Standing Her Ground
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Rights of Women to Land, Livelihood and Natural Resources Linkages with Commons, Agriculture and Economic Rights

An Outcome of the Annual Thematic Workshop

January 2012


Empowering Women: Access and ownership over land and land based activities through education, legal literacy, and advocacy in rural India
Standing Her Ground: Rights of Women to Land, Livelihood and Natural Resources
Linkages with commons, agriculture and economic rights
Empowering Women: Access and ownership over land and land based activities through education, legal literacy and advocacy in rural India

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Glossary
Foreword

Welthungerhilfe, with its mandate to ensure food security amongst the most deprived, has systematically ensured a gendered approach in all its efforts, especially in eliminating the structural disadvantages of women and girls.

Women’s access and rights over land, livelihood, and natural resources is pertinent in addressing not only gender inequities, but also the larger issue of hunger and food security particularly in the rural areas. Throughout history, women have been the nurturers of resources, managing and conserving it. However, they have remained largely invisible in the decision making processes. In a society where power is concentrated in the hands of a few, with women marginalised to a large extent, recognition as rights holders is almost absent.

Welthungerhilfe, through the thematic workshop, ‘Rights of Women to Land, Livelihood, and Natural Resources’ sought to address these interrelated issues. Some of the key issues raised and discussed included the role of women in providing for their families and the household economy from the forest and the commons; the state and customary laws and practices that affect women’s right to property and the constraints at every level in ensuring women’s right to land, livelihood, and property in the 11 states of India with significant number of Adivasis and Dalits.

This report highlights the dialogues and deliberations on the issues mentioned, including that of livelihood, from a gender perspective with a focus on the rural and forest commons.

Joachim Schwarz
Regional Director, Welthungerhilfe
South Asia Regional Office
Acknowledgements

This publication ‘Standing her ground - Rights of Women to Land, Livelihood, and Natural Resources’ is an outcome of an intensive, collaborative, and consultative processes in a workshop by engaging the tribal women with whom Welthungerhilfe and its partners work, together with government officials, practitioners, and civil society organisations from the field of natural resource management and gender.

The perspectives and views are also the result of our engagement with the Dalit and tribal women in Odisha, Rajasthan, Jharkhand, and Madhya Pradesh in partnership with Agragamee, SCRIA, Swadhina, and Indo Global Social Service Society within the framework of an EU co-funded programme ‘Empowering Women: Access and Ownership over land and land based activities through education, legal literacy, and advocacy in rural India’.

Welthungerhilfe sincerely acknowledges the voices of the Dalit and tribal women from various states, especially Odisha, who articulated their views unambiguously, enriching the content of this book.

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clarity and design of the workshop along with Roma – the renowned NRM activist and member of NFFPFW – as part of the steering committee. Roma also served as a resource person and brought different dimensions to the workshop discussions. Achyut, Vidhya, and Roma took complete ownership of the workshop processes. We are also grateful to Agragamee for hosting the workshop at Bhubaneswar.

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Saraswathi Gopala Rao
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Of all the rural women in the workforce, 85% are in agriculture and 60% contribute to agriculture and food production in an economy. Yet, women are only recognised as invisible land managers at best, or more frequently as agricultural labourers, without any control or ownership of the resources. Landless rural women often depend on the commons for fuel wood, fodder, and food. Despite their reliance on natural resources, women have less control over them than men. Usually it is men who put land, water, and forest to commercial use, prioritising cash income over consumption and long-term judicious use. Given a choice, women tend to resist such decisions and articulate the need for long-term sustainable use and conservation of such resources.

Gender inequality is most evident in access to land. What makes it more complex in India is that along with gender, caste, and class, community status also structures women’s access to, and control over, resources. Frequently, women have only usufruct rights i.e. the right to use and not the right to own, and even those rights are highly precarious since they are mediated by men.

The oft repeated cliché of women being ‘the poorest of the poor’ is all too true given the situation, especially for Dalit and tribal women, whose communities are extremely poor to begin with. The only support a woman has in such circumstances is her own ability for hard physical labour. This ability is often undermined by her poor nutritional condition and a difficult life. There is scarcely any social support system for them. The state makes meagre provisions for their social security. Even this often fails to reach the women they are meant for, due to the complexities of politics and corruption inherent in any government scheme in this country.

For women the survival of the commons is a necessity. As rural and urban commons shrink, the burden on women to fulfill care functions of the community become difficult. They need the commons to increase
Standing Her Ground

As men shift to urban or rural non-farm livelihoods, a growing number of households will become dependent on women managing farms and bearing the major burden of family subsistence. The percentage of de facto female-headed households is already large and growing. Estimates for India range from 20 to 35%.

The rights of Indian women have evolved out of a continuing struggle between the status quoist, and reactionary and conservative forces on the one hand and the progressive forces on the other. The property rights of Indian women, along with many other personal rights, are dependent on their specific socio-cultural identities, apart from gender and geography. Their rights are determined depending on the religion and religious school she follows, if she is married or unmarried, the part of the country she comes from, and whether she is a tribal or non-tribal.

Access to the commons contributes to their nutrition, health, and economic security. In India, property rights of women, like elsewhere, are unequal and unfair. Given the non codification of their laws, tribal communities are governed by their customs which (except in matrilineal communities, and sometimes even then) discriminate against women. Even the limited customary rights that indigenous and tribal women enjoyed are being eroded. There have been concerted attempts for a gender-unequal ‘codification’of rights in some north eastern states which are being opposed by progressive and women’s groups there. It is important that any codification is along gender equal lines. It will not do to romanticise customary law, especially as regards gender equity. The customary law scores however in intergenerational equity and sustainability, and these need to be retained.

Legislation such as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and Panchayat Raj (Extension to Scheduled Areas) Act are relatively more in harmony with community aspirations. However, there is a significant gap between the spirit of these legislations and their implementation. The pro-women aspects are almost never implemented even when the women explicitly petition for implementation. The consultation also discussed the Land Acquisition, Rehabilitation, and Resettlement Bill 2011 and Hindu Succession Acts over land entitlement, security of tenure, and livelihood status as well as highlighted the customary rights of communities to their resources.
especially among tribal and pastoral communities. It then drew up national and state level action programmes.

The challenge is to ensure that women have the right to land, livelihood, and natural resources. This needs many different groups and sections of society to work together so that the historical injustices that are systemically embedded structural barriers are corrected.

This workshop report documents experiences of women engaged in such efforts and analyses the cultural, political, and economic challenges and opportunities that need to be understood to strengthen such efforts.
Chapter 1

Land, livelihood and food security
Land, livelihood and food security

The development model

There is little substantive difference in the lives of the poorest communities of India from independence till now. The contribution of agriculture to the national income, measured as percentage contribution to the gross domestic product (GDP), is continuously falling. Though there has been some progress in human development indicators (HDI), the position of India in the world HDI ranking has remained virtually constant. In some indicators India is actually worse off now than at independence. NSSO data shows that the decline in calorific intake was greatest during 2005-10. Data from the economic survey 2012 shows that per capita food grain availability rose from 468.7 grams per day (GPD) in 1961 to 510.1 GPD in 1991 and then fell to 438.6 GPD in 2011. Availability of pulses has more than halved—from 69.0 GPD in 1961 to 31.6 GPD in 2011. Despite improved incomes and increased production, per capita availability and per capita intake of most food items declined during the last decade.

The 12th Five Year Plan envisages faster, inclusive, and sustainable growth. Higher economic growth brings with it increased investments, technological innovations, and more influence of the market in the chosen neoliberal, capital intensive, industrial technology based, and market led development model. This is heavily dependent on international capital for foreign direct investment (FDI), and is therefore export dependent.

This dependency leads to volatility in domestic prices, production for the international market, and market vagrancies beyond the control of national regulators, which consequently increases vulnerability of the poorest communities. The development measures used do not capture the deprivation at the local levels—for instance India exports food, has record harvests, and can arguably be called a food secure or even a food surplus nation. Yet household food security is a dream for a substantial section of
the population—more than a third even by government estimates—and almost 47% of Indian children are malnourished.

The price hikes and inflation has already made life miserable for the rural women who are struggling to cope with poor access to natural resources. Out of the sheer need to survive they have invented, and honed over centuries, skills and coping mechanisms that enable them to live off the commons, in an agro-based, subsistence economy. Their skill sets and coping mechanisms are location specific, and are rendered redundant in other circumstances. Uprooted from their native environment, unfamiliar with the monetised market economy of planned obsolescence and conspicuous consumption, these women become even more dependent and vulnerable.

Entire communities become destitute with no reasonable chance of climbing out of poverty in their lifetime. Sometimes they are uprooted multiple times within a generation, multiplying their vulnerability manifold. They are socially and economically marginalised and therefore are unable to challenge the policies to safeguard their rights and interests. Security of tenure, and an intimate relationship with the commons, thus becomes a vital necessity for the health of the community—its livelihoods, sustenance, and its very existence—especially of its women and children. The neoliberal economic development model chosen however, eyes precisely these resources that are used as a common by these communities. Since the formal law does not recognise community rights, the formal legal systems consider these lands and resources free for the taking by the corporate controlled state.

The degradation or loss of commons and other natural resources have a direct impact on women given that they are primarily responsible for feeding the family. Women’s approach to commons has been that of protecting and preserving the ecosystem. Commercialisation of timber, NTFP, and other ‘forest produce’ often destroys this relationship, with consequent deleterious effect on local ecosystems. Experiences from the field suggest that women actively participate in protection systems of commons but their role in management and decision making was often not recognised, and no space is available to them on legal platforms to significantly contribute to the decision making. The state has remained insensitive and has largely ignored this role that women have played. There has been no effort to provide them with long term tenancy rights.
The persistent effort of women’s rights activists and civil society has spread awareness about the potential and actual threat of losing public land on a large scale at least since the 1990s when the structural reforms were started by the Indian government. This has resulted into some favourable policy guidelines but the larger issues still remain unaddressed.

**Status of commons and livelihood patterns**

All the land in India belongs to the Government of India (GoI) through a colonial concept known as ‘eminent domain’. This includes the natural resources (rivers, desert, forest, hills and areas under permanent snow and rock), and built resources (roads, dams, reservoirs, ponds, and mines).

The land is categorised into two types—land with vegetation and a land without vegetation. Out of 204 million hectares (ha) of land in India for which records are available, roughly 30 million hectares are considered unfit for vegetation. This ‘unfit’ land is either in urban areas, occupied by roads and rivers, or under permanent, snow, rock, mines, or desert. Of the remaining 264 million ha of land that have some potential for vegetation, 142 million are cultivated, 6 million are classified as forestland, and 55 million as fallow or wasteland, land with pastures or groves.\(^1\) India has the largest number of poor and the largest number of landless households in the world. Land ownership and control are key indicators of rural poverty in India like caste or literacy.

The land reform laws were intended to address this disparity in the distribution of land resources but had little impact. They have not ensured benefit to the rural poor, leaving them to struggle for access to land and

<table>
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<tr>
<th>Land classification</th>
<th>Extent (million ha)</th>
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<td>1</td>
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security of land tenure. According to the Department of Land Resources, Ministry of Rural Development, GoI, 68.35 million ha of the land is wasteland in India. This includes forest as well as non forest land. About half of this is not in the control of the forest department and can be made fertile again if treated properly, and can contribute to the food security of the region. Most of these lands are commons that have been providing the livelihood base for the poor communities. These lands are now losing their ability to support livelihoods wherever the customary rights and practices of its preservation, regeneration, and use are replaced by the state owned interventions. Degradation of such commons have hit the lives of women most, especially those women who were getting food, fodder, and fuel from these areas. The food, fodder, and fuel stress increased poverty and migration to cope with the imbalances.

The depletion of commons is also reflected in degrading occupational patterns. Over the past 20 years, the situation of the commons vis-à-vis the livelihood patterns in India has undergone a sea change. The Census of India reports indicate that between 1980 and 2000, the occupation ‘landless agriculture labourers’ has increased by about 35%. Over this period, the small landholders have become landless agriculture labour. Increase in percentage growth of women in landless agriculture labour is comparatively higher and illustrates the livelihood constraints of women denied access and rights to the commons.

‘Commons uncommon’

Natural resources and common pool resources (CPR) traditionally contribute to village economies by providing fodder, fuel wood, small timber, and employment in local products derived from local raw materials. These village economies are largely informal, and of a scale below the threshold of significance for measurement and inclusion in the formal statistical models that inform GDP calculations.

This deficiency of statistical tools leads to faulty measurement that reinforces the state perception of the commons as wasteland—though the commons are a vital, integral, resource for the survival of the majority of the country. So the state, using the doctrine of ‘eminent domain’ usurps
the commons and hands it over to the corporates who supposedly will ‘develop’ this ‘wasteland’ and turn it ‘productive’.

Though the state has assumed ownership of the commons, there are no common standards of defining the types of commons. GoI and international finance institutions such as the World Bank use different categories of land classification, especially to acquire land for implementing development projects. The government refers to the commons as ‘an uninhabited land that is worthless for cultivation’ which includes deserts and barren lands while the government district handbook categorises land in the village as cultivable, non-cultivable, forest, water, and other (besides burial and cremation ground, gamtal etc.). Such overlapping categories, land use, and statistics regarding land are confusing and often create conflict. These conflicts become obstacles in its actual use because ‘ownership’, ‘accessibility’, and ‘usufruct rights’ are important enablers or inhibitors for land use.

The common land is roughly 20% of the total land area in India. These commons include both cultivable and uncultivable wasteland and some forestland. Land use statistics, 2000 Department of Land Reforms, GoI. Much of the government management of CPR through centralised programmes like Integrated Wasteland Development Programme (IWDP) and Joint Forest Management (JFM) treat the commons as state property, and thus denies the people’s right to use and manage the commons. Security of tenure is also denied. The stated approach of GoI is to ensure participation of people in reviving wastelands and denudated forest land but in practice it does not promote people’s right to land ownership, especially over common land.

Besides private property or property owned and controlled by the state, CPR such as forests, grazing lands, water, and fisheries are held and managed through community resource management systems. These are different from ‘open access’ resources where there are no rules regarding individual use rights. The system of CPR operates through a ‘complex system of norms and conventions for regulating individual rights to use a variety of natural resources’.

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3 Land use statistics, 2000 Department of Land Reforms, GoI.
4 Working Paper: Common Land & Women’s Rights by Dr. Varsha Ganguly, June 2011

Human rights are fundamental rights and are enforceable by law. In reality there is hardly any equity. Women are never allowed rights to enjoy property and it is society that promotes this inequality to maintain status quo. The laws are unsuccessful, unless they are accepted socially. 

Justice Himadri
From resources to property

The roots of this systematic alienation of communities from their resource base can be traced at least to the British colonial times. So-called ‘nationalisation’ of forests during British colonial rule took the forests away from communities. People were denied their right to use, manage, and conserve these forests. Rights became privileges, and privileges became concessions which could be, and were, ‘extinguished’. The process is graphically codified, without any ambiguity, in Sections 3 to 25 of the Indian Forest Act 1927, and Sections 18 to 26A of the Indian Wildlife (Protection) Act 1972.

Under the colonial rule, community access to, and control over, forest produce were reduced as the forest was brought under state control. Most of the forests were in the princely states of India to begin with. They came under colonial rule due to annexation, taxation or simply through copycat rules, with the local rulers adopting colonial rules for the administration of their territories. Indian Forest Acts of 1856, 1865, 1878, and 1927 and the Madras Forest Act 1882 were for forest governance and management from that period of reorganisation.

The most damaging role of the colonial rule was to alienate communities from resources by denying collective usufruct rights and practices and encouraging individual property rights. Individual property rights led to the development of individualism. This caused individual conflicts and introduced the practice of hoarding where only the powerful could survive. Land that was traditionally recognised as a ‘common resource’ is now treated as a ‘property’. The rights struggle shifted from collective use to individual titles. Despite the large scale participation of the indigenous and rural people in the Indian independence movement, which often predate the official first war of Indian independence, and the promise of ‘gram swaraj’, the GoI after independence has continued and expanded these colonial policies. Environment policies of the state continue to deny collective rights over property (the traditional resource management system) in favour of privatisation and greater control by the state. This has resulted in a continuous struggle for the resource poor communities, as they gear up to take action and advocacy at different levels just to ensure their existence, diverting their energies and creativity from the already difficult task of daily sustenance.
The states falling in the fifth schedule of the Indian Constitution (states in which there are districts with tribal majority) are rich in natural resources, but the majority of the people, especially the indigenous and tribal people, seldom benefit from the rich natural resources. In most cases it is the other way around. They suffer from the phenomenon of ‘resource curse’—riches, repression and rebellion—with little visible ‘development’.

These areas provide raw material for mining and industries, in addition to water and energy. There has been increasing struggle between the indigenous and tribal communities who traditionally depend on these resources on the one hand and the corporate sector vying for control over these resources to maximise their profit on the other. The state, bureaucracy, and policymakers are under the influence of the corporate sector and market forces. Most of the indigenous and tribal people are losing control over their land directly through land acquisition by the state and indirectly though displacement due to industrial and infrastructure projects.

Historically, in the scheduled areas, tribes and Dalits have used most of the land and resources. Now they are the most affected, facing the brunt of land alienation by acquisition and privatisation. The state policy makers and bureaucrats often fail, and deliberately so, to understand the devastating implications of the turnkey projects on the poor who rely solely on these commons for their livelihood. Displacement issues are deliberately not considered in the feasibility study of these projects. Cost benefit analysis routinely underestimate the costs and overestimate and over-promise the benefits, even in purely economic terms. In a chilling carryover from the concept of terra nullius, there is no value attached to the local culture, values, and traditions of communities.

Even legislation considered ‘enabling and empowering’ by the condescending elite are regressive in practice. In many tribal regions, people are not interested to claim land patta under the ‘progressive and revolutionary’ Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (popularly, the Forest Rights Act, FRA), simply because their customary rights provide them more land than the maximum 4ha permissible under FRA. Moreover, there exists a fundamental contradiction in the relationship to land. While the law is to ‘recognise the rights’, the execution of the law results in ‘title deeds’ that recognise ‘ownership’. For the indigenous people, the ‘rights’ translate into

On the one hand the state makes laws to safeguard the land rights of tribes and indigenous communities through various tenancy Acts; and on the other it enters into several MOUs with corporate bodies that inevitably leads to forced displacement of the poor from their livelihoods and resource base. Women are the worst affected and have to cope with these conditions at home as the men migrate for jobs.
the right to use, the right of tenure, and stewardship, not the right to sell or alienate—very different from the mainstream concept of ‘ownership’.

NTFP and customary laws were not in much focus earlier when non-rivalrous commons was the norm. Then, different stakeholders could use the commons in tandem. Though there were restrictions on the use of the commons, total exclusion, large-scale evictions, and forced displacement were rare. State intrusion into the commons was limited. The indigenous communities could exercise their rights over the commons and conserve it for sustaining their livelihood.

The development of technology increased the scope, reach, and extent of exploitation manifold. It enhanced the ability of the state and dominant communities to more efficiently exploit commons at ever growing distances making more and more non-rivalrous commons into rivalrous commons. As its ability grew, the state gradually increased control over these commons, the decision making process in management and regeneration became top-down. People did not benefit from these resources, and protecting the commons and accosting the encroachers and poachers—though a ‘duty’ under various laws—suddenly became a high risk activity. The commons dependent people and communities thus lost interest in the conservation and development of commons.

Urbanisation, privatisation and displacement

Urban growth has affected the livelihood of the poor in the peripheries of cities and in the fast growing townships leading to large scale displacement and pauperisation of the commons dependent communities. Using the doctrine of eminent domain, and conveniently assuming ownership of land without private title deeds—which means most of the commons—the government allots ‘waste’ land for industrial development. If the land has people, they are termed ‘encroachers’ and summarily evicted. Land, oftentimes fertile land and a substantial portion of it commons, is acquired for industrial estates, techno-parks and special economic zones (SEZs).

The state policies to safeguard the land rights of tribal and other vulnerable communities are highly ambiguous and therefore adversely affect the lives of the poor. Even laws made to explicitly safeguard the interests of
the indigenous people are misused or sidestepped to benefit private and corporate interests. The Chotanagpur Tenancy Act protects the land of scheduled tribes from transfer in this region. This enactment prohibits transfer of lands owned by tribes to non tribals.

Land cannot be sold to persons from other districts without the consent of the Deputy Commissioner. On the other hand, the state has entered into numerous MOUs with corporate entities for industrial and mining expansion in Jharkhand and is acquiring land for these and other industrial development projects on a massive scale. This is causing displacement of the tribal and indigenous communities from the rich natural resources, because these are the areas mining and industries are also looking for. Ironically, the inability of the indigenous community to sell land—meant for their protection—results in them getting little or no compensation, since the land has no ‘market value’ or the ‘discovered market value’ is a pittance, since their economy is largely non-cash.

In many states, legislation has been introduced for urbanisation and basic infrastructure for industrial and mining activities. The Special Regulation Act of Jharkhand for expansion of the Ranchi township in 5km of its periphery is a glaring example of such imposed livelihood crisis on the rural poor, especially women. After this enactment, the land prices have shot up many times.

This is creating social conflicts and high interference from the land mafia. The revised tax system under the Special Regulation Act has affected most adversely those farmers in arrears of taxes. Under the unbearable burden of heavy tax imposed on them, many prefer to sell their land. The direct result is loss of local food production leading to food shortage at home. Educated tribal girls don’t like to get back to farming at ever reducing farms that are less rewarding.

Urbanisation is also creating water and sanitation problems. Urbanisation affects soil character, reducing fertility. Rapid urbanisation is seeing the enclosure of many of the commons in rural and urban areas. The case of roads is illustrative. The vendors—most of whom are women—depend on the streets and pavements, an important part of the urban commons that are being invaded by the state. The new imaging of the commons—highways and expressways—explicitly excludes vendors from using them right from the design stage itself and is embedded in law.
These transformations can be seen in the cases of open spaces being turned into stadiums, plazas, and golf courses—all of them fenced and out of bounds to those who used these open spaces for centuries, if not millennia. The law, which is the language of the state, is steeped in the vocabulary of property to the detriment of the commons and commoners. Together with technological advances, they provide amplification to the ideological superstructure and enable a virtual fencing of the natural commons that is as exclusionist as any physical fencing.
Gender perspectives on control over resources
Gender perspectives on control over resources

Domestication: A gradual marginalisation

Before the settled farming system, women and men had relatively more equality in resources. This equality has been gradually degraded and become imbalanced. In the early days, local communities decided distribution of resources with the equal participation of women. This can still be witnessed in the tribal baisi system and sabhas and are recorded in the samitis of ancient India. During the course of the evolution of the state, control progressively shifted from women to men in tandem with shifting of control from the community to external powers since state authority was embedded in patriarchal frameworks.

The forms, intensity, and instances of gender discrimination vary across communities in the society, though Indian society itself is substantively patriarchal. Non-tribal communities tend to be more patriarchal than the tribal. Non-tribal communities in India are more settled farmers or herders/pastoralists, whereas a substantial section of the tribals rely on the forest for their sustenance. Among the tribal communities 80% of the work related to the forest is done by women, and the roles of men are limited to hunting (which the government, in its firm belief in doctrine of eminent domain, terms ‘poaching’) and a few other activities.

The tribal community has a culture of collectives that encourages community managed systems of CPR, with women having a substantive role. The tribal communities, despite many similarities, have significant diversity. The participation of the women in the non-domestic spheres-from decision making to the workforce-varies depending on the norms of the particular community. However, overall participation of women in tribal families, and their access to and control over resources is better than in the non-tribal communities. The increasing interaction with the non-tribal communities is threatening this tenuous equilibrium, tilting power towards the men slowly but with grinding finality.
Approaches to gender in development

There are two common schools of thought in the context of gender. The neoliberal approach focuses on welfare and efficiency along with welfare for better health, education, and other services contributing to overall development of women. The other school of thought, the human rights based approach, motivates women to organise and demand equality in terms of recognition and social status.

The former school of thought influences most of the development agendas and policies at the national and global levels; whereas the larger concerns of identity and independence have their discourse in the later one. This trend has its visible influence on the five-year plans of GoI.6

Ideally, the larger perspective needs to focus on community control over resources and, within this, women’s rights issues should be addressed concurrently to make the resource distribution equitable and sustainable.

Economic rights of women in a patriarchal society

Patriarchy often limits women’s access to, and control over, natural resources. It is more pronounced in the northern states of India like Rajasthan. Rajasthan is mostly a desert and is a low irrigated area. Agriculture is mostly rain fed from July to October, during monsoon. Men (adults, adolescents and sometimes even pre-teens) migrate for work since there is no work available for them locally. Women stay back at home to take care of the family. The parda pratha (veil system) does not allow them to work outside. Female foeticide and taboos are characteristic of the patriarchal society in Rajasthan. The rigid patriarchal society indoctrinates gender stereotypes, and strict gender boundaries, since the birth of a child. Breaking these boundaries is taboo, and unthinkable. In the event these boundaries are broken, retribution is swift, often brutal, sometimes fatal.

Women have the last share in food, and have to often suffer in silence often. If there is a shortage of food, and it is needed by men, some more is cooked. But women are taught to ignore their needs, even if hungry, and not to cook extra food if required for themselves. Men often berate

6 Saxena K B, Centre for Development Studies
women for overspending even for household consumption needs, while conveniently overlooking their own spending on addictions. Debt incurred by the family, even those incurred by men to support their addictions are repaid by women through hard work in extra production. The patriarchal society continuously reminds women about their inferior status in social exchange. Rights of women in this region are mainly affected by poor sustainability of agriculture production and natural resources, prevailing inequalities within the household and commercialisation of land.

The condition of single and widowed women within the family is far more vulnerable. Though they need some means of livelihood for existence and their skills are largely land dependent, they are often denied land rights. This creates a high level of dependency on male relatives and makes them vulnerable to violence and exploitation. Migration and trafficking of women is much higher in regions where the distribution and access to land for women is poor. Small initiatives to facilitate women’s right, and access to land have reduced migration and trafficking of women significantly. Such strategies need to be incorporated in state policies for land reforms with a gender perspective.

Women vis à vis their responsibility and livelihood

In the 11 states of India with substantial or majority tribal or Dalit population, the livelihood opportunities for women are shrinking at an alarming rate. This intensifies poverty and deprivation among the socially excluded communities. States rich in natural resources, for instance Jharkhand and Odisha, are home to many tribes traditionally dependent on the natural resources. These communities sustainably used and managed the resources. Now they are excluded from the means of their livelihood and sustenance with state policies focusing on mineral extraction and diversion of forests. To facilitate unrestrained extraction of resources, the state restricts access of these communities who have lived on the land for centuries.

The means are many, from a soft approach of enticement to the hard approach of forcible eviction, often after declaring them ‘maoists’, ‘naxalites’, or ‘terrorists’. Compensation when their land is taken away is always either assurance of a job or some cash. Though the law mandates land for land, that is seldom done in practice. No land is given in return. In

The patriarchal society has a clear divide between the roles of men and women. While most of the economic activities are taken care of and decided by men, women are responsible for non-economic activities despite their high engagement in economic activities too. Men cook in hotels, whereas women cook at home, where no money is paid. Men sell the paddy grown by women, and keep the proceeds. At the end of day a man can scold woman for doing nothing!

Bajrang, SCRIA
this process of exclusion, women have suffered the most. Historically they had access to, and use of, commons for their livelihood. Now they face stiff challenges even to access these resources. This results in alienation from land and livelihood opportunities, especially for the women.

Since the commons are pivotal to both local livelihood and national development, there has been increasing conflicts between the state and its people. This is particularly so where the displacement takes place without informed consent or consultation—which is the practice in most cases, despite mandatory requirement—and proper alternatives are not made for those affected. There is high inequality in access to, and control over, natural resources, where the rights of the poor are largely ignored. In the case of indigenous and tribal peoples and other traditional forest dwelling sections of society, the poor would mean entire communities.

There is a need to analyse these rights at various levels – from the United Nations to country and at community levels. The decision making process in settling of rights over commons is crucial to decide the interest of weaker sections from household to state level. Customary laws are often in conflict with state laws since the issues and concerns of the poor are not considered while deciding the rights. The recent policy on land reforms focuses on individual ownership over land and stresses land titles (pattas). This patta system is highly skewed. Most land is controlled by large and medium landlords who employ small and marginal farmers as labourers. This inequality affects the land rights of the poor. More than individual ownership and income, land should be a means of livelihood for all.

Women, who had been traditionally farmers, have their roles confined under the patriarchal society of settled agriculture. They are no more treated as individual farmers but as mere workers in farms and as agricultural labourers in the fields. 80% of the farming operations are done by women. They have the best knowledge of judicious use and conservation of natural resources and biodiversity and have been practicing it over centuries to provide for their family. Yet they have been kept away from the economic activities and access to market, in addition to inadequate security of tenure and insignificant ownership. This marginalisation leads to greater dependency of women on men for identity and economic power and perpetuates poverty among them.
Issues of control and access

One of the fundamental factors of inequality is the lack of economic rights. A woman has little means of making a living. Rarely do women have property in their name, nor do they have bank balances, nor are they equipped and provided with skills to make a living. The persistently lower literacy rates for women, across the class and caste divide, indicates the economic exclusion that girls and women face, wherein they are denied even the opportunity to read and write in the information age. The majority of women are in the agriculture sector, and are the food producers in the country. And yet, these toiling women have the least economic, social, or food security in their lives. Patriarchy by its very nature and definition disempowers women. Being patrilocal, it compels a shift from their natal homes and spheres of influence to the spousal homes, where women have to start from zero once again.

Rural women as farmers and as household providers manage natural resources on a daily basis. They are responsible for growing staple food, and have sound traditional knowledge of local crops and biodiversity. They cover long distances to collect fuel, fodder, and water, spending a lot of time and energy daily on these mundane, but tedious, tasks. Despite their high level of engagement with the commons, they have less access to, and control over, natural resources compared to men. The men claim these for themselves and often put these resources collected by women, and sometimes the commons itself, for commercial use.

The right to property, especially of land, for women are only user rights mostly mediated by men without any security of tenure or independent decision making. In the absence of secure land rights women, as farmers, have very poor access to credit facilities and basic infrastructure for development. In the given historical background, the focus regarding community access to, and control over, natural resources largely becomes centred on women. In thick forest regions women, especially the tribal women, rely heavily on forests to provide food, fuel, and fodder for the household. Despite recognition of this fact in various conventions and policies, they are highly exposed to violence and abuses while accessing the forest for livelihood.
Providing women with access to, and control over, rural land would lead to environmentally sound land management decisions. Though the Hindu Succession Amendment Act 2005 provides for equal rights for women in ownership of land, this rarely translates into reality. Though women are very much a part of production, when it comes to ownership of land, it is always a ‘male issue’. In this backdrop it is important to understand how the discourse on land rights, especially right over commons, livelihood, and economic rights are critical to women’s empowerment. It becomes important to bring to the larger discourse the issue of women’s control and decision making over land and natural resources, issues of alienation from the production system, and displacement.

Land, water, and forest are the major livelihood sources for the rural poor and women. Given their gender roles they are the most important keepers and dependents on natural resources. Their knowledge and skill set can be best utilised only within, and with respect to, the natural resource base and CPRs. Seldom do they have skill sets appropriate to the secondary (manufacturing) sector and more rarely in the tertiary (services) sector.

Women are vital catalysts for food security and agrarian productivity. Women’s right to land, livelihood, and natural resources have direct linkages with food security of the community and the region. Migration has resulted in placing a greater onus on women in managing land and natural resources. Their activities in development and family care are central to the impact on environment and sustainability. Usually it is men who risk land, water, and forest for commercial use whereas women champion the cause of sustainability. A case in point would be men favouring cash crops whereas women’s preference would be more on subsistence crops to feed her family. This often results in women working harder to reach long distances of scattered parcels of land to farm for domestic food crop use.

The national debate on food security focuses narrowly on food distribution systems, to the detriment of other equally important issues such as local production. The state’s concern to provide food for all can find sustainable solution in terms of favourable policies for women that help them grow more staple food and lead towards food sovereignty. Women have different roles and engagement that vary according to local contexts, society, and economy. Appropriate policies could help women enlarge their engagement in diversified means of livelihood.
The right to land

The land title at the household level is in the name of the senior most male eg., according to the Hindu Succession (Amendment) Act, 2005. On his demise, the male survivors inherit the property. Some customary laws permit inheritance by an unmarried woman while she stays at her natal home, but once she gets married her right to the natal property is extinguished. Within such communities, widows and destitutes have the right to use the land for survival needs, but cannot transfer or sell the land. The usage rights that the women enjoy are not transferable.

In the case of communities where ghar jamai (husband living with his in-laws) is practiced, the land title is in the name of daughter but after death of the (male) guardian she is denied the right to inherit the property. The customary law allows inheritance by close male relatives and dispossesses the daughter of the property of her parents. Even among families having only daughters, after marriage of the daughter, the land is transferred to the next closest male relative of the family. In case there is no son and if the daughter is resident with the parents, only then is the right passed on to her. However, even then she gets the right only jointly with her husband, i.e. the son in law. The male mediation of the ‘right’ remains.

Most land titles record only the name of the male who may sell it through middlemen without consent of the women. Women are deprived of the right to cultivate these lands once they are transferred. The situation is getting complicated even in small and medium townships where the land holding in peri-urban areas is reduced through imposition of Land Ceiling Acts, for instance the Urban Land (Ceiling and Regulation) Act, 1976. This does not allow families to retain agricultural land they have traditionally relied on. In such areas men mostly go for labour to the township and women do most of the agriculture work. Land ceiling legislation in such locations has reduced their sources of income and livelihood. They even affect the performance of vegetable cultivation promotion schemes in peri-urban areas with women at focus.

The policy makers were not in favour of legal amendments in the inheritance of property among tribes to maintain social order and peace through status quo. The customary laws in tribal communities prohibit transfer of land to married women on two grounds. First, due to the fear that, after marriage,
the women might enjoy land rights in both places. This could render the land sub-optimally used and managed. Second, if she marries outside the community then the land will also go out of the community. Hence, despite equal participation of women in household economic activities, the land rights are in favour of men.

In the case of a second marriage, the woman loses control over property from the first marriage. The customary laws deny women the right to inherit property in all such cases. She can use the land but not sell it. Since women do not have economic rights they are forced into wage labour, migration, and trafficking. The right to property for women through appropriate legislation and other enabling mechanisms could create new opportunities to ensure life with dignity for women.

**Women and markets**

Women are also losing control over natural resources and livelihood opportunities under the influence of the market. Traditional systems of collective farming among rural communities were based on reciprocity of labour and exchange of goods. They were growing and collecting produce up to their consumption requirement i.e. production on a sustainable basis where needs were fulfilled and no use or extraction beyond that. The individualistic paradigm encouraged production in private land and exploitation of natural resources. Efficiency became maximum exploitation in the minimum time using minimal investment—the highly insidious ‘enter, exploit, exit’ model.

The market led economy places high value on production and ‘efficiency of exploitation’, which destroys the sustainable economic system and affects the lives of the poor. When resources are exposed to the market, most times women are the losers, since they are unable to negotiate with the market, government, mahajans and other powerful actors. Their skill sets, which are land and primary production based, are redundant in a market economy.

The acquisition of the market savvy skills is often beyond their reach. This combination diminishes their capacity to engage with the market, and subsequently diminishes their power in social relationships within the
community, larger society, social institutions, and social processes. It leads to progressive marginalisation and finally exclusion of women from most significant social processes and institutions, especially those of decision making and power.

Displacement and rehabilitation issues affecting women

There has been a growing nexus between the government and national and international capital to usurp the rights of the communities over local resources. To manipulate national growth, the state encourages the shift of people away from agriculture. Elite environmentalism fails to understand the significance of natural resources for the existence of these communities. Alienation from their own lands has badly affected men as well as women. 26 million ha of land has been converted from agriculture to non-agriculture use by the state in this period intensifying food insecurity and poverty.

The large scale displacement caused by development projects between 1946 and 2007 is estimated by researchers of the Council for Social Development to be about 60 million. The Planning Commission estimated that of about 21 million displaced in Andhra Pradesh, Bihar, Gujarat, Maharashtra, Madhya Pradesh, Rajasthan, and Odisha between 1951 and 1990, 40% were tribals.

Displacement from CPR has its harshest effects on women. Additionally, access to resources in the post-displacement scenario is almost always mediated by men, who now assume the role of ‘sole’ decision makers and interface with external authorities, though they may no longer be breadwinners or providers. This has a direct impact on gender dynamics within the family and at the larger societal level especially for tribals.

In Gujarat the government policies of displacement and rehabilitation adversely affect the lives of women in many ways. The families displaced under dam construction projects have not received the promised rehabilitation package. The alternative land provided to them for resettlement is of very poor quality and yields little. The monetary compensation is hardly enough to get them alternative means of livelihood. The state must be sensitive to farmer concerns and it is the duty of the state...
to ensure sustainable infrastructure and environment for their livelihood. Many of the Muslim families in Gujarat were engaged in NTFP trade. They were collecting local produce and channelising them to the market. This was a sizeable proportion of livelihood for the resource poor communities from the commons. After the communal riots in the state, these traders have shifted out of such locations and the people are not getting any market for their NTFP collection.

Claims to forest patta under FRA are very limited. Many of the genuine forest dwelling families have been victims of the highhandedness of the forest department. Many of those eligible have not filed their claims. Still fewer have claimed community land. Of the few claims, many have been rejected by the forest bureaucracy, who has no authority to do so. The only authorised body is the panchayat. Of those admitted and pattas given, many have been given land less than what they were using, often less than their claim even when the claims were well below the eligible 10 acres. In some places the forest department has misguided people into claiming far less than what they have been using, often only the area on which their huts stand.
State, community and forests

Forests and forest use

The Central Indian Plateau is among the most resource rich regions in India and the world. This region has bountiful mineral resources, biodiversity and has a high concentration of tribal population. Despite the natural bounty, the indigenous people seldom benefit. Ministry of Environment and Forests (MoEF) reveals that of the total forest land diverted since 1981 over 55% has been after 2001. Over 70% of forest land cleared for mining since 1981 has been in the period 1997-2007.

Most often, the real interests and demands are underplayed by the policy makers, state officials, and the line departments. The typical response has been doling out a few small sops or interventions that are enough to address some trivial grievance to divert the focus from the real issue. It would serve to appease the community for a while, though leaving the genuine grievance festering till it reaches boiling point again in short order, and then repeating the cycle all over again.

With the evolution of policies and legislations by the state, communities are losing their control over resources. 80% of the land is under control of the state in tribal areas. The government can use it for any purpose it deems fit and the tribal communities can be displaced with a short notice. After a long struggle in the year 2006 forest rights of indigenous and tribal people and traditional forest dwellers were recognised for first time by the state.

The forest has been perceived and defined from many perspectives but from the user point of view it has two clear notions. For the indigenous forest dwelling communities, it is the rich natural resource and habitat that they have traditionally conserved to sustain the ecosystem and livelihood. Many indigenous communities consider it their mother and they belong to the forest, rather than the other way around which is the norm in non-indigenous communities. On the other hand, the forest department
perceives the forests as a ‘national’ property and themselves as custodians of this ‘property’. Though there has been a paradigm shift at the policy level to community control over forests, at the field level the conflict and mistrust between the community and forest department still continues.

The definition what constitutes a forest needs to be changed. The definition of forest should enable its recognition as the primary source of life and livelihood for its residents. Therefore the definition should encompass not just a timber production area but should include food security, livelihoods, cultural and recreation spaces... and many more encompassing all facets of life of its children—the traditional forest dwellers.

The forest department develops micro plans (work plan) for development interventions within, and in the periphery of, the forests. Usually this plan is developed by external agencies without consulting the local community. The forest department maintains that rotation is necessary for timber production and extraction. There have been numerous instances of community protest to logging under the rotation policy of the forest department. This reflects adversely on the work plan and indicates that it was not developed in a participatory manner. Surprisingly, non-timber forest produce (NTFP) that are a major source of livelihood for poor communities, is not a priority in the forest work plans. Promotion of NTFP and allied food processing units in the periphery of the forests could be a useful strategy to help sustain the community and the forests.

Many forests (an environmental fact) were declared as reserve forests (an administrative category) overnight and the settled communities, where people traditionally collected NTFPs and managed the forests, lost their access to these forests. Reserve forests can be declared only as per statute after admitting or extinguishing the rights of the people. Most of the forest was brought under reserved and non reserved categories, under the direct control of the forest department. Many revenue villages were also brought under this categorisation and overnight the residents—the indigenous forest dwellers—became ‘illegal’ settlers and ‘encroachers’ on their ancestral land, and can be displaced at will. Even if rights are extinguished, there is a process that includes compensating and settling the livelihood needs and rights of people affected in the locality. But this was largely ignored by the state in declaring reserve forests and gradually people were alienated by the oppressive nature of the forest department.

Irrespective of what we do, we still don’t get the rights. If we get rights to the land, only then can we stand for our rights as women. Women need to be empowered when it comes to asking for land rights. This empowerment must start before the age of marriage when a girl has time to make up her mind and take independent decisions. We do demand rights but the state is unsympathetic. It’s time that the politicians stop making populist declarations, and make wise policy commitments that can really be implemented.

Sumani Jhoria
Tribal leader
People rely on forests for their livelihood. Over time, they have lost their customary rights over the forest in a well planned, systematic, and phased alienation. The process involved not only the local elites, but the active connivance and participation of the state functionaries using state mechanisms. In many cases the law, such as IFA 1927, actually requires officials to slowly and systematically evict the indigenous communities from their commons. FRA realises this injustice and the illegitimate process through which people have lost their rights when the state consolidated the forests under its jurisdiction. New legislation such as the FRA, though promising on paper, requires proper implementation to restore and safeguard the rights of the people. There is risk of land reverting to the state if these enactments are not properly implemented in letter and spirit.

There is a need to identify the customary rights of the communities resident in the forest and develop a deeper understanding of the customary law and the symbiotic relationship of the forest dwellers with the forests. In Protected Areas (PA) the Wildlife (Protection) Act 1972 (WLPA) is operative. The Panchayat Raj (Extension to Scheduled Areas) Act 1996 (PESA) extends the provisions of the 73rd constitutional amendment on local governance to the fifth schedule areas, with appropriate customisation to provide for the specificities of the indigenous communities in harmony with other constitutional provisions. PESA is a constitutional amendment. In practice, the PA regulations (which are administrative fiats) supersede the PESA rights (which are constitutional guarantees)! There is much similar debate about other new legislation, including the FRA, which theoretically supersedes earlier laws including IFA 1927 and WLPA 1972.

Inclusive growth is more all-use-ive!

The customary laws also have many inconsistencies. Recently the Supreme Court has come out with directives on interpretation of customary laws, but it is yet to be analysed to remove the inequalities within these laws. Customary rights and state legislations are not consistent and often create conflict in deciding the control over resources. The Transit Permit Rule of undivided Bihar has not been amended to support FRA. Dr. T. Haq in his report has highlighted these inconsistencies but the recommendations of this committee are yet to be seriously considered by the policymakers.
Non-timber forest produce (NTFP) are essential and contribute significantly to household economy in forest belts. The indigenous communities have profound knowledge and application of these local products. Studies identified about 4000 medicinal plants under the ethno-botany inventory but little effort has been taken by the states to safeguard intellectual property rights and traditional practices for livelihood promotion in such regions. Some recent plantation species like jatropha are affecting local biodiversity and needs to be carefully addressed to ensure local availability of NTFPs on a regular basis. Laws such as the Bihar Transit Permit Rule are archaic and not supportive for the promotion of NTFP based livelihoods.

Most of the scheduled area states have been cavalier in listing of NTFP and fixing their price. Women are the main collectors of the seeds, fruits, flowers etc. and suffer in the absence of a supporting environment from the state to sustain their livelihood. Within the forest area the state focus and development interests are confined to minerals and natural resource based industries that ultimately help the rich, industries, and business houses. This is obvious in the pattern of state investments to create infrastructure for mineral exploration compared to the negligible investment on promoting promising NTFP enterprises that could support a large number of poor households in these regions.

**The FRA and after**

FRA addresses the right to live in forestland for habitation or cultivation, right of access, use, and sale of NTFP, and right to protect, regenerate, conserve, or manage any community forest resource, amongst other rights. These rights can be claimed both as individuals and as a community. It provides tribal and other forest dwelling communities the first legislative handle to assert tenurial rights. It addresses important livelihood security issues, while also stressing the rights and responsibilities of forest dwellers in maintaining sustainable forest use patterns and the conservation of forest biodiversity. This space, guaranteed under FRA, has immense scope for community based or collaborative forest management.

The FRA, for the first time since independence of the country, has recognised women’s stake in forest rights and granted equal ownership rights to women in the community and individual forest rights.
Chapter 1 Section 2(g) clearly defines gram sabha as:

*a village assembly which shall consist of all adult members of a village and in case of states having no Panchayats, no padas, tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women.*

This Act makes the gram sabha the final decision making authority. This provides legal space for women to participate in the gram sabha deliberations related to management of the forests, and if implemented, it can empower women and ensure that their voices are heard in the village affairs. They can play a significant role in not just forest management, but also in the larger governance of the villages.

Chapter 3, Section 4, states that:

*A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.*

Thus, the land rights recognised will be jointly in the name of the spouses which traditionally had remained with the male head of the household. The many women-headed households can now claim their rights to the forest land they have been inhabiting or cultivating under this Act. At the individual level, the right over land is recognised for subsistence cultivation or any other common occupation or habitation that secures their livelihood, including collecting NTFP. At the community level, the Act recognises the right to access forest products, other than timber, including fish from water bodies. In addition, traditional and seasonal access to pastoral resources for grazing are recognised for communities and nomadic tribes.

Women’s groups can now make community claims over forests that they have been actively protecting, and that they are dependent upon, in consultation with the gram sabha. Further, women can now claim rights over NTFP in areas they have been collecting the same individually or through organised groups. They can then manage and control the NTFP which is taken out of the forest ensuring that this is done sustainably and without any unilateral control by the forest department. Thus, this legal space needs to be utilised more, especially in Adivasi areas and where women have engaged with the forests for long.

*Forests and commons could not be used for farming. FRA land patta is not helping women to get control as direct beneficiaries. The van panchayat or the gram sabha also doesn’t acknowledge rights of the women especially in the case of unmarried or single women. The Act is presently silent about land patta for such women and must address this issue.*

*Vasvi Kiro*
Further, if FRA is implemented in letter and spirit and in consonance with PESA, it will considerably empower the forest dwelling scheduled tribes. PESA makes it mandatory to seek the gram sabha’s approval for plans, programmes, and projects for social and economic development to be implemented at the panchayat level. This decentralisation to the lowest tier ensures wider participation, especially from the women.

Thus both FRA and PESA can go a long way in securing the livelihood of forest-dependent communities and specifically women in these communities. It can lead to increase in household income in these areas and to the emergence of an inclusive governance mechanism. Empowered gram sabhas, with equal participation from women, will lead to an equitable and transparent system of local governance.

Despite the inclusive growth agenda of the ongoing five-year plan, development interventions are creating exclusion of the poor. This is adversely affecting the interest of forest dwelling communities to harness the benefits of FRA. FRA has also entrusted large responsibilities on Tribal Advisory Councils, but few states have taken the initiative to constitute these councils. Even where these councils have been formed, FRA issues are not on their priority agenda.

Village institutions which had been settling individual and collective rights issues gradually disintegrated because their basic functions were substituted by the state. The situation has not changed much even after the enactment of FRA, since implementation is poor. The Act itself does not provide for better rights compared to customary arrangements and contemporary usage. The policy makers need to seriously consider the recommendations of the T. Haq Committee and PESA, which respects and recognises customary rights and their relevance to the conservation of forests.

Land possession and title issues are conflict areas between the forest department and forest dwelling communities. Under different forest and wildlife protection laws, lots of areas were declared reserve forests. Without any rehabilitation plan, the traditional dwellers of these forests had to face eviction and oppression by the forest department. Many of the tribes and other forest dwelling people have been sentenced to prison for exercising their livelihood rights in their traditional homelands using traditional, customary practices.

Dhani

I applied three times for a joint patta in the name of my husband and me. Every time it was turned down. My husband died last year and I have to take care of my small child. After my husband passed away, I applied for the individual patta despite hostility of my family and neighbours. Nothing has happened so far. The government has put settlements on hold since there are no elections due in the state. Everybody says it will be cleared whenever there is an election, as that would help the party in government get votes. But I wonder how it is going to help me face the struggle I go through every day till it happens.
The forest department which was exercising control over forests for a long period, is not keen to devolve its power and control despite state notifications under FRA. Single women can apply for individual patta but the forest officials are turning down such applications and asking for claims under joint patta.

Under the revised legislation, the legal mandate of the forest department has been reduced to its role of wildlife protection and technical planning facilitation in forest areas, but the department continues to go beyond their legal roles and responsibilities. Even the state expresses its inability to rein in the forest department and admits that despite clarifications after FRA on the role of the forest department, despite clarifying that the forest department does not have the legal mandate to control the forest, the forest department is wilfully and shamefully exercising its power over the forest. To intimidate the indigenous communities the department has lodged many false cases against the poorest communities who rely on the forest for their living. The state demonstrates its inability to get the forest department to follow the law by not being able to settle these false cases. This has created a paradoxical situation where a law to correct a historical injustice itself is being subverted by an arm of the very state that has enacted this law.

The judiciary has also failed to restore the rights of tribals. About 34 lakh scheduled tribe population have applied for pattas under FRA and about half of them have received pattas so far. FRA entitlements are still difficult to realise for other indigenous communities who are traditionally dwelling in these forests. There are many traditional forest dwelling communities like the Agaria community in Garhwa district who could not get their claims accepted since they do not possess the caste or community certificates despite the Supreme Court notification in 2003. Such denials create social injustice leading to dissent among the poor, and force them into campaigns and struggles.

Collaboration among various line departments is essential to ensure the proper implementation of FRA. There is no synergy in land measurement, mapping, and demarcation. Gram sabha records can be very helpful wherever there is confusion over the land records. Chapter V of FRA provides for complaints against settlement of title claims. This can help to make the departments and local administration accountable and responsive to local needs. Local CBOs can collect evidence and testimonies to highlight such discrimination at different levels.
Existing law and practice through the gender lens

Women contribute substantially towards land based activities especially agriculture. Yet they are the most marginalised group when it comes to all matters regarding land. They are denied control and ownership rights. The linkages between commons, agriculture, and natural resources need to be established to bring justice to women who have historically been denied their basic rights. The need of the hour is to bring about policies keeping the women farmers central to the development of land based farming activities to trigger a second agricultural revolution.

Women are denied property rights in India. Evidence shows that poverty is more pronounced in those regions where women have lost their control over land. Land is getting costly and more like a commodity than the means of production, livelihood, and sustenance. This creates conflict over commons. There is a need to ensure that heritable rights of women to the commons is recognised and clearly stipulated in the law. There are many personal laws that should be brought in harmony with the constitution to safeguard the rights of women.

Most times, influential relatives or local persons infringe on the property rights of women in connivance with bicholiyas, the influential people in the locality, and mediate the settlement process with government officials to usurp their property at throwaway prices. In addition, the power relations within the family and the community are highly unfavourable to women, affecting their rights. The power conflict often leads to discrimination among the women, especially in communities that practice polygamy, to exercise their control over resources. Private land ownership related rights are governed by personal laws and customary laws that suffer from serious limitations in terms of succession, inheritance, and transfer of property. This limits ownership and control of women over the property. Various practices are socially approved under ‘customary rights’ that are inconsistent with legislation, especially in areas of marriage (including polygamy) and inheritance. These lacunae need to be urgently addressed through the local governance and community structures like jati mahasabha, pidha (apex body) that could integrate policy changes within the customary rights. If the customary bodies are unwilling or unable to do so, then the formal legal system should step in to remove the extreme forms of discrimination against women and girls in customs, traditional law, and institutions.
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| Group 1 | - Implementing FRA in letter and spirit is not a priority for the government or the administration.  
- Traditional knowledge in pregnancy, and child care and agriculture practices are dying out due to disuse and ignorance. They should be recognised and valorised.  
- Land patta is available but the details of patta granted by the state (where the land is located, when the grant will be awarded) is not available. This hampers advocacy efforts.  
- State agriculture policy in Odisha and other eastern Indian states encourages cash crops and jatropha plantations that affect the food security of the state.  
- Some provisions of the Seed Bill might affect sustainable agriculture practices.  
- There is little recognition of existing social structures and institutions. Active participation of women in them is below optimal levels.  
- Earlier, the village institutions used to decide the demand of natural resources (fuel wood etc. from forest) but now the shift to SHG has less focus on resources and more on small savings linked credit. | - Due importance to women in village level institutions and respecting their knowledge and experience in the planning process.  
- Making a database of traditional knowledge and getting them registered (intellectual property rights).  
- Mapping and demarcation of allotted pattas for land settlement.  
- Capacity building of women and village institutions on PESA, FRA and micro planning for commons. |
| Group 2 | - Realisation of rights and entitlements among women is still very low.  
- The Food Security Bill has some weaknesses. It focuses on distribution channels rather than on production, consumption, nutrition, and ‘security’.  
- Incentives are being given to MNCs for cash crop promotion and external seed market. | - Making community and women sensitive and aware about the policy updates and legislations, with a better understanding of their implications.  
- Building local capacity to sustain livelihood initiatives in a human rights based approach.  
- Policy advocacy for local food production and a seed system to support the right to food. |
| Group 3 | - Organised capacity of women to demand and negotiate for their rights is poor.  
- Power imbalances in a patriarchal society.  
- Participation of women in decision making is still very poor. | - Empower women’s rights activists and their collectives as a resource group.  
- Increasing role of women within the institutions.  
- Sensitising the male population on gender issues. |
Even in cases where the legal provisions are in favour of women, they find it difficult to get support from the government officials, especially those from the revenue department, to exercise their rights, or access their entitlements. The judiciary has shown little initiative to restore the property rights of women. Women, who are the natural managers of commons, are more interested in the entitlements that augment their livelihood rather than the individual pattas. However, the rights of single women or widows, are largely ignored in the implementation of FRA. The families and gram sabhas do not consider such single women or widows as eligible applicants. Their families do not support their applications when there are other male applicants within the family, even when both are eligible for the patta.

Poor land reforms have led to large scale encroachment of commons that includes the state acquisition in the name of Special Economic Zones (SEZ). This has resulted in scarcity of pasture, grazing land, water bodies, and NTFP like mahua and sal from these commons that are directly related to the work of women and household food security.

The land acquisition process is full of paradoxes. Its assumptions and practices are based on many fallacies that often cause denial of property rights for women. The state acquires land ostensibly for some ‘public purpose’, which is very ambiguously defined. The acquisition process requires consultation with 80% of the population from the local community in a public hearing. But it does not explicitly talk about the mandatory participation of women in such a hearing. This denies the women opportunity to protest land acquisitions that are affecting livelihoods. Despite all good intentions of the law, the public hearing largely talks about the compensation package leaving aside the real issues of living, lifestyle, an alternative livelihood for women, and a feasible rehabilitation plan.

Women constitute the largest share of the unorganised labour and are highly vulnerable to several forms of discrimination. Unequal wages is the norm. They do not benefit from much of the development work on commons under various flagship programmes of the government. The assets created are largely controlled and managed by the men. Other development activities affect the rights of women as they affect the commons. For instance, the high tension electric power transmission lines have made many pastures unusable, construction of Panchayat Bhavan and other government buildings have felled many trees from which women collected NTFP for their livelihood and sustenance of their families. Poor
access to these resources adversely affects the health and nutrition status of women and the children. They find it difficult to find local food and herbs that they have been using in the past as staple foods, dietary supplements, and medicine.

There is a need to develop synergy between FRA and PRI. Under forest rights or other provisions of PRI, women’s rights have not been adequately addressed nor emphasised. The state has neither come out with any clarification nor special notification to mainstream the women’s right to the forest. There is need to reconcile the gender issues through a review of customary rights and amendments to the constitution.

PESA in the Fifth Schedule Areas

In the Fifth Schedule Areas, PESA has legal provisions and space for women in decision making on the issues of money lending, liquor control, and land alienation, but the social structure does not often allow space for that. Over the years, the populist measures of the welfare state has created dependency of people on government services leaving behind the sustainable traditional systems. Despite much claims and effort, it takes years to settle 4 ha land with title for the poor. On the other hand, there are many MOUs signed and thousands of hectares of land acquired smoothly for corporations that have contributed nothing to conserve the local environment. In Kashipur village of Odisha, four industries were set up by displacing hundreds of families but it failed to provide a regular job or income to even ten such displaced families in the four industries combined. In the absence of proper compensation or rehabilitation, these families are forced to migrate as wage labourers.

Many indigenous communities, like the Jhoria in Odisha, face the risk of being alienated from their land by denial of their scheduled tribe status. Their land cannot be taken away under Odisha (Prevention of Land Alienation) Act, but once they are removed from the scheduled tribes list they can be easily dispossessed of their lands. The fact that the first MLA of Kashipur reserved seat was from the Jhoria community is not considered sufficient to affirm their tribal status. The community boycotted the parliamentary elections of 2009 and did not even contest in the panchayat elections to communicate their non-violent protest. But the land mafia in the state has more influence over the policy makers than these feeble voices.

Sometimes it is very difficult to understand the concerns of equal treatment for all. In our village some people have vast lands and others have very little. The forest committee members are getting only grass (not wood) from the forest in proportion to their livestock. Why then should all the members pay equally?

Sundari Shanta, Jhabua
Many of the local communities have been alienated from their lands by displacement due to acquisitions for ‘turnkey projects’. Most of these communities are those in the poorest areas, the indigenous and tribal people, for whom land is not only essential for their living but also for preserving their culture, traditions, and identity.

**LARR Bill, 2011**

With the increasing need of the neoliberal economy for land and resources, there has been unprecedented takeover of land and eviction of the communities therein. Faced with massive protests and reverses in acquisition and handover to private interests, the state has tried to bring about norms that would smoothen the process through the Land Acquisition, Rehabilitation, and Resettlement Bill 2011, LARR. Though touted as a pro-people measure, it still is based on the fallacious assumption of eminent domain, contradicts FRA, and still is heavily biased towards industrialisation and corporate interests. It is very much on the single path of ‘industrialisation and manufacturing as development’ framework, rather than a people, commons, and communities paradigm.

The state uses its sovereign power and the doctrine of eminent domain to appropriate land in the guise ‘national development’ and creates an umbrella of legal provisions to provide a fig leaf of legitimacy to enable companies to acquire lands in the name of industrial and urban development.

The ‘land for land’ principle, that was evolved as the premise for resettlement and rehabilitation, has been abandoned. It is invoked only in the context of irrigated lands of high multi-cropping, which reflects a class bias to protect the interest of farmers with large landholdings, and bares the terra nullius assumptions of the state.

Little consideration is given to the ramifications of a law that allows transfer of agricultural land to non-agricultural use, of tribal land to non tribal, and of commons to private domain. The implications of such a process for food security are left unaddressed while goals of furthering interests of urbanisation and growth for industry are left to be dealt with by market forces.
The definition of ‘common good’ and ‘public purpose’ is nebulous, and covers a range from infrastructure to military, from defence to urbanisation, industry to leisure. The only objectively verifiable criteria seems to be that land can be acquired on agreement by 80% of the owners of the land in question. The historical record of the state is that this is often a provision that is used against the public good and for the betrayal of common good.

Private interest is served through the manipulation of such provisions, through which corporate interests inform the agendas of political parties. The state thus becomes the means for community interests to be compromised as natural resources are transferred to private interests unmindful of the ecological insecurity and the ensuing intergenerational inequity.

The proposed Act provides for punishing the protesters and dissenters. Clause 59 of the Draft LARR Bill, 2011 makes provision for ‘penalty for obstructing acquisition of land’ but is silent about ways to address people’s concerns that lead to resistance in the acquisition of land.

It reads:

Whoever wilfully obstructs any person in doing any of the acts authorised by Section 9 or Section 15, or wilfully fills up, destroys, damages, or displaces any trench or mark made under Section 15, shall, on conviction before a magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding five hundred rupees, or to both.

The punishment is for trying to protect their livelihoods. The benefit of immunity for acts done in ‘good faith’ which is available for government employees is absent. It assumes ‘good faith’ on the part of the state and malafide on the part of the citizens, when even recent history has proved otherwise so often.

The section ‘Return of Unutilised Land’ permits the transfer of land for another public purpose, which goes against the logic of the other provisions since, through this clause, the state can usurp lands and transfer the land so acquired indiscriminately without due process. A simple ‘approval of the appropriate government’ is all that is required. Experience proves incontrovertibly the state misuse of discretionary provisions.

The LARR Bill 2011

- Replaces the old Act and, after much lobbying, has been presented as a consolidated Act for acquisition and resettlement, but does not provide any insights as to the scale and ramifications.
- Focuses on urbanisation and industrialisation rather than on justice and equity, which was the demand from people’s organisations.
These sections are liable for misuse and are problematic at multiple levels. The people may not be in a position to pay these amounts and may have been displaced and are likely to be in more vulnerable positions post displacement to be able to bear such costs. It discounts and negates the trauma of displacement suffered by communities due to error by the government. The land should be restored to the communities without such requirement, since the state has erred in its pursuance of purpose.

The LARR Bill 2011

- Views land other than irrigated multi-cropped land as divertible: from tribal to non-tribal, from ‘waste’ and ‘barren’ to industry and other uses, from agriculture to ‘more productive’ (industrial) purposes.
- Seeks to address the demand for an integrated bill so that the gap at implementation levels is avoided.
- Provides for the state to acquire land for ‘public purpose’, synonymous with acquisition for industry.

It reads:

1. The land acquired under this Act shall not be transferred to any other purpose except for a public purpose, and after obtaining the prior approval of the appropriate government, and any change in purpose made in violation of this provision shall be void and shall render such land and structures attached to it liable to be reverted to the land owner;

2. When any land or part thereof, acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the land owner by reversion;

3. The appropriate government shall return the unutilised land or part thereof, as the case may be, to the original owner of the land from whom it was acquired subject to the refund of one fourth of the amount of compensation paid to him along with the interest on such amount at such rate, as may be specified by the appropriate government, from the date of payment of compensation to him till the refund of such amount; and

4. The person to whom the land is returned being the owner of the land shall be entitled to all such title and rights in relation to such land from which he has been divested on the acquisition of such land.

These sections are liable for misuse and are problematic at multiple levels. The people may not be in a position to pay these amounts and may have been displaced and are likely to be in more vulnerable positions post displacement to be able to bear such costs. It discounts and negates the trauma of displacement suffered by communities due to error by the government. The land should be restored to the communities without such requirement, since the state has erred in its pursuance of purpose.

Seed rights, indigenous and traditional knowledge

Agriculture is the backbone of food security for the country. Its sustainability is now even more in question. Farmers are disposing off, and being dispossessed of, their cultivable lands. Individual farm holdings are decreasing and the input costs are ever increasing. Seeds produced by MNCs cost many times the local certified seeds. Scarcity of traditional seeds neither helps the biodiversity nor the small farmers or women. The
high external input oriented agriculture policies are skewed highly in favour of big companies who are dictating the terms. It is unfortunate that the government does not recognise the efforts of rural women to preserve and grow indigenous seeds and crops. These efforts contribute immensely to maintain local biodiversity.

Seeds alone do not come from the market to a farmer. With the seed comes a complete package of fertilizer, pesticides, herbicides etc. heavily indebting the farmers. If the harvest fails, the farmers are badly hit. Experiences from all over the country indicate that high external input agriculture takes its toll on the farmers in the form of higher debts, hunger, and even suicides. The role of women in deciding agriculture activities is decreasing with the increasing popularity of cash crops.

Traditionally, women have decided cropping patterns since farming has been for staple food production. With the cash crop’s economic significance, the decision making is taken over by men. There are other related issues in agriculture such as payment of unequal wages to women and poor entitlements for women entrepreneurs. Access to, and control over, land is the overarching issue in securing the livelihood rights of women. Though women contribute equally, the right to property is still elusive even in its limited application of only security of access and tenure. This issue can be taken up at the PRI level where women have good representation. With a conscious approach, the decision making process can, at local levels, be made responsive to the needs of women.

Traditionally the communities had control over land through seeds. There is a sustainable practice of seed collection and regeneration at risk of being displaced and even made extinct by global seed politics. Women work all their lives and yet they are not entitled to even minimum wages from collection of seeds. On the other hand, seed giants like Monsanto get 50% subsidy from their countries for their seed business. This creates dependency on external seeds and increases the input cost of agriculture, making agriculture a non-viable proposition for the poor.

Policy makers are apathetic and indifferent to the promotion of local seed systems while showing keen interest in promoting corporate seed giants in the name of food security. The government must compensate and encourage women for seed preservation to ensure sustainable agriculture practices for small and marginal farmers.
Environmental services provided by people in tribal areas are not included in cost calculations in market terms. Thus, they are often deprived of reimbursement of the real costs incurred. These costs are claimed by the big corporate players who ultimately benefit from the services of the indigenous people. Indigenous women provide valuable labour and services to preserve the environment. Their knowledge and effort are hardly recognised by the government. Neither do they get fair compensation for these services. If ‘a fair and open market’ is the ideal with symmetry of information, then these communities must get adequate compensation for the knowledge that they give to the society just as the multinational companies get through copyrights and patents.

The National Biodiversity Strategy and Action Plan of India (the Biodiversity Code) intends to safeguard the rich natural heritage of India. In most of the states it is not functional in spirit. Among the traditional communities there is a vast knowledge base of local biodiversity. Women from tribal and other indigenous communities are more familiar with biodiversity since they are regular users. Their knowledge of the species, location, use, characteristics, and combinations is far richer than any outside expert. This knowledge base of local biodiversity is largely ignored and not utilised in conservation and preservation of natural resources.

Advocacy and sensitisation needs to be taken up to make the traditional knowledge and traditional structures useful. Such initiatives not only help in minimising conflicts of customary laws with state legislations but also benefit women in sustaining their livelihood.

*Sumani Jhoria*
Deciding issues in women’s right to land, livelihood and food security
Deciding issues in women’s right to land, livelihood and food security

Rights consciousness

There is limited knowledge and awareness about land rights and livelihood issues within the general public and even among the vulnerable groups. The land rights information databases are not gender disaggregated. The data should reflect the status of women in the light of various legislations, reforms, and practices to make the policy makers sensitive and responsive to the needs of gender justice.

Land is not merely a means of production, but is a symbol of social status and identity for the people. Land rights for women and redistribution should be taken as a serious agenda for equitable rights. This should be explored from the perspective of right to food, migration, and trafficking of women from affected localities.

Belief of indigenous communities in the law of the land can be restored only when the state policies and their implementation are equitable and when they duly consider the interests of the poor over their commons. Usurpation of their commons by the state, which then alienates it to private interests, does not inspire confidence.

Women’s right to private property

The inheritance rights and right to property asserted under the Hindu Succession Act have little significance since no amendments have been made in the land reforms laws to ensure that these rights accrue to women. At present there are many inconsistencies between the Hindu Succession Act and the Land Reforms Acts. These inconsistencies must be reviewed and repealed to create an enabling environment for women to actually realise their economic rights.
Women’s rights to the commons

Commons have never been on the land reforms agenda of the state. This results in conflicts at the local level. Capacity building of village institutions is important to develop appropriate plans, social regulations, and systems of developing the commons for equitable distribution of benefits. FRA should integrate women’s concerns and be harmonised with government schemes to encourage sustainable livelihood opportunities for women.

Implementation of pro-poor policies and law is low priority for the enforcement and review machinery of the state. The state priorities have been diverted due to market pressure. Implementation in letter and spirit of pro-poor legislation such as MGNREGA and FRA should be top priority. Even so, existing discrepancies should be removed first.

Micro planning should involve use of CPR maps where available, and their generation where absent. The follow up of such CPR map based micro planning through PRIs is essential to integrate land reforms with mainstream development. For many of the areas under Sections 4 and 20 of FRA, the non-availability of CPR maps affect land delineation and distribution. Micro planning will be helpful in such cases too.

Institutional capacity

Capacity building of women institutions, FRCs and PRI is essential to help them face and cope with the external influences on their commons and livelihood. This will encourage and motivate women to stand up for their rights at domestic and societal levels. This requires training, exposure, and regular facilitation. The present conflict resolution mechanisms should be reviewed and revised to safeguard rights and interest of women.

Access to support services & livelihood augmentation

Apart from land and forest, women should have control over human, social, financial, and other capital resources. In some states, models
like Sansadhini have created some positive impact on the livelihood of rural women with improved access to services and facilities. Sansadhini is a concept of resourced woman to gain land and livelihood for the marginalised in the unorganised sector, both in urban and rural areas. This plan promotes women workers’ ownership of land and resources through leasehold on commons with cooperatives, skill development, knowledge, and market support. Infrastructure development is required to support women to develop and utilise local resources and models like Sansadhini can sustain the commons and livelihoods for the disadvantaged women.

Seed rights

Seed rights are at the centre of control over resources. The external seeds require high external input of fertilizers and pesticides. Rural women relying on their own seed for agriculture need to be encouraged with incentives for their traditional knowledge, practice, and services to conserve the biodiversity.

FRA entitlements

FRA provides space for women (from scheduled tribes without time restriction and those from other communities living in the forest for more than 75 years) to participate in its implementation through the following measures:

- Up to 10 acres of forest land proposed for cultivation by a family can be allotted to the family or the couple and the title to the land is jointly in the name of the husband and wife.

- The procedures for implementation of FRA should be done by the Forest Rights Committee (FRC) at the village level. There are 10-15 members in the committee of whom one third membership of women is mandatory.

- The women members of FRC could play a leading role in processing the documents, verification of land under possession and facilitating appeal where land allotment is not satisfactory.

Policy advocacy requires a consistent effort and deep understanding of systems and ground realities. Many a time the entitlements are not realised in absence of demands or a collaborative environment or even low accountability. If we really want to change the situation, it is pertinent to look at different levels of decision making that affect the land rights and livelihood of people. Understanding the chain of policies, practices, and challenges across the regions with ample evidence will help women in removing the barriers to their inclusion in making decisions over land, livelihood, and food security.

Saraswathi Rao
- FRC along with the gram sabha has to prepare a list of development work through micro planning. Women could actively participate in these activities to establish their rights over the forest lands for community development and household land.

- On disputed forest land, women of the surrounding villages could jointly prepare plans for NTFP, fishing, and other activities for subsistence and food security.
Chapter 5

Ways ahead ...
Ways ahead ...

The human rights based approach (HRBA) is a persistent effort to identify the exclusion factors and requires community education and mobilisation processes. To facilitate women’s groups in exercising their right to land, livelihood and forests, the coalition needs follow up action. Some of the activities are common and shall be taken at national level, whereas some of the issues are state specific and needs to be addressed by the state networks.

Role of the community, civil society and state

Civil society and the mass media have to take the larger responsibility of mass mobilisation and opinion making in favour of the rights of the poor to land and livelihood. CSOs need to facilitate local initiatives to make the state accountable for their entitlements. CSOs have a larger responsibility to educate women about their rights and facilitate their empowerment process in a human rights based approach to help them make the best use of state provisions and entitlements.

National agenda

- Promotion of national and state level women’s resource groups to facilitate local groups on women’s right to land, livelihood and natural resources.
- Research on CPR status and its implication for land, livelihood and food security of women. CPR status report should be in the public domain to encourage accountability and good governance.
- Capacity building of CBOs and PRIs in micro planning, the right to information and FRA.
• Capacity building of FRCs with women at the core in CPR mapping and planning. CPR plans shall be facilitated through PRIs and made mandatory in deciding entitlements under FRA and record of rights.
• The PRIs shall also dovetail these plans with the district work plans through the three tier structure of panchayats.
• In the Scheduled Areas, encourage women’s participation in planning and decision making under the provisions of PESA through capacity building of local women groups.
• Strategic alliance of networks for advocacy over women’s rights to land, livelihood and food security.
• Policy advocacy on seed rights and water rights.
• Rights to habitation are not recognised for Particularly Vulnerable Tribal Groups (PTGs) who are the indigenous people of the forests.
• There should be a situational analysis and policy dialogue to safeguard rights of the PTG population, especially women.

### State agenda

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<tr>
<th>State</th>
<th>Activity</th>
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| Rajasthan   | Capacity building of women’s institutions and PRI members on FRA and water rights.  
              | Social audit forum.                                                        |
| Uttar Pradesh | Creating a resource team of women leaders to support local organisations working on CPR issues of women. |
| Odisha      | Mass education on land rights of women.                                    
              | Survey to identify single women and landless families.                     
              | Mass education and mobilisation.                                           |
| Madhya Pradesh | Rights based advocacy.                                                          |
|             | Mass education on CPR.                                                        |
|             | Capacity building of CPR user committees.                                   |
| Jharkhand   | Mass education on land and property rights of women.                        
              | Consultation on forest food for nutrition and health in Jharkhand.          
              | Mass education on FRA, land rights.                                         |
# List of Participants

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<td>Navin Navapada</td>
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<tr>
<td>24</td>
<td>Sreya Mazumdar</td>
<td>IGSSS</td>
<td>New Delhi</td>
<td><a href="mailto:sreya@igsss.net">sreya@igsss.net</a></td>
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</tr>
<tr>
<td>25</td>
<td>Veena Bhabhot</td>
<td>IGSSS, Jhabua</td>
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<tr>
<td>26</td>
<td>Prashant Bopat</td>
<td>IGSSS, Jhabua</td>
<td></td>
<td></td>
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<tr>
<td>27</td>
<td>Bijaya Jena</td>
<td>J S</td>
<td>At/PO Tangi; District Kurda-752021</td>
<td><a href="mailto:bijaya1955@yahoo.com">bijaya1955@yahoo.com</a></td>
<td>+91-853975662</td>
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<tr>
<td>28</td>
<td>Susanti Naik</td>
<td>Kasavaputeh</td>
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<td>29</td>
<td>Parbati Pasika</td>
<td>Living Farms</td>
<td>At: Karinikupa; PO: Chatikona; Via: Bissam Cuttack; Dist: Rayagada, Odisha</td>
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<tr>
<td>30</td>
<td>Kamalakanta Barik</td>
<td>Living Farms</td>
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<td>+91-438578559</td>
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<tr>
<td>31</td>
<td>Pradeep Patra</td>
<td></td>
<td></td>
<td><a href="mailto:patrapradeep2009@gmail.com">patrapradeep2009@gmail.com</a></td>
<td>+91-556825614</td>
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<td>32</td>
<td>Bishnupriya Dash</td>
<td>MBC TV</td>
<td></td>
<td><a href="mailto:dash.bishnupriya5@gmail.com">dash.bishnupriya5@gmail.com</a></td>
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<td>33</td>
<td>Gautam Bandyopadhyay</td>
<td>Nadi Ghati Morecha</td>
<td>O-3 Anupam Nagar, PO: Shonkapnagar, Raipur, Chattishgarh</td>
<td><a href="mailto:gautamraipur@gmail.com">gautamraipur@gmail.com</a></td>
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<td>Sl.</td>
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<td>35</td>
<td>Samiulya Patnaik</td>
<td>-</td>
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<td><a href="mailto:sumiulya.patnaik@gmail.com">sumiulya.patnaik@gmail.com</a></td>
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<tr>
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<td>37</td>
<td>Roma</td>
<td>NFFPW</td>
<td>Tagore Nagar, Robertsganj, Sonbhadra, UP</td>
<td><a href="mailto:romasnb@gmail.com">romasnb@gmail.com</a></td>
<td>+91-415233583</td>
</tr>
<tr>
<td>38</td>
<td>Shanta Bhallachajee</td>
<td>-</td>
<td>-</td>
<td><a href="mailto:shantasnb@gmail.com">shantasnb@gmail.com</a></td>
<td>+91-451066468</td>
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<tr>
<td>39</td>
<td>Prasant Mohanty</td>
<td>Nirman</td>
<td>S-3/751, Niladri Vihar, Bubaneshwar-751021, Odisha</td>
<td><a href="mailto:prasanthmohanty@gmail.com">prasanthmohanty@gmail.com</a></td>
<td>+91-438294412</td>
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<tr>
<td>40</td>
<td>Sudhakar N</td>
<td>Oxfam India</td>
<td>Kaushalya Estate, Hyderabad, AP</td>
<td><a href="mailto:sudhakar@oxfamindia.org">sudhakar@oxfamindia.org</a></td>
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<td>41</td>
<td>Savender Kanungo</td>
<td>Paratavekshya News</td>
<td>-</td>
<td><a href="mailto:savendervision@gmail.com">savendervision@gmail.com</a></td>
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<td>42</td>
<td>Jatan Kanhan</td>
<td>Phiurgia Anchanlua Mahilla Mahasangh</td>
<td>Kandamal, Odisha</td>
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<tr>
<td>43</td>
<td>Alpana Singhdeo</td>
<td>Prameua</td>
<td>-</td>
<td><a href="mailto:singhdeo.alpana@gmail.com">singhdeo.alpana@gmail.com</a></td>
<td>+91-908611356</td>
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<tr>
<td>44</td>
<td>Gopabandhu Pattanaik</td>
<td>Raj Bhavan (Pr. Sec to Governor)</td>
<td>Lucknow, UP</td>
<td><a href="mailto:gpatnaik@up.nic.in">gpatnaik@up.nic.in</a></td>
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<tr>
<td>45</td>
<td>Mita Krushika</td>
<td>-</td>
<td>Kanalakana, Turiguda, Rayagada</td>
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<tr>
<td>47</td>
<td>Sasmita Paul</td>
<td>Turiguda, Rayagada</td>
<td>-</td>
<td><a href="mailto:sasmita_paul08@rediffmail.com">sasmita_paul08@rediffmail.com</a></td>
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<tr>
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<td>Email</td>
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<td>Ramesh Sharan</td>
<td>Rural University</td>
<td>Ranchi, Jharkhand</td>
<td><a href="mailto:rsharan58@gmail.com">rsharan58@gmail.com</a></td>
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<td>Sakriya Churu Rajastan</td>
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<td>51</td>
<td>PK Eumurtey</td>
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<tr>
<td>52</td>
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<td>53</td>
<td>Binod Kumar</td>
<td></td>
<td></td>
<td><a href="mailto:sarjomsamvadjharkhand@gmail.com">sarjomsamvadjharkhand@gmail.com</a></td>
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<td>54</td>
<td>Naman Topno</td>
<td>Samvad</td>
<td>Urmila Enclave-301A, Peace Road, Lalpur, Ranchi, Jharkhand</td>
<td><a href="mailto:topno.naman@gmail.com">topno.naman@gmail.com</a></td>
<td>+91-798184645</td>
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<tr>
<td>55</td>
<td>Shashi Barla</td>
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<td>56</td>
<td>Bajrang Lal</td>
<td>SCRIA</td>
<td>Churu, Rajasthan</td>
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<tr>
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<td>Jaiprakash</td>
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<td>58</td>
<td>Mohsin</td>
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<td><a href="mailto:mohsin2383@gmail.com">mohsin2383@gmail.com</a></td>
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<td>59</td>
<td>Sandeep Bal</td>
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<td>60</td>
<td>Dipty Patra</td>
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<td>Sricharan Behera</td>
<td>Vasundara</td>
<td>A/70, Sahidnagar, Bubaneshwar, Odisha</td>
<td><a href="mailto:sricharan.vasu@gmail.com">sricharan.vasu@gmail.com</a></td>
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<td>62</td>
<td>Soumen Serenas</td>
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<td><a href="mailto:soumen@vasundaraorissa.org">soumen@vasundaraorissa.org</a></td>
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<tr>
<td>63</td>
<td>Saraswathi Rao</td>
<td>Welthungerhilfe</td>
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<tr>
<td>64</td>
<td>Vaishali Mishra</td>
<td></td>
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<td><a href="mailto:vaishali.mishra@welthungerhilfe.de">vaishali.mishra@welthungerhilfe.de</a></td>
<td>+91-971998327</td>
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<tr>
<td>65</td>
<td>Dhapati</td>
<td>Women Forest Rights Action Committee</td>
<td>Vil: Son Nagar; Post Ghiri; Tehsi: Dudhi, Sonbhadra, UP</td>
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<td>66</td>
<td>Lati Devi</td>
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</table>
## LIST OF PARTICIPANTS

<table>
<thead>
<tr>
<th>Sl.</th>
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<th>Organisation</th>
<th>Address</th>
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<tr>
<td>67</td>
<td>Ananya Behra</td>
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<tr>
<td>68</td>
<td>Himadri Mohapatra</td>
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<td>69</td>
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<td>-</td>
<td><a href="mailto:ngmraipur@gmail.com">ngmraipur@gmail.com</a></td>
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<td>70</td>
<td>Salamati Majhi</td>
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<td>71</td>
<td>Vivekananda Dash</td>
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<td>-</td>
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<tr>
<td>72</td>
<td>Sailabala Baral</td>
<td>-</td>
<td>At: Karcedapal; PO: Hatibai; Via: Sakinda;</td>
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<td>+91-437525617</td>
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<tr>
<td>73</td>
<td>Vasavi Kiro</td>
<td>-</td>
<td>Engineer Hostel, No 2, 1st Floor, Dhirwa -4, Jharkhand</td>
<td><a href="mailto:vasavisantosh@gmail.com">vasavisantosh@gmail.com</a></td>
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<tr>
<td>74</td>
<td>Ashma Begum</td>
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<tr>
<td>75</td>
<td>Kashim Ansari</td>
<td>-</td>
<td>Vil: Dandudil; PO: Oriachimdih; Kamalpur, Jharkhand</td>
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<tr>
<td>76</td>
<td>Laduram Mahato</td>
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<td>Sarala Hansda</td>
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<td>78</td>
<td>Soma K P</td>
<td>-</td>
<td>A-111 Shivalik Apartments, Alaknanda, New Delhi</td>
<td><a href="mailto:somakp@gmail.com">somakp@gmail.com</a></td>
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<tr>
<td>79</td>
<td>Udayanad Mohan</td>
<td>-</td>
<td>At/PO: Genputia, Dhenkanal, Odisha</td>
<td><a href="mailto:bharatudaya@gmail.com">bharatudaya@gmail.com</a></td>
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<tr>
<td>80</td>
<td>Bichyut Prava Roy Choudhury</td>
<td>-</td>
<td>At: Akhupa; PO: Karagale; Via: Khad; Dist: Dhenkanal, Odisha</td>
<td>-</td>
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<tr>
<td>81</td>
<td>Bhaskar Parichha</td>
<td>-</td>
<td>Plot 10, lane 2, Ph 4, Avansh Vihar, BBSR 24, Odisha</td>
<td><a href="mailto:bhaskarparichha@gmail.com">bhaskarparichha@gmail.com</a></td>
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<td>82</td>
<td>Aurobindo Behera</td>
<td>-</td>
<td>VII R-1, Unit 1, Bubaneshwar, Odisha</td>
<td><a href="mailto:baurobindo@rediffmail.com">baurobindo@rediffmail.com</a></td>
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<tr>
<td><strong>CBO</strong></td>
<td>Community Based Organisation</td>
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<td><strong>FRA</strong></td>
<td>Forest Rights Act, the popular usage for The Scheduled Tribes and Other Traditional</td>
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<td><strong>FRC</strong></td>
<td>Forest Rights Committee</td>
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<td><strong>IFA</strong></td>
<td>Indian Forest Act, 1927. It is the successor Act to the Indian Forest Acts of 1856, 1865</td>
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<td><strong>IWDP</strong></td>
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<td><strong>JFM</strong></td>
<td>Joint Forest Management</td>
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<tr>
<td><strong>Lakh</strong></td>
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<td><strong>LARR</strong></td>
<td>Land Acquisition, Rehabilitation, and Resettlement Bill 2011</td>
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<td><strong>Mapani</strong></td>
<td>Measuring land</td>
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<td><strong>MFP</strong></td>
<td>Minor forest produce, more accurately non timber forest produce</td>
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<td><strong>MGNREGA</strong></td>
<td>Mahatma Gandhi National Rural Employment Guarantee Act</td>
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<tr>
<td><strong>MNC</strong></td>
<td>Multinational corporation</td>
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**Nata**

Re-marriage. After divorce, one could marry again. Practiced among the Rajputs, Jats, Gujjars, Meenas, and Bhils. According to this system, a wife can divorce her husband and live with another man of her choice as his wife, without going through the formalities of a wedding. This system is very popular in the rural areas because it does not entail any expenditure. This is marriage by mutual consent without the pomp and show of a wedding. A widow can also live with a man as his wife without a formal wedding ceremony. This term is used predominantly in Rajasthan.
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<td>NTFP</td>
<td>Non timber forest produce, a more accurate descriptor than the official ‘minor forest produce’.</td>
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<td>NRM</td>
<td>Natural resource management</td>
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<tr>
<td>Patta</td>
<td>Title deed</td>
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<tr>
<td>PESA</td>
<td>Panchayat Raj (Extension to Scheduled Areas) Act</td>
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<tr>
<td>PRI</td>
<td>Panchayat Raj Institution. Local governance institutions created by the 73rd amendment to the Constitution of India.</td>
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<tr>
<td>PTG</td>
<td>Particularly Vulnerable Tribal Groups</td>
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<td>RTI</td>
<td>Right to Information</td>
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<tr>
<td>Fifth Schedule</td>
<td>The Fifth Schedule of the Constitution of India deals with administration and control of scheduled areas and scheduled tribes in these areas. It covers tribal areas in nine states of India namely Andhra Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Chattisgarh, Odisha and Rajasthan.</td>
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<tr>
<td>Terra nullius</td>
<td>Land belonging to no one. The term is used in international law to describe territory which has never been subject to the sovereignty of any state, or over which any prior sovereign has expressly or implicitly relinquished sovereignty. Sovereignty over territory which is terra nullius may be acquired through occupation.</td>
</tr>
<tr>
<td>Usufruct rights</td>
<td>The right to use (as distinct from the right to own). Right of enjoyment enabling a holder to derive profit or benefit from property that either is titled to another person or which is held in common ownership, as long as the property is not damaged or destroyed.</td>
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<td>WLPA</td>
<td>Wildlife Protection Act 1972</td>
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