

Engaging with Forest Dependent People's Network for voice for Land: a case of Koraput District



PRAGATI

Since 2009, Trócaire and PRAGATI have supported forest dwelling communities in Koraput District, Orissa State to improve their livelihoods security through the protection of individual and community forest land rights. This work has addressed an urgent need of tribal and other marginalised forest dwelling communities, who are reliant on forest land and resources for their primary livelihoods. Research conducted by PRAGATI in 2009 revealed that 75,962 families throughout 1,274 villages in Koraput District are dependent on forests for their livelihood. Each of these

villages was engaged in the management and governance of their forest through self-initiated forest protection groups. In spite of this, the communities had no legal rights over their forest resources.

In 2009, in cooperation with 15 Civil Society Organisations (CSOs)¹ and Koraput Jilla Banabasi Sangha², which is a District level people's federation of self-initiated forest protecting

BOX 1:

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (popularly known as the Forest Rights Act 2006) is considered breakthrough legislation that recognises the rights of millions of tribal and other forest dwellers in different parts of India. The Act 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. <http://www.forestrightsact.com/>



¹ The Forest Rights Network consisted of a number of NGOs working in Koraput District on the issue of Forest protection and facilitation of land rights that include: CYSD, SEARCH,WORD, PRASTUTE, SAHARA, SAMPRATI, AUS, RAD, ODISA, SOVA, AMS, TRIBE, JSP, EKTA & KJBS

² Koraput Jilla Banabasi Sangha: Koraput Jilla Banabasi Sangha is a district level people's federation of self-initiated forest protecting groups in Koraput District which covers 951 villages and has been facilitated by Pragati since 2005.

groups, PRAGATI started an innovative six-year sustainable livelihoods and environmental justice programme. This stemmed from a need to establish a space for communities to demand their rights to the lands on which their livelihoods depend. The programme adopted a civil society networking approach as a major strategy to reach out to greater numbers of participants/community members.

Facilitation process for Implementation of Forest Rights Act 2006 in Koraput District:

The population of District Koraput is 1,379,647, of whom 50.66 % are tribal people. Thirteen tribes inhabit the District, namely Kandha, Paraja, `Obhatoda, Gadaba, Kotia, Bhumia, Duruba, Halva, Bhatra, Pentia, Kondadora, Soura and Omanatya³. In this context, secure land rights can lead to increased agricultural productivity in a number of ways. Further, community rights should secure access to forest products and ecosystem services, providing improved income streams through collection and sale of forest products, as well as providing seasonal food security (roots, tubers and fruits) medicines and usufruct rights⁴. Thus the Forest Rights Act 2006 (FRA) provides for the individual rights of forest dwellers over the lands they have been cultivating, as well as the right to protect, conserve, regenerate and manage community forest resources [under Section 3(1)(i)]. This broadens the scope for the legal recognition of the traditional community conservation initiatives.

Strategy for Implementation of Forest Rights Act 2006:

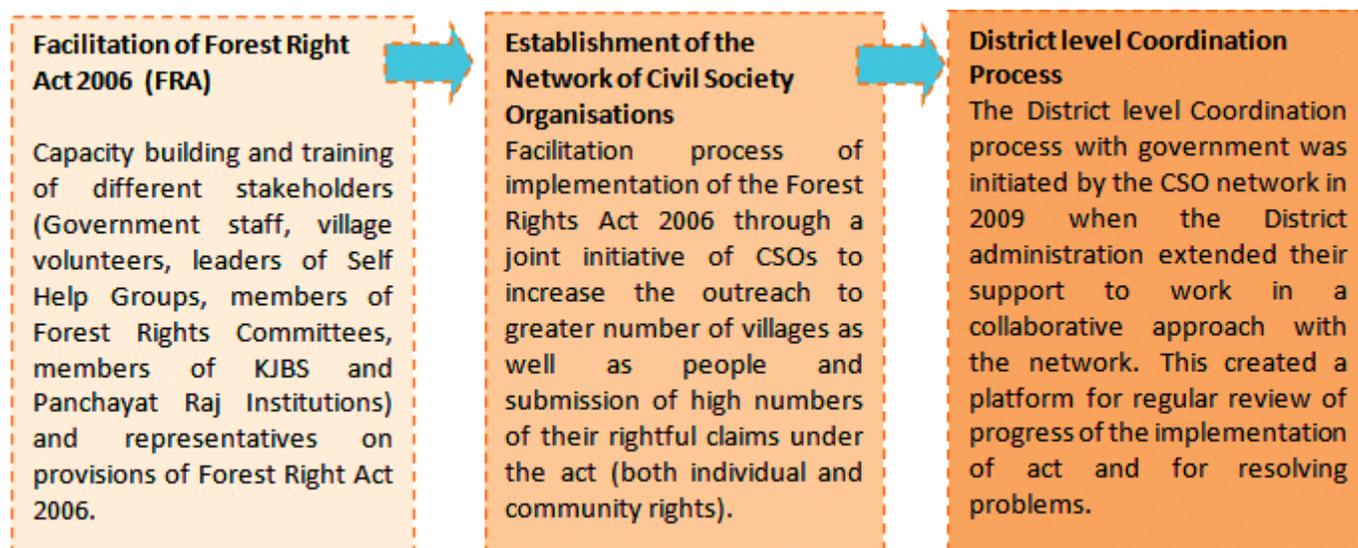
PRAGATI used four core strategies in working with forest land dependent families:

Study to establish a database of Forest Dependent People in Koraput:

One of the major issues was the lack of reliable data regarding the number of forest land dependent families. With Trócaire support, and in association with the Koraput Forest Network, PRAGATI conducted a study on dependency on forest land and forest resources in Koraput district. The study was



▲ Village survey to identify forest dependent families



³ 2011 Census

⁴ Usufruct is a limited real right (or in rem right) found in civil-law and mixed jurisdictions that unites the two property interests of usus and fructus: Usus (user) is the right to use or enjoy a thing possessed, directly and without altering it. Fructus (fruit, in a figurative sense) is the right to derive profit from a thing possessed: for instance, by selling crops, leasing immovables or annexed movables, taxing for entry, and so on.

⁵ Panchayat - This is a village-level statutory institution of local self-government in India. The panchayats and their democratic bodies at the below district level 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.

conducted in 1,274 villages, out of a total of 1,890 villages, in the District. The survey revealed that 75,962 families were dependent on forest lands for their livelihood and also that the communities were protecting their village forests in the 1,274 villages. The findings of the study were presented before the District level line government department officials, panchayat⁵ representatives and people's federation of self-initiated forest protecting groups.

Information sharing, awareness generation and capacity building of multiple stakeholders:

Awareness raising amongst important stakeholders was taken up through village meetings, federation meetings, public campaigns, rallies and submission of memorandums in all 14 forest blocks through the Koraput Forest Network (KFN). Capacity building and awareness campaigns were taken up in all 14 blocks in association with district level line government departments. Trainings and orientations were organised for multiple stakeholders to increase their knowledge of the rules and procedures set out in the Forest Rights Act 2006 and of their respective roles and responsibilities. The Forest Rights Committee⁶ members, panchayat representatives and people federation leaders were reached through these training programmes. Leaflets were prepared in local regional languages for awareness generation among the communities on the rules and procedures of the FRA 2006. 10,000 claim forms were printed to enable communities in the most remote and inaccessible areas to submit their claims.

Resource Mapping:



▲ Resource Mapping at Sariaput Village

Focus group discussions and participatory rural appraisals (PRA) were conducted in villages for the facilitation of claim submission for community rights. The process included use of tools such as boundary identification, resource mapping, and seasonality analysis to identify dependencies on forest resources.

⁶ Forest Right Committee is the Village level Committee constituted by government for receiving claim forms and processing under Forest Right Act 2006.

Media Sensitisation:

The print and electronic media were involved through regular interface and information sharing to encourage press coverage of the status of the implementation of the FRA, and associated issues and challenges. The Media coverage of the implementation challenges, rallies and campaigns has impacted on the District administration and policy makers to expedite the processes.



▲ Local Regional Newspaper name Dharitri on 22-09-2015

The Impact on Community Life:

The assertion of land rights has produced positive impacts. There has been visible progress in the settlement of individual claims. So far 37,156 individual claims have been submitted out of which the claims of 27,676 families have been settled over 42408.44 acres of land (Average 1.54 acre per family). Though the average area granted is much less than claimed, it has changed the status of a forest dweller from encroacher to land owner. For the first time, joint titles are issued in the names of both the spouses. **“We are no more afraid of the forest department officials who used to threaten us for**



▲ Lachhana Gadaba and Samari Gadaba of Putpondi village with their joint entitlement

cultivating in the forest lands, we can take care of our land and grow crops confidently.” say Samari Gadaba and Lachhna Gadaba of Putpondi village.

The process involved in the determination of rights under Forest Right Act 2006 has helped revive community institutions, the Gramsabha⁷ and 1704 Forest Rights Committees as they have been involved in the identification of the right beneficiary, claim submission and joint verification. It has also helped resolve conflicts and overlaps

“The Forest Rights Committee members participated in the trainings organised by Pragati and facilitated the process for claim submission i.e. collection of necessary documents, preparation of sketch map and approval in Palli Sabha followed by submission at the SDLC⁸ level. As a result 59 families have got land titles in our village”, says Somanath Chapadi, FRC member of Doliambo village.

of claims, address issues of social justice and equity as the record of rights are issued in the names of both spouses and also in the names of single women, and provided space for the participation of women in all three level decision making bodies.

For the first time tribal women have got land entitlements under FRA. In the tribal societies women do not have customary land rights due to the prevalence of patriarchal tribal marriage systems and the fact that tribal communities do not want their land to be inherited by ‘outsiders’. Individual land titles have brought other benefits including fruit bearing tree plantations for 1007 families under the Government National Horticulture Mission, access to Government Housing Scheme for 14,238 families, water harvesting structures for 437 beneficiaries and land development for 5,581 families under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)⁹ under the convergence plan¹⁰ of the government. Ownership of land has resulted in more productive use, as the community members have started growing different crops, and protecting and developing their lands in a sustainable manner through use of bunding, improved manure application etc.

▼ Villagers of Doliambo with their land titles



⁷ “Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level.

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

⁹ Mahatma Gandhi National Rural Employment Guarantee Scheme- Meant to provide 100 days of wage employment to rural poor families in a calendar year

¹⁰ In this case, convergence of government laws and schemes which relate to land, housing and other natural resources.

Table - 1: Status of FRA implementation in Koraput District as on 31st July 2015 by Koraput Forest Network

	Baseline	Individual claims	Community claims
No. of villages in the District	1,890		
No of villages covered under Koraput Forest Network	1,274		
No. of FRCs constituted by Gram Sabhas	1,890		
No. of Claims received by F.R.C.		37,156	1,107
No of claims approved by Gram Sabha and submitted to SDLC		29,707	624
No. of claims approved by SDLC. (Sub-division wise)		27,772	169
No. of claims approved by DLC for title.		27,676	169
No of certificates of titles distributed		25,270	58
Area in acres		39,886.42	2,780.87

Graph - 1: Status of FRA implementation in Koraput District as on 31st July 2015 by Koraput Forest Network



Women and Land Rights - Approaches adopted to ensure land for women:

The Forest Right Act 2006 is landmark legislation which provides some degree of gender equality in the form of joint titles and some clauses in the law for minimum representation for women in various institutions for implementation i.e. FRC, SDLC and DLC¹². Initially women’s participation in the Forest Right Committees (FRCs) and village council was only nominal, and women were represented by male members of their families. There was little cooperation and also strong resistance by the family members to include names of women in the claim forms. The strategic intervention to ensure the



claims of women started with encouraging women’s participation in the FRCs and village councils through mobilisation of women’s self-help groups and village forest protection committees. Orientation of members of FRCs and

¹² DLC- is the District level Committee for processing and approval of claims under FRA

panchayats was used as a strategy to ensure joint titles and titles for single women. Once these initial barriers were overcome, the authorities had to recognise the rights of women at the same level of that of men in the household (in case of a joint title).



▲ Samari Oyal of Doliambo in her land

Joint titles and titles for single women in poor households' have no doubt created a sense of security for women and has the potential to enhance allocation of household resources, increase women's access to credit, technology and information and also reduce gender-based violence. Out of the titles issued, 24,262 families have got joint titles and 784 single women have land titles in their names.



▲ Manika Chapadi constructing her house under housing scheme of government convergence plan

“Now I have the land title in my name, I am no more a landless widow. I can grow crops as I wish. My children will inherit my land” says Samari Oyal, a landless widow of Doliambo village.

“Now I own 1.5 acre of land in my name. Before my in-laws treated me as an intruder and used me as wage labourer. But after getting land right in my name, they are treating me well. My children do not feel like orphans”, says Kandai Sukri of Chillam village who had suffered a lot after the death of her husband ten years ago.

Women have also availed of government schemes like housing schemes and plantations under the convergence plan of government. The single women who had been deprived of their cultivation rights are now able to grow food crops such as paddy and millets and have also started developing their lands with land bunding initiatives.

However, the challenges are still significant as the conditions laid out regarding non-alienability and inheritance opens up a whole new debate on patriarchy and inheritance systems at household level. In addition, women's control of and decision making power in terms of land-use priorities in these newly allotted plots are yet to be fully accepted by their male family members.

Challenges faced by the Programme

While the programme in Koraput has had many successes it has also faced a number of challenges during the implementation process. Some of these challenges still remain.

Working with government:

Government line departments i.e. revenue and forest department officials did not always cooperate during the claim verification process, the demarcation of the lands claimed or the furnishing of maps. This was the major reason for delay in the claims process. The forest department has continued its plantation and forest sector development programmes in the forest lands. These are utter violations of the Forest Right Act 2006. Forest dwellers remain confused regarding government schemes and programmes. Further claims need to be settled and the land area under individual and community titles should be reconsidered. The rights of other traditional forest dwellers are not at all considered which is gradually breeding discontentment and may lead to social conflicts in near future. The progress in settlement of community claims is quite discouraging, as only 58 claims are settled to date out of the 1,107 claims submitted. Furthermore, the community claims approved are mostly for sacred groves, road and infrastructures, not as per the claims submitted by the village communities; claims are rather settled as prescribed by the forest department officials. The changes in officials at district level, SDLC and DLC affected the pace of claims settlement due to lack of continuity, understanding and coordination. Many communities are still unaware of the status of claims previously submitted since there is broken communication from the SDLCs to the FRCs or the gramsabha. This discontinuity has been a considerable challenge for PRAGATI and is still continuing. To overcome these challenges, Pragati and the Koraput Forest Network (KFN) have continued to engage in regular dialogue with the government district administration through the district level coordination process which attempts to bring together multiple stakeholders for discussion on issues and action. Interfaces were also organised with SDLC and DLC. As a result, the District administration has started addressing the issues for

settlement of community claims through joint verification and open dialogue with KFN and the District federation.

Working in NGOs network mode:

15 non-government organisations (NGOs) were involved in the Koraput Forest Network. At times it was challenging to maintain motivation due to competing priorities and bottlenecks in progress. To overcome this challenge, PRAGATI continued the process for regular dialogue with the network NGOs.

Issue of Excluded

Some traditional forest dwellers still remain excluded from the implementation process, due to the restrictive criteria of three generations (or 75 years) of habitation and the insistence of the authorities on documented evidence. Even the Rules of the Forest Rights Act 2006 include the provision of oral and physical evidence, authorities insist on documented evidence when considering claims. Often this is not available, particularly for customary rights. Such discrimination against the traditional forest dwellers may lead to civil conflicts in future and destroy the relationship of trust that exists between the scheduled tribes and other traditional forest dwellers, including scheduled castes. It has been a considerable challenge for PRAGATI which still remains. There is a need for more to be done for the settlement of community claims and the claims of other traditional forest dwellers.



▲ Quarterly meeting of District Federation

Lessons Learned



Networking Increased outreach in a cost effective manner :

The networking strategy helped by reaching out to a greater number of target groups in larger areas

of the district within a short span of time in a cost effective manner. It encouraged bonding among the civil society organisations for a common cause and the initiative is recognised by the District administration.

“The success of securing land titles in such [a] big number has been possible due to the concerted action of the forest network”, says Surendra Masti, Secretary of District community forest federation.

District level Coordination with government accelerated action:

The District level coordination process with government created a platform for all the stakeholders to come together for open discussion on strategy, process and negotiating the settlement of issues in an amicable manner and helped in the settlement of such a large number of individual claims. However, there is still need of concerted action for negotiating for the settlement of community resource rights.

People, themselves, can do excellent advocacy:

In the present context, where the role of NGOs is limited, the people and their organisations can play a central role in advocacy. PRAGATI has already facilitated federations of the forest dependent people at various levels with emerging leadership skills. They now need to be encouraged to play an active role to carry forward the initiatives.

“The Forest department officials and the line departments in the Blocks are consulting the members of the Federation and the NGOs, as they feel the pressure of Forest network, says Radha Pandia, representative of Block federation of Nandapur Block.

Convergence with Government schemes:

Translating rights into livelihood gains and conservation requires convergence of Forest Right Act with other laws and programs of government including the employment scheme, watershed, housing and other livelihood development. The convergence plan should ideally emerge from the plans developed by the Gramsabha through participatory processes for conservation and management of community forest resources and adjoining areas.

Conclusion

Nothing inspires and empowers more than success! The success achieved by the Koraput Forest Network and the processes built over the years need to be sustained and scaled up to reach the ultimate goal of entitlements for all the forest dwellers and community rights over forests. The work in the District, through strengthening of the people's organisations, has led communities to discover their own power to change their lives. Communities with little literacy and few connections to the outside world have shown their strong capacity to engage and to succeed in procedure-intensive, highly bureaucratic claim processes.

To scale up and sustain the process, there is need for people-centred advocacy to break through the power structures that limit the conferment of rights. There is also need for support to guide the movement and build allies with state and national networks.

"The journey continues..... Many a milestone still need to be crossed." says Surendra Masti, the Secretary of District forest federation who has been a part of the process since the beginning.

Contributed by:



PRAGATI

At: Pujariput, Po/Dist: Koraput-764020,
Tel. No. 06852-250241, 250720 (Fax)
Email ID: pragatikoraput@gmail.com,
Website: www.pragatikoraput.org

Photo Credit: PRAGATI

Trocaire
Trócaire
working for a just world

Trócaire India Office
S-30, Phase-II, Maitri Vihar Road
Maitri Vihar, Bhubaneswar-751023

www.trocaire.org