



Forest Rights and Governance in India

A Webinar Report


NRMC



Tata Institute of
Social Sciences



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The webinar on the Forest Rights and Governance in India took place on 30 January, 2018. The webinar discussed why has there been variation in the implementation of the Forest Rights Act and identified institutional bottlenecks to upscaling its implementation, as well as lessons learned from existing best practices.

The webinar addressed implementation of the Forest Rights Act, its inclusion of traditional forest dwellers - men and women, innovations that have proven successful, and questions of governance and its impact on the forest rights discourse and policies.

The webinar was co-organized by Tata Institute of Social Sciences (TISS) with support from the NRM Center for Land Governance and the Land Portal Foundation.

Moderator: Geetanjoy Sahu, Assistant Professor, Tata Institute of Social Sciences (TISS), Mumbai

Panelists:

- Tushar Dash, Independent Researcher and Forest Rights Expert, Odisha
- Dr. Soma K P, Policy Analyst and Expert on Gender Studies
- Pinaki Halder, State Director, Landesa

A complete recording of the webinar is available on YouTube:
<https://youtu.be/Tmdx6oGqndk>



Key Takeaways

- The Ministry of Tribal Affairs (MoTA) is the agency responsible for driving implementation of the Forest Rights Act through the states, and is mandated to take up proactive steps to push for effective its implementation.
- More than half of forest rights claims have either been rejected or are pending.
- Persistent efforts of civil society organizations have resulted in the emerging focus on women's land rights.
- Implementation of the Forest Rights Act has been more successful in Maharashtra and Odisha due to tribal and forest dwelling communities and CSOs playing an active role in its promotion.
- Effective implementation of Forest Rights Act in India will require political will and commitment from both the central and state governments along with transformation of the forest administration.
- Little progress has been made in recognizing the rights of other traditional forest dwellers because they have to prove residence for three generations in forest areas.
- Although the Forest Rights Act provides for equal rights of women over land and community forest resources and ensures representation of women, these provisions been largely ignored.
- A host of conflicting laws, policies and programs implemented by the Ministry of Environment and Forests undermine the Forest Rights Act.

Webinar Summary

1) WHY HAS IMPLEMENTATION OF THE FOREST RIGHTS ACT NOT BEEN EFFECTIVE AFTER TEN YEARS?

- Implementation has not been effective due a pronounced lack of coordination, and even obstruction from, with the forest and revenue departments, combined with a lack of political will, as well as institutional and structural challenges. Provisions of gender justice in the act are seldom understood by state agencies due to their deeply patriarchal structural biases, and women are viewed as encroachers rather than as potential title holders.

2) WHAT ARE THE KEY BOTTLENECKS IN THE IMPLEMENTATION OF THE FOREST RIGHTS ACT?

- The inappropriate behavior of people in the Forest Department undermines implementation of the Act, which is compounded by failure on the part of several departments to act in concert, as well as differing interpretations of the provisions of the Act. Most communities still remain outside the reach of the Forest Rights Act due to a lack of outreach by the departments responsible for implementation.

3) WHY HAVE MAHARASHTRA AND ODISHA SEEN SUCCESSFUL IMPLEMENTATION OF THE FOREST RIGHTS ACT?

- Civil society and NGOs played an active role in promoting the Act. This was backed up by political commitment of politicians, local training and effective institutional collaboration, as well as use of technology in determining the forest village boundaries and individual claim settlement.

4) HOW HAVE NGOS EFFECTIVELY SUPPORTED IMPLEMENTATION OF THE ACT?

- The role of NGOs has been crucial in generating awareness on both forest rights and capacity development of the forest dwelling community. Involvement of CSOs has also helped in bringing innovative strategies for implementation of the Act.

5) HOW CAN THE IMPLEMENTATION PROCESS OF THE FOREST RIGHTS ACT ACROSS INDIA BE IMPROVED?

- Departmental coordination must be substantially improved with regard to planning and monitoring the implementation of the Act. This must include community participation, and specifically the participation women, people's organizations and civil society groups in the Forest Rights Committee (FRC) and Gram Sabha deliberations, as well as in joint verification processes.

6) WHY HAS THERE BEEN SUCH LITTLE PROGRESS IN RECOGNIZING THE RIGHTS OF OTHER TRADITIONAL FOREST DWELLERS (OTFDS)?

- The main reason is that traditional forest dwellers have to prove residence of forest land for 3 generations or 75 years. Documentary evidence of this is simply not available for Other Traditional Forest Dwellers (OTFDs).

7) HOW HAS THE FOREST RIGHTS ACT BENEFITED WOMEN IN RURAL AREAS?

- The Forest Rights Act for the first time provides a space for women to claim titles jointly with spouses as members of households, and does not prevent households from submitting claims with women as the first title holder. However, these provisions have been largely ignored in the implementation process.

8) WHAT FACTORS CONTRIBUTED TO THE SUCCESSFUL ENFORCEMENT OF THE FOREST RIGHTS ACT IN MAHARASHTRA AND ODISHA?

- The application of spatial and remote sensing technology for demarcating the boundary and measuring area of plots for individual forest rights been used, which has been crucial to this success. Women's collectives have also emerged as major arbitrators for forest rights as well as drivers of innovations in these states. Collective actions by network of CSOs working with the tribals and forest dwellers who have used innovative strategies such as use of spatial technology for participatory mapping of community forest resources were particularly effective.

9) WHAT BEST PRACTICES HAVE EMERGED UNDER THE FOREST RIGHTS ACT?

- Local communities and Gram Sabhas in the states of Odisha and Maharashtra have established governance systems using provisions of the Forest Rights Act and have actively taken up conservation and management of forests based on traditional adaptive practices and local knowledge.

10) WHAT HAS BEEN THE IMPACT OF THE FOREST RIGHTS ACT ON THE FOREST RIGHTS DISCOURSE IN INDIA?

- Forest dwellers, with tenure security given, are proactively engaged in better using the land for food security and poverty reduction. This is a new paradigm of forest governance which is rights based and which truly recognize and establish the legal authority of Gram Sabhas and local communities over governance and management of forests.

Notable Quotes from the Panelists



“THE FOREST RIGHTS ACT RECOGNISES HISTORICAL INJUSTICE METED OUT TO SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS AND SOUGHT TO RESTORE THE RIGHTS OF FOREST DWELLING COMMUNITIES OVER LAND AND THE GOVERNANCE & MANAGEMENT OF FORESTS THROUGH DECENTRALISATION OF POWER TO GRAM SABHA.”

-GEETANJOY SAHU, ASSISTANT PROFESSOR, TATA INSTITUTE OF SOCIAL SCIENCES (TISS), MUMBAI



“IT IS INCREASINGLY FELT THAT THE NEW PARADIGM OF GOVERNANCE OF FOREST LAND AND COMMUNITY FOREST RESOURCES INTRODUCED BY THE FOREST RIGHTS CAN BE EFFECTIVELY ESTABLISHED BY ACTIVE INVOLVEMENT OF CSOS AT DIFFERENT LEVELS. ”

- TUSHAR DASH, INDEPENDENT RESEARCHER AND FOREST RIGHTS EXPERT, ODISHA



“THE FOREST RIGHTS ACT FOR THE FIRST TIME PROVIDES A SPACE FOR WOMEN TO CLAIM TITLES JOINTLY WITH SPOUSES AS MEMBERS OF HOUSEHOLDS, AND DOES NOT PREVENT HOUSEHOLDS FROM SUBMITTING CLAIMS WITH WOMEN AS THE FIRST TITLE HOLDER. YET THE STATE BUREAUCRACY AT THE GRASSROOTS LEVEL PREVENTS THIS WHERE IT HAS BEEN ATTEMPTED DUE TO THEIR PATRIARCHAL MINDSETS. ”

- DR. SOMA K P, POLICY ANALYST AND EXPERT ON GENDER AND DEVELOPMENT



“FOREST RIGHTS ACT IMPLEMENTATION IS TRULY AN INTERDEPARTMENTAL SYNERGY OF CONVERGENT, COMPLEMRNTARY ACTIONS TO RENDER JUSTICE TO CLAIMHOLDERS. SOMETIMES FOREST DEPARTMENT PEOPLE SEEM TO HAVE A FEUDAL MENTALITY OF POSSESSIVENESS, WHICH IS ONE UNDERLINED CHALLENGES IN IMPLEMENTATION OF THE ACT.”

- PINAKI HALDER, STATE DIRECTOR, LANDESA, WEST BENGAL AND ODISHA



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