

Ensuring tenure, ecological and livelihood rights of tribal women under the Forest Rights Act 2006 in Kandhamal



VASUNDHARA

In India, studies reveal that between 20% and 35% of households are headed by women¹. Around 86% of women in rural India are farmers, yet less than 10% own land, which is the most important household asset to support their families and provide food, nutrition and income security (Giovarelli, 2009)². Since 2014, Trócaire and Vasundhara have supported vulnerable women in Kandhamal District to claim their land rights and improve their livelihood security. This work has responded to the urgent needs of more than 500,000 single, rural, landless women in Odisha who are critically dependent on forests and land for their livelihoods³ (Landesa). Forest dwelling women are involved in agricultural production and forest land protection and conservation. Women are also the primary collectors of non-timber forest products (NTFP). They collect firewood, fodder, edible herbs, medicinal plants and mushrooms etc. for household consumption and sale. In 2012, a major study⁴ found that 75% or more of women are engaged in agriculture and that many are also working in unorganized sectors such as mining, tobacco manufacturing, non timber forest products collection and construction work. About 50% of migrants from Odisha are women from the tribal districts who migrate within the state and also outside the state to work in brick kilns.

BOX 1:

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 popularly known as the Forest Rights Act 2006 (FRA 2006) is considered ground breaking legislation that intends to recognise the rights of millions of tribal and other forest dwellers in different parts of India. It provides for the restitution of deprived forest rights across the country, including both individual rights to cultivated land in forestland and community rights over common property resources. The act provides for recognition and vesting of forest rights to Scheduled Tribes in occupation of forest land prior to December 2005 and to other traditional forest dwellers who have been in occupation of forest land for at least three generations, i.e., 75 years, up to a maximum of 4 hectares. As per the Act, the Gram Sabha is the authority responsible for initiating the process of determining the nature and extent of forest rights of individuals and communities.

¹ United Nations Department of Economic and Social Affairs. (1999). World Survey on the Role of Women in Development: Globalization, Gender and Work.

² Giovarelli, R. (2009). Gender and Land Tenure Reform. In R.L. Prosterman, R. Mitchell, & T. Hanstad (eds.), One Billion Rising: Law, Land and the Alleviation of Global Poverty (pp. 195-233). Amsterdam: Leiden University Press.

³ "Securing Land Rights For Women Through Institutional And Policy Reform", Paper prepared for presentation at the "Annual World Bank Conference on Land And Poverty" Sanjoy Patnaik And Sarita Pradhan The World Bank - Washington DC, April 8-11, 2013

⁴ Women of Odisha - Status and Challenges, Odisha Review (Feb-Mar 2012) by Prof. Asha Hans and Dr. Amrita Patel

An innovative one-year pilot programme stemmed from the need to establish a space for women to claim access, use and control over land and natural resources to ensure their equal rights to an adequate standard of living. The programme specifically engages with government district administration and larger civil society organisations, whose purpose is to ensure women's rights over land under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

The programme adopts a collaborative framework in order to involve the government district administration. Stakeholders in Kandhamal have joined hands to work for women's land rights and post-right recognitions for ensuring their participation in conservation and livelihood security. In this context, a structure was designed named "SAMBHAVANA" which fosters the possibility to act for generating awareness on women's assertion of land rights and their participation in pre- and post-claim processes under the Forest Rights Act 2006. There is special reference to provisions for women and their role in relation to ensuring the triple ideal of Forest Right Act 2006 i.e. tenure rights, ecological rights and livelihood security.

BOX 2:

Empowering provisions for women under the Forest Right Act 2006:

- Section 2(g) of the act provides for the **full and unrestricted participation of women** in Gramsabha (village council meeting).
- Rule 4 (2) provides that "The quorum of the Gram Sabha meeting shall be not less than one-half of all members of such Gram Sabha: **Provided that at least one-third of the members present shall be women**
- Rule 3 (1) provides that **not less than 1/3rd of the members of the FRC shall be women**
- Rule 5 (c) requires that **at least one of the three PRI members nominated** to the Sub Division Level Committee shall be a woman.
- Similarly, rule 7 (c) requires that out of the three members of the district Panchayat to be nominated to the District Level Committee by the district Panchayat, **at least one shall be a woman.**

Background to Sambhavana

Sambhabana is an initiative by Vasundhara along with local civil society organisations and district administration towards empowerment of women in post right recognition scenario and ensuring their participation in conservation and livelihood security.

BOX 3:

Joint Titling - The beginning of a new identity for tribal women in a new empowering right based framework

Joint land titling not only provided women with rights over resources but it also became an instrument of identity. The Forest Rights Act 2006 granted women legal recognition in their own right and reduced their dependency on family members. Such internalization by women like Sebati Kanhar and Malli Kanhar from the project area has no parallel in Indian history. This was the beginning of their journey to take up other agendas in their community and empowered them to organise women around forest resources leading to food security.

Sambhavana constitutes an array of consultations at gram panchayat⁵ / district/ state level for the women title holders, women members of Forest Right Committees⁶ and representatives of the panchayat and was first initiated in the district of Kandhamal in collaboration with the government district administration. The dialogue and consultations were conducted with the aim of leading to a process of networking and federation building which can create enabling spaces for women's groups to work further to achieve legal recognition of forest land rights. **Jamjhari gram panchayat** was taken as a model and women from eight villages of the panchayat organised themselves and started taking initiatives to communicate the messages of the Forest Rights Act 2006. In each of the villages there is a women's committee which monitors the progression of the

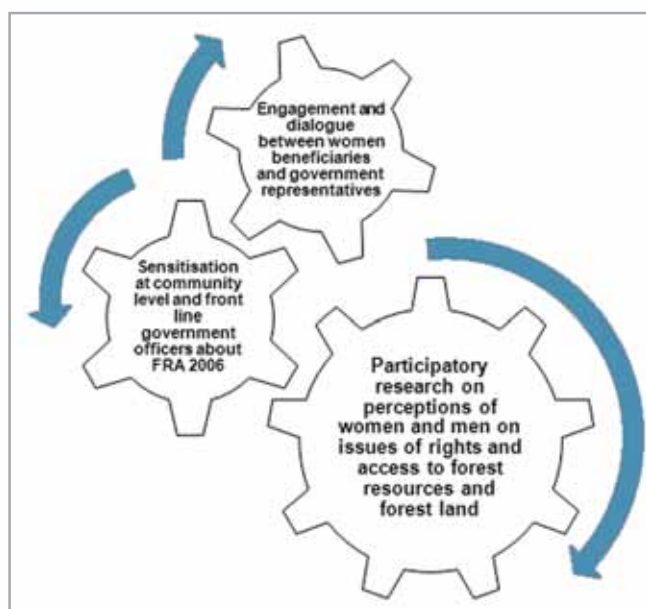
⁵ Gram Panchayat - This is village-level statutory institution of local self-government called the panchayat (village government) in India and its democratic bodies at the below district level and have been given Constitutional status under 73rd and 74th Amendments of the Indian Constitution. A sarpanch is an elected head of the panchayat (village government) in India.

⁶ Forest Right Committee is the Village level Committee constituted by government for looking into receive claim form and process under Forest Right Act 2006.

implementation of the Forest Rights Act 2006. The process of consultations and federation building will go hand in hand with a participatory process of documentation of the status of the Forest Rights Act 2006 with specific focus on women and their participation. Case studies highlighting the impact of the Forest Rights Act 2006 process on women will also be gathered.

Prior to this programme, Vasundhara and Trócaire had a programme on facilitating the implementation of the Forest Rights Act 2006 with peoples' organizations, non-governmental organisations, networks and federations. Vasundhara was involved in capacity building and strengthening of the network members and civil society not only to work at village level, but also to interface with higher level institutions from sub-division to state level to advocate for greater impact in addressing the day-to-day challenges and constraints in the implementation process. Ms. Pranati Patra, project administrator for the Integrated Tribal Development Agency (ITDA) has been a key ally for Vasundhara in proactively promoting women's rights. Vasundhara compiled comprehensive gender-segregated information on the implementation of FRA 2006 which was then shared with all key stakeholders. On the basis of the findings, Vasundhara organized a meeting with all the stakeholders, collector, ITDA, panchayat representatives, Care India and prominent civil society organizations in the district. This resulted in the establishment of SAMBHABANA, heralding a new phase of empowering and strengthening women through the opportunities under FRA 2006 wherein women themselves became the change makers.

Strategies:



Participatory research on the perceptions of women and men on issues of rights and access to forest resources and forest land

Participatory research work was carried out in 24 villages, in which a group of women played a major role in convening and facilitating dialogue and debate on the issue of rights and access of women over forest resources and forest land. At the outset, a series of meetings and orientations were organised in the district along with the ITDA and other relevant line Departments. The panchayat representatives and particularly the women representatives actively took part in the whole process. The entire intervention had a domino effect. The women who took leadership in the process started carrying the message to the neighbouring villages wherein groups started deliberating upon conservation and livelihood issues and devised their own mechanisms for ensuring environmental conservation and livelihoods security. The key findings were :

- Lack of awareness regarding the role of women in the implementation of FRA 2006,
- Social pressures and power dynamics leading to lack of confidence among the women in the community,
- Recognition of rights without proper verification and demarcation of land,
- Titles not conferred in the name of women,
- Non availability of storage facilities for the Minor Forest Products (MFPs) collected and
- Implementation of convergence programmes for securing the livelihoods of the people (land development and housing schemes etc.).

Impacts

Engagement with Government

In light of the type of initiatives these women's groups have taken, the block level government officials have agreed to meet them once every month and provided assurance of instant redressal of problems related not only to the Forest Right Act 2006 but also of issues relating to their lives and livelihoods as a whole. Women's collectives have been constituted and the group is continuously following up on livelihood related issues with the district collector and ITDA. A most important example is that since there is now a government scheme of minimum support price⁷ (MSP) for minor forest produce, which provides protective

⁷ Minimum Support Price (MSP) scheme of the government: The scheme is designed as a social safety net for improvement of livelihood of MFP gatherers by providing them fair price for the MFPs they collect. The Scheme has been implemented in eight States having Schedule areas as listed in the Fifth Schedule of the constitution of India. Odisha is one of them.

intervention as a safety net to these groups, the women members have also started to review the process of MSP in the district. A dedicated government web portal on the Forest Rights Act 2006 has been established where detailed information on women title holders are available. The portal also provides detailed information about joint title holders and other related information. The District administration has issued departmental orders to block and other government functionaries for ensuring participation of women during the distribution of titles.



“I had been cultivating my land for years when there was an encroachment case from forest department taken against me. I was harassed many times by forest department officials and driven away from cultivation on the land. Now I have the land title over the land, no one can take away that piece of land from me. This time I will utilise the land in the best possible manner which in a way is going to help me sustain my family.” Rajomati Kanhar from Rabingia Village, 45 year-old widow woman living with two of sons.

Padmaphula Dehuri is a 45 year-old woman living with three children. She says that getting title over the land has given her immense strength as she can utilize the land in bad times and can assure a better future for her children.

▼ Padmaphula Dehuri, Bilabari Village



Rights, Access and Control over IFR and CFR

24 villages in Jamujhari grampanchayat obtained title over Community Forest Resources (CFR), for which CFR mapping is complete in 17 villages. The total area covered by the CFR is 7,394 acres. A total of 402 Individual Forest Rights (IFR) titles have been issued, of which 19 were issued in favour of single women and the remaining titles are joint titles. Out of the 402 IFR title holders, 352 availed of housing schemes and 175 availed of land development under the post-claim process of FRA 2006. All single women title holders availed of the benefit of the post-claim process under FRA 2006. Five village CFR committees have actually been constituted (more than 50% are women members).

Regular consultations

Women are actively participating in the assertion process in gramsabhas where they give their opinions and suggestions in the intervention areas. Women also took an active role in delineating their forest resource access areas and traditional boundaries in the intervention areas. The women's groups themselves have been instrumental, engaging with the block level government line department officials. Post-right convergence related programmes have been initiated following on from 78 families obtaining titles for forest lands. More than 33 land plots for single and destitute women have been provided with land development assistance. The women's groups have taken up the issues of corruption related to housing scheme beneficiaries that were linked with land recognized under the Forest Rights Act 2006. Subsequently the Block authorities have started consulting these groups prior to any such interventions. The Panchayat have also started taking these women's groups seriously. They have been regularly invited to the monthly panchayat meetings to share their development agenda keeping in view the local issues and problems with regard to their economy and further development plans for forest based livelihoods.

The continuous engagement of different stakeholders with the women leaders has provided them with new strength, as a result of which they are now better organized in eight villages and have started engaging in various other worthwhile initiatives.

Addressing issues concerning conservation of Community Forest Resources

These women's groups, along with some volunteers and youths, have started an initiative to document the biodiversity of their forest. After regular interaction and trainings with the women's groups the volunteers have started documenting their traditional knowledge with the help of Vasundhara and the district administration. Even prior to the recent circular from the Ministry of Tribal Affairs, which discusses the formulation of a simple format to be used for conservation and management planning, the women's groups had already started it in their own way. Community Biodiversity Registers have been completed in two villages, which has been greatly appreciated by the Kandhamal District Collector. The understanding of local biodiversity, the livelihood security opportunities provided through FRA 2006 and the dwindling

▼ Training Programme on FRA 2006 for women conducted by Vasundhara



local economy has also focused the women's intentions towards a new era of "Women Collectives". They have also started mobilizing around their forest product enterprises, which to date had been more of a household matter and contributing less towards the local economic sustainability beyond their immediate families. Now, the increased understanding of local biodiversity, the mapping of resources, their potential in local and distant markets and the support schemes such as Minimum Support Price (MSP) has provided the impetus to constitute Women Collectives. Women have also started requesting training on the MSP scheme and value addition from the local administration.

BOX 5: ROLE OF VASUNDHARA AS A FACILITATOR

- Vasundhara as a state level advocacy organization, started deliberation with the nodal government department for FRA 2006 implementation and came out with a training module specifically for women.
- A series of trainings and orientations were carried out for concerned government officials with the active involvement of the ST & SC Development Department.
- Documentation of the case studies of the single women title holders and others women stakeholders.
- Series of consultation organised by Vasundhara at Phulbani block where women participated and shared their expectations & problems in FRA implementation process.
- IEC (Information, Education & Communication) development
- Advocacy in different levels for FRA 2006 implementation

Challenges

The programme in Kandhamal has introduced a number of innovative approaches to addressing the land rights of women. It includes communities, CBOs and government in a common platform as a strategy, which posed a number of challenges that needed to be addressed.

Working effectively with government

Concerned government line departments i.e. revenue and forest department officials did not coordinate with each other and personnel who were engaged in implementation of FRA 2006 were not gender sensitive. The forest department has

continued its massive plantation programmes and forest sector development programmes in the forest lands which are utter violations of the Forest Right Act 2006. The regular changes and transfer of government officials at district level, Sub-Divisional Level Committee (SDLC)⁸ and District Level Committee (DLC)⁹ affected the pace of claim settlement due to lack of understanding and coordination. Participation of women in the Sub-Divisional Level Committee (SDLC) and District Level Committee (DLC) was poor. To overcome these challenges, Vasundhara continued the process regularly meeting with the government district administration through the district level coordination process which tried to bring together multiple stakeholders for open discussion on issues and actions. Interfaces were organised with SDLC and DLC. Vasundhara frequently facilitated the interface of the women members with the district authorities, with the collectors and other government officials. Their assurance and commitment also contributed a lot in boosting women's confidence levels. Nonetheless this challenge requires ongoing attention.

Navigating Power dynamics

Social taboos, traditions, customs, household level responsibilities and power dynamics make women reluctant to participate in the gramsabhas and implementation process of FRA 2006. Vasundhara took a multipronged approach in dealing with specific challenges. Time and again partner organization staffs sat with the women panchayat representatives at different levels to build confidence and rapport with their male counterparts who are equally important stakeholders at the village level. Vasundhara also took some of the emerging women leaders on exposure visits to other places and intervention areas to raise their level of self-confidence. The challenge of addressing power dynamics continues.

Lessons Learned



The Role of Facilitator is critical :

This role involves understanding the aspirations of women, issues, articulation of issues and challenges. It needs lots of patience, passion, emotion, skills to handle local situations and continuous dialogue with different stake holders.

Engaging Men and other stakeholders increases acceptance of a gendered approach:

Incorporating women's inclusion as a specific objective within the programme takes lots of effort. It is necessary to train the whole staff of an organisation and of government, not just for increased understanding on gender as a concept but also for mainstreaming throughout the organisation.

⁸ SDLC – is the Sub divisional level Committee constituted for looking into and approval of claims under FRA

⁹ DLC- is the District level Committee for looking into and approval of claims under FRA

Sampati Kanhar: Inspiring Women in Her Late Fifties

Sampati Kanhar, a 55 year-old widow from Desia Kondh tribe lives with her three sons and three daughters in Madikhol village of Jamujhari gram panchayat in Kandhamal district. At a very early stage in life, she lost her husband leaving her standing alone to take care of all six children. Being the eldest daughter-in-law of the house, as per their local tradition, when she parted ways from the joint family, she got an extra piece of land along with her husband's share and the rest of the property was equally divided amongst her late husband's brothers. Presently, Sampati has around 1 acre of revenue land and has obtained recognition for 1.659 acres of land under Individual Forest Rights (IFR) over the forest land that she has kept under cultivation over the years. During the focus group discussion, when asked how she felt after getting the title in her name, she said that, *"this title has given me the right over my land and now I can cultivate more on it"*. Currently, she is staying with all her children in a separate house and recently one of her sons got married and has started earning an income.

She goes to the forest every day to get Siali leaves (*Bauhinia Vahlii*) and mushrooms from the forest. Sampati makes plates out of the Silai leaves that she gets from the forest. For a bundle comprising 80 plates, the sale price is 12INR. In a week she makes around 25 such units for which she gets 300 INR. She also looks after her kitchen garden where

she has planted pumpkins, some leafy vegetables and brinjals, etc. which she sells in the market along with the mushrooms and other things that she gets from the forest. Every week, she goes to the market and makes 400 to 800 INR. Apart from this she cultivates the land alongside her son. She has also converged her IFR land under job scheme for land development and many other schemes from the Horticulture as well as the Animal Husbandry Department. Further, she is the Secretary of the Forest Management Committee that was constituted under the section 4(1)(e) of FRA 2006 and is now actively participating in the decision making relating to the forest management and conservation.

During the inception stage of Samabhavana she participated in community level meetings. She barely spoke in front of the male members of her community but gradually, with time, she started giving her opinions. It was during the first gram panchayat level consultation that she became very vocal about her participation in the rights assertion process and other issues and challenges that she saw. Sampati now attends various meetings, workshops and district consultations that are organized in Kandhamal. As a resource person she shares her views, opinions and emotions on how a conferring of right has changed her life, why the forest is so important to her, and why women should take care of the forest by being a part of the 4(1) (e) committee.

▼ Sampati Kanhar, Madikhol village showing the Siali leaves that she collected from the forest.



What next ?

Sambhabana is a process which has tried to reach out to the different organizations working in Kandhamal on the implementation of IFR through District Level consultations. Some of the organizations who participated in these consultations such as Aahimsa, Swati, Pradan etc. have agreed to continue to work collectively for the cause of advancing women's rights assertions under FRA 2006. A meeting is planned in order to have concerted efforts towards this and an exposure visit to the areas where

women are playing a lead role in the assertion process as well as in effective forest management mechanism is envisaged. In an attempt to replicate the structure, a similar zonal consultation process was organized at Nayagarh where women across 3 Gram Panchayats participated in huge numbers. The meeting was aimed at generating awareness on women's rights and their participation in the pre- and post- claim process. Women not only realized how important it was for them to understand the Act, but they also began to share the issues that they have been facing due to the non-recognition of rights under FRA 2006.

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