

Process documentation of implementing the FRA in Bhimashankar villages

Phase 1 (September 2008 – October 2010)

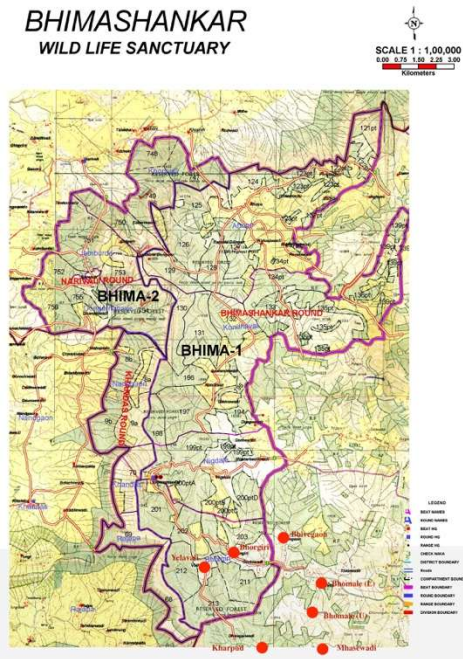


Figure 1: Bhimashankar Wildlife Sanctuary admin map and program villages

Kalpavriksh started working in Bhimashankar Wildlife Sanctuary (BWLS) since 2007. A survey conducted in the exploratory phase (June – November 2007) found the need for the following - Environmental education, Enhancing coordination among different groups and individuals, Baseline ecological and socio-economic data, Assessing social and ecological impacts of the FRA in BWLS, Community managed eco-tourism for livelihood generation, Tackling plastic waste and exploring the use of alternative packaging material. These needs became the objectives for Kalpavriksh's first phase of intervention in BWLS.

Initially, it limited itself to 2 villages – Yelavali and Bhorgiri, which were chosen as they had thus far received minimal or negligible external support from NGOs or governmental agencies. Initially, the plan was to work with Bhorgiri, but conditions there proved challenging: the village community was politically active but fractured along mainstream political party lines. This meant that despite several attempts by Kalpavriksh, no noteworthy movement or community engagement was seen and, hence Kalpavriksh decided to decrease its intervention here. Instead, the focus shifted to Yelavali, which is a smaller, remote village (comprising about 15 households) located within the sanctuary boundaries. Partly due to its location, Yelavali had been subject to oppression from the state forest department. Yelavali's villagers showed relatively more interest in the objectives such as community-led conservation governance and securing eco-sensitive livelihood, that Kalpavriksh wanted to promote. The village community was also cohesive enough to engage with Kalpavriksh's programmes. Post our intervention and success in Yelavali, women's self-help groups from Bhorgiri requested Kalpavriksh to help them as well.

Intervention in Yelavali



Figure 3: Yelavali Village CFR map

In Yelavali village, between 2008-09, Kalpavriksh helped facilitate the implementation of the FRA. Team members worked hard to overcome the community's fear of the forest department and convinced communities to file CF and CFR claims. This was the toughest process as the villagers were very scared of

the strict restrictions placed on them within BWLS and the consequent harassment by the state forest department by citing the Wildlife Protection Act, 1972. They also feared being evicted out of the forest, in the name of wildlife protection. In Yelavali and Bhorgiri, Kalpavriksh found that villagers were afraid of claiming their rights under the Forest Rights Act, as they feared that information such as details regarding villagers' customary areas to access forest produce would be used by the forest department to claim that they are damaging the forest and, hence, it was necessary to evict the villagers. Therefore, building trust amongst the Yelavali villagers and persuading them to claim CF and CFR rights under the FRA was a very time-consuming process. Kalpavriksh used the existing mechanism of the Gram Sabha (village governance platform) as a way to promote FRA awareness which led to the villagers understanding the objectives of the FRA. Gradually, a Forest Rights Committee (FRC) was formed in Yelavali on 10th July 2009, and they began filing CF and CFR claims. We started the process of verifying their forest boundaries, of assessing the village's natural resource availability, and of creating a use map (using participatory rural appraisal methodology) on 18th February 2010. These were prerequisites for villagers to claim conservation and management rights as guaranteed under the FRA.



Figure 2: Yelavali villagers drawing their PRA map of CFR

Villagers came up with a set of rules that would be collectively followed once the rights were granted; neighbouring villages were informed about these developments and the Conservator of Forests (Pune Wildlife Division) was also consulted. Kalpavriksh also supported the villagers in creating their Community Forest Resource Management Plan (CFRMP) for the forest areas in and around Yelavali. Villagers, in light of their interaction and discussion with Kalpavriksh, also expressed their interest in conserving a patch of the forest that falls within their traditional forest boundary. It is hoped that through these processes, the villagers capacity to identify strategies needed to implement their forest management plan would be built.

Phase 2 (November 2011 – October 2014)

Critical to facilitating the implementation of the FRA, is for the villagers to be informed about the various provisions under the FRA. For this, Kalpavriksh produced information flyers and policy briefs that were distributed to civil society organisations (CSOs) such as Shaswat and Adivasi Adhikar Rashtriya Manch (National Forum for Adivasi Rights). The information briefs clarified, for these organisations, the on-ground application of various provisions of the FRA. Partly as a consequence of greater clarity gained through these briefs, different CSOs helped villages file CFR (community forest resource) claims in their respective intervention villages.



Figure 4: Garbewadi (Bhorgiri) CFR claim filing meeting

During this phase, building on its earlier efforts, Kalpavriksh worked with the BWLS villagers by engaging them in discussions and dialogues on the FRA. Kalpavriksh continued with its work on making the information (e.g. through policy briefs, door-to-door awareness campaigns, and trainings) on the FRA transparent and widespread to include more villagers and, all relevant stakeholders such as CSOs and advocacy groups, extending it to also include government agencies e.g. Revenue Department's Divisional Office, the Tribal Department and the Forest Department. A direct outcome of this collaboration and dissemination was an increased level of consensus amongst all the stakeholders. Additionally, by engaging directly with heads of relevant government agencies e.g. the

Conservator of Forest (Mr Sunil Limaye) it seems that both a bottom-up and top-down approach was followed. Below are some key events and trainings conducted during this phase:

- FRA orientation programmes were conducted for officials of the government agencies in relevant administrative blocks (Rajgurunagar sub-division) on 13th February 2014. Another training was also conducted on 15th May 2014 for the SDO Manchar, on their request (Manchar, however, does not lie in the intervention area).
- The programme on FRA implementation was extended beyond the two initial villages to include four more villages. So now there were totally 6 target villages. The 4 new villages added were Kharpud, Bhomale (Upper), Bhomale (Lower) and Bhivegaon. Kalpavriksh helped establish FRCs in all 6 villages.
- Yelavali and Bhorgiri filed their claims for management and conservation rights i.e. both CFR and CR rights over their traditional lands (claims submitted on 13th March, 2014 and 8th August, 2014 respectively). Claims process for other target villages also saw some progress. In Bhivegaon, Kalpavriksh helped send request letters to the SDO office, forest department and Revenue Record office, to get the necessary maps and records for Bhivegaon so as to enable them to claim CFR and CF rights.
- Similar to the exposure visit conducted in Phase 1, Kalpavriksh organised another field exposure trip on 10th – 12th September 2014 for 38 community members from the villages of Kharpud, Bhorgiri, Bhivegaon, Bhomale (Upper & Lower) and Yelavali to villages in Amravati district that had successfully claimed their CFR rights and were engaged in conserving, regenerating and managing their local forest and grasslands.

Phase 3 (November 2014 – October 2017)

Learning from their past experience, Kalpavriksh tried to facilitate the process of claiming rights by following up with various state agencies using the provisions of the Right to Information Act (RTI). Despite a decade passing after the FRA was enacted, Kalpavriksh found that there was low institutional awareness on various aspects of the implementation of the FRA at the divisional and sub-divisional level (for Pune district at least, within which BWLS falls).

On the positive side, Yelavali, Bhorgiri & Bhivegaon (in 2016) had successfully submitted their Community Forest Resource (CFR) rights claims. These claims were awaiting final approval from the District Level Committee (DLC). Bhomale (Upper), Bhomale (Lower) and Kharpud villages



Figure 5: Bhivegaon CFR claim filing meeting

had also filed their claims, which were under scrutiny at the village FRC level. It must be noted that this process of filling posed many hindrances for Kalpavriksh and villagers, primarily arising from institutional lethargy and heavy handedness of government bodies. Such lethargy and heavy handedness arise from a long historical legacy going back to colonial forest management systems. This is why Kalpavriksh's outreach to

villagers focused on making them recognize that access to forest resources, including its conservation and management, was their right and not a privilege that they needed to be at the mercy of the authorities for. This change in community attitudes was hard won for which community members and Kalpavriksh were jointly responsible. One notable example of the outcome of such persistence was that after a constant follow-up, Kalpavriksh succeeded in getting the Sub Divisional Level Committee (SDLC) of Rajgurunagar reconstituted to include local Panchayat Samittee members (as per the law).

At the SDLC and DLC levels, which have the primary responsibility for implementing FRA in Pune district, we found that there was limited awareness and knowledge about the Act and the processes. Despite several meetings with them, a number of illegalities and delays vis-à-vis claim granting processes were encountered, causing delay in addressing the filed claims. No comprehensive, pro-active efforts were made by the government agencies to create awareness about the Act at the level of the gram sabha (as mandated by law). As per the FRA, the SDLC should meet and decide on the CF and CFR claims filed by Yelavali, Bhorgiri and Bhivegaon. But these claims were sent directly to the forest department for their recommendations - an illegal move. Bhimashankar Wildlife Department gave negative recommendations and suggesting that the FRA is not applicable in Protected Areas, and that granting forest rights would be harmful to the wildlife and bio-diversity of Bhimashankar forests. On learning of this illegality, Kalpavriksh sent

several letters to the Sub-Divisional Officer, Rajgurunagar; Project Officer, Integrated Tribal Development Project (ITDP) and; the District Collector to take corrective action. But, despite several follow-ups, no concrete action has been taken.

Phase 4 (November 2017 – February 2020)

As of November 2019, all six target villages have filed of Community Forest Resource (CFR) and the Community Forest (CF) Rights claims, of which three are at the sub-divisional level committee stage (Kharpud, Bhomale (Upper) and Bhomale (Lower)) and three (Bhorgiri, Yelavali, Bhivegaon) are at the district level committee stage. It has been a cumbersome process to get the members of these committees to hold a meeting to decide on the CFR claims. It has been further



Figure 6: FRA Training for Sub Divisional level committee members and staff

delayed by state assembly and general elections that were held in 2019 and, by the fact that the (Pune) District Collector's office misplaced the claims of three villages (Garbewadi – Bhorgiri, Bhivegaon, Yelavali). It is hoped that the process of drafting management plans for each of these villages will commence once they are granted their CFR titles: hitherto the formal process of micro-

planning and development of conservation and development plans have not begun except in Yelavali. Through its on-field team members - Subhash Dolas in Yelavali, Manda Kathe in Garbewadi (Bhorgiri), Parvata Wanghare in Bhivegaon - Kalpavriksh has liaised directly with the sub divisional level committee to assist in the recognition and vesting of CFR entitlements, by helping them understand the process of FRA implementation. In a similar vein, Kalpavriksh team supported the sub-divisional office of Rajgurunagar on matters related to the FRA. Outside of these six villages, Kalpavriksh has worked with other CSO groups such as Kisan Sabha to assist them on FRA implementation. Kalpavriksh has supported Pabhe village (located near Bhomale) in submitting their CFR claim to the sub divisional level committee. Thus, in total Kalpavriksh has supported 7 villages in filing for CFR claims.

Phase 5 (March 2021 – February 2024)

Since the district collector's office had lost the claims of villages named Garbewadi (Bhorgiri), Bhivegaon and Yelavali, we resubmitted, on their request, the claims to the Sub Divisional Officer's (SDO) office, Rajgurunagar in February 2019. But no action has been taken from their side yet.

As stated in our earlier phases, we have succeeded in facilitating and filing seven CFR rights claims (six from project areas and one from outside the project area), of which two villages (Kharpud and Bhomale got their CFR titles in January 2020. In August 2021, other four claims of Yelavali, Garbewadi (Bhorgiri), Bhivegaon and Pabhe villages were sent back by the DLC to the SDLC and, from the SDLC to the Gram Panchayats under which the relevant gram sabhas had filed the claims, asking for further evidence and necessary documents. The CFR claims were reviewed and resent to the SDLC in September 2021 with all necessary documents and information. However, in Jan 2022, the SDLC sent the claims back asking for further evidence. The necessary information was resubmitted to the SDLC. As per procedure, the SDO must conduct a meeting of the SDLC for verifications of all these CFR claims and forward them to the DLC with appropriate recommendations and decisions on them. Instead, the claims were sent to the Bhimashankar Wildlife wing, which is not an SDLC member, for their views and recommendations. Not surprisingly, they conducted their own verification and recommended that these claims be rejected on the grounds that it would pose a threat to the forest and wildlife. The Rajgurunagar SDO accepted these unlawful recommendations and forwarded the same to the DLC for final approval.

Kalpavriksh team members came to know about these unlawful processes in 2013, during their regular follow-ups with the SDO office. We immediately asked for copies of the concerned letters and recommendations from the SDO, but our request was denied. We, then, filed a Right to Information (RTI) application to get all the necessary documents and details of the SDLC's processes on the above-mentioned claims. Through the RTI, we got evidence that the SDLC had not called a meeting to take necessary actions on the above-mentioned CFR claims and, instead, had sent the claims to the Bhimashankar Wildlife Department for their verification and recommendations. We challenged the unlawful processes followed by the SDLC by meeting Dr. Rajendra Deshmukh, District Collector and head of the DLC and requesting him to ignore the SDLC recommendations. However, he was dismissive of us. We then met Mr. Balwant Gaikwad, Project Officer of ITDP (Integrated Tribal Development Project) and Secretary of the DLC and

urged him to look in to this matter immediately and grant the CFRs as early as possible. Further, we sent a letter on 11th January 2023 to the Divisional Commissioner of Pune, during a Divisional level meeting held, requesting that issues of tribals and implementation of Forest Rights Act in Scheduled V areas be addressed. But after this meeting, we learnt that the claims under question were rejected by the District Level Committee (DLC) stating that “these villages fall under the Bhimashankar Wildlife Sanctuary and granting these CFR titles will be dangerous to the wildlife and bio-diversity”. Since the Forest Rights Act is also applicable in all protected areas like Wildlife Sanctuaries and National Parks, such a conclusion and rejection are illegal and procedurally incorrect. Hence, we again drafted a letter cum appeal to the State Level Monitoring Committee (SLMC) on FRA; Maharashtra State Tribal Commission, Nasik; National Commission on Scheduled Tribe (NCST), Delhi and; Divisional Commissioner office, Pune, to challenge these rejections and exposing the unlawful procedures followed by the Rajgurunagar SDLC and Pune DLC in deciding on CFR claims of above-mentioned villages. Meanwhile, on 27th January 2023, a Research and Evaluation Committee formed by the National Commission on Scheduled Tribe (NCST), Delhi visited Bhimashankar and other areas of Pune district to review, research and evaluate the implementation of FRA and PESA. We facilitated and conducted two meetings in Yelavali and Bhivegaon villages and raised the issues faced by claimants in the implementation of FRA on the ground, as well as at the SDLC and the DLC level. The committee also visited Sub Divisional office and District Collector office and raised concerns regarding the unlawful processes followed in recognizing and vesting the forest rights.

We facilitated the process of forming Community Forest Resource Management Committees (CFRMs) in Bhomale and Kharpud Villages on 22nd November 2022 and 23rd November 2022 respectively and the same was conveyed to the concerned SDLC. Two villages, Kharpud and Bhomale, received their CFR titles in January 2020. Along with local key persons, our team has been in constant dialogue with



Figure 7: Gram Sabha meeting of Kharpud to form CFRMC

concerned government agencies to start the process of drafting and implementing CFR

management plans. After pursuing this issue for long with Mr. Balvant Gaikwad, Project Officer, Integrated Tribal Development Project (ITDP), Ghodegaon, we succeeded in getting local people's representatives appointed in the Block Level Convergence Committee of Rajgurnagar block. After Kalpavriksh made several suggestions and requests to ITDP, one of our team members, Mrs. Suvarna Bhomale from Bhomale (U) village, and ex-vice-Gram Panchayat head, Mr. Balu Madage from Kharpud village, were appointed as Gram Sabha representatives in the Rajgurnagar Block Level Convergence Committee, set up for the convergence of all government and non-government schemes and programs that could be implemented in CFR villages to ensure their development sustainably. Mr. Pradeep Chavan, coordinator of Kalpavriksh's Bhimashankar programme, was also appointed as the NGO representative on the said committee. Other constituents of the Convergence committee are the Block-level heads of different government agencies like Panchayat Samitti, Tahsildar office, Agriculture Department, Public Works Department, Animal Husbandry, Water Resource Department, National Rural Employment Guarantee Act (NREGA) department, Fisheries Department, Forest Department etc. Mr. Pradeep Chavan is helping ITDP in the process of constituting Community Forest Resource Management Committees (CFRMCs), raising awareness and conducting trainings of these committees. As also, initiating the process of drafting CFR management plans of all 9 CFR villages in Rajgurnagar blocks.

Phase 6 (March 2024 – February 2027)



Figure 8: Villagers met District Collector for proactive implementation of FRA

We have been consistently working in getting CFR claims of the remaining four villages recognized by the competent authorities. Since these villages are located in and around Bhimashankar Wildlife Sanctuary, it has not been a smooth process. Key challenges include the following.

Pune is an industrial district with a high presence of vested political interest. Hence implementing FRA is not a priority for the district administration and, for political leaders. Consequently, implementation outcomes for the FRA is extremely poor. Government functionaries in the SDLC and the DLC are not very well aware about the various provisions of the FRA. Their ignorance is reflected in the highly irregular processes followed and conduct of meetings. CFR claims of the

four villages have been sent to the forest department for their recommendations, which is a breach of the prescribed legal procedure of discussing and approving the claims by the SDLC and the DLC. CFR claims within the BWLS are bound to be rejected, as the Wildlife Department is unwilling to give away their control over the



Figure 9: Villagers meeting with SDO regarding IFR and CFR claims

forest are. Sure enough, the forest department officials recommended that the claims be rejected. Ensuring continuity in the pace of the process of following-up with government functionaries is also difficult due to the frequent transfers of key government officials. For example, in Pune district, in a span of two years, the Collector and the Project Officer (ITDP) was transferred thrice, while the SDO was transferred four times. Differing viewpoints and prejudices, as well as influences on these functionaries affect the overall pace of the process.

On the other hand, overall apathy and negative response from government functionaries have affected the morale of the villagers. They are frustrated and do not see the possibility of getting their CFRs recognized, which in turn affects their motivation to work towards it, thereby affecting the pace at which they follow-up and lobby with government officials.

To overcome these challenges, we have devised a three-pronged strategy. First, since the recently inducted Project Officer (ITDP) and local Member of Legislative Assembly (MLA) of Maharashtra state are pro-people, we have decided to approach the MLA and request him to schedule an appointment with the District Collector for further action. CFRMC members of Kharpud village have taken the initiative for this purpose. Second, we have initiated efforts to build solidarity among all seven villages, including those who have received their CFRs (Kharpud, Bhomale and Wandre-Padharwadi), to support the CFR claims of the rest four villages. The CFRMC members of the first four villages will also accompany the villagers from the remaining four villages during the latter's visits to the MLA and the Collector. The CFRMC members and the FRC members have visited the Project Officer (ITDP) thrice to discuss issues related to the FRA and CFRs. Kalpavriksh team is also in constant touch with the ITDP Officer on issues concerning these villages. The Project Officer has been positive so far. Third, we have planned to

raise this issue in local newspapers and media for building public opinion in favour of the CFR claims of the four villages.

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