TRAINING MANUAL ON DELINEATION AND MAPPING OF COMMUNITY RIGHTS AND COMMUNITY FOREST RESOURCES

Prepared by:
National Resource Centre at Sch. Castes & Sch. Tribes Research and Training Institute, (SCSTRTI), Bhubaneswar, Odisha

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PERSONS

For Compilation, Analysis and Preparation of Training Manual:

- Tushar Dash, Vasundhara
- Subrat Kumar Nayak, Vasundhara
- Bibhore Deo, Vasundhara
- Ranjeeta Pattnaik, Vasundhara

For Critical Review and Improvement of Manual:

- Trilochan Sahoo, OSD, NRC at SCSTRTI
- Ms. Madhu Sarin, Independent Researcher
- Sweta Mishra, FRA Consultant
RESEARCH TEAM

Guidance and Supervision:
Prof (Dr.) A.B. Ota, IAS
Commissioner-cum-Director, SCSTRTI, Bhubaneswar & Project Director
Trilcohan Sahoo
Officer on Special Duty, SCSTRTI, Bhubaneswar & Nodal Officer

Study Coordinators
Tushar Dash and Subrat Kumar Nayak, Vasundhara

Study Team Members: (Vasundhara)
Y. Giri Rao
Tushar Dash
Pratap Mohanty
Chitta Ranjan Pani
Ranjeeta Pattnaik
Hemant Kumar Sahoo
Subrat Kumar Nayak
Bibhore Deo
Sonali Pattnaik
Sangamitra Dubey

Editing and Review
Ms. Madhu Sarin, Independent Researcher

Training Manual Compilation:
Bibhore Deo, Vasundhara
Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or in short, the Forest Rights Act (FRA), 2006, is one of the most important and popular entitlement based laws ever enacted in India favouring the tribal and other traditional forest dwellers’ rights over forest land.

The Rules for implementing the Act was framed in 2008 and further amended in 2012. The enabling provisions contained in the FRA seek to redress the historical injustice done to the forest dwelling people whose rights had not been legally recognized and recorded and who were denied their traditional rights to forest lands and resources in legislations prior to FRA. In spite of the lofty aims of the Act, recognition of the rights of the forest dwellers to live in the forest and use its resources as well as making it a duty for the forest dwelling communities to protect, regenerate, conserve and manage forest resources sustainably.

Odisha has made substantial progress in implementation of the Forest Rights Act. However the present status of implementation when compared to some of the estimates of forest dependent scheduled tribes and other traditional forest dwellers reveal that the full potential of the Act is yet to be realized. There is a great deal of variation across the states in terms of status of claims and recognition and the progress is limited to few pockets. From among the rights only individual rights have been addressed while recognition of community rights and community forest resource rights remain limited to only few states. Specific provisions dealing with the rights of vulnerable communities such as Particularly Vulnerable Tribal Groups (PVTGs) and their habitat rights, conversion of forest villages into revenue villages, rights of women etc. are yet to be addressed. There is also inadequate response to deal with the issue of rejected claims, which are pending at different levels leading to discontent among the STs/OTFDs claimants. There are also second generation issues which are coming up post recognition of rights such as final mapping of the forest land vested in the STs and OTFDs and creation of record of rights (RoR). Similarly, the implementation of minimum support price (MSP) scheme on Minor Forest Produce in the state for benefit of the STs/OTFDs forest rights holders has thrown challenges which need to be addressed. The Ministry of Tribal Affairs have recently issued guidelines, which address to the issues of CFR Rights, Habitat Rights, creation of RoR, governance and management of CFRs, support to right holders under convergence programs for their livelihood enhancement etc.

On the whole there is a need of refresher training and orientation of concerned government officials and other concerned stakeholders (such as PRI members) to further strengthen the process of implementation of the Act and to facilitate and ensure effective implementation of the empowering provisions of community rights and community forest resource rights which remain neglected. The National Resource Centre at SCSTRTI, Bhubaneswar was assigned two activities.

1- Preparation of FRA Training manuals for Government Functionaries and members of Gram Sabha including development of the manual.

2- Developing Manual on delineation and mapping of community rights and community forest resources including development of manual.
This assignment was conducted in 2014-15 with financial support from UNDP under the aegis of Ministry of Tribal Affairs, GOI, New Delhi, and ST & SC Development Department, Govt. of Odisha, and technical support from Vasundhara.

The training manuals have been organized into two components, first one on Preparation of FRA Training manuals for Government Functionaries and members of Gram Sabha including development of the manual and second on Developing Manual on delineation and mapping of community rights and community forest resources including development of manuals. Besides, there are contents, bibliography, Annexures and a photo documentation on recognition of community forest resources.

I would like to complement the efforts of the Institutions and Individuals, especially the National Resource Center at SCSTRTI and Research Teams from Vasundhara, Bhubaneswar, who were involved actively in accomplishment of the research results. In the light of the debates and discussions made across the country on translating the forest rights into reality, it is hoped that, this training manual will be quite useful to Officials of different Ministries and Departments of Central and states Governments, and functionaries of different Institutions and Organizations dealing with FRA implementation and to the Gram Sabha at the grass root level.

Bhubaneswar
March, 2016

Prof. (Dr) A.B. Ota, IAS
Commissioner-cum-Director, SCSTRTI
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1. Introduction

1.1 Concept of Community Rights and Community forest resource rights

Community forest resource signifies any community forest resources widely used by the tribal and other forest dwelling communities which make significant contribution to their livelihood. The community forest resource area is the customary common forest land which is traditionally being protected and conserved for sustainable use by a particular community for accessing the resources available within the traditional and customary boundary of the village and seasonal use of landscape in case of pastoralist communities. Each CFR area has a customary boundary with identifiable landmarks recognized by the community and its neighboring villages. The community forest resource area has traditionally fulfilled the regular forest based livelihood and other needs of the community. The community forest resource area may include forest of any category i.e. revenue forest, classified & unclassified forest, deemed forest, DLC land, reserve forest, protected forest, sanctuary and national parks etc. In India as major chunk of forest land comes under the jurisdiction and control of the forest department where community’s access and control over the forest resources are very much limited. This watershed legislation of the Indian constitution, Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has recognized the preexisting rights of the forest dwelling communities on the resources for its access, protection, conservation and management within the customary boundary. It gives the authority to the Gram Sabha to adopt local traditional practices of forest conservation and management within the community forest resource boundary.

1.2. Right Over Community Forest Resources

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been one of the historical legislation by the constitution of India, ensuring the tenurial, livelihood, and ecological security of the forest dwelling communities of India recognizing to a new paradigm of community forest resource protection, conservation, management and governance mechanism. Among the rights vested under FRA, right to community forest resources is a crucial among all right as it gives the power and authority to the Gram Sabha under Sec 3 (1) (i) and sec 5, to rule out their own system forest management and governance.

Community forest resource, as defined in section 2 (a) of the Act, means customary common forest land within the customary or traditional boundary 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. Under Section 3 (1) (i) of Forest Right Act recognizes the right to protect, regenerate, conserve and manage any community forest resources traditionally protected by communities for sustainable use.

Till 2012, right to community forest resources was a part of the community rights which is claimed under the form “B”, under section 3 (1) (i). But in 2012, Ministry of Tribal Affair came out clear cut guideline on the procedural of delineation and recognition of CFR which explicitly claimed under the form “C”. As per the amendment rules, under the Sec 11 (1) (b), Gram Sabha shall fix a date for initiating the process of determination of its community forest resources... and under Sec 12 (B)
(3), the DLC shall ensure that the forest rights under clause (i) of sub-section (1) of section 3….are recognized under in all villages with forest dweller and the titles are issued.

1.3 Rights over community forest resources under FRA

Sec 2 (a) of the FRA defines Community Forest Resource as,

‘Customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserve forests, protected forests, and protected areas, such as Sanctuaries and National Parks to which the community had traditional access.’

This right is further strengthened by Section 5 of the FRA (Which is further elaborated in ‘Training Manual: The Self Governance and Management Community Forest Resources’), which empowers the holders of forest rights, the Gram Sabha, and the village level institutions to

(a) protect the wild life, forest and biodiversity;

(b) ensure that adjoining catchments areas, water sources and other ecological sensitive areas are adequately protected;

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) Ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are compelled with.

Right to community forest resources is conferred under section 3 (1) (i) of the Forest Right Act 2006 which provides for the ‘right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use’.

This right is further strengthened by Section 5 of the FRA (Which is further elaborated in ‘Training Manual: The Self Governance and Management Community Forest Resources’), which empowers the holders of forest rights, the Gram Sabha, and the village level institutions to

(a) protect the wild life, forest and biodiversity;

(b) ensure that adjoining catchments areas, water sources and other ecological sensitive areas are adequately protected;

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) Ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are compelled with.
2. Role of Various Institutions in the recognition and vesting of right over CFR

For the grounding the process, there are different institutions are formed under the act which have their specific roles in the implementation of the process. The mandatory roles of these institutions have been specified under the various provisions of the act.

2.1 Role of Gram Sabha:

Gram Sabha has been the most empowered authority under the Forest Right Act who holds the authority to determine the right of the village/community. Within its roles the Gram Sabha shall,

1. Constitute a committee called Forest Right Committee by electing amongst its members which will be not less than ten but not exceeding fifteen (as per sec 3 (1) of the rules)

2. Initiate the process determination of right over community forest resources and intimate the same to the adjoining gram sabhas where there are substantial overlaps and the SDLC. (As per sec 4 (1) (a) and 11 (1) (b) of the rules)

3. Support the FRC in the delineation of the customary boundaries of community forest resources (As per sec 12 (1) (f) of the rules)

4. Consider the findings of the FRC on the claim and approve the claim by passing appropriate resolution with simple majority along with the community forest resource map and substantial evidences as enumerated in rule 13 (2) of the act. (As per 11 (5), 12 (2) & 12 (1) (g) of the rules)

2.2 Role of Forest Rights Committee

1. The forest right committee is the executive body to carry out the claim making process on right over community forest resources on behalf of the Gram Sabha. Within its role the Forest Right Committee shall,

2. Prepare the claims on behalf of Gram Sabha for the right over community forest resource

3. Delineate the customary boundaries of the community forest resource with other members of the Gram Sabha

4. Prepare a community forest resource map with recognizable land marks and through substantial evidence

5. Present its findings on the extend of community forest resources before the Gram Sabha for its consideration

6. If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing

At least one third members of the committee shall be the Schedule Tribes
Not less than one third members shall be women
Note: Forest Right Committee should maintain register for recording of all information related to recognition and vesting of rights over community forest resources and keeping the resolutions passed in all the meetings held for the purpose of Forest Right Act within register.

On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences.

2.3 Role of Sub-Divisional Level Committee

1. Sub-Divisional Level Committee is the intermediary empowered body to support the Gram Sabha and FRC on the facilitation of the process, receive the claims and considering it to finally forward to the District Level Committee. With its role SDLC shall,

2. Provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna

3. Forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision

4. Raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules

5. Ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms C) of these rules

6. 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

7. Remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same

8. All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub Divisional Level Committee shall give detailed reasons for such modification or rejection

Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds

2.4 Role of District Level Committee

1. District level committee is the apex empowered body in Forest Right Act to take the final decision
on the vesting of rights. The DLC is responsible for the implementation of the forest right act in the district. Within its role DLC shall,

2. Consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee

3. On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a 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

4. Issue directions for incorporation of the forest rights in the relevant government records including record of rights

5. Ensure that a certified copy of the record of the right to community forest resource and title under the Act, as specified in Annexure IV to these rules, is provided to the concerned Gram Sabha or the community

Note: The identification of the potential areas for the recognition of the right over community forest resources is very crucial for planning and execution for the district administration. The CFR atlas provides the requisite information on areas eligible for the recognition of right over community forest resources. The process of identification of potential areas eligible for CFR has been illustrated in annexure I.

Legal Provisions relating to the recognition of right over community forest resources:

3. Constitution of Forest Right Committee for preparation of the claim

The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least two-third members shall be the Scheduled Tribes (As per sec 3 (1) of the rules)

Provided that not less than one-third of such members shall be women;

The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee (As per sec 3 (2) of the rules)

The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before the date of coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendments Rules, 2012. (As per sec 3 (4) of the rules)

3.1 Procedure for determination, filing claims

This phase includes the determination of the CFR area by the GS, preparation of the community forest resource map, filing of the claim, verification of the Gram Panchayat shall arrange Gram Sabha (as per sec 3 (1) of the rules) & discussion on the detail process to be adopted for CFR right process (determination, filing of claim, verification, approval & vesting of rights)
claim, and final approval by the GS to forward the claim to SDLC, DLC approving the claim and providing the title to Gram Sabha after approval from the SDLC.

I. fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee (As per sec 11 (1) (b) of the rules)

II. The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form ‘C’ Case provided in Annexure I of these Rules. (As per sec 11(4) of the rules)

3.2 Process of verifying and approval of the claims

I. Delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access (As per sec 12(1) (f) of the rules)

II. prepare a community forest resource map with recognizable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter, such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.(As per sec 12(1) (g) of the rules)

Explanation: The delineation of community forest resource may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognize the powers of the community in access, conservation and sustainable use of such community forest resources

III. The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration. (As per sec 12(2) of the rules)

Evidences for the recognition of rights

The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim. (as per sec 12 (A) of the rules)

Explanation:

1. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim.

2. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.

An evidence for [Community Forest Resource] shall, inter alia, include – (As per sec 13 (2) of the rules)

(a) community rights such as nistar by whatever name called;

(b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

(c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial
IV. If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing. (As per sec 12(3) of the rules) 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.

V. On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation, date and comments, if any. (As per sec 12(A)(1) of the rules)

In case of objection

If any objections are made by the Forest or Revenue departments 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 re-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)

VI. The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule(2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee. (As per sec 11(5) of the rules)

VII. The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions. (As per sec 11(6) of the rules)

VIII. 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)

3.3 Process of Recognition of CFR Rights

I. On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a 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. (As per sec 12 (A) (9) of the rules)

Use of Global Positioning System&Geographical Information System
For the preparation of the final maps for community forest resources, technology has been used where Vasundhara has initiated process of community forest resource mapping with the use GPS machine.

With the use GIS, final maps are prepared for the village as mentioned under sec 12 (A) (9) of the act with spatial information of physiographic features of that village, area of the forest land in numerical value recognized under the act.

The process of mapping of the community forest resource boundary and generation of final CFR maps has been illustrated in annexure II.

I. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement. (As per sec 12 (A) (11) (2) of the rules)

II. The District Level Committee shall ensure that the forest rights under clause (i) 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 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 sec 12 (B) (4) of the rules)

III. Ensure that a certified copy of the record of the right to community forest resource and title under the Act, as specified in Annexure IV to these rules, is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section (1) of section 3. (As per sec 8 (i) of the rules)

In case of rejection and modification of the claims
The Sub-Divisional Level Committee or the District Level Committee shall remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination. (As per sec 12 (A) (6) of the rules)

In cases where the resolution passed by the Gram Sabha, recommending a claim, with supporting documents and evidence, is upheld by the Sub-Divisional Level Committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-Divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be. (As per the sec 12 (A) (7) of the rules)
3.4 Process mapping of the community forest resource boundary and generation of final CFR maps

(As per sec 12 (A) (9) & sec 8 (i) of the rules) GPS device is used in the field to map the geographical extent of the forest land claimed under the act by the community as community forest resource land which is later on converted to final maps with the use of GIS technology. GPS is a handheld device used by the community to map out the forest land claimed under the act.

**Note:** To carry out such process persons need to be trained on the use of the technological devices (GPS) in the mapping of the community forest resource boundary and other relevant procedures of the mapping process and should facilitate the FRC and Gram Sabha in such process.

I. Sensitization to the members of Forest Right Committee and community on the Community Forest Resource Right and Use of Technology for recognition of such right

II. Revalidation of the community forest resource map/sketch map by identifying the traditional landmarks with the members of the FRC and other members of the community

**Note:** Revalidation of the community forest resource map is outmost necessary if there is inappropriate Community Forest Resource map prepared in earlier phase of delineation and preparation of community forest resource map.

III. Training to the youth group on the application and use of the GPS machine in mapping of the community forest resource boundary/traditional boundary

**Note:** Identification of youth groups includes criteria’s like, able to read and write English, able to use mobile devices

IV. Constituting elderly groups to support the youth group in mapping on the traditional boundary including the members of the FRC

**Note:** As specified under the rules (Sec 12(A) (9)) the final Community Forest Resource map needs to be prepared by the Forest Dept. and Revenue Dept. for which community forest resource mapping is to be completed with the use of technology. The concept of CFR mapping signifies that community forest land falls within the Govt. Forest land (reserve forest, protected forest, sanctuary etc.), needs to be mapped through use of GPS machine (Presently this technological approach is used) as the area and record of rights on these forest land which comes under the purview of community forest land is not with the village because the forest land of such category fall within the exclusive jurisdiction and control of the forest department.

Discussion with the community about the use of GPS device in mapping of the community forest resource boundary and preparing final maps from the information collected from the GPS devise

Training on GPS machine includes the method of pursuing mapping exercise on the traditional boundary, recording of information on traditional landmarks from the device, maintaining the records in note book along with the relevant description of the traditional landmarks

**Some DOs and DON’Ts**

Participants to keep GPS device, field note book & reserve battery with them for immediate use in case of battery run down

Use alkaline batteries instead of Zinc Oxide batteries, which will work for longer hours

Not to use batteries older than 3 months as the assumed life of a battery is 3 months in normal condition
Note: Identification of elderly group includes the community members those who are well versed with customary boundary and traditional landmarks. There has to be special focus on inclusion of women members from the community as they have regular interaction with the forest.

V. Carrying out mapping on the customary boundary with youth group, elderly group and facilitators recording the mapping database during the mapping

Note: During the pursuance of mapping on the ground mappers need to ensure that recording of information/database on traditional landmarks or any identifiable landmarks has been done at regular interval and to note down the description (local interpretation) of the landmarks in the field note book.

VI. FRC to pass appropriate resolution on the community forest resource mapping process and keeping the information/database generated from GPS device during mapping along with the resolution and handing over a copy of the mapping information/database along with the GPS device to the technical facilitator

VII. Transfer of collected database from the GPS device to the systems enabled with GIS software and incorporating the descriptions of the respective landmarks in the mapping database and preparation of final CFR map in the FRA cell

Note: The final CFR map contains all the physiographic features of the landscape of community forest resource area (forest, drainage, settlements, roads, cultural places etc) as well as the landmarks on the customary boundary along with their descriptions.

Process of preparation of Final CFR Maps

Final maps of community forest resources were prepared at the FRA cell, Jasipur where a system was installed which was enabled with ArcGIS 10.1 software. The entire database generated from the GPS machine during the mapping process was transferred to the system. As well as the descriptions of the traditional landmarks were incorporated with the mapping database. The technical operator deployed for the preparation of the final maps follows the steps stated below

- GPS data transfer from GPS to Computer in FRA Cell
- Convert GPS data to xls format
- Convert xls data to Shp file format using GIS technology
- Rectification Cadastral Map through GPS Data
- Digitization on cadastral map using GIS Technology
- Generate the Customary boundary through customary landmarks using GIS Technology
- Download the ROR data from Bhulekh( Land records web site using internet)
- Identify the forest plot through ROR data base
- Calculate the CFR area
- Final Map Layout Design for print

Total CFR Area = Customary Forest Area + Revenue Forest Area - IFR Area
VIII. Submission of the final map to the SDLC for their approval on the final CFR map and forwarding the same to the DLC for consideration and final approval

IX. DLC to approve the final CFR map and forwarding it to Forest Department and Revenue Department for the RoR correction

X. Distribution of the approved final CFR map to the village by the District or Sub divisional level officials and Gram Sabha adopts appropriate resolution on the final CFR map

4. Field Exposure

For the exposure on the process of recognition of right over community forest resources, a village needs to be selected with prior intimation to that village. The criteria of village selection will include:

- The Gram Sabha must be intimated priory about the date of exposure visit
- The village selected should be relatively small and must have forest land within and outside of its revenue boundary
- The process of claim filing on CFR might be completed in the village but mapping of the community forest resource boundary/customary boundary is yet to be completed in the village
- The village must be intimated about the initiation of community forest resource mapping process for the customary boundary of the village on the date of exposure visit
- Discussion with community on purpose of visit and process of CFR claim, recognition and mapping of community forest resources

5. Annexure-I

5.1 Process of identification of potential areas eligible for CFR rights

DLC can take up the initiative to prepare a CFR Atlas to support the district administration in planning and execution of 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 right and the map can be prepared for any administrative division (i.e. country, state, district, and block)”. The CFR Atlas contains information about the following things,

- Villages having Forest Land within its revenue boundary
- Villages having no Forest Land within its 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
- Urban Local Bodies

(Note: For the detail information about the preparation of a CFR Atlas, refer to CFR Atlas of Mayurbhanj prepared by Vasundhara)
5.2 Process of Preparation of CFR Atlas

Step – 1:

Step – 2:
- Digitization of different administrative boundaries (district, block & village) of a district
- Digitization of the forest covers of the district and categorizing the different forest covers (Reserve Forest, Protected forest etc) based on the information available from the toposheet

Step – 3:
- Analysis of collected information and categorization of villages: Based on the secondary information collected from Census Report 2001, the villages are broadly categorized under these thematic areas:
  - Villages having Forest Land within its revenue boundary
  - Villages having no Forest Land within its revenue boundary
  - Villages located in fringe of Govt. Forests land coming under control of State Forest Department
  - Un-surveyed habitations having with population (“ZERO” area villages)
  - Abandoned Villages/habitations
  - Urban Local Bodies
  - Forest Blocks

Step – 4:
- Preparation of thematic layers based on the above categorization

Step – 5:
- Superimposition of all thematic layers and preparation a tentative CFR atlas for the district along with the list of villages.

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
- Support the district administration about their assessment of resource needs (financial, human and GPS machine)
Note: From the CFR atlas the administration can assess the number of villages eligible for CFR recognition as well as the number of villages where community forest resource mapping is required which would help them to formulate action plans for allocation of financial & human resources as well as provision of GPS machines for the mapping process

6. Annexure – II

6.1 Training Requirements

Day – 1:
- LCD Projector
- White Board and Marker
- White Chart Paper and Sketch Pen

Day – 2
- Cadastral Map/Revenue Map of the village
- Chart paper, sketch pen, pencil, eraser, cutter etc
- GPS Machine (If available)

Note: While choosing a village for field exposure keep a note on following requirements,
- Prior intimation to the FRC of the village on the purpose
- Village preferably closer to training venue and relatively smaller in size in order to consume less time to facilitate the entire field process
- Village must be adjacent to Reserve Forest where community’s dependence on this forest

7. Annexure – III

7.1 FAQs

1. Can the states get separate budget allocations for the demarcation of CFR areas and smooth implementation of FRA?

Article 275(1) provides window to each state to demand for grants for implementation of FRA. Grants under Special Central Assistance (SCA) to Tribal Sub Plans (TSP) can also be demanded for the development of land over which rights have been recognized.

2. Should JFM Areas be directly converted to Community Forest Resource Titles?

As per the provisions of Act and Rules, automatic conversion for JFM areas into CFR areas is neither mandated nor desirable as the objectives, structure and mandate of JFM is different from that of rights under community forest resource. However, wherever JFM areas are co-terminus with CFR boundaries, Gram Sabha may apply and get the title to such community forest resource, subject to the final approval by DLC.

3. CFR right recognized on the govt. Forest land (reserve forest, protected areas, sanctuaries) would be categorized as which type of forest

Community Forest Resource (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 the Records of Right and be suitably incorporated in the records of the Forest Department.
8. Annexure – IV

Process of Delineation & Mapping of Community Forest Resources

Rights relating to Community Right & Community Forest Right (Section 3 & Sub Section 1)

- right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or other traditional forest dwellers;

- community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

- right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

Rights relating to Community Right & Community Forest Right (Section 3 & Sub Section 1)

- other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

- rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities

- rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
Rights relating to Community Right & Community Forest Right (Section 3 & Sub Section 1)

- right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

- rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of trials under any traditional or customary law of the concerned tribes of any State;

- right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

- any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

Rights relating to Community Forest Resource (Section 3 & Sub Section 1)

- right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
Provisions relating to Community Forest Right
(Section 9)

PROCEDURE FOR FILING, DETERMINATION AND VERIFICATION OF CLAIMS BY THE GRAM SABHA

• Call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months. Provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.

• Fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

• The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for community forest rights in Form B and the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form ‘C’ Case provided in Annexure I of these Rules. The words and letter “community forest rights in Form B”, substituted by G.S.R. 669(E), dated 06.09.2012.

Provisions relating to Community Forest Right
(Section 9)

PROCEDURE FOR FILING, DETERMINATION AND VERIFICATION OF CLAIMS BY THE GRAM SABHA

5

• The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule(2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.

6

• The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.
Provisions relating to Community Forest Right
(Section 10)

Process of verifying claims by Forest Rights Committee

1. Delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access;

2. Prepare a community forest resource map with recognizable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter, such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.

   **Explanation:** The delineation of community forest resource may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognize the powers of the community in access, conservation and sustainable use of such community forest resources.

3. The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

4. If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing:

   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.

5. 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.
Methodology

Primary Stage – Process of CFR delineation & Claim for Title

Knowledge & Capacity building at various level on Community Forest Right
- Gram Sabha/FRC
- Administration
- Civil Society Organizations

Providing support to Gram Sabha/FRC for preparation of
- Village history documentation
- Nature & extent of dependency on forest
- Social map/customary boundary map
- CFR claim preparation, verification, & processing

Secondary Stage – Process of Final Mapping & Incorporation of Rights

Preparation of final CFR map and incorporation of rights in government records
- Revalidation of map with Gram Sabha/surrounding FRC/Line Departments
- FRC to carry out mapping of traditional boundary using GPS
- Preparation of final map with application of GIS
- Preparation of final RoR & incorporation of rights in government records
Primary Stage of CFR Delineation & Claim for Title

Steps followed for Determination and Recognition of Community Forest Rights
### PROCESS STEPS

<table>
<thead>
<tr>
<th>Sensitization on provisions of Forest Rights Act, 2006 and Rules, 2012 to PRI members and Gram Sabha</th>
<th>Sharing of copy of adopted resolution with villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gram Sabha for determination of nature and extent of community right</td>
<td>Preparation of 1st Draft Report on nature and extent of community forest rights and fill up of Claim Form ‘B’ &amp; ‘C’ by FRC members</td>
</tr>
<tr>
<td>Notice to FRC of other neighbouring villages for common meeting.</td>
<td>Intimation to Revenue Department, Local Forest Department, SDLC and FRC members of neighbouring villages for verification and demarcation of customary boundary</td>
</tr>
<tr>
<td>Meeting with neighbouring Gram Sabhas and adoption of common resolution on nature and extent of forest rights &amp; identification recognizable traditional landmarks of the village</td>
<td>Joint Verification of Customary Boundary Map prepared by the Gram Sabha of village in the presence of representatives from Forest Department and neighbouring villages</td>
</tr>
</tbody>
</table>

### PROCESS STEPS

<table>
<thead>
<tr>
<th>Preparation and sharing of 2nd draft report with local forest department &amp; neighbouring villages for their opinion</th>
<th>Discussion at SDLC Meeting and recommended to DLC for consideration and approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intimation of Sarapanchna of GP for issuance of notice for Gram Sabha to consider the recommendations of Forest Rights Committee</td>
<td>Consideration and Approval by the DLC and forwarded it for the distribution</td>
</tr>
<tr>
<td>Presentation of 2nd Draft report by the President of FRC for consideration by the members of Gram Sabha</td>
<td>Distribution of Title to members of village by the district and sub-divisional level officials</td>
</tr>
<tr>
<td>Approval of Report by the Gram Sabha and authorised FRC to forward it to SDLC for their consideration</td>
<td></td>
</tr>
</tbody>
</table>

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Sensitization on various provisions of Forest Rights Act, 2006 and Rules, 2008 to Government Officials

Orientation cum sensitization workshops were organised to aware the government officers on various provisions of the Act and Rules along with their role and responsibilities

Sensitization on various provisions of Forest Rights Act, 2006 and Rules, 2008 to PRI Representatives and Gram Sabha members

Two phase-wise sensitization meeting was organised to intimate the members of FRC, SHG, PRI and Village Youths on various provisions of the Act and Rules along with the processes need to be adopted for determination of nature and extent of community rights
Gram Sabha for determination of nature and extent of Community Right

A series of meeting held at Kamatana, where they had discussed and documented their village history, interaction with forests and forest resources, traditional forest areas used by them and etc. Elderly people, different resource user groups of Kamatana village provided required support for this purpose.

Preparation of 1st Draft Report by FRC Members

History of Village

Map of Customary Boundary & Traditional Access Areas

Nature & Extent of Dependency on Traditional Access Areas
Sharing of Draft Report with Gram Sabha members

The Draft Report prepared by the FRC members were shared with all the members of Gram Sabha for their opinion

Intimation to Neighbouring Villages for Joint Meeting on Traditional Boundary and Access

President of FRC and Ward Member of Kamtana village jointly issued notices to all 5 neighbouring villages to discuss on the traditional landmarks of their customary boundary (CFR) and also traditional access areas within and outside their CFR, marking a copy to Chairman of SDLC
Meeting with Neighbouring Villages & Joint Verification of Customary Boundary

Separate meetings were organised with neighbouring villages, where the FRC members of the village shared their customary boundary with recognizable landmarks and their nature and extent of dependency in respective villages’ CFR areas.

Adoption of Common Resolution

• Adoption of resolutions in the joint meeting, where representatives of all neighbouring villages including FRC members jointly signed the resolution and a copy of adopted resolution shared with the respective Gram Sabhas.
  – Agreed with the customary boundary of the village
  – Agreed for allowing access within their CFR area for collection of MFP
  – Agreed for not to destruct the forests and forest resources while collecting MFPs and all members of each Gram Sabha would abide by the rules and regulation devised for protection and conservation of resources
Preparation of 2nd Draft Report by FRC Members

History of Village

Map of Customary Boundary & Traditional Access Areas

Nature & Extent of Dependency on Traditional Access Areas

Intimation for Final Gram Sabha

• Sarapancha of GP issued notice for final Gram Sabha for consideration of Community Forest Rights Report prepared by the FRC.
• A copy of notice served to Local Forest Department Officer, Chairman of SDLG and FRC members of neighbouring villages along with the report for their opinion or grievance
Final Gram Sabha

Key Decisions adopted in Final Gram Sabha

- President of FRC presented the report along with the detailed process adopted for determination of nature & extent of Community Forest Rights
- After elaborative discussion Gram Sabha approved the report and adopted a resolution for forwarding it to SDLC for their consideration
- Gram Sabha decided to constitute a committee for protection and conservation of Community Forest Resource area and decided to devise rules and regulations as per the sec. 5 of the Act.
Approval of Community Forest Right claim by DLC after recommendation of SDLC

Title along with the Customary Boundary Map of Village (Kamatana)
Secondary Stage of CFR Mapping and Final Map Preparation

Steps followed for Mapping of the CFR and Incorporation of Rights
## PROCESS STEPS

<table>
<thead>
<tr>
<th>Sensitization to the community on the Community Forest Resource Right and Use of Technology for recognition of their rights</th>
<th>Constituting youth groups and elderly groups to carry out mapping on the traditional boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discussion with community on the Revalidation of the hand drawn CFR map/sketch map</td>
<td>Training to the youth group on the application and use of the GPS machine in mapping</td>
</tr>
<tr>
<td>Notice to FRC of other neighbouring villages for their presence during Revalidation of sketch map and identification of traditional land marks on the respective coinciding portions</td>
<td>Carrying out mapping on the customary boundary with youth group, elderly group and facilitators recording the mapping database during the mapping</td>
</tr>
<tr>
<td>Identifying the traditional landmarks and redrawing the sketch map</td>
<td>FRC to adopt resolution on the mapping process and keeping the mapping database along with the resolution and handing over a copy of the database to the facilitator</td>
</tr>
</tbody>
</table>

## PROCESS STEPS

<table>
<thead>
<tr>
<th>Transfer of collected database to the systems enabled with GIS software in the FRA cell</th>
<th>SDLC to approve the final CFR map and recommended to DLC for consideration and approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation of final CFR map from the database using GIS software mentioning the final CFR area of the village</td>
<td>DLC to approve the final CFR map and forwarding it to Forest Department and Revenue Department for the RoR correction</td>
</tr>
<tr>
<td>Handing over the final map to the Gram Sabha and SDLC</td>
<td>Distributing the approved final CFR map to the village by the District or Sub divisional level officials</td>
</tr>
<tr>
<td>Gram Sabha to adopt resolution and approving the final CFR map</td>
<td></td>
</tr>
</tbody>
</table>
• Interaction with Community on Purpose & Process

Re-Validation of the sketch map in the presence of surrounding FRC members and community members to identify the traditional landmarks and customary forest boundary
Training to Community on the application and use of the GPS machine in mapping of the customary forest boundary and identifying elderly people’s group to guide on the customary forest boundary.

Identification of Recognizable Land Mark for initiation of GPS Mapping
Mapping by the Community on the Demarcated Recognizable Traditional Land Marks

Adoption of resolution on the process adopted in the village for the delineation and mapping of the customary boundary and keeping mapping database along with resolution.
Processing of Information generated through GPS machine at FRA Cell
Generated CFR Map of Kandibil Gram Sabha

Generated CFR Map of Bilapaka Gram Sabha
INSTITUTIONAL ARRANGEMENT FOR CFR PROCESS FACILITATION

1. Tehsil was taken as unit of planning, monitoring and implementation
2. Implementation was taken GP-wise/village wise
3. Formation of field level teams comprising of RI/ARI/Volunteers under the supervision of a Nodal Authority for facilitation of implementation process
4. Close coordination between line departments with clearly defined roles, duties and responsibilities
5. Process and case study documentation of the village. Preparation and circulation of manual detailing model guidelines, village case records etc to the facilitators.

INSTITUTIONAL ARRANGEMENT FOR CFR PROCESS FACILITATION

6. Forest Rights Cells opened up at SDLC and DLC level. These cells worked under direct supervision of concerned Sub Collectors and PA ITDAs.
7. Deployment of additional human resource for the smooth implementation process
8. Special care taken for preparation of records. 5 copies of titles were prepared with 2 copies of maps. Right Holder was given one copy of title along with a copy of map
9. Database management system prepared by D.I.O, NIC, Collectorate, of the district. Consolidated database of all the right holders available and monitored at district level. (refer to Kandhmal FRA website)
10. Continuous monitoring at regular intervals at District level and review meetings at Tehsildar level.
Dedicated Institutional Structure to facilitate and provide support to Gram Sabha

- Regular Review and Monitoring of the process at SDLC & DLC level
- Proper management of MIS: preparation of all the records and documentations relating to FRA of the district
- Developed software for computerisation of data base and preparation of titles with support of NIC, Bhubaneswar.
- Developed effective coordination and regular follow up strategy to keep officials and civil society engaged constantly in implementation process of FRA.
- District Level GO & NGO Co-ordination Cell has been established
- VASUNDHARA, a NGO from Bhubaneswar has been engaged to provide technical support to the Team as well as District Level Co-ordination Cell

Institutional Mechanism

- PROJECT ADMINISTRATION
  - Mobilise funds for project management
  - Identify man power for work
  - Planning the deployment of Manpower
  - Planning of availing technical instrument(GPS)

- VASUNDHARA
  - Sensitisation on FRA-06 & CFR recognition process
  - Create technical expert for mapping

- CONCERNED CSOs
  - Organising gram sabha
  - Sensitisation on FRA
  - Documents collection
  - Social map preparation, verification & finalisation
  - Support to FRC in claim processing
  - Informing administration for carrying out mapping
  - Monitoring over claim processing & recognition

- GIS MAPPING
Vasundhara’s Role in Planning and Execution

- Preparation of CFR atlas for preparation of action plans for district administration
- Capacity building on mapping & map generation
- Preparation of supportive action plans for district administration
- Identification of process gaps and regular communication with concerned district officials

Atlas for CFR Planning
### Capacity Building Programs for Partners

### Capacity Building Programs for Administrative Officials & PRI members

### Preparation of Supportive Action Plan for District Administration

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Zone/Subdivision</th>
<th>Hubs For Map Generation</th>
<th>Institutions Deployed Resources</th>
<th>Follow Up Vasundhara</th>
<th>By Monitoring (Nodal Head)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Baripada</td>
<td>Baripada</td>
<td>ITDA Office, Baripada Tehsil Office, Baripada</td>
<td>Identified RI/ARI/Operator(s)(2-3 Number)</td>
<td>Installation Software Follow Up Training In The Concerned Centre Process Follow Up &amp; Addressing Issues(once Every Month)</td>
</tr>
<tr>
<td>2</td>
<td>Karanjia</td>
<td>Jasipur</td>
<td>Tehsil Office, Jasipur</td>
<td>Vasundhara Staff/RI/ARI</td>
<td>Follow Up Training In The Concerned Centre Process Follow Up &amp; Addressing Issues</td>
</tr>
</tbody>
</table>
Discussion with Administrative Officials on Various Aspects of CFR Implementation