

Women's Rights to Forest Spaces and Resources



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By N C Saxena



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1

Introduction



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Despite fast economic growth in India in the last two decades there are disturbing indications that gender inequalities in critical human development indicators like life expectancy, health and employment have either remained stagnant or increased. The decline in the juvenile sex ratio down to 914 now, visible in the data from Census 2011, is an indication that the constitutional assurance of freedom and equality for women is still far from being fulfilled.

More than 90 per cent of women continue to struggle in the informal/unorganised sector with no legislative safeguards. The prevailing social constraints of patriarchy largely relegates women to the inside sphere. Added to this are the dual responsibilities of women tagged with heavy work responsibilities in agriculture, animal husbandry and other traditional sectors which create a syndrome of gender stereotypes, marginalisation, alienation

and deprivation of women in the informal sector. Even when their hard work produces surplus (as in collection of forest products) they do not generally control its disposal, which has traditionally been and continues to be in men's domain.

Women have thus remained the neglected step children of development. Women continue to be 'invisible' to planners, despite their high levels of contribution to the national economy. Development

has concerned itself with producing surplus for the market economy, and women, involved in the subsistence rather than the cash sector of the economy, were not able to attract serious attention from the planners. The interest of women was considered subsumed within the family. In almost all schemes for the rural poor the family approach was adopted under the assumption that benefits to the head of the family, who is assumed to be a male, will percolate down to women and children.



2

Harmonising poverty concerns with forest management



Photo Credit: UN Women/Gaganjit Singh

Almost 85 per cent of rural women in India still derive their livelihoods from land and water based activities. However, productivity of these two resources has not sufficiently improved¹, especially in rainfed areas of central and plateau regions of India where both poverty and degraded forests are concentrated. In the last thirty years there has been enough empirical evidence to establish that the conservation of forests must go hand in hand with economic development because any economic development

that destroys these resources will create more poverty, unemployment and diseases and thus cannot be called even economic development. It may just be transfer of resources from the poor to the rich. This is because the poor and especially women depend on nature for their daily survival. For them the Gross Nature Product is more important than the Gross National Product. Environmentally destructive economic development will impoverish the poor even further and destroy their livelihood resource

¹ Discussed in the parallel paper undertaken for UN Women on 'Women and Agriculture in India'. Please see http://www.unwomensouthasia.org/assets/Women_Land_Agriculture_in_Rural_India.pdf

base. Therefore the environmental concern in the developing world must go “beyond pretty trees and tigers” and must link it with peoples’ lives and well being.

2.1 Women and forests

An estimated 147 million people live in 170,000 villages² that are in and around forests in India and another 275 million villagers depend heavily on forests for their livelihoods (Forest Survey India, 2002). Probably the first victims of any environmental degradation are the women among the poor. A fuelwood crisis as a result of deforestation, for example, forces village women to travel for miles in search of wood. This involves waste of energy and time, which the women could have devoted to more remunerative work. They have to bring water for cooking and washing from great distances. Fodder scarcity also affects women first as the care of livestock is their responsibility.

This burden on women in turn has an impact on girl children. When the mothers’ time is spent on fetching fuelwood and drinking water, girl children are kept at home and discouraged from attending schools. They have to look after the younger children, sweep the house and do other household chores. Women are also the immediate victims of the smoke that fills the houses of those who cannot afford clean fuels like natural gas and electricity.

Vulnerability to environmental degradation induces women to become agents of eco-restoration in organised efforts. Women have taken keen interest in planting fruit, fodder and fuelwood trees around their houses and on common lands. They have played an enthusiastic role in preventing overexploitation of forests by commercial interests. There have been instances of women taking part in struggles to protect grazing lands and forests from disruptive developments like mining. Women’s participation is valuable for improving productivity of common lands. Since women are so closely linked with natural resources, they represent a constructive and

protective force for the environment. They can play a crucial role in turning vicious circles into virtuous ones (Nadkarni, 2000).

This paper describes some of the present policies in forest management that are detrimental to the poor, particularly women, and suggests changes that would ameliorate their condition as well as improve the quality of India’s forests.

2.2 What describes the reality better, class or gender?

While it is now universally accepted that identifying the interest of the family with its male head exhibits a gender bias, there is no unanimity on how should one explain the relationship between women and forests. Shiva (1988) conceptualises the link between women and the environment mainly in ideological terms. Her argument is that there are important connections between the domination and oppression of women and the domination and exploitation of nature. Because the domination of women and of nature occur together, women have a particular stake in preventing over-exploitation of nature.

This eco-feminist perspective emphasizing the natural and spiritual content of women’s ‘closeness’ with nature (Locke, 1999:237) is contested by Bina Agarwal (1994). She argues that it posits woman as a unitary category and fails to differentiate between women by class, caste, race and so on, thus ignoring forms of domination other than gender, which also impinge crucially on women’s position. By focusing on ideology eco-feminism neglects the non-ideological sources of dominance based on economic and political power. Even in the realm of ideological constructs, it does not discuss by what means certain dominant groups bring about ideological shifts in their own favour, and how these shifts get entrenched.

‘For instance, in poor peasant households, women are usually the worst affected by environmental

² The total number of revenue villages in India is about 6,50,000.

degradation while also often possessing a special knowledge of plant species and processes of natural regeneration, since it is they who typically collect and gather from forests and village commons, and in high male out-migration areas are also often the main cultivators. But women, who are no longer dependent on or in contact with the natural environment in the same way, will neither be so affected nor so knowledgeable about species-varieties. In this conceptualisation, therefore, the link between women and the environment lies in the interactive effects of ideology and material conditions, rather than being rooted mainly in ideology or women's biology.'

This is illustrated by women's involvement in movements such as Chipko, which have emerged mainly in hill or tribal communities among which women's role in agricultural production has always been visibly substantial and often primary - a context more conducive to their public participation than found in communities practising female seclusion.

When rural women complain about the lack of firewood, or water pollution by mining or oil extraction, or mangrove uprooting by the shrimp industry, such complaints do not arise because of a

biologically based empathy of women with nature (compared to men). Rather they arise from the fact that women depend more on non-market access to environmental products and services because they have less access to private property resources, such as land, and because of the gender division of labour which makes firewood or water women's work (Martinez-Alier, 2011). Class and occupational role rather than biological aspect of gender seems to determine the historical specificity of women's interaction with forests, including public lands and water. Studies have also shown that even in patrilineal communities women who are forest based are economically more independent and have a higher status than their counterparts have in the rest of India because of their involvement in and income from gathering from forests (Kelkar and Nathan, 2005).

With the above perspective we now discuss women's four distinct occupational roles in forestry - gathering for subsistence and sale, wage employment as unskilled labour, tree growing on family land, and participation in community forestry and Joint Forest Management (JFM) programmes. Of these the first and last are the most important roles involving a large number of women, and will be discussed in some detail.

3

Women as gatherers



Photo Credit: UN Women / Gaganjit Singh

Poverty in India is generally considered to be linked with lack of private land, or its low productivity. Changes in collection from forests go largely unnoticed, and are not accounted for in the GNP. But not only is gathering an important economic activity for the poor women, their relative status within the family is also higher in well-forested villages, rather than in commercialised villages which lack forests. In addition to firewood, the poor women collect what are called minor forest products (MFPs) or non-timber forest produce (NTFP), such as fodder and grasses; raw materials like bamboo, canes and Bhabbar grass for artisan based activities; leaves, gums, waxes, dyes and resins; and many forms of

food, including nuts, wild fruits, honey, and game. Table 1 depicts the relative gender roles in activities related to NTFPs in West Bengal.

Table 1: Men's and women's involvement in NTFPs (in percentage)

Activities Related to NTFPs	Male	Female
Gathering	25	75
Processing	–	100
Marketing	33	67
Consumption	50	50

Source: Sarker and Das, (2002).

Box 1: Tribal women in Chattisgarh

Forests are a vital livelihood support system for tribal women in Chattisgarh who rely on the collection of forest products and also play a part in protecting forests. Forest resources provide them with food, medicine, fodder and grass, fuelwood and water for irrigation. Early every morning, groups of women set out towards the forest. Once there, they work individually, collecting such non-timber products as tendu patta, char and sal seeds, palesh, sarai, mahua/dori, harra, kusum, sisal, bamboo, chhind, mango, jamun, ber. Heat, lack of water, thorns and cuts to the hands make this work difficult, but the efforts produce income.

From the products they collect, the women obtain foods such as fruit and oil, and medicines.

Forest products also become raw materials for processing a number of items at home, such as bidi, brooms, baskets, mats, rope, home-made toothbrushes and leaf plates. Some forest products (such as char, lac, dataoon, leaf plates, marula fruit) are sold for a small cash income, which is used for buying clothing, oil or spices. Certain tribes make baskets and brooms out of bamboo.

Tendu leaves, an important forest product, are collected by tribal women during the "tendu season" (March-April). Women get up at around four AM and spend 6-8 hours collecting the leaves, working without food or water. This is followed by 3-4 hours of counting and stacking the leaves in bundles of 50. It is owing to this activity that illiterates in the village know how to count to 50.

Source: International Fund for Agricultural Development (IFAD). http://www.ifad.org/gender/learning/sector/agriculture/in_4_2.htm.

While men do more laborious work like cutting of timber, women concentrate on NTFP collection, fodder, and fuelwood. Consequently, men and women have a difference in knowledge about forest resources (Gurung et al., 2000). It is women who are credited with more extensive knowledge about forests. Tribal women in India use almost 300 forest species for medicinal purposes (Martin, undated).

However, much of the misery of women and forest dwellers is due to deforestation and commercial plantations which have removed the resource on which their livelihoods has been based. There is much evidence to show that peoples' access to forests for meeting their basic subsistence needs has deteriorated overtime, and that this is fairly widespread. This was primarily due to the policies followed in the forestry sector in the first forty years after Independence that discouraged use of forests by the people, and encouraged its exploitation for industry.

Three sets of factors have been at work in shaping the above policies. First, development until the mid-

eighties was associated in the minds of planners with creating surplus from rural areas and its utilisation for value addition through industry. Hence, output from forest lands was heavily subsidised to be used as raw material for industries. The adverse impact of such policies on forests or forest dwellers was not considered to be serious, as the resource then was thought to be inexhaustible. Second, women, tribals and other forest dwellers, with little voice or means to communicate, were remote from decision-making, and politically their interests were not articulated. Third, foresters were trained to raise trees for timber. Other intermediate and non-wood products were not valued, as indicated by their usual description as 'minor products', leading to adoption of technologies that discouraged their production.

The combination of these forces led to perpetuation of a timber and revenue oriented policy that harmed both the environment and the people, but was argued to be meeting the goals of the nation-state. Policy decisions during 1950-90, which have supported industrial plantations on forest lands, have not been able to stop the degradation of

India's natural forests. Forests were over-exploited on account of government concessions to forest industries in the zeal for industrialisation, which had made forest raw material available to industries at much below the cost of regeneration, in fact almost free. As such, there was not much incentive for industries to invest in regeneration. The unsustainable exploitation of forest raw material dried up the sources of supply much sooner than expected by the forest industries themselves, and pushed the frontiers of exploitation into ever more remote areas (Gadgil, 1989: 15-18).

Migration - In addition to deforestation, many other developments have also increased forest dwellers' marginalisation, such as stagnant agriculture, displacement, indebtedness, lack of opportunities, accessibility and awareness of the government programmes, and absenteeism of government staff. Coupled with this, the government and private industrial establishments have initiated mega projects of mining, hydro-electric, industry, business, roads and transport which has led to the loss of traditional land ownership and livelihood opportunities. This is resulting in large scale migration of rural tribal to urban areas in search of livelihoods either temporarily or permanently which in turn is disturbing their traditional socio-psychological family neighbourly relationships, and resulting in loss of social capital.

Another new feature of tribal migration from Jharkhand, Orissa, Madhya Pradesh and Chhattisgarh in recent years has been the large - scale migration of single women to cities in search of livelihood, which is a subtle change from the earlier migration patterns when only the men migrated to urban centres. Tribal families nowadays are driven by poverty to send unmarried daughters to cities in search of work. Single women and tribal girls are however, prone to exploitation not only by employers but also by anti-social elements. Majority of the tribal women migrants who have migrated are in the age group of 19-25 years age group (44%)

particularly so in Jharkhand (61%) and Orissa (66%) followed by 26-45 years age group (25%) indicating that, either adult women or those women who have just married are migrating to towns and cities in search of job opportunities. Deforestation, land degradation, unemployment, poverty and lack of basic facilities of education, health and hygiene are still a major problem in the tribal areas forcing them for out migration to various towns and cities (Planning Commission 2010).

3.1 The new Forest Policy (1988), PESA (1996), & FRA (2006)

Coming back to the discussion on forest policy, the timber oriented government policy that continued for almost a century was changed in 1988, and the new forest policy³ sought to reverse peoples' alienation from forests. According to it, forests are not to be commercially exploited for industries, but they are to conserve soil and the environment, and meet the subsistence requirements of the local people. Derivation of direct economic benefit from forests has been subordinated to the objective of ensuring environmental stability and maintenance of ecological balance. Para 4.3.4.3 of the new policy reads as follows:

The life of tribals and other poor living within and near forest revolves around forests. The rights and concessions enjoyed by them should be fully protected. Their domestic requirements of fuelwood, fodder, minor forest produce, and construction timber should be the first charge on forest produce.

Despite the fact that the new Forest Policy focused on improving access of forest dwellers to such products, in actual practice it was noticed that its implementation was tardy with the result that there was little change on the ground, and the old mindset of treating gatherers as a nuisance continued in the Forest Department. The 1988 Forest Policy, not being a legal document, proved toothless in improving livelihoods of the forest dwellers.

³ The watershed 1988 National Forest Policy asserted that one of the basic objectives was 'creating a massive people's involvement with the involvement of women'. This is the only non-bracketed mention of women. The 1990 circular on JFM makes no mention of women specifically and refers only to beneficiaries.

A change towards increasing their access to forests was attempted by enacting two central laws at different times, 'the Panchayat Extension to Schedule Areas' called PESA in 1996, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act ten years later in 2006, popularly known as the Forests Rights Act (FRA). PESA directs the state governments in the following manner:

'while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with the powers of ownership of minor forest produce.'

Although according to PESA panchayats and gram sabhas are the owners of NTFPs the Forest Department contends that villages do not have control over reserved forests, as these are outside village boundaries, and therefore PESA is not applicable to reserved forests. The most important NTFPs are still owned by government and control/ownership has not been given under state laws to gram sabhas/panchayats as directed by PESA. In Andhra Pradesh, for instance, there is a clear contradiction between PESA and state laws, as a government parastatal called Girijan Cooperative Corporation (GCC) holds monopoly rights over many important forest products. Moreover PESA is applicable only to those villages/blocks that are under Schedule V, and does not cover many areas where gathering is an important economic activity, but these are not covered under the Fifth Schedule.

These lacuna were sought to be taken care of by the Forest Rights Act of 2006. Section 3(1)(c) of the Forest Rights Act 2006 defines forest rights as inclusive of 'Right of ownership, access to collect, use and dispose of minor forest produce which have traditionally been collected within or outside village boundaries'. Therefore communities and gram sabhas having rights under this particular section of the Act will not only have the rights to use but also rights of ownership over MFPs.



Photo Credit: UN Women/Gaganjit Singh

As discussed later, even the implementation of FRA has left much to be desired. Moreover providing ownership in itself is not enough as management and control over forests continues to be with government. These legal safeguards may not be able to prevent deterioration in the quantity and quality of the gathered NTFPs, or incomes therefrom. Some of the processes that may cause this are; deforestation, preference for man-made plantations in place of mixed forests, regulatory framework, diversion of NTFPs and forests to industries, nationalization of NTFPs, and exploitation by government agencies and contractors in the marketing of NTFPs.

Therefore in addition to guaranteeing that the two laws are implemented in letter and spirit, one would have to address three inter-related issues for ensuring that women's and forest dwellers' livelihoods are supported and enriched by NTFPs:

1. how to increase NTFP production,
2. how to improve women and forest dwellers' access to NTFPs, and
3. how to maximize their incomes through marketing.

3.2 Production

So far the entire thrust of forestry has been towards growing timber, which results in the removal of all the material which could serve gathering needs. This calls for a modification of the existing silvicultural practices, not so much to achieve high forest as to restore to the forests an admixture in which a sensible balanced level of vegetation would be available to meet the gathering needs.

Norms for silvicultural practices were developed in times prior to the current scenario of high human and cattle pressures, and must now be adjusted accordingly. If the national objectives have changed after 1988 to prioritise people's needs, there must be an accompanying change in silvicultural practices and technology. "Scientific" forestry should therefore mean that environmental functions, wild fruits, nuts, NTFPs, grasses, leaves and twigs become the main intended products from forest lands and timber a by-product from large trees like sal. The reverse has been the policy for the last 100 years. Although after the advent of the new forest policy in 1988 there have been great efforts to involve forest communities in management, more thought should be given to make necessary changes in the technology which will be suitable to meet the changed objectives.

Timber is a product of the dead tree, whereas NTFPs come from living trees allowing the stem to perform its various environmental functions. Moreover, gathering is more labour-intensive than mechanised clear-felling. Local people living in the forests possess the necessary knowledge and skills for sustainable harvesting. Finally, NTFPs generate recurrent and seasonal as opposed to one-time incomes, making its extraction more attractive to the poor. Thus if access to NTFPs can be assured, standing trees can generate more income and employment than the same areas cleared for timber, whilst also maintaining the land's natural biodiversity.

From the women's point of view, crown-based trees are important for usufruct, but forests still remain largely stem-based. The traditional Indian way of looking at trees has, however, been different. As opposed to trees for timber, Indian villagers for centuries have depended on trees for livelihoods. There has been little felling. Instead, trees have been valued for the intermediate products they provide. To the extent that trees provided subsistence goods with little market value, and trees were abundant, questions of share or ownership did not much arise. Trees were valued for the diversity of their products and the many ways in which they helped to sustain and secure the livelihoods of the people.

The proposed changes for maximizing the production of NTFPs are explained in brief in the following Table:-

Table 2: Technical options for forests

	Traditional	suggested options
objective	reduce people's dependence on forest lands	increase supply of goods desired by people
production goal	high stem biomass	high crown biomass
client	market & industry	forest dwellers & local people
timber	main product	by-product
silviculture	conversion to uniform	selective felling and protection
species	exotics & commercial	usufruct and NTFP giving
production through	planting	mainly natural regeneration ⁴
usage through	harvesting	gathering

We also suggest that outside each forest coupe (at least where rights have been given under FRA) there should be a notice board publicising what rights forest dwellers have as regards collection.

⁴ Favouring natural regeneration does not mean rejecting plantation, it simply means that the focus shifts to assisting existing plants and emphasizing local diversity.

The colonial tradition of secrecy must be given up. A simple notice that, "this forest belongs to the community", may in itself, change their attitude towards forests. Agreements must be entered in writing with the beneficiaries informing them about their entitlement, and copies given to each village.

3.3 Access

In addition to deforestation and preference for mono-cultures in place of mixed forests, forest dwellers' and women's access to NTFPs has also been constrained by the regulatory framework, diversion of NTFPs and forests to industries, and nationalization of NTFPs.

3.3.1 Vague rules and over-regulation

The colonial forest policy provided that declaration of an area as forest should not abridge or affect any existing rights or practices of individuals and communities. These rights, of collecting firewood, timber and other products, are fairly extensive, well documented in Forest Settlement Reports and have not been curtailed by the successive state governments. Yet, in actual practice the poor may not be able to derive much benefit for three reasons.

First, as discussed in the next section, government has created new rights of industrialists through long-term agreements to supply forest products at a low price, bypassing tribal rights and privileges. Second, forests "burdened" with people's rights are generally more degraded, and have little to offer. Third, people are far from fully informed about what they can legally collect from forests, and what is prohibited.

People's rights are often contradicted by other laws such as the Bihar Forest Produce (Regulation of Trade) Act, 1984 in Jharkhand which restricts the purchase or transport of specified forest produce. No person other than a government officer is allowed to purchase or transport or import or export such specified forest produce in and from such area.

There is also plethora of rules and regulations, which keep on changing. It is not possible for women or

even NGOs to understand the complexity of these laws, and this leads to harassment and corruption. Transit Rules are often changed, and it is difficult for women and gatherers to keep themselves up to date about the latest Rules. For instance, eucalyptus and *Acacia auriculaeformis* were free from transit regulations throughout Orissa, but in March 2000 this facility was withdrawn for some districts. No reason was assigned in the government order justifying the new restriction. Similarly when restrictions are removed, harassment of the forest dwellers continues as there is no publicity of the relaxation in Rules.

Laws restricting free movement of NTFPs, even when they are not nationalised, bring uncertainty in market operations, and inhibit gatherers from maximising returns to production. Government controls lead not only to corruption but also imply greater hold of existing players on the market rendering it difficult for new players to enter the market. A limited number of buyers thus operate under monopolistic conditions.

As an illustration of the complexity of regulations we discuss the procedures that apply to supply and processing of bamboo by women and artisans.

3.3.2 Procedural hassles for bamboo

Bamboo is a significant resource for women forest dwellers, who use it in making baskets and other household tools. However, silvicultural techniques have been designed to maximise the production of industrial dry bamboo, whereas artisans require green bamboo. Many states supply subsidised bamboo to industry, but Orissa went far ahead, and gave the industry monopoly rights of collection, amounting to near-surrender of state control over forests. Such arrangements exist in Maharashtra too, which is against the spirit of the Forest Conservation Act. Several paper mills in these states were assigned the best bamboo areas, under the guise of their being appointed first as 'labour contractors', and then as 'raw material procurers'.

A common problem faced by bamboo workers is that stocking bamboo and selling bamboo products requires permissions from the Forest Department.

Freeing the artisans from such constraints can itself leads to widening the base of entrepreneurial activities in the village, as these value added activities can be undertaken in their cottages itself.

The Forest Department has to serve three important bamboo customer groups: paper mills, artisans and non-artisan users which include primarily the construction industry. Paper mills get their subsidized bamboo supply on long terms price (and supply) contracts. Building contractors and other 'legitimate' users have to apply for their requirements to the Forest Department, justify it, and then wait until the application moves through the Forest Department labyrinth before they get an order; and they have to wait quite a while before the bamboo gets issued to them. The Forest Department's bamboo supply to artisans too is organized around similar procedural maze. Although the details vary from state to state, roughly the procedure is as follows. First, artisans have to organize into an artisan co-operative to qualify for bamboo supply from the Forest Department. The Registrar of Co-operatives then has to certify the co-operative as a legitimate one. Thereupon, the co-op can make an application to the Chief Conservator of Forests (CCF) for an annual quota of bamboo (Andhra alone has 550 societies with 23,000 members), and the CCF examines the application from each cooperative, issues them an approval, and marks the application to the Conservator of Forests (CF) of the relevant circle; the CF takes a count of the number of workers in each member family of the co-op and then allots each co-op a quota. The co-op chairman then approaches the Deputy Conservator of Forests (DCF) only to be further assigned to a range where their requirements finally get addressed.

Once an annual quota is allotted, the co-op can keep drawing its requirement of green bamboo on a periodic basis upon prior payment; but the hassle involved in getting the annual permit seems so great that it becomes evident why only a contractor-controlled co-operative will suffer it.

The entire procedure of obtaining bamboo from forests is complicated, especially for artisans located outside the district, and can be completed only through involvement of contractors and

agents in the whole scheme, which makes sale in the black market a good possibility. One of the ex-CCF of Andhra Pradesh admitted to the author that most bamboo societies in his state were run by contractors and politicians who make their profits through selling bamboo in the open market.

Such procedural hassles are common for most NTFPs, even when growing on private lands. Because of the uncertainties created by law and the fear psychosis in the minds of tribals, sale of most NTFPs by tribals is done without any processing or value addition, even when NTFPs are not nationalized. The producers' access to consumers is limited to the sale made in local villages and weekly markets. Thus, although these products may finally reach a very large market, the market is geographically very limited as far as gatherers are concerned. This is truer for women entrepreneurs.

3.3.3 Diversion of NTFPs to industries

NTFPs, described as minor forest products in the past because of no revenue value, were generally used only by the forest dwellers. However, as their economic value increased government created new rights of industrialists through long-term agreements to supply these forest products to them at a low price. The result of this state-subsidised profitability of forest-based industry has been an explosive growth in industrial capacity, and a non-sustainable use of forest stocks. Where industries hold bamboo leases they utilise even the better quality bamboo for pulp, although according to rules only inferior quality bamboo should be used as pulp, and the better quality should be left for artisans. The extent of subsidy can be judged by the figures of one depot in Nayagarh district, Orissa from where the disposal of bamboo (as observed by the author in 1995) was as follows:-

To industry	33,60,000 pieces (roughly at 15 paise a piece)
Through open auction	27,275 pieces (Rs 10 to 13 a piece)
Sent to other divisions	2,892 pieces
Local sale to cultivators	350 pieces (at Rs 4.30 per piece)
Sale to artisans	nil

Only those who own land and pay cess were entitled to fuelwood and bamboo, that too after a lot of verification from several officials. There is no system by which the landless and artisans can get bamboo even at a price, and thus are forced to resort to illegal harvesting in Orissa. The scheme that the artisans should form a cooperative society for bamboo has remained a non-starter.

3.3.4 Nationalisation

NTFPs require simple and easily handled processing and packaging technologies and they have a relatively longer shelf life, and so can withstand small variations in market demand. Rather than improve the bargaining power of the poor, Government policies have often acted in favour of traders and created monopolies.

Almost all important NTFPs are nationalised, that is, these can be sold only to government agencies. In Andhra Pradesh, two regulations, the AP Minor Forest Produce (Regulation of Trade) Act 1971 and the AP Scheduled Areas NTFP (Regulation of Trade) Act declare that trade in NTFPs is a state monopoly, irrespective of ownership status of land where they occur. The Government of Kerala has created monopoly for 120 notified items of non-timber forest products. The Scheduled Tribes and forest dwellers have no right to make any direct sale to outside party. They have to sell it to cooperative societies which auctions the products gathered by

the tribals. A study calculated that the open market price was more than double of the government price. Thus in Kerala government monopoly was not only inefficient but also exploiting the tribals.

The nationalization of the NTFP commodities, done in different states in various years from 1960s to the end of 1970s, presumably with the intention of helping the poor, has affected their interests adversely. Nationalization reduces the number of legal buyers, chokes the free flow of goods, and delays payment to the gatherers, as government agencies find it difficult to make prompt payment. This results in contractors entering from the back door, but they must now operate with higher margins required to cover uncertain and delayed payments by government agencies, as well as to make the police and other authorities ignore their illegal activities. This all reduces forest dwellers' collection and incomes.

Initially, this right was acquired ostensibly to protect the interest of the poor against exploitation by private traders and middlemen. Since the state could generate revenue (royalty) through exercising this monopoly right, it has been steadily extended to cover myriad of NTFPs. On paper the state agencies have worked with multiple objectives - to collect revenue; to protect the interests of the tribals as sellers; and to satisfy the conflicting demands by industry and other end users. In practice, a hierarchy

Box 2: Ban on processing by women

According to Orissa's policy up to 2000, processing of hill brooms could be done only by a government parastatal and its traders. Gatherers could collect hill brooms, but could not bind these into a broom, nor could they sell the collected item in the open market. Thus the poor were prevented from both adding value through processing and the right to get the best price for their produce. In one particular case, assurance was given by the Magistrate to a women's cooperative society that it would be allowed to collect and market hill brooms, so that the primary gatherers, who are mostly poor tribal women, might get the benefit of higher prices in the market. The Society started functioning, but without a valid licence. After the Magistrate's transfer, rather than helping them with processing and finding the best price, the state government machinery at the insistence of the TDCC (Tribal Development Co-operative Corporation, a government parastatal and leaseholder) decided to launch prosecution against the women and their organisation. Their stocks were seized, and even after the court order for release, the full stock was not released causing huge financial loss to the women concerned.

Source: Mid-Term Appraisal (MTA), (2000).

of objectives developed: industry and other large end-users had the first charge on the product at low and subsidized rates; revenue was maximized subject to the first objective which implied that there was no consistent policy to encourage value addition at lower levels; tribal, in particular tribal women and the interest of the poor was relegated to the third level.

3.4 Marketing issues

Low returns to forest gatherers are not only due to policy distortions arising out of public and private monopolies, and to traders' hold over the poor and ignorant forest dwellers. They are the result of the very nature of dispersed and uncertain production combined with fluctuating demand and undeveloped markets. These issues may help to explain why removing government controls over 67 MFPs (including hill brooms discussed in Box 2) in March 2000 in Orissa, or why free trade in a large number of non-nationalised NTFPs in Jharkhand, MP and Chattisgarh did not lead to a rapid increase in gatherers' incomes. Therefore it is worthwhile to analyse the peculiar features of interaction of the forest dwellers with trade, and how this trade is different from marketing of foodgrains in agriculturally surplus regions of India.

In the specific context of NTFP gatherers, there are several factors why they are in a weak bargaining position vis-a-vis the traders, even for those products which are not nationalised. The reasons are located in the nature of the product, its peculiar supply and demand features, and in the interaction between the gatherers and buyers. These problems become more acute for women entrepreneurs. Burdened with other roles within the family traditionally assigned to women, their ability to look for far-off markets is restricted. The small size of production further aggravates the problem forcing them into a vicious cycle of a small market, low production and (leading to) small surplus. A combination of factors such as, gatherers' lack of knowledge of market price, poor

marketing structure, poverty and impoverishments of the gatherers, ineffective state-agencies also strengthen the middlemen's hold. Furthermore, poor communication and transportation facilities, highly segregated markets and unequal bargaining powers between buyers and sellers makes the situation more profitable for middlemen.

3.4.1 How to improve gatherers' margins?

Government should provide support price

Thus de-nationalisation per se may not remove all market constraints which inhibit a gatherer in realising the full value of her labour. There should be price-based aggressive buying of NTFPs by state agencies, as has been done for wheat and rice. It is unfortunate that the Approach Paper to the 12th Plan, while acknowledging that what "the primary tribal collectors of NTFPs (Non-Timber Forest Products) get today is a very small fraction of the potential value embedded in NTFPs", concludes that providing a high price for forest produce will not be in the interest of legal traders, who would be forced to pay a higher price to the gatherers. Planning Commission seems to be advocating the interests of traders, as opposed to those of poor gatherers who are often women.

There should be minimum support prices for NTFPs on the lines of minimum support prices for agricultural produce. Aggressive buying of NTFPs by state agencies alone can break the dominance of the wholesale traders and their linkages with the village level market. The nature of produce and actors involved makes it obvious that without government support there can be no justice to forest gatherers. However, government organisations should compete with private trade, and not ask for monopoly.

Price support combined with aggressive buying from government can certainly improve gatherers' incomes⁵, but it becomes difficult to sustain it over a long period. Government corporations make

⁵ The experience of giving higher prices to farmers in India for wheat and rice suggests that they do benefit, but other actors, such as employees of the government parastatals, contractors, and middlemen benefit much more. It also leads to inefficiencies with the result that the subsidy bill keeps on rising.

huge losses, and therefore the entire operation requires continuous subsidy from the government. While such subsidies can be justified easily as a part of the poverty alleviation programmes, continued subsidies can result in subsidising inefficiency and corruption of government organisations. Trifed, an Indian Government corporation lost about Rs140 million, as it bought tamarind at Rs 7 a kg in 1999-2000, but was not able to dispose it off in time when the market rose.

In addition to government organisations competing with private trade, there are other ways too of developing markets that reduce the dependence of poor gatherers on government parastatals, or improve their performance. A number of measures are discussed below that do not distort the market, but will still help improve the incomes of the forest dwellers.

Processing and micro-enterprise development

Some NTFPs require simple and easily handled processing and packaging technologies. They usually have a long shelf life, and can withstand long storage. However, to achieve these advantages, there needs to be local storage, and complete security of tenure over the collected items. In practice, the sale of most NTFPs is done without any processing or value addition, due to a fear that their houses would be raided if they store NTFPs. Freeing the artisans from such constraints can itself lead to widening the base of entrepreneurial activities in the village, as these value added activities can very well be undertaken in their own cottages. Pre-processing includes quality grading, storage and preparation of a product for sale to processors or intermediaries. Simple processing activities such as broom making, leaf plate making, tamarind

processing, mat and rope making should be encouraged in the household/cottage sector.

Involving NGOs may make processing more efficient and improve market access. In Southwest Bengal, an NGO provided improved sal plate processing technology and marketing support that improved women's incomes to Rs 11 to 12 for an eight hour day equivalent from Rs 5 to 6 for other communities dependent on middlemen.

Thus support for micro-enterprise development should be a crucial part of the Government NTFP policy. For encouraging micro-enterprises the following inputs are required:

- Social inputs for facilitating and organising women and men gatherers into User Groups/ Cooperatives.
- Working capital through the banks, as credit is a critical input needed for these enterprises.
- Skill upgrading programmes for value addition, packaging, stocking, accounts and other management skills.
- Storage and transport infrastructure.
- Market information and access.

To conclude, rather than be a monopoly buyer of NTFPs or completely withdraw from the market, government should provide price support. In addition it should adopt market friendly policies, facilitate private trade, and act as a watchdog rather than eliminate the trade. It should encourage local bulking, storage and processing, and bring large buyers in touch with the gatherers, so as to reduce the number of layers of intermediaries. At the same time suitable silvicultural changes should be initiated in order to encourage production of NTFPs.

4 Women as wage employees



Photo Credit: UN Women/Anindit Roy-Chowdhury/ Ashutosh Negi

Women are preferred by the forestry staff and contractors for certain forestry operations, like nursery work, transplanting, and tendu leaf collection. The work is either contracted on a daily wage-rate or a piece-rate basis. However, women often get lower wages than men for similar work, are not paid regularly and are subjected to harassment if they complain (Gera, 2002). In a meeting of several thousand women before the elections in 2000 the Chief Minister of Andhra Pradesh asked them to raise their hands if any of them did not receive the same wages as men.

Almost all the women raised their hands much to the embarrassment of government officials who had assured him that equal wages were being paid to women in all government programmes (MTA, 2000). Better gender sensitive monitoring can help in improving their wages so as to be at par with men.

Firm estimates of women employed in forestry operations are hard to come by. According to a 1980 estimate, the following employment was generated under harvesting operations of the Forest Department:

Table 3: Employment in forest operations

Harvesting Operation	Employment (Million Mandays)	Employment (Million Womandays)
Minor Forest Products (21 products)	457	303
Major Forest Products (coniferous and non-coniferous wood, pulpwood and fuelwood)	136	46
Plantation Activities	31	16
Total	625	365
(% of total mandays + womandays)	63	37

Source: Pant, (1984)



An ILO study (1988) of the Social Forestry Programme of Orissa observed that nowhere in the Appraised Project Document was there any mention of the working conditions of women, they got no benefit of labour laws, no safety or health measures were being undertaken, whereas work was being performed outdoors, under exposure to changing weather, required heavy physical effort, sometimes in difficult terrain, and away from their homes. The Village Forest Committee was generally not involved in payment of wages, which in any case were lower than the minimum prescribed. Wages as stated by the Forest Department were higher than what women actually got. Wages paid to men were higher than that to women, but women were not supposed to reveal this 'secret' to outsiders. When asked why they didn't complain, they said that they were afraid of the consequences, or "what is the use".

It has been estimated that the total wage employment for women in the collection of forest produce is as high as 300 million women days (Pant, 1984). Yet hardly any rules exist for regulating their working hours, safety precautions, provision of latrines, job recruitment, leave and other benefits, training policies, productivity-linked bonus, compulsory insurance against accidents, shelters, civic amenities, creche, arrangements for the care of children and infants and medical care. The same is true of forestry work undertaken under Mahatma

Gandhi National Rural Employment Guarantee Act (MGNREGA) budget from the Department of Rural Development, which supposedly looks after the interests of the poor.

Half of the block plantation by farmers under the farm forestry programme has been on previously cropped lands (IIPO, 1991: 61). A similar conclusion was reached by an ILO study which estimated that 50 per cent of the land covered under the farm forestry component was good agriculture land (1988:17). How does this affect employment?

By planting trees on land previously used for agriculture crops female labour tends to get displaced (ILO, 1988:21). A study of eucalyptus plantation in Tamil Nadu under the farm forestry programme (Malmer, 1987) on lands which were previously being used for groundnut cultivation, has found that instead of women's employment which groundnut cultivation generated, eucalyptus required digging pits and clearing felling trees, both of which are done by men. Averaged over a rotation cycle of ten years, total employment per ha per year dropped from 112 to 45. Female employment dropped from 100 days to nil, while male employment rose, but only from 12 to 45. Thus not only was total employment reduced when plantation trees replaced agriculture crops, but women were completely thrown out of employment.

5

Women as producers in farm forestry



Photo Credit: UN Women/ Anindit Roy-Chowdhury

As regards to farm forestry, the benefits to women are constrained by two factors: their own place in the family, and the legal position regarding their ownership of private lands. Unfortunately, over the past several decades women have been deprived of their customary rights in management and ownership of land. It appears that the transition in land rights from communal to private ownership has affected women adversely. So long as land was commonly owned, women had a voice in its management, but with private owning of land, their rights have become diluted. The result is that both extension programmes and credit services are now

geared to men, which has helped them to get into the modernised sector while women have remained behind in the subsistence sector.

In West Bengal, women in poor households who planted blocks of eucalyptus on recently allocated private lands were expected to benefit from an increased supply of fuelwood. Male smallholders cut the trees as a block, however, seeking an optimal contractor price. Since farms had limited storage space, only a few of the lops and tops were retained in the household for fuelwood. A Food and Agricultural Organization (FAO) study of farm



forestry in Gujarat (Jain, 1988) observed that all negotiations for selling the eucalyptus polewood are settled by men, whereas women continued to gather fuelwood as before.

Agarwal documents (1988) that in most parts of India, women have had no customary land rights, and those that existed have been substantially eroded over time, with State policies playing a catalytic role. 131 out of 145 land owning communities studied (Agarwal, 1989) had patrilineal pattern in land inheritance where women did not get any share. Although a change in legislation in 2005 has established full gender equality in law, at least for Hindu women (discussed in the parallel paper), its implementation is far from satisfactory.

In farm forestry too, many of the constraints on women's participation are similar to those in the agricultural sector: lack of access to credit, inputs, extension information, or land. The wasteland development program attempts to provide poor

women with additional land for tree planting through patta schemes. Here, women's lack of political power presents a potential problem. A group of village women in Himachal Pradesh involved in an improved dairying scheme developed an area of wasteland for fodder for their animals. Once it became productive, however, the men of the village began pressing private claims to this now valuable land. Hence it is vital to raise women's awareness about their rights through conscientisation programmes.

While it would require a great deal of political initiative and bureaucratic courage to upset the existing power relations between the sexes through faster implementation of legal enactments such as the Hindu Succession (Amendment) Act of 2005, a beginning can be made by making women co-managers in joint protection schemes, but as discussed below (especially in section 6.2) there too appears a general lack of will on the part of field officials to treat women's interests as distinct from the family's interests.

6

Women as managers in community forestry and JFM



Photo Credit: UN Women/Gaganjit Singh

6.1 Has Joint Forest Management (JFM) succeeded?

Given the ease of access to forests, political indiscipline and socio-political culture it was impossible, in practical terms, for the Forest Department even before the passing of radical laws like PESA and FRA to enforce its property rights, which required that people should fear from interfering with the state-owned property and that a symbolic presence of forest staff representing the authority of law would be sufficient to caution against the law breakers. Such conditions

unfortunately do not exist in India today. These weaknesses in the enforcement of access to government property have led to forest areas being exploited as an open access resource by those who have no stake in its health, where all basic decisions are guided in terms of current income flows rather than capturing of delayed returns arising out of protection and long-term management.

Realising these realities, Government of India introduced participation of the people in managing forests by issuing a Joint Forest Management (JFM) resolution in June 1990 making it possible for

the Forest Departments to involve people in the management of forests. The resolution breaks a new path as for the first time it specifies the rights of the protecting communities over forest lands. Those protecting are to be given usufructs like grasses, lops and tops of branches, non-timber forest produce, and a portion of the proceeds from the sale of trees when they mature. This varies from 20 to 100 per cent of the timber sold. The order exhorts the state Forest Departments to take full advantage of the expertise of committed voluntary agencies for building up meaningful people's participation in protection and development of degraded forest lands.

JFM projects have been in operation for ten to fifteen years in many states. These are often funded by donor agencies who have evaluated the projects from time to time⁶. However, these studies indicating success and optimism may present a distorted picture, as survival of plantations taken up in the recent past is much better than what it would be a few years later. There are two more reasons why apparent success of the introduction of JFM may not be sustained when a long-term perspective is kept in mind. Firstly, a project brings new funds and opportunities of wage employment in a village leading to spurt in enthusiasm which is interpreted as support for the JFM methodology. Second, the poor are able to shift their pressure to another forests which is not under JFM. Thus the project area looks greener but at the cost of a non-project area which is not visited.

If schemes begun ten or fifteen years back are also evaluated with a rigorous methodology, and with greater sensitivity to the interests of the women gatherers, the results may be radically different. During the time social forestry projects were being implemented, people appeared quite enthusiastic

about them, and the Supervision Missions recorded the progress as satisfactory, but it was only later that their sustainability was doubted. Similarly although several problems have been noticed in the implementation of JFM, but these are not addressed sufficiently in the projects, as the immediate gains to the village people due to donor fund support and wage employment tends to be confused with their participation⁷.

Moreover community cohesiveness and women's participation can be improved substantially if the problems faced by them, and especially the ones which groups cannot resolve on their own, such as recruiting more female staff, inter-village disputes, demarcation, relations with external institutions and markets, are taken care of by the government. This has often been the case in many success stories of Joint Forest Management, in which Forest Department is gender-sensitive and helps the group in removing encroachments, providing funds and technical help, mediating in inter-village and intra-village conflicts, and taking legal action against free riders. In other words, the capability of a village group to manage commons may be enhanced if the group is supported in its efforts by government.

Unfortunately, most state governments have hardly taken any ameliorative action in removing the constraints of policy, and initiating measures on the lines discussed in this paper. Such an indifference could be because of many reasons. Firstly, state governments treat JFM as another programme, which they think can be implemented without making any changes in other sectoral programmes. JFM however requires a paradigm shift and will be successful only when radical changes are introduced in rights and privileges over forests, policies and laws pertaining to NTFPs, Working

⁶ Donors' interest in JFM in the last few years seems to be on the decline, and the sudden reduction in fund support may be one of the reasons for people's indifference to protection.

⁷ To what extent have the poor developed a sense of ownership about the natural resources they are supposed to be protecting? The Chief Secretary, Andhra Pradesh narrated a story sometime in 2000 to the author. The Chief Minister was taken to a JFM village. When he asked a tribal the reasons for his participation in the program, the answer was because he got Rs 65 as wages, whereas elsewhere he would get only about two-thirds of that amount. When the CM asked him who owned the trees, the answer given was 'Forest Department'. Also the tribal did not know what long term benefits he would derive from protection.

Plans, and silvicultural arrangements, etc. These issues have already been discussed in detail in the previous sections. Secondly, field officials are willing to entrust protection to the communities, but hesitate in involving them in management and control of government forests, thus reducing JFM to 'I manage, you participate'. Unless serious efforts are made to trust the communities with control functions, peoples' efforts in protection may not be sustained for long. Thirdly, government resolutions tend to over-prescribe what communities may or may not do, leaving little flexibility for them to adjust to local situation.

And lastly, the main support to JFM has come so far from environmentalists, academicians, NGOs, and the donors in India. While their support is crucial in documenting the dynamics of community behaviour in different ecological conditions and throwing up of policy issues, the hold of this class of people on instruments of policy formulation is rather weak. In addition to forest bureaucracy which is often indifferent to the idea of empowering the people, politicians too have not put JFM high on their agenda. They see greater political advantage in espousing schemes which bring individual benefits.



Despite several limitations JFM has one plus point over wholesale one-time and premature transfer of control to the village institutions; it allows for a flexible arrangement of sharing of authority between the village and government. This flexibility is desirable as an interim measure because the precise distribution of control and management between the state and the community/gram sabha should depend on a number of situation-specific factors, such as the ease with which control groups can be formed and can retain cohesiveness. The process of sharing decision making and management of forest lands will then proceed at different paces in different conditions. In the initial stages the community institutions are often at a low level of formation, and therefore the forest officials may be justified in not diluting their basic responsibility of protection. Often one-to-one correspondence between protecting community and the forest patch is not there, leading to inter-village conflict, and requiring government intervention. The gram sabha may also look forward to getting support from the Forest Department in booking offenders, negotiating with other villages/departments etc. However, Forest Department should gradually withdraw as the capability of the community improves, and transfer management to the community.

Increasing the organisational capacity of the village so that their management is both equitable and effective is not an easy task. It takes time to mobilise a village community into a coherent and empowered group and local officials must allocate sufficient time and facilitate this as early as possible. Greater transparency within village groups—between the local leadership and the wider group membership—is essential to ensure marginalised groups such as women benefit from participatory forest management.

6.2 Issues relating to women's participation in JFM

In recent years, a growing number of households are headed by women. Adding to their roles as farmer and homemaker, women make up a growing proportion of the self-employed labour force gathering forest produce for family consumption

and enterprise (e.g. crafts, extracting fibre, making charcoal), as well as sale. As already discussed, women need better access to forests that will improve their livelihoods. To realize their full potential as agents of development, women also need some control over the natural resources they use. They need sustainability of gathered biomass which requires their active participation in forest protection and management.

It has been observed that due to social, cultural and economic constraints in many cases the participation of women remains on paper only and they play a negligible role in the processes of planning and implementation (Godbole, 2002). It is uncommon to see examples of natural resource management programmes, whether implemented by governments or local communities, where concerns of women or their voices are heard in the decision-making processes. Equally uncommon is it to see examples where women receive direct benefits from these programmes. They occasionally attend the meetings of the executive committees (EC) but do not speak for fear of being openly dismissed by the men. The village level institutions under JFM are still male dominated and decisions are made largely by men based on their own needs, aspirations and perceptions. Women and their needs remain outside this process. Forest Department staff too consider the involvement of women as a mere formality.

A study of four villages from Vidarbha Region in Maharashtra (Mehra, 2011) examined the role of women in local forest governance from the angle of gender equity and benefits from forests. It concluded that there are factors that can facilitate women's active participation such as all-women groups, presence of gender-progressive NGOs, policy back up, etc. Participation of women varied between the case studies. While it was poor to low in Kudakwahi, Botheda and Kurkheda, it was good in Paraswadi. However, women were not active participants in terms of decision-making or expressing their opinion due to cultural constraints although they were active in the implementation of the rules and receiving employment. Even in the successful village of Paraswadi progress on indicators like able to express opinion in meetings,

suggestions of women accepted, and women's participation in general body was low. Fifty percent of the women reported that they were not able to express their opinion in the meetings as they were too shy to speak publicly. They also felt that there were some educated women who spoke in the meetings and thus with them around there was no need for other women to speak.

There are many constraints that do not enable women to participate effectively in forest management activities. Many a times women themselves do not find any benefit in being attached to a forest-governance initiative. This was seen in Kudakwahi, where despite persuasion from the JFMC leader, the members did not find any benefit of investing their time and energy in attending meetings or undertaking forest protection activities. However, even when women are keen to participate and want to protect the resource for their own benefits, there are many cultural constraints that they have to face. Rural communities are male dominated. Thus, even if women are provided the policy backing of government policies and regulations of leading forest management activities by providing reservation to women as heads of the JFMCs, they are unable to work as effective leaders.

Another study (Sarker and Das, 2002) blamed the policy framework as individual state resolutions and project policies in JFM 'lack clarity regarding the role of women'. The resolution of some states stipulates that one adult representative per household may be a member of the general body of the local forest management institutions. Although some resolutions add the qualification that this may be either a man or a woman, in practice it is usually a man (Locke, 1999:240). Some resolutions stipulate the inclusion of one male and one female member from each household in the general body and a compulsion to include at least two women members in the executive body (Kameswari, 2002).

In the context of Karnataka's JFM programme, Correa (1996) observes how formal provisions are distorted due to lack of gender sensitivity on part of forest department staff. Despite formal provision of involving women in JFM activities, the actual

functioning of village forest committees (VFCs)/ FPCs restricts them to the role of passive receivers of information related to JFM (Kameswari, 2002:800).

Correa's field survey (1999) in Uttara Kannada suggests that at every stage of joint forest programme management (JFPM) process, participation of women was practically non-existent due to three main points. First, although there was official report on participation of women, the active participation of women was limited to cooking the meals of official staff. Second, the minutes of meeting systematically excluded the views of any women who might have attended the meeting (Kameswari, 2002:98-99). Third, women who were the members of the managing committee did not know anything about JFPM. They did not know anything of their being members of the managing committee; nor were they practically concerned about the fact that they have to carry out the conclusions of its deliberations. Furthermore, women often resigned from executive body of VFCs as their husbands did not approve of their taking part in public activities and beat them up whenever they came to attend meetings of the executive committee (Kameswari, 2002). Such incidents not only undermine the confidence of the women to express their views in JFM committee meetings but also set precedents for sidelining them during future decision-making.

There are also examples of Community Forest Management in India where women have played an active role in initiating forest protection and several cases where women's committees (Mahila Samitis) are managing forests (Kelkar and Nathan, 2005). In Baghamunda village in Orissa, the Mahila Samiti took over the forest protection and management responsibility in 1998 after the local youth club proved to be ineffective. The Mahila Samiti deploys five members on a rotational basis for guard duty every day. The women combine their guard duties with household responsibilities of collecting fuel, fodder and other forest products to meet their livelihood needs. The village committees however, tend to treat women's protection responsibility as an extension of women's daily tasks of fuel NTFP collection from forests. Therefore, when it comes to the inclusion of women in decision-making



Photo Credit: UN Women/Gaganjit Singh

about the management of forests, male resistance is summed up in a statement made by a leading member of the Forest Protection Committee of Lapanga village in Orissa, India, 'We are not so modern that we would involve women in Forest Protection Committee' (Singh, 2000).

Women's effective participation in decision-making would require that they not only become members of the group, but also attend and speak up at meetings, and can (at least some of the time) ensure that decisions are in their favour (Agarwal, 2010). In other words, they would need to move from being absent or just nominal members to interactive (empowered) participants. With some exceptions, such as of all-women groups, most women are not even nominal members: they constitute less than 10% of most JFM general bodies; are usually absent in the self-initiated groups; and are few or none in the *van panchayats*⁸. Women's representation in the executive committees (ECs) barring some exceptions is typically low. In 20 JFM groups studied in West Bengal, 60% had no women EC members, and only 8% of the 180 EC members were women. Landless families, while present in most general body meetings, were barely represented (Sarin,

1998). In many states, JFM resolutions today require the EC to include women, ranging from a minimum of two or three to one-third, but it was found that the women so included were rarely chosen by other women as their representatives. Sometimes male EC members even chose the women in their absence and without consulting them. Such women are seldom active or effective. Even of the women who are gram sabha or EC members, only a small percentage usually attend the meetings. If they do attend they rarely speak up, and if they speak their opinions carry little weight.

Protection of a degraded area under JFM often increases women's drudgery as they have to travel a greater distance to collect their daily requirements of fuelwood and fodder (Sarin, 1996). Despite the good intentions of forest protection, community forest management has often burdened women with additional hardships, or concentrated it on the shoulders of younger women. They also had to switch over to inferior fuels like leaves, husk, weeds and bushes.

Obviously, merely shifting the protection role from the Forest Departments to the community does not

⁸ Community organizations in Uttarakhand set up under law in 1935 to protect forests.

provide any immediate relief to women. Further, the gender-differentiated impact is not restricted to firewood - it applies equally to other forest produce. For example, protecting sal (*Shorea robusta*) trees with the existing technology of multiple shoot cutting results in the leaves getting out of reach. This affects the making of sal leaf plates, which is a common source of income primarily for poor women in many parts of West Bengal, Orissa and Bihar.

Membership in committees is not synonymous with a share in rights or of benefits. One needs to ensure both, and not one or the other. Forced inclusion of women through legislation has not led to genuine participation. Participation of women is generally cosmetic and symbolic, it is however better where NGOs or a gender sensitive forest official were active (OXFAM, 1998). Often meetings are scheduled in the evenings to suit men, but at times when women tend to be cooking. When attending meetings, women feel marginalised, unlistened to and shy to talk. It is considered against Indian culture to talk in the presence of men, much less to question their ideas. Often they get busy in arranging tea and snacks for the male members and thus are unable to concentrate on the deliberations of the Committee. As a result, there is a bias in favour of those forest products of interest primarily to men. In village Kilmora in a van panchayat in UP (Britt-Kapoor, 1994) the female member who has the added advantage of living at the house where meetings are held rarely stayed longer than was necessary to sign the register. In another village Katuul (ibid.) a female member said, 'I went to three or four meetings. My suggestions never got implemented. No one ever listened. I marked my signature in the register. I am illiterate, so I couldn't tell what was written in the meeting minutes. I was told that my recommendations would be considered, but first that the register had to be signed. They were uninterested.'

Thus presence of women in meetings is restricted by social and cultural barriers. The norms of acceptable behaviour, notion about appropriate spaces and assumptions about the capabilities and roles vary widely for men and women. Women's effectiveness is also restricted by their limited experience in public speaking, illiteracy and absence of a 'critical

mass' of women. Finally, women's participation is impeded by logistical constraints like time of the meetings and double work burden (Kameswari, 2002). Unless the implementing agencies realise this and make special efforts to include women and other marginalised sections in the communication process during decision-making, they are likely to be relegated to the role of passive receivers of information and also decisions during JFM process.

Given the sex-segregated and hierarchical nature of Indian society, separate women's organisations and staff are needed to work among women, to instil confidence in them, so that they can fight for their rights. Therefore, whenever there is recruitment, more women need to be recruited in the Forest Department. There is acute shortage of women staff in the forestry set up, though field studies have shown how presence of women in the forest department at both field staff and officers level, helps to improve interface with village women in micro-planning and forest management.

Even in the past absence of women among forestry field staff was recognized as a major constraint for promoting women's participation in the Social Forestry Projects that started in the late seventies. Consequently the Indian Forest Service (IFS) opened to women in 1979 and has at present 81 officers, constituting barely three percent of the total cadre. However, at the state level, many have still to open the State Forest Services to women.

In addition, the village level committees should have adequate representation of women. Forestry staff should be sensitised on gender issues through orientation programmes. As women in many societies still feel inhibited in expressing themselves in mixed gatherings, each committee should have a separate women's cell for raising their consciousness and for improving their skills. The quality of women's participation and the control they exercise over decision making processes is more important than the sheer number of women present in such bodies.

None of the JFM resolutions require that forest-dependent women within a community should select women representatives so that they can

represent the priorities of women forest users, which has implications on the participation and access of primary users to forest use as well as its produce. The representation norm also fails to reach out to the disadvantaged women (Sarin, 1997) within a household such as widowed, divorced, separated and unofficially abandoned women and women dependent households (as a result of male dominated migration, male unemployment or disability, or women remaining single).

For forest management, Sarin (1995) provides an additional example which illustrates that the exclusion of women from community management organizations may hamper the effectiveness of the organization. In some communities 90 percent of the rule offenders are women. Male office-bearers find it difficult to stop these women, since they risk being accused of molesting them. As a result, the need for female participation in organizations is now accepted, not on grounds of equity, participation or democracy, but because women are needed to help the organization enforce its rules, or to stop other women from taking firewood. Studies have pointed out that participation of women in forest protection committees, meetings and forest protection has led to 25 percent higher control on illicit grazing than in communities where women do not participate in these activities (Agrawal et al., 2006).

To sum up, not all social groups are hit equally by the decision to protect and keep livestock out of the proposed area to be protected in JFM. For low income rural families to participate, it is important that benefits start flowing as early as possible, either in the form of gatherable biomass or new opportunities of employment. This will require policy shifts and afforestation programmes on other categories of land - farm lands, village lands and Forest Department lands remote from village habitation. Otherwise, mere protection of a degraded area may transfer biotic pressure to some other area. Therefore production of biomass through quick growing shrubs, bushes and grasses must be undertaken on more remote lands, so that peoples demands are met in a sustained manner from these bushes and shrubs, while people protect forest lands in anticipation of more valuable NTFPs

and forest products. The issue of how to meet the economic needs of the people for the first few years, during which they have to reduce their dependence on the protected land must be faced squarely. It is impractical to expect that people will give up grazing or reduce their consumption in "national interest" without expecting any tangible gains in return. Simultaneous development of all categories of land in the same region will also provide short-term benefits to the most needy.

6.3 JFM in perspective

The JFM experiment has generated many positive outcomes in some locations. It has improved protection and hence availability of NTFPs in many places. In some locations, such as parts of West Bengal and Andhra Pradesh, it has led to regeneration of entire forest use area of the village and increased the availability of firewood and NTFPs. In some other areas, it has given a share in the timber proceeds to local communities, significantly adding to their incomes. It has also brought foresters closer to the people. More generally, the JFM projects have provided wage labour benefits from their afforestation activities, even if only during the early years of the project implementation period.

There are, however, major limitations not only in the implementation of JFM but also the very concept. The 'jointness' in JFM is seriously limited in the field, with day-to-day decisions being controlled by the forest official who is usually ex-officio secretary of the committee and also by larger decisions (regarding planting, harvesting, etc.) being controlled by the Forest Department. The silvicultural decisions rest with the FDs, and their focus remains on tree planting (often fast-growing exotic species), thereby adversely affecting graziers and not necessarily meeting even firewood or NTFP augmentation goals. Being implemented as part of bilateral/multi-lateral projects, JFM has tended to be funding-driven and therefore funding-dependent, with activities dropping dramatically after the project is over.

Measures to sustain JFM beyond the project period have not been conceptualised. These relate to:

building one-to-one correspondence between user groups and the forest patch through a new forest settlement, legal recognition for JFM groups and linking them with statutory gram sabhas, and integrating the activities of such groups with other income-generating programmes such as watersheds and marketing of NTFPs.

A serious problem is that of elite capture. This problem be-devils all 'participatory' government programmes (such as watershed development), not just JFM. But it is particularly problematic in forest management because there is often divergence of interests over how to manage commonly held resources, between women, graziers, firewood headloaders, NTFP collectors, and those looking for profits from commercial timber/softwood production. Consequently, elite capture actively hurts these marginalised groups (Correa, 1996; Sarin, 1995; Sundar, 2001). Moreover, as long as community participation is seen as a means to a narrowly defined end, viz., increasing tree cover, FDs often find it convenient to allow elite capture, and in fact to actively use the elite to achieve these objectives while bypassing true participation, which is a difficult and messy process.

The creation of Forest Development Agencies (FDAs) has further compounded the problem of

lack of autonomy for village-level bodies, as they are called federations of JFMC committees but the President and Secretary are both forest officers, and they simply act as a conduit for channeling central funds (Ghate and Mehra, 2008; Springate-Baginski et al., 2009). The larger problem of improving accountability of the forest managers to the actual users remained. JFM institutions plan forestry activity, while FDA sanctions the money for it. Guidelines for the agreements FDAs sign with JFM institutions state: 'The MoU should, inter alia, include the right of FDAs to stop and withdraw funding from a JFMC if the performance of the JFMC is found to be unsatisfactory along with the procedure to be adopted in such cases.' The view that forests are national property often worked to the detriment of the local forest dwellers.

An important reason for the peoples' dissatisfaction with JFM is the denial by Forest Department of promised cash and kind benefits to them (Down to Earth, Sept 1-15, 2011). People protected forests with the understanding that they would get half of the proceeds from sale of timber but were greatly disappointed when they received much less, as government calculated net profit after deducting the entire administrative costs, and not gross output. In many places benefits from JFM are subject to the approval of the Divisional Forest Officer



Photo Credit: UN Women/Gaganjit Singh

(DFO). Every year, the forest protection committees have to get a certificate from the DFOs saying they have done satisfactory work to avail the benefits. The process is so undemocratic that if the DFO decides not to give benefit to a committee, there is no way the committee can corner him to show that they have done satisfactory work. According to the former district forest officer in Midnapore, West Bengal, who initiated the first JFM experiment in Arabari in 1972, 'the primary idea behind JFM was devolution of power from the forest department to communities. But the department decides on everything: which patch to fell, what trees to plant, when and how to share the profits, which communities are entitled to collect (fruits, grass) from forests.' This dilutes the sense of ownership of the community with the area to be protected.

Another development that keeps away benefits from community is the absence of working plans for forests under JFM. In 1997, the Supreme Court banned harvesting of forest without a working plan. In most states there has not been any attempt to prepare the working plans. In Orissa alone more than 10,000 forest protection committees have forests ready to be harvested. Forest officials say it may take another 10 to 15 years to prepare working plans and get approval from the Union environment ministry. Till then these forests cannot be harvested thus denying the promised share in timber to communities. The result is the initial euphoria has died down and in many forests under JFM illegal felling has gone up.

JFM has often led to the undermining of existing (more autonomous) community forestry institutions, such as Van Panchayats in Uttarakhand and informal community forestry in Orissa (Sarin et al., 2003). This is because JFM provides a means to

greater control by the FDs in areas where hitherto they had not been able to exercise control. JFM does not have any support in the law, as it is (even after 20 years) being run as a programme under executive orders (Government Orders or Government Regulations). As a result, there is limited tenurial security for the local communities.

A mid-term evaluation of the National Afforestation Programme (see also section 9.1), a key source of Central funding⁹, for JFM done by the Indian Council of Forestry Research and Education in Dehradun in 2008 observed, "JFM never sought to make the system of forest governance fundamentally reoriented towards recognising rights of the communities along with achieving conservation objectives. Rather these programmes were largely conceived as a tool for getting some local participation in pre-defined goals of conventional conservation by extending some concessions or wage labour benefits."

To sum up, most JFM committees are defunct now or at least have not benefited women to the desired extent. Some of the constraints to women's formal participation in JFM and their exclusion from the decision-making process are rooted in their traditional role, social and cultural barriers, limited experience of women in public speaking (e.g., illiteracy), logistic constraints like time and double work burden and preference of male members by the male forest department staff involved in JFM (Agarwal, 1997). However, these sociological barriers could have been overcome had there not been insurmountable barriers of policy, as discussed above. **These are denial of benefits to the communities, lack of working plans, unfriendly silvicultural practices, uncertain flow of funds, and too little devolution to communities.**

⁹ more so now because most external donors have withdrawn from JFM.

7

Forest Rights Act



Photo Credit: UN Women/Gaganjit Singh

Some of these issues were sought to be addressed by the new law; the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly known as the Forest Rights Act (FRA). The FRA has, for the first time in independent India addressed the question of community ownership of MFPs and rights in and management/governance of forests at a legislative level. At the outset, by settling eligible individual land rights of those who have been historically cultivating or living in forest lands, the FRA tries to break the 'encroacher'-eviction-conflict cycle once and for all. This would in the long run provide basic

land tenure security to forest dwellers, enabling them to then focus on the question of how to manage and protect the uncultivated landscape falling within the community forest resource.

FRA was enacted in 2007 through the Ministry of Tribal Affairs (MoTA) to correct the 'historic injustice done to forest-dwelling communities'. These communities were cultivating/occupying forest land and using forest produce since ages but had no tenurial security, as their rights of occupation and usage were not recorded during the settlement process. Broadly speaking, this Act recognizes and

vests individual forest-dwellers with forest rights to live in and cultivate forest land that was occupied before 13 Dec 2005 and grants community forest rights to manage, protect, regenerate the forest, and to own and dispose minor forest products from forests where they had traditional access.

According to the findings of a government Committee¹⁰ set up to study implementation of the Act, most states have concentrated almost entirely on implementing the provisions for individual forest rights (IFRs), where some states have achieved significant progress. However, implementation of the Community Forest Rights (CFR) aspect of

the FRA has been extremely poor in all states, and therefore its potential to achieve livelihood security for collection of minor forest products, and changes in forest governance along with strengthening of forest conservation, has hardly been achieved.

Section 4(4) of the Act provides that the right shall be 'registered in the name of both the spouses in case of married persons and in the name of single head in the case of a household headed by a single person'. It would have been better if the Rules or at least a government order had clarified that a single adult woman, whether widowed, deserted or not yet married would be treated as a household

Box 3: Forest Rights of PTGs vs Mining

All hope of forest communities exercising their rights under FRA 2006 is lost in areas where big mining companies have set up operations. In the Niyamgiri area in Rayagada and Kalahandi districts of Orissa -- where Vedanta/Sterlite is awaiting environment clearance to start an ambitious bauxite mining project -- the FRA process has not taken off, with both revenue and forest officials sitting on circulars, shielded by the miner-bureaucrat-politician lobby and NGOs that do not dare intervene for fear of repression by the police and company goons.

A government appointed Committee concluded that the intention of the Orissa government to implement FRA in the mining area was highly suspect. This area has been the habitat of the PTGs and is being used for collecting various MFPs, a fact which has been recognized in various documents, including Forest Working Plans. Despite strong oral and written evidence of the fact that the mining area is the PTG's community resource and habitat, the district officials have not only discouraged the recognition of their rights, but have gone to the extent of denying the applications that the communities have on their own given to the administration requesting for recognition of community and habitat rights over the PML area.

The two district Collectors have given a certificate in March 2010 stating that, '*It is certified that the complete process for diversion and settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been carried out for the entire forest area... proposed for diversion.*' Further the certificate stated, '*It is revealed from the records that, so far there are no claims of individual or community rights under the ST. & Other Traditional Dwellers (Recognition of Forest Rights) Act 2006 over the above ... area proposed for diversion.*'

The Committee observed that both parts of the certificate were false.

¹⁰ National Committee on Forest Rights Act, Ministry of Environment & Forest, December, 2010.



Photo Credit: UN Women/Gaganjit Singh

head¹¹. In the absence of such an explicit order, one found in the field that almost all titles were either in the name of men (as in many cases of Chhattisgarh) or in joint ownership. The dominant assumption is that developmental plans targeted at a given household ensure that the benefits of the resources are shared equitably within the family.

Again, although the private rights to be granted in the Act are heritable, there is no provision to promote gender equity in inheritance, as customary law is generally followed for tribal communities in succession of properties, and in most tribal communities, customary law ensures patrilineal succession. These customary laws exclude tribal women from claiming a share in inherited property (Reddy et al., 2011). Such gender discriminatory laws were substituted at least for the Hindus through the Hindu Succession Amendment Act in 2005, but its implementation is still to begin.

7.1 Individual titles

As per the information available on the MoTA website, more than 31.3 lakh claims have been filed till 30th June, 2011, out of which 26.8 lakh (86% of those filed) claims have been disposed of. A total of 11.9 lakh titles (34% of those disposed of) have been distributed, and the rest 64 per cent have been rejected. In eleven States the implementation process has not yet started. This includes most of the northeastern states (except Assam & Tripura), Bihar, Uttarakhand, Himachal Pradesh and Goa. In Tamil Nadu because of restrictive orders by the High Court on a petition filed, the progress has been slow. Some states (such as Jharkhand) have lagged behind in terms of both getting a plausible number of claims and in processing the received claims.

The government Committee observed that even in those states where the number of settled

¹¹ Sagari Ramdas's observation (2009) that 'almost all individual titles have been made in the name of the woman' in Andhra Pradesh gives an impression that these are single titles in her name only. This is factually and legally not correct. Our Committee (2010) during its field work in AP found that almost all titles were in the joint names of husband and wife.

claims looks satisfactory there was acute sense of dissatisfaction amongst the forest dwellers with the progress. The Committee has documented several reasons for their unhappiness and has suggested practical measures to improve implementation. For instance, the area settled with the tribals was much less than their occupation and the boundaries of the settled area were not demarcated. In almost no instance have the district officials pro-actively provided maps, documents, and evidence to village committees, though this is required by the FRA. Only a few states have been able to use application of the spatial and remote sensing technology mainly Global Positioning System (GPS) or Personal Digital Assistant (PDA) for demarcating the boundary and measuring area of plots for individual forest rights because of lack of capacity building in the application of this technology.

There were process failures too. Meetings of the gram sabha are being called at the panchayats level, and not at the village level as prescribed in the Act. This made women's participation in decision making more difficult, as they could not often walk several miles to attend the panchayat meeting. All state governments should recognize the Gram Sabha at the individual settlement (hamlet or revenue village) level, or PESA Gram Sabha where applicable, to enable much more effective processing of the FRA. Then, rights of the other traditional forest dwellers (OTFDs) were

being ignored in most states. MoTA should issue a clarification that OTFDs as defined under the FRA are all those who can prove 75 years of residence in the area (not necessarily on the plot being claimed), and dependence on the forest land as of December 2005, and occupation does not have to be for 75 years, as is being insisted upon by the field officials.

The FRA stipulates that forest-dwelling STs and OTFDs are not to be evicted or removed from forest land under their occupation till the process of recognition and verification of their rights is complete. However the Committee found that this provision of the Act has been violated, and Forest Officials have summarily evicted such occupants in many places. At the same time there have been several cases of forest clearance and fresh encroachments after the cutoff date of the Act in a bid to make claims under FRA. Both such cases, obviously, have to be dealt with sternly as per the law.

The biggest problem is with the many cases of faulty rejections. Rejections are being done without assigning reasons, or based on wrong interpretation of the 'OTFD' definition and the 'dependence' clause, or simply for lack of evidence or 'absence of GPS survey' (lacunae which only require the claim to be referred back to the lower-level body), or because the land is wrongly considered as 'not forest land', or because only forest offence receipts are considered as adequate evidence. In an overwhelming number

Box 4: Women's awareness about FRA in Andhra Pradesh

It was observed by the government Committee in Andhra Pradesh that deeds were being issued either to single men or married couples, and never in the name of single women, whether widowed, deserted or not yet married. The women who knew about the law and received deeds in the joint names reported land reduction and delays as the main obstacles. They were unaware of the role played by the Forest Rights Committee and the Gram Sabha in processing the claim. They did not even know how to process a claim. Some women talked about visiting the panchayat office and filling a form and submitting it at the mandal.

The nature of every woman's claim was individual land rights. The women did not know the clauses well enough therefore most of them insisted that each household should get individual pattas. Community grazing land and all the provisions for community rights were unknown to them. Government has done nothing to change this ignorance.



of cases, the rejections are not being communicated to the claimants and their right to appeal is not being explained to them and its exercise facilitated. In all such cases there should be re-examination and the occupant should be given opportunity to file the appeal.

7.2 Community rights

The progress of implementation of the Community Forest Rights (CFR) under FRA is abysmally low. As more women than men are involved in gathering forest products, legalizing collection through community rights would have greatly saved women from a great deal of harassment that they undergo, as discussed in section 3.

Adivasi women view agriculture and non-agriculture lands including forests and common property resources as a mutually supportive continuum

within the local landscape. They complement and supplement each other in shaping local livelihoods (Ramdas, 2009). Unfortunately, in all states, the CFR process has not even got off the ground, due to Forest Department's reluctance to grant community rights, as also due to lack of awareness, amongst communities, civil society organizations, or relevant officials. State governments too have not adequately publicized the CFR provisions or even internalized their importance themselves. Most communities are not aware of the groundbreaking CFR provisions in the FRA. In addition, the forms are flawed, as they do not mention some of the sub-sections. Given the serious inadequacies in implementation of CFR at all levels, there is a need for a second phase implementation of FRA in all states with primary focus on CFR. Both MoTA and Ministry of Environment and Forest need to take the lack of implementation of CFR with the seriousness it deserves.

Box 5: Implementation of FRA in Orissa¹²

With a strong community forest management network in place, one would think that forest-dependent communities in Orissa would be upbeat about the Forest Rights Act. But even as people's movements begin to use the Act as a weapon in their struggle, most communities are confused about the scope of the Act and the processes to be used to file community claims to forests.

In Rangamatia, in Debagarh district, a predominantly tribal village a women's forest protection committee protects and manages more than 400 hectares of forests. When asked whether they had filed a collective claim over the village forests, they were not sure whether that was possible!

Field work in eight districts showed that the forest department was spreading misinformation about the scope of the Act and misleading forest communities, especially discouraging them from claiming community rights over the forests. In Budhikhamari and Kadiakhar villages of Mayurbhanj district people said that the forest department had promised community rights only to those villages that had formed Van Suraksha Samitis under the joint forest management programme. "Forest officials say that community forest management (CFM) villages will not get community rights," they said. The fact that the department was enticing people to form VSSs under the pretext of giving them *pattas* was corroborated by villagers in almost all the CFM villages visited in eight districts. An information booklet along with claim forms being circulated by the forest department in Mayurbhanj district makes it clear that community claims are only for VSSs formed under the JFM. However, there is no such restriction under the law.

¹²Infochange News & Features, April 2010 at <http://infochangeindia.org/environment/community-forests-of-orissa/what-difference-has-the-forest-rights-act-made.html>

Box 6: Implementation of FRA in Banswara (Rajasthan)

Field work in two semi-arid Bhil villages of Banswara district between 2007 and 2009 showed that 90 percent of the respondents were unaware of the possibility of demanding community tenure under FRA. They thought that the FRA granted individual rights only to men. Women's claims for even individual rights were generally rejected because of inability to pay bribes, gender bias, lack of an influential male relative on the village FRA committee, etc. Sometimes the well-to-do tribal families were evicting the marginalised original users of forestland by showing fake documents and taking over the land.

Women found that their customary access to forest produce was curtailed due to the implementation of FRA. Collective rights that were particularly important for women were not granted in either of the two study villages. FRA thus promoted gender inequality and reinforced dominant Hindu patterns of gender relations.

Source: Bose, (2011).

As per the provisions of the FRA sizeable area of the country's forests is likely to fall under the category of the Community Forest Resource where forest dwelling communities will exercise the community forest rights under the Act. Such forests if managed, protected and regenerated by the communities would impact the governance of forests in these areas so far done by the State Forest Departments. There are already many examples in the country where local communities have been formally recognized and empowered to govern and manage the forests of their villages, or where they have self-initiated community-based governance systems. FRA intends to promote community management, but in the absence of recognition of community rights this opportunity is being missed.

To sum up, the foundation of FRA is the assertion that only security of tenure and formalised recorded rights in favour of forest users would lead to its responsible management and sustainability. The Act and the Rules made under FRA therefore give details of institutional arrangements for the protection, management and regeneration of CFR, defined in section 2(a) of FRA as customary common forest land where the communities had traditional access, or which could be construed to be customary boundaries of a village, in other words, those areas where communities can demonstrate their traditional access.

Despite the fact that the main intention of FRA was to formalize community use of forests and to promote community participation and management, the findings of the government Committee show that recognition of individual rights has taken precedence over community or group rights, and the focus seems to be confined only to land rights for agriculture and habitation. Progress with CFR implementation needs to be monitored now as a special exercise. A simple, 'how-to' guide on CFR needs to be produced by MoTA which can be adapted by state nodal agencies as appropriate, and issued in large numbers to communities and relevant officials. Besides, forest policies relating to NTFPs must be radically changed to suit the livelihood needs of the forest dwellers, especially women.

Many tribal societies were traditionally matrilineal and conferred women with higher status, inheritance rights and privileges than in mainstream Hindu society (Mittra, 2008). This situation has been changing with the trend towards adaptation of the mainstream patriarchal norms. In the implementation of FRA too, by prioritizing individual rights over community rights, government has strengthened the hold of men and weakened the position of women (Bose, 2011). Such gendered discriminatory policies coupled with inheritance laws has been increasing women's subordination to men, even when they had more autonomy of action in the past.

8

Lack of development in forested districts & witch hunting



Photo Credit: UN Women/Gaganjit Singh

Women have also suffered because of lack of development of the tribal regions in central and eastern India. Literacy levels of scheduled tribe women in districts like Koraput, Raigada, Korea, Bastar, etc. is less than 10 per cent, as against the national average of 74 percent for general population in 2011. Health facilities are underdeveloped with high absenteeism of staff with the result that women as well as men are still dependent on the local Ojha or Bhagat (the medicine-man, faith healer or sorcerer). Deforestation has weakened the position of the village Bhagat due to the loss

of medicinal plants. Unable to treat the patient, he increasingly blames the bhutali (village witch) for diseases, and orders her to be beaten up. Often single women or widows are accused of being a witch, with a view to usurp her land and property. Thus superstitious beliefs are used a cover by male relatives to capture the land which is in the name of such women, especially those who have no family support (Munshi, 2003).

Jharkhand is infamous for its tradition of harassing and killing women by branding them as witches.



Photo Credit: UN Women/Gaganjit Singh

The increasing denial of customary rights of women to land and dwindling practice of bride-price, on the one hand, and the prevalence of witch hunting and gradual acceptance of the practice of dowry with consequent suppression of women's sexuality, on the other, not only indicate the falling social status of women in Jharkhand but more importantly women's eroding economic stamina.

Indeed, the Jharkhandi custom of allowing widows to have temporary control over land encourages witchcraft accusations. In many cases, these are associated with attempts by 'male agnates to remove the threat to their property rights posed by widows' life interest in land' (Kelkar & Nathan 1991, p.93): a situation that helps to reinforce men's power over women and restricts women's control over local spaces as well as their 'non-conformism or

deviance from the rules that are being established' (Kelkar & Nathan, 1991 p.99).

This is not a tribal phenomenon but found prevalent in all the forest dependent and highland peoples of India. Reports of demonization of women are frequently heard from those parts of the neighbouring states of Chhatisgarh, Orissa and West Bengal, which are contiguous. Recent studies have brought the fact to the fore that conflict between two sexes on the issue of control over resources, especially land, and ritual knowledge has always been the fundamental cause of men attacking women by branding them as witches (Bosu Mullick, 2003). What witch hunting reflects is an attack on the existing status of women, both in the sphere of social authority, in general, and in the sphere of land rights, in particular (Nathan and Kelkar, 1998)

9

Centrally sponsored schemes



Photo Credit: UN Women/Mahtabul Hakim

The Ministry of Environment and Forests presently does not figure in the list of government ministries and departments that have identified women component plans in their programmes and schemes. Gender budgeting is nevertheless an important way by which the Forest Department can strengthen and monitor the gender focus in its programmes and schemes (Gera, 2002).

As compared with other central Ministries, the Ministry of Environment & Forests does not attract much of plan funding. Its share in the total central plan during the VIII and IX Plan stagnated at about one per cent, but has fallen significantly in the XI Plan as shown Table 4.

Table 4: Plan budget of the Ministry of Environment and Forest as a percentage of plan budget of all central Ministries (figures in Crore Rupees)

	Plan budget of the E&F Ministry	Plan budget of all central Ministries	Percentage share
2007-08	1,349	143,468	0.94
2008-09	1,483	198,160	0.75
2009-10	1,630	218,901	0.74
2010-11 (RE)	2,200	280,600	0.78
2011-12 (BE)	2,300	363,604	0.63
Total	8,962	1,204,733	0.74

Most schemes of the Ministry pertain to strengthening establishment and infrastructure of the central and state governments setup in which people are hardly involved. The schemes for the forestry sector included in the XI Plan and their outlay is indicated below.

Table 5: Scheme-wise outlay of the forestry sector Ministry of Environment and Forest during the Eleventh Plan (figures in Crore Rupees)

Programmes	11th Plan Outlay
1. Grants in aid to Forestry & Wildlife Institute	450
2. Capacity building in Forestry sector	110
3. Gregarious Flowering of Bamboo	37
4. Intensification of Forest Management	600
5. Strengthening Forestry Division	100
6. Strengthening of Wildlife Division	150
7. Integrated development of Wildlife Habitats	800
8. Project Tiger	615
9. Project Elephant	82
10. National Afforestation & Eco-Dev. Board	250
11. National Afforestation Programme (NAP)	2000
12. Panchayat/Gram Van Yojana	900
Total (including for Environment not shown here)	10,000

Out of the above there are just three schemes listed at serial 10 to 12 that concern afforestation. Out of these the outlay for National Afforestation & Eco-Development Board is again for strengthening establishment of the Forest Development Agencies at the states' level. The Board was established in 1992 with the principal aim of promoting afforestation, tree planting, ecological restoration and eco-development in the country. Special attention is to be given to the regeneration of degraded forest areas and lands adjoining forest areas, national parks, sanctuaries and other protected areas as well

as the ecologically fragile areas like the Western Himalayas, Aravallis, Western Ghats, etc.

Gram Van Yojana (GVY) Scheme aims to involve PRIs in afforestation by increasing tree cover on non-forest lands with a focus on poverty and inclusive growth. This scheme is to be operated as a centrally sponsored scheme on 75:25 (90:10% in Special Category States) sharing basis between centre and the states. It had been envisaged that funds would be released directly to the Panchayats. Unfortunately a lot of valuable time has been lost in firming up the scheme as it is still awaiting the approval of the Cabinet Committee on Economic Affairs (CCEA). We recommend that this programme should be made operational at the earliest and the obstacles coming in the way must be expeditiously removed.

The Board implements the flagship scheme of the Ministry called, the National Afforestation Programme (NAP) which was initiated by converging all afforestation schemes of the 9th Plan period to avoid duplicity or redundancy, and at the same time keeping in focus the decentralization agenda of the government. NAP is being operated as a 100% Central Sector Scheme. The overall objective of the scheme is to develop the forest resources with people's participation, with focus on improvement in livelihoods of the forest-fringe communities, especially the poor. JFM is a central and integral part of all projects. A total of 1,057 crores was released for NAP in the first three years of the XI Plan.

The NAP Scheme is being implemented through a three-tier decentralized mechanism of State Forest Development Agency (SFDA) at State level, Forest Development Agency at Forest Division Level and Joint Forest Management Committees (JFMCs) at the village level. A one-time fixed grant of Rs. 2 lakh to JFMCs or Rs. 20 lakh to SFDA is to be given. Year-wise progress of National Afforestation Programme in the X and XI Five Year Plan is given in Table.

Table 6: Year-wise Progress of NAP since the X Plan

Year	No. of New FDA projects approved	No. of New JFMCs involved	Project Area approved (ha.)	Release of funds (in crores)
2000-02	47	1843	71068	47.53
2002-03	237	8197	404799	151.26
2003-04	231	7902	282536	207.98
2004-05	105	3404	106743	233.00
2005-06	94	2362	54432	248.12
2006-07	15	494	NA	292.75
2007-08	53	3979	493061	392.95
2008-09	13	6598	173435	345.62
2009-10	5	7756	103556	318.17

(Annual Report 2010-11)

The budgetary allocation for the year 2010-11 has been reduced to Rs 234.50 crores, whereas for 2011-12 the outlay for this scheme is Rs 228 crores only.

9.1 Assessment of the National Afforestation Programme (NAP)

A mid-term evaluation of the NAP, a key source of Central funding for JFM, done by the Indian Council of Forestry Research and Education in Dehradun in 2008 observed, 'While there have been attempts at involvement of women and people from disadvantageous groups like scheduled castes, scheduled tribes and other backward communities, their participation in decision making has remained limited. The participation of villagers in the scheme has been mostly confined to wage earners. The concept of collective ownership and management of forest resources by village level institution for collective good for the members has not evolved in a majority of cases... In heterogeneous communities dominance of local elite groups has been observed. The concept of benefit sharing from forest resources though available in the JFM resolutions of state forest departments has not percolated to the forest committees. The forest committees as such have not yet evolved into viable resource management units and are dependent on local forest departments for making resource available and guiding their

activities. This brings in question the sustainability of the programme after funding support is over.'

Other findings of the evaluation are being summarized below:

- In most of the FDAs the wages provided under the scheme were less than that of the prevailing collector rates in the district. This has caused much confusion among wage-earners and prompted them to shift to other schemes operational in nearby areas. This adversely affects the project targets.
- Most of the FDAs have reported delay in transfer of funds from National Afforestation and Eco-Development Board (NAEB), New Delhi office. This delay is more pronounced in release of 2nd subsequent installments.
- The forest development agencies have been handicapped with frequent transfers of key forest officials and other ex-officio members involved in the implementation of the scheme.
- The FDAs at the district level are yet to develop lateral linkages with other relevant line departments. In fact, in most of the FDAs, the National Afforestation Programme is the only scheme under implementation. Therefore, after the scheme is over the sustainability of FDAs becomes questionable.





In another evaluation of NAP in district Jind (Haryana) it was observed that 'The local community has been involved only to some extent. The village community are not being imparted training and other awareness camps and exposure visits. Most of the VFCs have left without Entry Point Activities.' It further advised, 'FDA programme should not be taken as only plantations programme, but participation of local communities should be ensured in planning and implementation. For ensuring people participation, regular meetings exposure visits and periodic trainings should be undertaken'.

9.2 Some suggestions to improve women's participation in NAP & JFM

How can gender issues be adequately addressed in forestry development? Key to this objective is identifying and, to the extent possible, quantifying the potential gains that will accrue to women and the likely losses they may have to bear as a result of the planned intervention. Microplanning provides an ideal forum for this kind of thinking. Specific issues to be considered include:

- pre-project benefits likely to be foregone by women and their households, with special

attention to households headed by women: e.g., when common land is to be utilized for tree plantations; when gathering and sale of wood from government forests is eliminated as a source of income for poor households; when the utilisation of minor forest products is expected or likely to become commercialised; or when changing gender-specific economic interests and incentives induced by project interventions are likely to deprive women of access to previously accessible resources;

- workload implications for women: e.g., the extent of added labour required of women of various socio-economic groups for project activities (such as watering, weeding, protection); longer distances to be walked for gathering fuel, fodder and other products previously obtained from land now brought under a different production and management regime; the effect of such additional labour requirements on women's time and labour allocation and on women's and household welfare (e.g., curtailing of time allocated to other tasks, increasing reliance on child labour);
- probable gains to women from planned interventions: e.g., increased availability of forestry products (but check for potential conflicts arising between men and women, between commercial and subsistence users); availability of new products for subsistence and/or market-oriented income generation; introduction of new income-earning activities based on forest products not previously available; generation of wage-labour opportunities (but check for potential distortions in male-female competition for new employment);
- differences and potential conflicts between probable gains and losses for women and those anticipated for men, households in general or the community as a whole: e.g., men's strong preference for timber species crowding out women's need for fuel and fodder trees; men's preference for selling trees en block conflicting with women's need for the domestic or home-industry use of by-products; or men's interest in

cash-cropping of trees and their command over the labour of women in their household forcing women to reduce their time allocations to other family-care and/or income-earning tasks.

In addition, as already discussed, constraints of unfriendly silvicultural practices, denial of benefits to the communities, lack of working plans, uncertain flow of funds, and too little devolution to communities deserve priority attention.

Changes in outlook - Two problems will have to be encountered if the suggestions contained in this paper are to be implemented. One is the attitude of the civil servants, who associate "development" with spending of money. Changes in policy or nature of species or laws are not seen as integral part of the development process because these have no direct financial implication. Non-monetary inputs in policy have unfortunately no ready acceptability in government. The Indian civil servant has still to learn the difference between planning and budgeting. S/he is looking for a scheme rather than a new policy framework. The question, however, is whether we wish to help hundreds of women through projects, or millions of women through changes in policy.

One aspect of this bureaucracy that demands greater understanding is its "culture" - something that is highly relevant to the success of all

community participation schemes. For example, while the principle of JFM assume a participatory/consultative framework, the government bureaucracy that is charged with its implementation operates in a decidedly non-participatory/ non-consultative fashion. Bureaucratic regulations regarding release of budget, physical targets, development of working plans, all act against the more flexible adaptive process needed to successfully implement a JFM programme. What is needed, therefore is an effort to identify the key points of leverage through which the forestry bureaucracy could be incrementally moved toward more open working practices.

By denying to the people any role in forest management and share in forest produce the new Policy and the Act reduce the concept of peoples' participation to a mere rhetoric. These tend to define forest-people interaction as a zero-sum game; forests can be protected only when people lose, and any gain to the people is at the cost of forest protection. In this scenario, both lose. The challenge is how to convert this into a win-win game. This requires a new outlook and a new strategy, in which women's interests, of secure rights of gathering, which are just as well the interests of all poor people, would be paramount. Livelihood needs of the poor women are preconditions for sustainability of natural resources.

10

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Women in India are key leaders and agents of eco-restoration in preserving India's forests. Yet limited policy priority and implementation is given to the needs of women. Commercial interests are prioritized higher up than the interest of forest dwelling communities resulting in displacement and deforestation. Women bear the greatest burden of depleting forests and appropriation of forest lands for commercial purposes. This report draws attention to the key concerns of forest women and carves out important recommendations for inclusive and sustainable management of forest spaces within India's policy framework.



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