudia panchayat in January 2013, when Mr. Rajesh P. Patil, the District Collector, organized a consultation with the village communities with support from Tehsildar (Jasipur), administrative officials and a resource person on FRA, Jitendra Kumar Sahoo. The collector then engaged the entire administrative effort on recognition of rights under the FRA.

In the initial phase, Individual Forest Rights was the major area of focus. In December 2013, after a special drive by the district administration, community rights (CR) and rights over community forest resources (CFR), were brought onto the platform. District Administration organised training programmes for the ITDA, revenue officials, forest officials and local civil society organisations (CSOs) on process of community rights and rights over community forest resources with technical support from Vasundhara. Centre for Regional Education on Forest and Tourism Development Agency (CREFTDA), a local civil society organisation based in Jasipur Tehsil played the pivotal role in facilitating the claim filing under CR and CFR.

In the initial phase, Nehru Majhi, Tehsildar and other officials of Jasipur, and members of CREFTDA, focused on four villages - namely Bilapaka, Lenjighesra, Kundabil, Saharapat that falls within Similipal Tiger Reserve. The process involved filing of the claims, verification and approval by the Gram Sabha (under forms 'B' and 'C') and forwarding the claims to Sub-Divisional Level Committee (SDLC). Simultaneously, mapping of community forest resources was carried out with support from administrative officials of the Tehsil, volunteers of CREFTDA, community members and technical facilitators from Vasundhara. It took three months to complete the entire process. This model of implementation of CR and CFR was presented before the District Collector; where he agreed with the process and adopted the same framework of intervention in other parts of Mayurbhanj.

1.5. Institutional Framework

In order to ground the process of recognition of forest rights, a dedicated institutional structure was established in Mayurbhanj. The District Collector entrusted the Project Administrator, Integrated Tribal Development Agency (PA ITDA), Baripada, to coordinate the FRA implementation process at the district level. As the recognition of rights relates to land, the Tehsildar was designated as the nodal authority of implementation at the tehsil level. Looking towards the scale of work, DC engaged 79 ex-Revenue Inspector (RI) and Assistant Revenue Inspector (ARI) along with 139 newly recruited RIs and ARIs in Mayurbhanj. All those recruited for this task were allocated to the tehsils according to the need of each tehsil. Furthermore, regular review and monitoring meetings were conducted along with a series of training programmes on facilitation of the community forest rights recognition process to build the capacity of the officials involved in the process of

implementation.

1.5.1 Institutional Arrangements to Support the Process

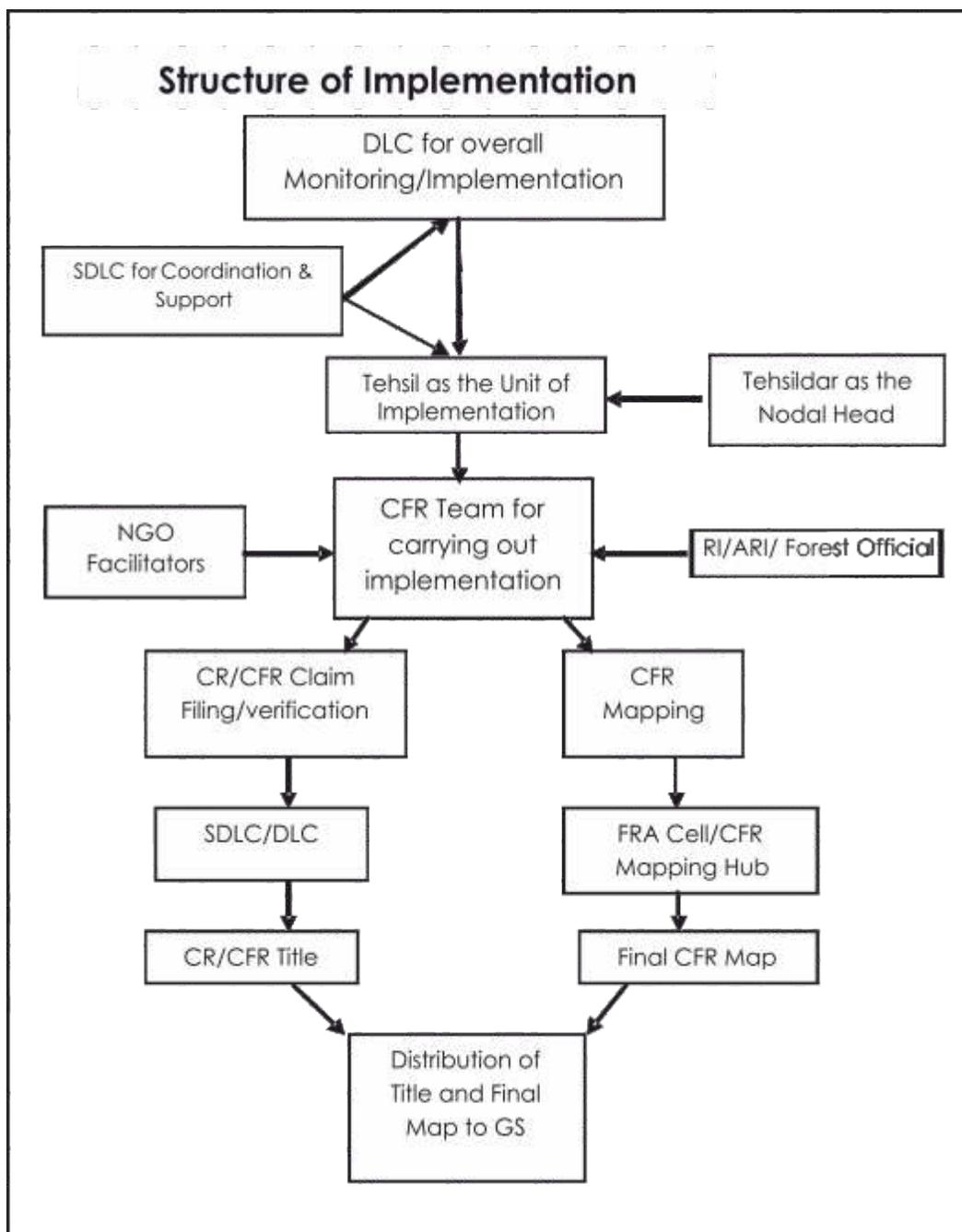
- Regular review and monitoring of the process at the levels of SDLC and DLC.
- Proper maintenance of Management Information System (MIS); preparation of all the records and documents at different administrative levels within the district relating to the FRA.
- Development of MIS for digitised database/case records and preparing titles with support of the National Informatics Centre, Bhubaneswar.
- Development of effective coordination and regular follow up strategies to keep officials and civil society members engaged constantly in the implementation process.
- Establishment of District Level Government Organisation (GO) and NGO Co-ordination Cell.

1.5.2 Setting up the FRA Cell

A FRA cell was set up in Jasipur all the needed support to the Gram Sabhas and to create a databank where all the information related to FRA was stored and maintained. The FRA cell has the following responsibilities:

- Consolidates and maintains all the case records of IFR, CR and CFR of Jasipur Tehsil in digital form and provides these records to the Gram Sabha if needed.
- Uploads the database to the relevant website.
- Deals with issues, conflicts and grievances, and when necessary asks for support from outside.
- Coordinates with the Gram Panchayat, FRC members and civil society organisations.
- Generates final CFR maps from GPS database collected from the field.

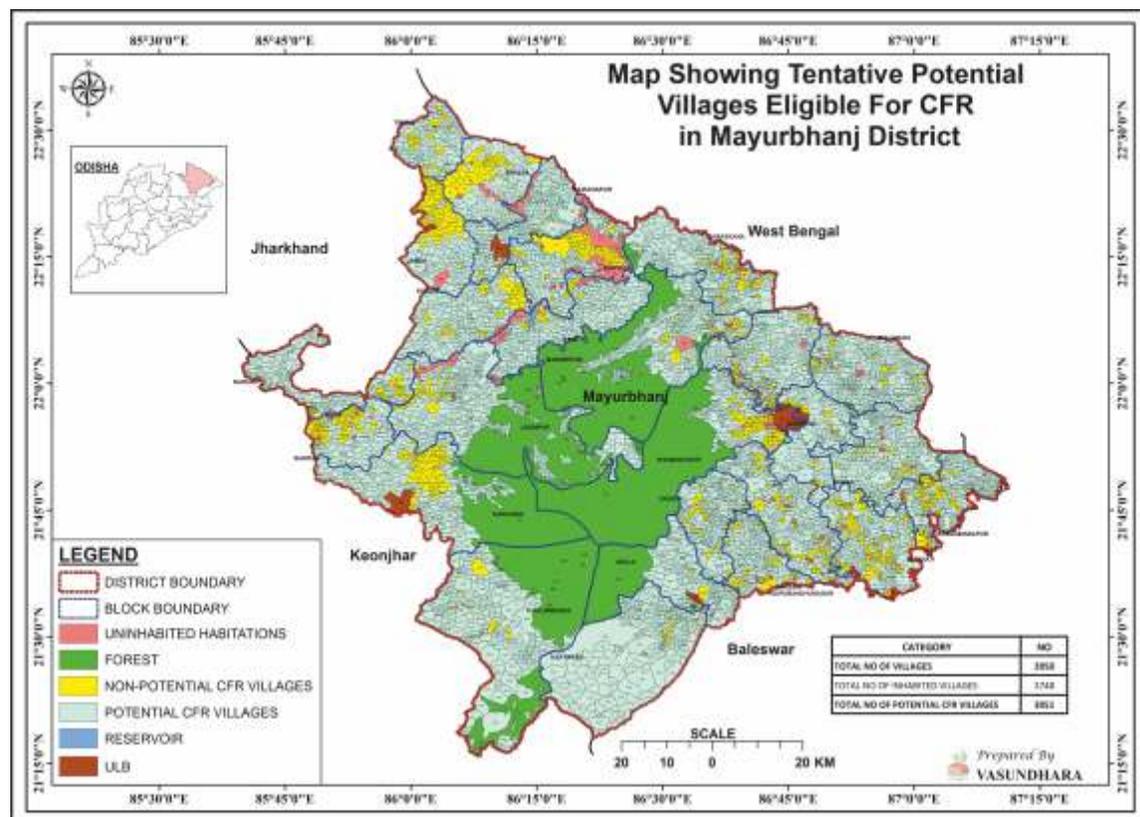
Figure 03: Structure of Implementation



All types of claims forms and process formats are being supplied to all the Gram Sabhas by the FRA cell. For the preparation of final CFR maps a dedicated system has been installed which includes computer enabled with GIS software, printer, scanner, inverter

for backup power supply, and internet connection. A technical operator has also been employed to prepare the final CFR maps using the GPS database collected from the field.

Figure 04: Map showing Tentative Potential Villages eligible for CFR of Mayurbhanj District



1.5.3 Preparation of CFR Atlas for the District Administration

Vasundhara took the initiative to prepare a CFR Atlas to support the district administration in planning and executing community forest rights recognition. “A CFR Atlas is a map which includes the information about the number of villages eligible for recognition of community forest rights and the maps can be prepared for any administrative division (i.e. country, state, district, and block)”. The CFR Atlas contains information about the following:

- Villages having forest land within their revenue boundary;
- Villages having no forest land within their revenue boundary;
- Villages located in the fringe of reserved forests land under the control of the state's Forest Department;
- Unsurveyed habitations with population (“zero” area villages);

- Abandoned villages/habitations; and Urban Local Bodies.
- The purpose of preparation of CFR Atlas was to support the district administration for the following purposes:
 - Providing information about number of villages eligible for CFR;
 - Devising action plans for the community forest right recognition process; and,
 - Supporting the district administration about their assessment of resource needs (financial, human and GPS machine).

From the CFR Atlas, the administration can assess the number of villages eligible for rights recognition as well as the number of villages where community forest resource mapping is required which would help them to formulate action plans for allocating financial and human resources as well as for provisioning GPS machines for the mapping process.

1.6. Community Forest Rights Facilitation Process

1.6.1 Training and Capacity Building

The knowledge and understanding of people engaged in the rights recognition process is crucial. Realising that, District administration conducted training programmes for the facilitators in Mayurbhanj based on two aspects of community forest rights recognition process i.e. CFR claim filing, verification and recognition; and final mapping of the community forest resources.

The claim filing process of community forest rights was mostly facilitated by the civil society organisations with support of government officials. The subsequent part of mapping of CFR areas was facilitated by revenue department officials like RIs, ARIs and Amins with support of CSOs. The training modules focused on the specific needs of the two different stages of the facilitation process. Between 2013 and 2014, 18 training programmes were conducted for all the facilitators engaged in the

Community Forest Rights and mapping of CFR areas.

Trainings programmes were conducted at three different administrative levels which were organised by the administration: District-Level Training Programmes for Additional District Magistrate (ADM), Sub-collector, PA-ITDA, Special Officers-ITDA, Revenue Department Officials, Tehsildars, and representatives of CSOs; Sub-divisional level training programmes for Tehsildars, RIs, ARIs, and representatives of CSOs; and, block-level training programmes for RIs, ARIs, Amins, representatives of CSOs, functionaries of Panchayati Raj Institutions (PRI), and Forest Right Committee (FRC) members. Special district level training programmes were conducted for selected RIs and Technical Operators to engage them in the final CFR map generation at FRA cells using GIS software. These trained operators provide technical assistance to the facilitators using GPS devices at the field level for the CFR mapping process.

Capacity Building Programs for CSOs



Capacity Building Programs for Administrative Officials & PRI members



1.6.2 Intervention Strategy

For effective implementation of FRA, the district administration engaged Civil Society Organisations in every tehsil to support the administration. Teams constituted under the supervision of Tehsildar includes the Revenue Officials, Forest Officials, and volunteers from CSOs. The CSOs organised the awareness programmes in gram panchayats to mobilise the gram sabhas about FRA and subsequent process for filing of claims. Volunteers from CSOs organised discussions with the Gram Sabha and FRC members about the scope of the law and the process of recording of those rights. As the teams includes women members, women's participation could be ensured during the process. As the SBR is an inaccessible terrain with dense forests and lack of proper transportation facilities, the teams engaged in the process stayed in a particular gram panchayat and

completed the claim filing process in all the villages of the Panchayat before moving to another one. The strategy was to complete the claim filing process in all the gram panchayats in a campaign mode.

The engagement of newly appointed revenue officers in the process has included 50% of women which was a major tool in ensuring participation of the women at the Gram Sabha and FRC level. The resource users group mostly include women who eke out substantial portion of livelihoods from forest and resources. The participation of women was extremely important during the claim filing process which was the idea to implement FRA in its true spirit. Women participated during the mapping of the community forest resource (CFR) areas using GPS devices with support from teams engaged by the administration. The participation of women at various level is illustrated in Table 01 (following page).

Table 01: Analysis of women participation in Claim process

Sr. No.	Name of the Gram Panchayat	Percentage of women representation in Forest Right Committees	Percentage of women representation in Gram Sabha meeting
01	Astakunwar	40.12	35.39
02	Barehipani	42.85	44.38
03	Gudugudia	42.96	42.00
04	Overall	41.93	40.59

1.6.3 Process of filing claims for CR and CFR

The process of filing claims for CR & CFR started in 2013 in 44 villages of SBR. CREFTDA led the process in all these villages. With support from the Tehsildar (Jasipur), Tehsil level officials and volunteers from the local organisation (CREFTDA) organised sensitisation programmes with the communities reaching out to members of the FRCs, gram sabhas, panchayat and community leaders. Their effort was evident in all the villages despite of the difficult terrain. CREFTDA provided support in preparing community forest resource maps; filling of the claim forms; verification of the customary boundary and claims with adjacent FRCs and line departments; final approval of claims by gram sabha; and, forwarding the claims to the SDLC.

The Tehsildar and other revenue officials extended their support to FRCs for carrying out the processes. The necessary formats and documents required were provided from the Tehsil office to the villages. While submitting the claims to the SDLC, one copy of the case record was kept at the Tehsil level in the FRA cell. All the case records were kept in the digital format by scanning the documents in the FRA cell at Tehsil. On occasions when gram sabha sought documents related to their claim, FRA cell provided them all those documents needed.

1.6.4 Process of Community Forest Resource (CFR) Mapping

• The process of community forest resource mapping started in Similipal after the claims were submitted at the SDLC. Out of 139 RIs and ARIs trained on the CFR mapping process, 12 RIs and ARIs were assigned in Jasipur tehsil. The collector provided four GPS machines from the Forest Department to Jasipur Tehsil for carrying out mapping process. Three teams were formed by the Tehsildar to carry out the CFR mapping process in three panchayats of SBR. Each team consisted of RIs, ARIs, Forest Officers and volunteers from the civil society organisation. For mapping CFR boundary, below mentioned steps were followed:

- Sensitisation about the application of GPS machine mapping of CFR;
- Revalidation of the CFR map;
- Training youth from the village on using GPS machines for the mapping process;
- Mapping of CFR boundary on the identified traditional landmarks with the guidance of the elders of the community;
- Recording the database generated from the GPS machine during the mapping process along with noting down the descriptions of the traditional landmarks;
- Keeping the recorded database in the village FRA register and handing over one copy of the database to the facilitator (RI, ARI or volunteers).

1.6.5 Process of Preparation of Final CFR Maps

The final CFR maps of community forest resources were prepared at the FRA cell, Jasipur, where the entire database generated from the GPS machine during the mapping process was transferred to a system enabled with Arc GIS 10.1 software. The descriptions of the traditional landmarks were incorporated into this database. The technical operator was responsible for preparing the final maps by carrying out the following tasks:

- Transferring data from GPS to the computer in the FRA Cell;
- Converting GPS data to xls format;
- Converting xls data to Shp file format using GIS technology;
- Rectification of the Cadastral Map through GPS Data;
- Digitisation on cadastral map using GIS Technology;
- Generating the customary boundary through customary landmarks using GIS technology;
- Downloading the ROR data from 'Bhulekh' (governmental land records website);
- Identifying the forest plot through ROR data base;
- Calculating the CFR area [Total CFR area = customary forest area(reserve forest + revenue forest) - IFR area (recorded)];
- Designing the final map layout for printing.

Key Components of CFR Mapping using GIS Technology

Recording of Traditional Landmarks Using GPS Devise

Note book (for recording of description of land marks) & Pen

SOI Toposheet Map

Revenue Map

Sketch Map with Case Record

System (Advance version of computer with Arc GIS software enabled)

One Technical Person trained on GIS software

High speed internet connection

1.6.6 Addressing Issues related to the Overlapping of Customary Boundaries

After preparation of all the final Community Forest Resource Maps in the FRA cell, the maps were superimposed on a single thematic layer. The thematic layer includes CFR boundaries of all the 43 villages to address the possibility of overlapping of boundaries. Where as CFR boundaries of 9 villages of Gudugudia Gram Panchayat and two villages of Barehipani Gram Panchayat were found to be overlapping with their respective adjacent villages.

1.6.7 Steps Taken to Address the Overlapping

Following steps were taken to address the issue of overlapping boundaries:

- Preparation of maps and lists of villages with overlapping boundaries;
- Intimation to the Tehsildar and SDLC with the maps and list of villages with a copy marked to the DLC;
- Tehsildar issuing letters to the Sarpanch to organise a joint gram sabha of the concerned villages;
- Joint meeting of villages with overlapping

boundaries in the presence of Tehsildar, RI, ARI, Sarpanch, FRC members and gram sabha members;

- Discussion on customary boundaries and traditional landmarks and passing of appropriate resolutions; and,
- Remapping of the customary boundaries in the presence of RI, ARI, Sarpanch, FRC members and the gram sabhas of the adjacent villages.

After the mapping process got over, GPS database was transferred to FRA cell for the preparation of corrected final CFR maps. Maps were regenerated with substantial corrections related to overlapping from the rectified mapping database. The rectified maps were shared with the respective villages, and after approval were forwarded to the SDLC through the Tehsildar. Apart from the villages with overlapping maps, final CFR maps of other villages were also shared with the respective gram sabhas, their approval was obtained, and then it was forwarded to the SDLC. Comparative maps of overlapping customary boundaries is illustrated in figure 05 & 06 (Following Page)

Table 02: GP wise village list having overlaps with adjacent villages

Sr. No.	Name of the Gram Panchayat	Name of Village
01	Barehipani	Barehipani
02	Barehipani	Haladia
03	Gudugudia	Chandikhaman
04	Gudugudia	Kuanri
05	Gudugudia	Kusumi
06	Gudugudia	Nenjaghasara
07	Gudugudia	Kuanrbil
08	Gudugudia	Gudugudia
09	Gudugudia	Sanakashira
10	Gudugudia	Kandabil
11	Gudugudia	Saharapata

1.6.8 Review and Monitoring by the District Collector

The District Collector, Mr. Rajesh P. Patil reviewed the progress and issues related to FRA in every meeting of the Revenue Department where the Special Officer (ITDA) was assigned to present the status and monthly progress on the FRA. The meetings focused on CR, CFR and IFR. Vasundhara was invited to all these revenue meetings to provide technical support for resolving the issues and constraints arising out of the process facilitation. Another major thrust of these meetings was coordination with local civil society organisations where the CSOs took active participation during the review process. Issues related to coordination between the facilitating administrative institutions and the local CSOs were also addressed in the meetings. Tehsildars also put forth their resource requirements in terms of personnel, funds, and GPS machines etc.

1.6.9 Follow-up Support by Vasundhara

Vasundhara stationed a team in Mayurbhanj that works in close coordination with the district administration and nodal authorities. The team includes technical experts on GPS/GIS, a documentation specialist and trainers. It provides technical support to the administration to ensure smooth facilitation of the process, to identify and address the gaps and to support the administration in preparing the final CFR maps. The core team in the central office supports the field team and frequently visits Mayurbhanj to discuss with the administrative officials and CSOs regarding possible ways to address major issues and constraints related for to scaling up and coordination.

Figure 05: Map showing CFR Boundary with overlapping in Gudugudia GP

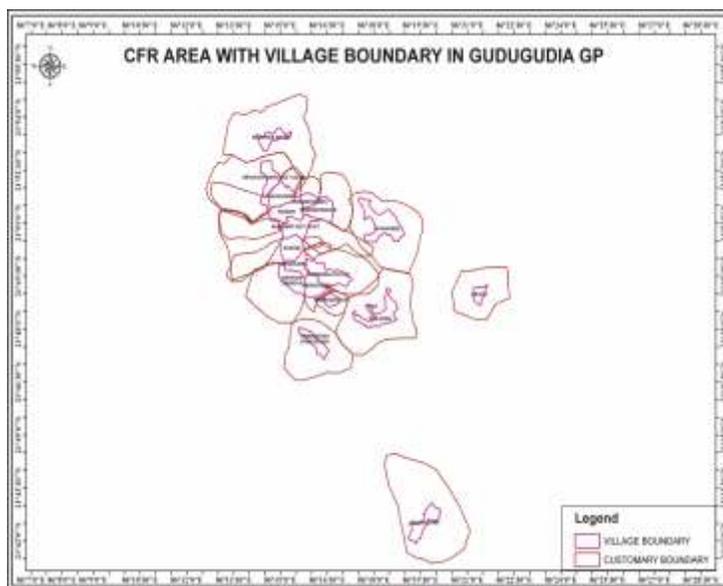
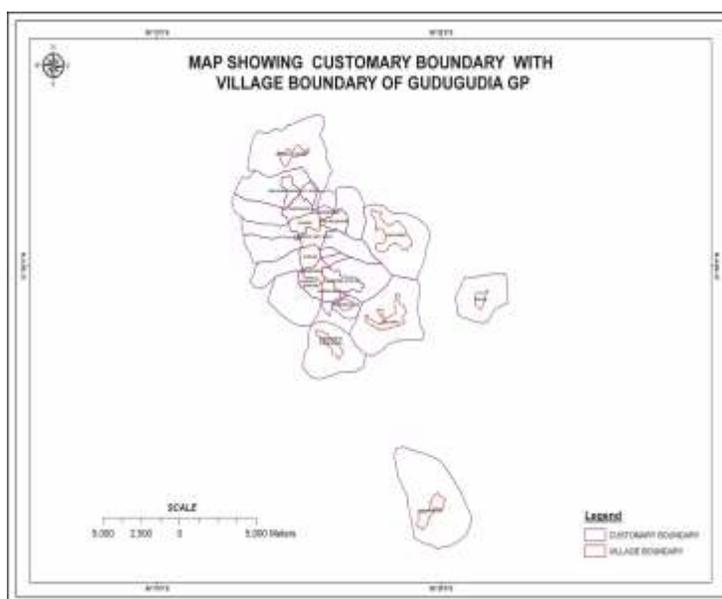


Figure 06: Map showing CFR Boundary with overlapping correction in Gudugudia GP

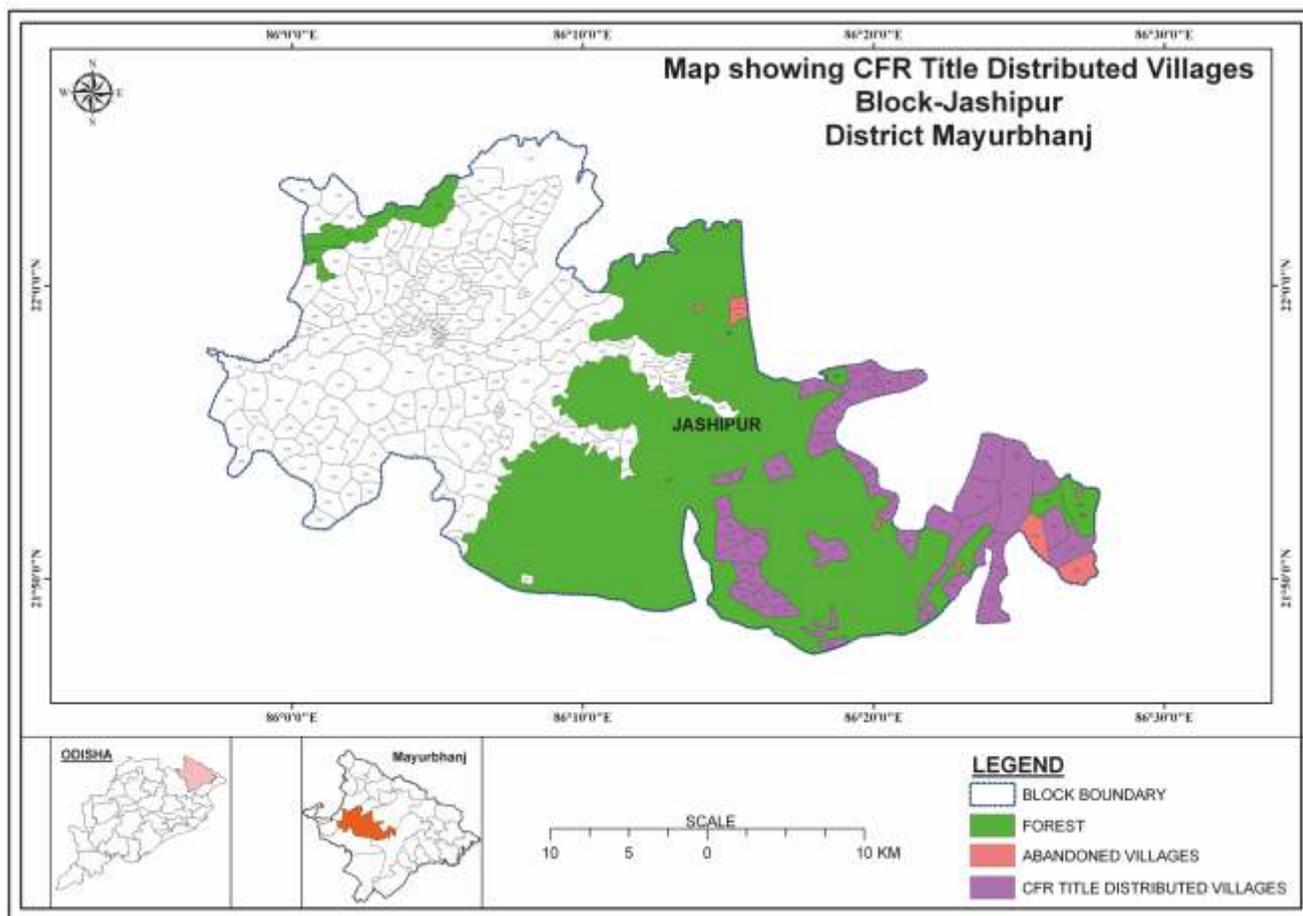


1.6.10 Recognition and Vesting of Rights

After CR & CFR claims and final CFR maps were approved and forwarded from SDLC, DLC prepared the titles to community rights and community forest resources along with the final CFR map. The major issue was that the CFR titles and final CFR maps remained pending with Forest Department (FD) for approval even after being approved by DLC. The ITDA officials raised concerns on the objection pointed by

FD to the large area within customary boundaries which form a large part of the Similipal Tiger Reserve. But due to pressure from the communities within Similipal, CSOs and initiatives of the District Collector, FD finally signed the titles and maps. Lately the Collector has announced for the preparation of post-CFR management plans in all the 43 villages along with efforts to explore 'convergence' of schemes and livelihood opportunities through land development, micro-watershed and other programmes.

Figure 07: Map showing CFR Title Distributed Villages in Jashipur Block, Mayurbhanj



CASE STUDY

1.7 The Case Study of Billapaka

Billapaka village is situated in Gudugudia Gram panchayat within SBR in the Jasipur block of Mayurbhanj district, and is surrounded by dense forests. It is inhabited by a total of 67 families of which 25 families belong to the Kolha community and 42 belong to the Bathudi community. The total population of the village stands at 254. Agriculture and the forest are the main sources of livelihoods for the people. The villagers cultivate paddy twice in a year. They also grows pulses in winter season and vegetable such as potato, cabbage, corn, tomato, onion, chilly, mustard, sesame for domestic consumption and for sale in the nearby market at Gudugudia. They collect various NTFPs such as seeds and flowers of Mahua, amla, honey, harida, bahada, sal seeds and leaves, siali leaves, chara, jhuna, lakha, Palua, bhuduru, many varieties of green leafy vegetables and seasonal fruits which constitute a major portion of their diet. Wage earning is also a major livelihood and option for Billapaka villagers with some emmigration.

According to the Billapaka village elders, they have been traditionally protecting and conserving their customary forests with some rules and regulations. During summer season, every day on rotation basis 10-12 men of the village go for guarding the forest because during the summer season outsiders came to the forest. All the villagers also collectively extinguish forest fires. They sweep the dry fuelwood and leaves to one side of the forest so that the fire does not spread. Hill Kharias (a PVTG traditionally known as honey collectors) collect honey within the customary boundary of Billapaka. After collecting honey, they provide a portion of the same to the villagers. The villagers use different types of resources within their customary forest lands such as sacred grove; arable land; shrines for deities; water sources; cremation/burial ground; grazing land; and, NTFP/forest produce. The NTFPs used traditionally by various user groups are: sal leaves, Siali leafs, honey, jhuna, bisalyakarani, chara, mahula, amla, magoes, various seeds like sal, mushrooms like kukuda, kendu, fuelwood, wood for

construction activities, palua, lakha, sal seeds, potato, tunga, mahua, karanja seeds, harida, bahada and amla. The womenfolk also collect various green leafy vegetables locally known as sankha, jhinka, kankai, jhilarimani, bainga, pitalu as food, tubers and medicinal plants from the reserve forest.

Village FRC

The FRC in Billapaka was formed in 2008 with 14 members. Villagers organised a meeting in Billapaka in which around sixty villagers, local CSOs and members from Vasundhara participated. Discussions took place on the status of the FRA, strengthening the understanding of people on FRA and rights recognition process.

Process of Recognition of community forest rights

Step-1

On 22.03.2013 Sarapanch of Gudugudia Gram Panchayat issued a notice to Billapaka village to organise a gram sabha for a detailed discussion on community rights and community resource rights recognition under the FRA. A copy of the notice was served to the Sub-collector and secretary of the SDLC. The meeting was scheduled on 10.04.2013 at the school building of the village.

Step-2

On 10.04.2013, gram sabha was held at the school building of Billapaka village. In the meeting all procedures for filing claim under community rights and community forest resource right recognition process i.e. (Form B and Form C) were discussed. Forms "B" and "C" were filled up, the community forest resource map, and a hand-drawn map of customary boundaries and arrangements were prepared by the gram sabha, which were then handed over to the FRC. The process was carried out under the guidance of FRC president Mr. S.J. Maheswar Nayak in the presence of the Tehesildar (Jasipur), the forester, the Sarpanch, and villagers including FRC members. After detailed discussions on the community's dependency on forests, forest-related cultures and practices relating to the

provisions of the FRA under Community Rights were noted down. Then the gram sabha got over with the signing of the resolution by representatives of the departments of revenue and forest with ninety one villagers attending the Gram Sabha including thirty six women.

Step-3

On 24.04.2013 another notice was sent by the FRC of Billapaka to the Tehsildar (Jashipur) for claim verification on 10.05.2013 in the presence of relevant functionaries of the departments of revenue and forest and the neighboring FRCs with a copy marked to SDLC.

Step-4

On 10.05.2013, the verifications process was held at Billapaka village. FRC members, village elders, officials of the revenue and forest departments were present during this process. Presentations and detailed discussions on claims of Community Rights and Community Forest Resource right took place. Along with it discussions were also held on customary boundary of Community Forest Resource area and claims on Community Rights and Community Forest Resource which was facilitated by the secretary of FRC, Mr. Surendra Madhei. After field verification, it was decided that the verified claims and evidences will be discussed in the final Gram Sabha. At the end of the verification process, officials from the departments of revenue and forest, and FRC members of Billapaka signed the resolution confirming with the discussion taken in the meeting.

Step-5

On 14.5.2013 a notice was sent by the sarpanch, to conduct a gram sabha on 31.5.2013 at Billapaka.

Step-6

On 31.5.2013, final Gram Sabha was held, at Billapaka which was presided by Mr. Maheswar Naik, President of FRC where the officers of Revenue of Forest Department and members of Gram Sabha were participated. Mr. Surendra Naik, secretary of FRC, facilitated the discussion on Community Rights and

Community Forest Resource Rights, after which the gram sabha approved the claims (form 'B' and 'C') and forwarded those with all evidences to SDLC, Karanjia through the Sarpanch for further processing. After conclusion of the process, a discussion was held on forest conservation and management process. The gram sabha ended with signatures of officials from the departments of Revenue and Forest and 125 members of Gram Sabha of which 37 were women to confirm with the decision taken in the final gram sabha.

The CFR Mapping Process

On 04.02.2014 a discussion was held in Khairi Nivas which was initiated by the Tehsildar (Jashipur) with the members of Vasundhara and CREFTDA regarding the CFR mapping process in the block. It was decided that the process will be initiated from the next day in Billapaka.

Further on 05.02.2014 a gram sabha was held at Billapaka for initiating the CFR mapping process in presence of villagers, Tehsildar (Jashipur), volunteers of CREFTDA and members of Vasundhara. As a follow-up action, a training programme for RIs and Amins and Volunteers of CREFTDA was conducted by Vasundhara on use of GPS Machine for mapping of CFR areas. With this training RIs and Amins along with volunteers took the charge to carry forward the mapping process on a mission mode.

Process Steps for CFR Mapping

- Sensitization of the community on the application of the GPS machine for mapping of the boundary of community forest resources.
- Training of the youths and other interested villagers on the use of GPS machine for the mapping process including recording of the database generated from GPS machine during the mapping process with descriptions of traditional landmarks.
- Submission of the GPS database at the FRA cell for generating the final map.

After the training programme, the mapping process in Billapaka was started with the guidance of the community elders. Volunteer of CREFTDA, RI, ARIs and two technical experts from Vasundhara carried out the mapping process with two GPS machines. For identification of village customary area/traditional boundary of the village, revenue (cadastral) map was used to identify the revenue boundary, forest plots inside revenue boundary and revenue pillars. A sketch map was used for identification of traditional landmarks and customary forest lands. The mapping process was completed within around eight hours. During the GPS mapping process the villagers were divided into two teams.

Villagers' view on recognition of community rights

- Taramani Nayak, "Earlier the forest belonged to the Government and after getting the CFR title it became ours. Because of the title, we can now say that the forest belongs to us. Now that we have the title, we will not allow anybody to steal wood from our forest."
- Aila Nayak, "Earlier we were not able to collect forest produce from the forest, when we used to go for collection, Forest Guards would always harass us and search our bags but now the things have changed drastically as we have the right to collect the forest

produce.

- Birendra, "Earlier all we could do is to stand still and watch the forest getting destroyed. We are not able to access the forest and collect the essential forest produce. After getting title the forest came back to us, now we can protect it and we are also able to collect and sale forest produce."

Similipal Villagers

"After getting the titles (community rights and community forest resources right) we have all the rights to move within the forest fearlessly and to harvest forest produce and protect the forest. We feel absolutely delighted."

1.8 What the Administration Said

Rajesh P.Patil, District Collector, Mayurbhanj

"I am very happy because after two years of struggle the communities residing within Similipal have finally got their rights in form of IFR, CR and CFR. The people will enjoy the rights in forest in its true spirit."

Nehru Majhi, Tehsildar, Jasipur

"It is a memorable day for Similipal and Mayurbhanj. After getting the title, people will protect the forest, wildlife and natural resources".



Table 03: Comparison between total area in STR and forest land recognised under CFR

Total Area of STR	Total CFR Area recognized in 43 villages (Revenue Forest + Reserve Forest)	Percentage of Total Forest Land Recognised in comparison to total area of STR	Percentage of Total Reserve Forest Recognised in comparison to total area of STR
679539 Ac (2750 Sq. Km)	67004.646 Ac	9.8%	8.54%

(**Note:** Out 44 villages of Jasipur Tehsil within STR, Jenabil has not been mapped as it was relocated before the CFR recognition process started.)

Table 04: Comparative analysis of forest land recognised

Number of Village	Total Revenue Forest recognised under CFR	Total Reserve Forest recognised under CFR	Comparison of Reserve Forest with Revenue Forest
43	8921.1722 Ac	58083.4742	6.5 times more

1.9 Some Reflection from the Rights Recognition Process

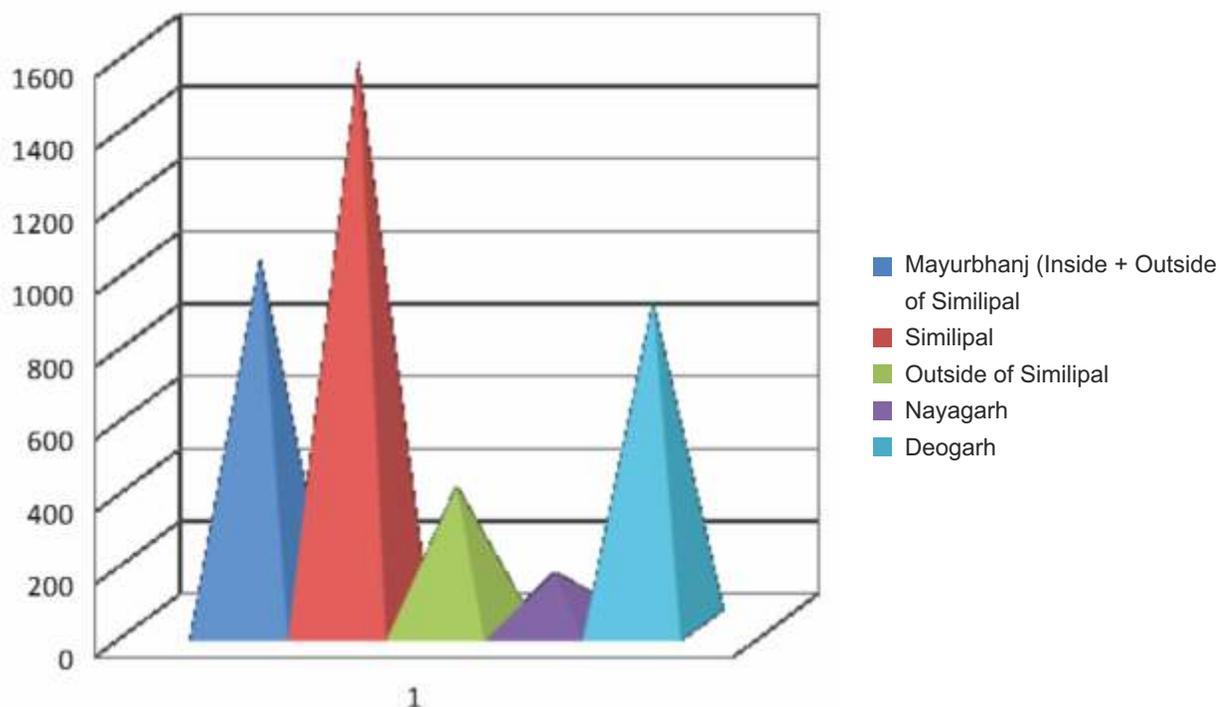
Recognition of community rights and rights over community forest resources along with its final CFR maps is the first of its kind under FRA in the country. Rights have been recognized and vested over community forest resources area having clearly demarcated maps describing the extent and amount of area which has been accessed, protected, conserved and managed by the communities. It gives us insights on grounding the whole process using institutions, people and other resources and being acknowledge as an exemplary achievement of the district administration of Mayurbhanj. With the recognition of these rights, a large chunk of forest land is now under the community's control where they can use the available resources and further evolve their traditional practices of protection and management of forest. This large part of forest land was earlier categorized as reserve forest which was under the control of Forest Department but guidelines by Ministry of Tribal Affairs (MoTA) under section 12 defines that community forest resources (CFR) areas as recognized under section 3(1)(i) of FRA shall constitute a new category of forest area which should be recorded as "CFRs" in Record of Rights (RoR) and be suitably incorporated in the records of Forest Department. Some of the quantitative data on CFR area are provided in the above couple of tables (Table 03 and 04).

1.10 Comparison of CFR area of different geographical territories

As the CFR recognition and mapping process are underway in other districts where Vasundhara is also intervening, we had a comparative analysis on the amount of forest land having the potential to be recognized under CFR that will go to the authority of the gram sabha in various districts of Odisha. The analysis of CFR areas of different geographical territories like Deogarh and Nayagarh depicted that the maximum area of forest land has been recognized in the 43 villages of the Similpal Tiger Reserve (STR). Inside STR the average forest land falling within a CFR boundary (aprox. 1558 acres) is about four times more than the average of 38 villages outside the reserve (aprox. 387 acres).

The average CFR areas mentioned of selected districts for analysis shows that the communities within the Tiger Reserve have more access to the forest and its resources in comparison to the communities living in other districts. Comparing the CFR areas recognised in Similpal with other districts shows that in Nayagarh, the average CFR area of 18 villages is around 148 acres which is 10.5 times lower than that of STR. In Deogarh, the average CFR area is 897 acres which too is 1.7 times lower than that of the Tiger Reserve.

Chart 01: Comparative analysis of forest land coming under CFR area



NOTE

The average CFR areas mentioned of other areas for the analysis apart from Similipal Tiger Reserve are based on the area derived from the Final CFR maps which are already been approved by the Gram Sabha and forwarded to the DLC where DLC has to approve the titles along with the Final CFR Maps.

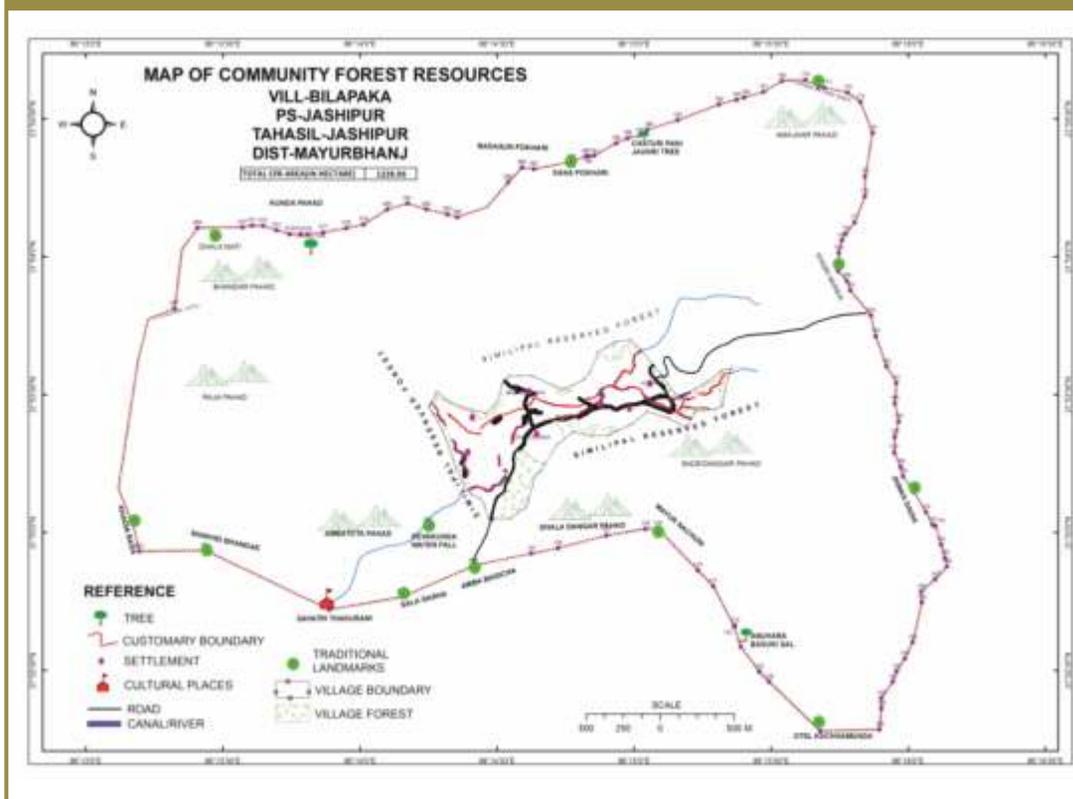
1.11 Conclusion

The recognition of CR & CFR rights within Similipal is a story of victory for the people of Similipal who have fought for their customary rights over the forest. FRA has given the forest dwellers with the opportunity to establish their rights to survival and dignity because the forest is their resource base. For communities whose lives and livelihoods have been intimately associated with the biodiversity rich forest ecosystems, FRA provides formal recognition of the regime of cohabitation of plants, animals and humans. As the tribals proudly say, "Now the forest of Similipal belongs to us and we are the owners of this forest, we will live with this forest and let the forest live with us".

Annexure I: Community Forest Resource (CFR) Map (Sketch Map)



Annexure II: Final CFR Map



Annexure III: Title to Community Forest Resources of Bilapaka


 ପରିଶିଷ୍ଟ
ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳର ଅଧିକାର ପାଇଁ ନିରୋଦାନାମା
 ନିୟମ ୮ (ଖ) ଦ୍ଵାରା



୧. ଗ୍ରାମ/ଗ୍ରାମସଭା : ବିଲପକା

୨. ଗ୍ରାମ ପଞ୍ଚାୟତ : ଗୁରୁଗୁଡ଼ିଆ

୩. ଚତୁସ୍ଥିଳ : ପଶ୍ଚିମ

୪. ଜିଲ୍ଲା : ମୟୂରଭଞ୍ଜ

୫. ଜନଜାତି ବା ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା: ଉତ୍ତର

୬. ଚୈତ୍ରଦ୍ଵାର ବିବରଣୀ – ବିଭିନ୍ନ ପ୍ରକଳିତ ଚୈତ୍ରଦ୍ଵାରୀ ଏବଂ/ବା ସୁସ୍ଵତ୍ଵ ଭୂମି ବିହୀନ/ଖୋସରା/କମାରମେଣ୍ଡୁ ନମ୍ବର ସହିତ:

ଗ୍ରାମର ପାରମ୍ପରିକ ସାମା/ବିଭିନ୍ନ ପ୍ରକଳିତ ଚୈତ୍ରଦ୍ଵାରୀ ପଥା: ଉତ୍ତର ଦିଗରେ କୁଣ୍ଡା ପାହାଡ଼, ଉତ୍ତର ପାହାଡ଼, ରାଜ ପାହାଡ଼, ବଡ଼ ପୋଖରୀ ପାହାଡ଼ ପୂର୍ବ ଦିଗରେ ଆସୁଖରଣ ପାହାଡ଼, ଧଳାବଙ୍ଗର ପାହାଡ଼ ଦକ୍ଷିଣ ଦିଗରେ ବୋବର ପାହାଡ଼ ପଶ୍ଚିମ ଦିଗରେ ଗାଜିଣ୍ଡା ଠାକୁରାଣୀ ମଧ୍ୟରେ ପରିବେଷିତ/ପରିବ୍ୟାପ୍ତ 'ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳ' ।

ଉପରୋକ୍ତ ବନାଞ୍ଚଳରେ, ଏହି ଗ୍ରାମ ସମୁଦାୟ/ଗୋଷ୍ଠୀଜାଲର ସୁରକ୍ଷା, ସଂରକ୍ଷଣ ଓ ପରିଚାଳନାର ଅଧିକାର ରହିଥିବି ଏବଂ ନିମ୍ନଲିଖିତ ଗ୍ରାମର ଏହି ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳ ସେମାନେ ଆଇନର ଧାରା ୩(୧) (ଖ) ଅନୁସାରେ ନାମସ୍ଵାୟା ଉତ୍ତରେ ସୁରକ୍ଷା, ସଂରକ୍ଷଣ ଓ ବ୍ୟବହାର କରିଆସୁଛନ୍ତି । ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କ (ଜଙ୍ଗଲ ଅଧିକାର ସାଜୁଡ଼ି) ଆଇନ ଏବଂ ନିୟମରେ ଉଲ୍ଲେଖ ଯିବା ସର୍ତ୍ତ ବ୍ୟତୀତ ଅନ୍ୟ କୌଣସି ସର୍ତ୍ତ ଏହି ଅଧିକାର ଉପରେ ଲାଗୁ ହେବ ନାହିଁ ।

ଆମ୍ଭେ, ନିମ୍ନସ୍ଵାକ୍ଷରକାରୀ, ଏତଦ୍ଵାରା, ଓଡ଼ିଶା ସରକାରଙ୍କ ତରଫରୁ ଉପରମତେ ବର୍ଣ୍ଣିତ ଗ୍ରାମର ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳକୁ ନିର୍ଦ୍ଦିଷ୍ଟ କରି ଆମ୍ଭମାନଙ୍କର ସ୍ଵାକ୍ଷର କରୁଛୁ ।


 ବନଖଣ୍ଡ ଅଧିକାରୀ
 Divisional Forest Officer
 Karanjia Division


 Project Administrator,
 ITDA, Baripada-cum-
 Member, ବିଲପକା ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ଅଧିକାରୀ
 DLC, FRA, May... ୧୩


 ଜିଲ୍ଲାପାଳ/ଉପ ଜମିଷଦର

ଜଙ୍ଗଲ ସୁରକ୍ଷା ଆମର ଦାୟା
 'ଗାରି'ହିଁ ମତାବସ୍ଥାନର ମୂଳ ଭିତ୍ତିଭୂମି ।

ପଞ୍ଜରଣ ନିୟମ ୧୩

RECOGNITION OF
COMMUNITY FOREST RIGHTS
UNDER THE FOREST RIGHT ACT:

EXPERIENCES FROM
**SIMILIPAL
TIGER
RESERVE**

Vasundhara

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