

India: Gender in a Forest Rights Project in Jharkhand



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Project in Jharkhand**

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I. Executive Summary

This case study identifies good practices and lessons learned about including gender in a project designed to assist communities and individuals to secure their rights to forests.

The three-year project was launched in April 2012. It was funded by Oxfam India and implemented by Nawa Sayera Vikas Kendra (NSVK), a Jharkhand, India-based NGO that strengthens the rights of communities. The project used a three-pronged approach of institution building, advocacy and networking, and knowledge building to increase forest dwellers' access to and control over forests under the Forest Rights Act 2006 (FRA), focusing on women, tribal, and scheduled caste communities. The project had three components: (1) awareness raising, (2) community-level forest rights committee formation, and (3) support for individual and community forest rights applications. All three components prioritized women's inclusion.

The main recommendations of the project assessment include:

1. Support government agencies when possible. Trainings and sensitization for government officials has been important to the issuance of individual rights and was identified as the reason officials are hopeful community rights documents will be issued soon. This kind of support is vital to ensuring that laws are implemented swiftly and well.
2. Promote deep involvement in target communities. The NSVK model involves deep involvement in each village. NSVK has been involved in these communities for five to six years, and attributes a lot of its success to this engagement. NSVK leaders shared that it usually takes about two years to establish enough trust with the community to really begin the process of changing customs and practices, especially around women's rights. In most cases, these NSVK social workers live in the area they are targeting and then work with a number of nearby villages. Whenever possible projects that aim to improve gender dynamics should leverage organizations that already have sustained and deep engagement with the community.
3. Advocate for women's inclusion. It is not customary in Jharkhand for women to be equal participants in male spaces, such as community meetings. Women are also not customarily named on titles or considered co-owners of land. NSVK workers were able to use their pre-existing deep ties in the community to sensitize community members on the importance of including women in community life and on titles. Ongoing discussions with both women and men on the importance of women's participation and on the economic and social benefits of their inclusion were identified as key to changing community norms and attitudes towards women's participation.
4. Weigh benefits of individual versus communal titling carefully. NSVK was originally in favor of advocating exclusively for communal rights to all land—forest and arable land in the forest area, but they have seen great benefits from individual rights, as individual titles lead to more than just ownership of land. They lead to access to other benefits such as schemes to support farmers with farming inputs. In addition, because no one can sell an Individual Right to the Forest (IFR), the land is protected from outsiders. However, communal rights may be more appropriate in many cases; in managing the forest, women are able to take an active role in the community and to benefit from using the forest. It is important to recognize that individual titles can confer different types of benefits and to understand why women may prefer one over the other, or the combination of both. This is especially true where there are different types of land.
5. Hold frequent meetings of women's groups to help empower women. NSVK's model involves holding frequent meetings of women's groups. Social workers are in the villages on a weekly basis, conducting meetings on topics that have been identified as of interest to the community. This leads to communities' and, specifically, women's, empowerment.
6. Use local staff. NSVK's social workers are drawn from the local communities. They spend most of their time in their assigned villages, living with and working with community members. NSVK staff attributed much of their success to these young social workers, who often serve as a bridge between the community and outsiders, including other NSVK staff and the government. The social workers receive considerable training. This means that if the project or NSVK were to end their involvement, communities would be left with a tangible resource.
7. Ensure gender is considered in staffing. NSVK attempts to ensure that there is an equal number of male and female social workers. This is a clear commitment to gender diversity and ensures that local women are comfortable approaching the social workers. For NSVK's specific circumstances, the organization might work toward finding ways to accommodate women's constraints in becoming social workers. It is also important for organizations to consider ensuring gender diversity at the highest levels, both as a commitment to diversity and to ensure that a variety of perspectives are heard. NSVK would benefit from including women in its leadership.
8. Work closely to build capacity of and provide incentives to implementing partners. While NSVK staff members were not always focused on gender or the FRA, Oxfam worked closely with NSVK as a partner to impress the importance of both issues. Oxfam was flexible and supportive as NSVK crafted a work plan, working with the leadership to ensure the project fulfilled the goals of both organizations and working with NSVK to help them understand the importance of the work Oxfam wanted to fund. This resulted in a change in NSVK's institutional priorities.

II. Background

This paper focuses on the “Facilitating Individual and Community Rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA) and Strengthening Campaign on Peoples’ Access and Control over Natural Resources in Five Districts of Jharkhand” project implemented by Naya Sawera Vikas Kendra (NSVK), a local NGO that strengthens the rights of communities. This study aims to better understand how the NSVK FRA project worked with women to help them and their communities secure rights to natural resources and to draw out best practices and lessons learned.

The NSVK project is part of a larger effort by Oxfam India, an international development organization, to increase forest dwellers access to and control over natural resources in three states: Chhattisgarh, Odisha, and Jharkhand. The project in Jharkhand was chosen because its timeline most closely matched the needs of this case study.

Jharkhand, a new state in eastern India, was carved out of the state of Bihar in 2000. The state has five divisions and 24 districts. Approximately 28% of the population of Jharkhand is “tribal,”¹ i.e., members of Scheduled Tribes, who are among the poorest people in the country.² In India as a whole, there are 645 scheduled tribes, and 30 of those are in Jharkhand. The tribal population in Jharkhand is one of the highest in India by percentage. Sixty percent of the tribal population of Jharkhand lives below the poverty line.³

Another 12% of the population of Jharkhand is “scheduled caste.” As with scheduled tribes, these are specific peoples whose status is acknowledged under the Indian Constitution in articles 341 and 342. Scheduled castes are historically disadvantaged, and along with scheduled tribes, they are beneficiaries of favorable policies and schemes, such as guaranteed political representation and reservations of government jobs.

In Jharkhand, forests are critical to tribal people’s lives and livelihoods. About 30% of Jharkhand is forested.⁴ Forests provide homes, jobs, and income through the collection of fodder, fuel wood, and non-timber forest products (NTFPs), like herbs, fruit, and leaves, which people consume or sell. The forest is also a cultural space and a place for traditional worship.

Throughout India, and especially in Jharkhand and other heavily forested states, use of forestland has been a source of conflict between the government, especially the Forest Department, and

tribal and other forest-dependent peoples. The legal rights of forest dwellers⁵ are frequently ignored.

The “Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006” (FRA) is an effort to correct historical injustice against forest dwellers due to non-recognition of their customary forest rights when their ancestral lands are officially categorized, or notified, as state forests. This often resulted in excluding traditional forest dwellers from living in forests, keeping them from using forests and NTFPs, and labeling them as “encroachers” on the lands they have historically lived on and depended on. The FRA increases the authority of local communities over forest resources and recognizes a wide range of forest rights, and it is also an attempt by the government of India (GOI) to decentralize forest resource management.

The FRA recognizes forest dwellers’ rights to access and own individual forest plots, to own and sell NTFPs, and to protect, conserve, and manage community forests. Individual rights to forest land, called IFRs, are granted to families and individuals to recognize people’s rights to live on and cultivate land already under occupation, and community forest rights, called CFRs, are given to recognize communities’ rights over larger areas of forest for cultural practices, bona fide livelihood needs (e.g., sale and collection of NTFPs), grazing, fishing, water collection, and management of forest resources.⁶

However, implementation of the FRA has been inconsistent across the states. The Government of India’s Committee on the Forest Rights Act, a joint committee of the Ministry of Environment and Forests and the Ministry of Tribal Affairs, set up to review implementation of the FRA, reported in May 2010 that Jharkhand was one of eleven states that had failed to begin properly implementing the act and was one of five states for which the act was especially relevant. In Jharkhand, only 30,000 individual claims had been received as of April 2010, and only 6,800 had been granted—less than one claim per village, a much lower number than expected.⁷

A baseline study commissioned by Oxfam, covering four states (Odisha, Chhattisgarh, Maharashtra, and Jharkhand) in 2013 found a massive “implementation gap” between the provisions of the FRA and what is actually happening on the ground. It found that in those four states, only 4% of people were aware of the FRA and 62% of *panchayats* (the lowest unit of government for one or more villages) had not initiated the first step in lodging claims for individual forest rights (IFR) and community forest rights (CFR).⁸

The goals of the three Oxfam-supported projects in Odisha, Chhattisgarh, and Jharkhand are to: (i) build the community’s

1 Referred to as “scheduled tribes” under national law, and referring to specific indigenous peoples whose status is formally acknowledged under the Indian Constitution

2 Das, M., G. Hall, S. Kapoor, and D. Nikitin. 2010. “India: The Scheduled Tribes.” In *Indigenous Peoples: Poverty and Development*, Hall G., and H. Patrinos, eds. chapter 6. Washington, DC: World Bank.

3 Singh, Krishna M., R. K. P. Singh, M. S. Meena, A. Kumar, and A. K. Jha. 2013. *Rural Poverty in Jharkhand: An Empirical Exploration of Socio-Economic Determinants Using High Frequency Panel Data*; USAID (2011). *Property Rights and Resource Governance Country Profile: India*. <http://www.usaidlandtenure.net/india>.

4 Directorate of Economics and Statistics. 2008.

5 People who primarily reside in and depend on forests or forestlands for livelihood needs (Forest Rights Act 2006, art. 2(c)).

6 Forest Rights Act 2006, art. 3

7 Oraon, Jagdeep. 2013. *Indigenous Peoples and Forest Rights in Jharkhand*.

8 GFK. November 2013. *Report of Natural Resource Management (NRM)*.

capacity to demand accountability from the government for security of their rights, and (ii) to exercise their rights to informed choices on land usage patterns under the FRA.

Specifically, Oxfam India supports local civil society organizations (CSOs) to build the capacity of key stakeholders and to strengthen community-based organizations and networks to enable them to claim their rights to land, including forestland, and to access livelihood schemes and provisions. In Jharkhand, Oxfam has partnered with NSVK, a CSO that focuses on strengthening and enforcing the rights of Scheduled Caste (SC) and Scheduled Tribe (ST) communities. It works primarily through grassroots organization building by mobilizing people through awareness raising about their rights.

The project is being implemented in 75 villages in five districts of Jharkhand, with a specific focus on effective implementation of the FRA and on strengthening people's access to and control over natural resources. This will enable communities both to demand that their governments work to secure their rights under the FRA and enable them to better use those rights. The project's major target groups, according to the project proposal, are women, tribal communities, and scheduled caste communities.

The project lasted three years, from April 2012 to March 2015. NSVK engaged in building community-based institutions, carrying out mass awareness campaigns for empowering rural communities to understand their rights under FRA, advocating, networking, and building knowledge to link the community-level initiatives with macro-level policy initiatives identifying the FRA as a major piece of legislation. Through this work, NSVK hoped to improve each community's access and control over natural resources. In addition to working in communities, NSVK advocated with the state government for implementation of the FRA.

Women were a main target of the project, and one of the main goals of the project, identified in the proposal, was to empower women in relation to their right to natural resources. This is discussed in more detail in the gender analysis section below.

III. Methodology

This study examines how the NSVK FRA project worked with women to help them and their communities secure rights to natural resources. It is based on: (i) reviews of project documents, (ii) reviews of state and national laws, (iii) interviews with government officials, (iv) interviews with project staff, and (v) focus groups and interviews with project beneficiaries. Project documents included the project proposal, annual reports, and quarterly reports.

In May 2015, interviews were conducted with the assistance of an NSVK project staff member who acted as an interpreter. This staff member was not someone who had interacted with these communities; however, this may still have influenced responses. Interviewees included members of the staff of Oxfam, the secretary and four social workers of the implementing partner, NSVK, the Jharkhand Government Tribal Welfare Officer, the Jharkhand Land and Revenue Minister, and the Secretary of Welfare of Jharkhand. In addition, nine focus groups, disaggregated by sex, and six individual interviews of women were conducted in three different villages. Villages for focus groups and individual interviews were selected based on both accessibility and representation of various communities, districts, and groups (e.g. scheduled caste and scheduled tribe).

IV. Legal and Customary Framework

a. Land and forestland

The Constitution of India requires all states to adopt their own laws on land administration and land reform, and grants states exclusive authority to legislate land-tenure issues (Article 246(3)). Natural resource issues, including forest issues, are dealt with at both the federal and state levels. In accordance with these national laws, forests are managed in each state by a state Forest Department.

The primary forest law, the Indian Forest Act (1927),⁹ empowers the state government to declare any area to be a reserved forest, protected forest, or village forest. Reserved forests have the most protection, as all human activities are prohibited unless expressly permitted. More community rights are recognized in protected forests, though the government has the power to issue rules regarding the use of protected forests. Rights over village forests are assigned by the government to nearby villages, which then may make rules regarding these forests. However, it is rare for a forest to be declared a village forest.

An attempt to slow conversion of forests into agricultural and other types of land, the Forest Conservation Act (FCA) of 1980 says that states may not divert or otherwise reclassify forestland without GOI approval, and that lost forest area must be replaced by compensatory afforestation elsewhere (Article 2). By putting forests under the control of the central government rather than state governments, the FCA eliminated or diluted community rights over forestlands traditionally held by communities.

In 1988, the GOI adopted a National Forest Policy, designed to involve local communities in protection and development of the forest. It introduced a Joint Forest Management (JFM) mechanism, adopted by most states, with the goal of involving communities in forest conservation on the basis of sharing forest products from the jointly protected forests with those communities. However, most forestry resources are still managed by the state-level Forest Departments rather than by local communities, as JFM does not vest any rights in the participating communities. In Jharkhand, informants asserted that the JFM mechanism is perceived by communities as being for the Forest Department, and designed to keep management and rights to the forest away from the community.

The most recent legislation governing forests is the Forest Rights Act of 2006 (FRA) discussed above, which is the focus of the project covered in this paper. The FRA is a response to a grassroots movement against evictions of forest dwellers and recognizes the rights of these communities. This political pressure from forest and human rights activists came in part as a backlash

against the non-functioning JFM system.¹⁰ The FRA shifts legal authority over community forest resources from state and national government agencies to local communities by vesting statutory forest rights with traditional forest-dwelling communities. Significantly, the National Ministry of Tribal Affairs, and not the Ministry of Environment and Forests, is charged with implementing the FRA.

Section 3(1) of the FRA recognizes a number of rights of forest-dwelling communities to land that is designated as forestland.¹¹ Most important to this project are:

1. *Individual right to forest* (IFR) to forestland that is under use and occupation by members of Scheduled Tribes or other traditional forest dwellers as of 13 December 2005, subject to a maximum of 4 hectares (issued to the head of a household if single or in the names of both spouses if married).
2. *Community forest use rights* (CFR) over minor forest produce (also including ownership), grazing areas, pastoralist routes, etc., issued to the community.
3. *Community forest rights* (CFR) to protect, conserve, and manage community forests by the village assembly with the help of committees, issued to the community.

The first of these rights, individual forest rights (IFR), are issued to the head of a household if single or in the names of both spouses if married. The IFR is only granted for land that is actually under occupation for living, cultivation, and ancillary activities by the concerned family as of December 13, 2005,¹² meaning that no IFRs can be recognized on freshly cleared forestland. IFRs are reserved to scheduled tribes or other traditional forest dwellers, subject to certain restrictions regarding length of time a community has lived in the forest and other such restrictions. Section 2(O) of the Forest Rights Act defines other traditional forest dwellers (OTFDs) eligible for claiming rights under the act as those who have resided in forest areas for at least 75 years.

The second and third categories of these rights, community use and management rights, are also restricted to Scheduled Tribes and other traditional forest dwellers, subject to restrictions, and apply to use and management of forests customarily used by the community. Community forest rights not only protect existing community uses of the forest but empower the community with the rights and authority to manage and conserve the forest as well.

Of the multiple tiers of administration involved in implementing the FRA, the key tier is the Gram Sabha, or village assembly.

9 Key central-level forest legislation and policies include: the Indian Forest Act (1927); the Wildlife Protection Act (1972); the Forest (Conservation) Act (1980); the National Forest Policy (1988); the Notification Re: Participatory Forest Management (1990); the Revised Guidelines for participatory forestry issued by the Ministry of Environment and Forests in 2000; and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006).

10 Bose, I. 2010. How did the Indian Forest Rights Act, 2006, emerge? IPPG discussion paper 39, University of Manchester.

11 Note that the FRA recognizes other rights in other sections, notably relief and development rights for rehabilitation, including being given alternative land in case of illegal eviction or forced displacement, and the right to basic amenities, subject to restrictions for forest protection (Section 3.2). This paper focuses on the rights the NSVK project worked to have recognized.

12 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012. Vasundhara. Retrieved from http://fra.org.in/document/FRA%20Rule_2012_compiled%20version.pdf
Rule 12(A)(8).

Sub-Section (1) of Section 6 puts the Gram Sabha in charge of initiating the process of determining forest rights, receiving and verifying claims under the Act, through a 10- to 15-member Forest Rights Committee (FRC) elected by the village assembly. The Gram Sabha is also in charge of constituting committees to protect wildlife, the forest, and biodiversity.¹³ The FRC must include at least one-third women and two-thirds members of scheduled tribes, and chooses a chairperson and secretary.¹⁴

b. Women's rights to forest land in law and custom

In general, Indian customary practices grant women fewer rights to control or access land than men. While the formal law protects women's rights to own and inherit land, in practice women are rarely named on titles, and inheritance is generally patrilineal.¹⁵ Even though they believed that tribal communities' customs are often more egalitarian than those of the population at large, interviewees stated that women have less economic power, less access to government schemes, and much less literacy than men. Interviewed officials estimated that in Jharkhand there is only 2% female literacy in tribal areas.¹⁶ Women are less likely to participate in public life, including community meetings. Women are also vulnerable to being accused of witchcraft, especially in order to take their land, to being trafficked, and to joining the Naxalite movement, a communist guerrilla movement.

The FRA has a number of provisions intended to protect women's rights. Section 4(4) states that IFRs must be held jointly in the names of both spouses in the case of a married applicant. The FRA rules require that women constitute at least one third of FRCs.¹⁷ The rules also require that the minimum quorum for a Gram Sabha meeting be 50% of the village adults and that at least a third of those present must be women.¹⁸ Interviewed project employees and focus group attendees, however, stated that state policies and actions, which are often in contradiction to the FRA, over the past 15 years have had a significant negative impact on women's rights to forest resources. For instance, when IFRs were initially distributed, the requirement to list both husbands and wives was often ignored. Similarly, women, the primary users of the forest, are often challenged by the Forest Department and fined or harassed to keep them from accessing the forest and its resources, in part because there is tension over who has the legal right to manage and to use the forest and in

part because of the economic losses that the Forest Department might incur if it has to share the use and sale of forest resources with the forest dwellers.

In focus group discussions, men and women said that women are especially dependent on the forest, in part because they tend not to migrate for jobs and in part because their traditional tasks include many that rely on forest products. In Jharkhand, women use the forest both for collecting NTFPs and for fuel wood, while men use the forest primarily for tools and building houses. Because women often depend on forest resources like NTFPs for their family's livelihood, they have become more economically, socially, and politically marginalized as their traditional rights to the forest have diminished.

13 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012. *Vasundhara*. Retrieved from http://fra.org.in/document/FRA%20Rule_2012_complied%20version.pdf

Rules 4(1)(e) and (f).

14 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012. *Vasundhara*. Retrieved from http://fra.org.in/document/FRA%20Rule_2012_complied%20version.pdf

15 USAID 2011. Property Rights and Resource Governance Country Profile: India. <http://www.usaidlandtenure.net/india>.

16 Note that official figures list the literacy rate at 78.45% for men and 56.21% for women. Mehta, A., District-specific Literates and Literacy Rates, 2001. Retrieved from educationforallindia.com. This difference may be because the officials were estimating the literacy of a smaller area.

17 Rules, 2008.

18 Rules, 2008.

V. Intervention

The NSVK project used a three-pronged approach of institution building, advocacy and networking, and knowledge building to achieve its goals, which were stated in the project proposal as:

- Develop and strengthen community organizations to demand their statutory rights over forestland (both individual rights and community rights) and resources;
- Increase networking with existing groups working on FRA issues and with other networks to lobby and seek accountability from the government to effectively implement the FRA;
- Raise awareness and seek accountability from the government to implement the Tribal Sub Plan (TSP)¹⁹ and provisions; and
- Empower women in relation to their rights to natural resources.

The project can loosely be divided into three overlapping components, all of which worked within the framework of the FRA: (1) awareness raising, (2) community-level forest rights committee formation, and (3) support for individual and community forest rights applications. This paper will first introduce these three components and then provide a gendered analysis.

a. Intervention background

NSVK has worked in seven districts in Jharkhand since 1999. The Oxfam FRA project is active in 5 of those districts, in 5 blocks and 75 villages. According to the secretary of NSVK, these villages were chosen based on the people's dependence on the forest for livelihood and whether they had cultivated forestland. Before the project started, NSVK had already established issue-based committees²⁰ in villages where it works, run by social workers employed by NSVK.

NSVK employs these social workers at the local level. They are selected from young, literate volunteers who are already working in the organization and are given a small honorarium. The social workers are trained on relevant issues in monthly meetings. The local staff serve as a bridge between the community and outsiders, including other NSVK staff and the government.

At the time the project began in 2012, the FRA was not being implemented properly in Jharkhand, due to both general political resistance and the unique situation of Jharkhand, which had very high government turnover in the first years of its existence.

Related to this delay in implementation of the Forest Rights Act, there was a large push by the government, before the project began, to establish Forest Rights Committees (FRCs), as required by the FRA. Despite the fact that FRCs are to be formed by the community, they were established without community involvement; both project staff and beneficiaries described the process

as being a "sham." NSVK staff report that identified members were told they were on the committee, or were named on the committee without being told, and further meetings and engagement did not take place.

b. Components of intervention

Component 1: Awareness raising

In the first component NSVK worked to increase awareness about the FRA in every district in Jharkhand where it was working. This involved working at three levels: local, village, and state. At the local level, NSVK worked with already-established village groups (about which more below) to increase their awareness of both the FRA and the importance of women's rights through intensive weekly meetings. NSVK leaders trained social workers on the FRA.

According to NSVK officials and interviewed women, these efforts were largely successful. This was supported by qualitative research; during this study's focus group discussions, both male and female villagers knew about the FRA and were able to articulate the importance of protecting the forest and ensuring that women are included.

At the village level, NSVK targeted Gram Sabhas (village assemblies), Panchayats, and block- and district-level officials. Sensitization often took place when villagers (who constitute the Gram Sabha) were trained. NSVK also organized events such as a large 7-day march involving Panchayat leaders in affiliation with the national non-violent activist group Ekta Parishad. This raised local awareness generally of the importance of the FRA, using the march itself and using communications materials, such as slogans written on community members' walls.

Finally, at the state level, NSVK worked with state-level officials, including the Forest Department, to inform them of the requirements of the FRA, such as the requirement to form FRCs. This was very important in the case of the Forest Department, which had had ongoing conflicts with forest dwellers over management and exclusion rights, and thus needed ongoing sensitization about the FRA, especially in areas with a large Naxalite movement. In those areas, project staff report that people in the forest were often suspected of being part of the movement and might be arrested based on this suspicion. According to project staff, awareness raising had mixed results due to high government turnover. Interviews with current government officials indicate some success in awareness raising. Officials stated their support for the FRA and their hope that applications for community forest rights documents would soon be approved. NSVK is hopeful that stability in the government will lead to good results.

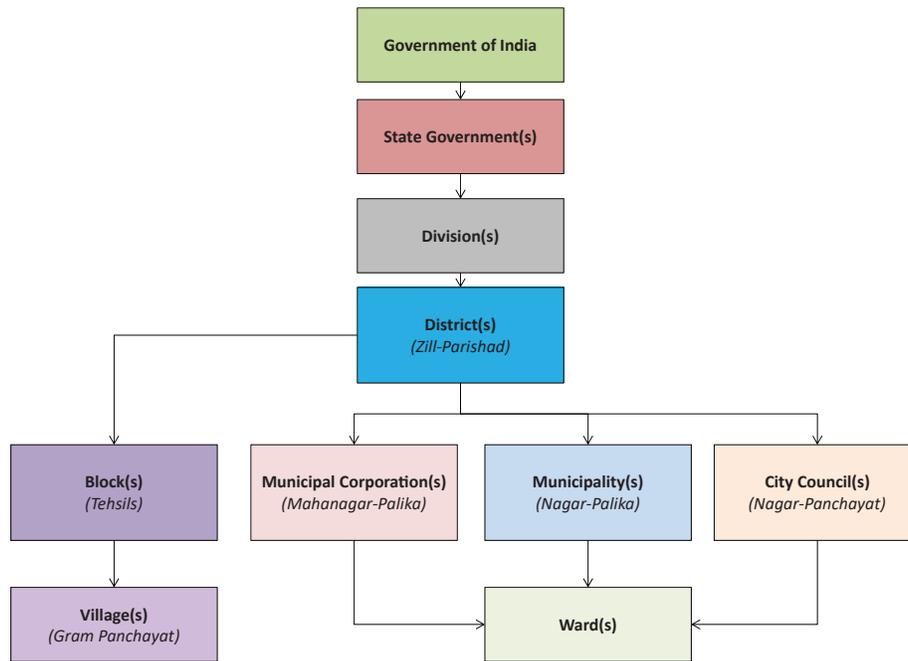
Component 2: Community-level Forest Rights Committee formation

According to the FRA Rules, Forest Rights Committees of ten to fifteen members must be elected by Gram Sabhas, the village assemblies, to receive, verify, and recommend both individual

¹⁹ Until recently, the Indian economy was planned using Five Year Plans implemented by the Planning Commission (which has now been replaced by the NITI Aayog). Each Five Year Plan includes a Tribal Sub Plan allocating funds to be used to benefit scheduled tribes.

²⁰ These are focused on issues the village identified as important. These vary by village, but always include a committee about women.

Figure 1 (Indian Administrative Service n.d.)



and community claims to the forest on behalf of the Gram Sabhas.

Concurrently with its awareness-raising activities, NSVK worked closely with the Gram Sabhas to form these FRCs in accordance with the FRA Rules. As noted above, in many villages FRCs had been formed by a deficient state government process, which left them non-functioning and illegitimate under both the law and within the community. In these areas, NSVK reconstituted the FRCs, using the correct procedures and ensuring community support. In areas with no pre-existing FRCs NSVK facilitated selection of members, working with the Gram Sabhas.

However, FRC formation can not take place where there is a non-functioning Gram Sabha, which was often the case, especially in more remote villages which had not been introduced to the mechanism. According to project reports communities had differing levels of Gram Sabha engagement. Therefore, while there was some success in legal and active member selection, not all FRCs were constituted as envisioned by the FRA, as not all villages had an active, working Gram Sabha.

Component 3: Support for Individual Forest Rights/ Community Forest Rights’ applications

Finally, NSVK social workers assisted forest dwellers with applications for IFRs and CFRs as provided for under the FRA. NSVK leaders trained social workers on how to prepare IFR and CFR claims, including how to lead map preparation. Social workers met with the community at least every two weeks to check on problems and assisted with understanding and filling in paperwork and other issues.

For the IFR process, NSVK supported individuals, if eligible, and ensured that both women’s and men’s names were listed on the title. Before they were involved, a batch of titles had been issued in just men’s names, and NSVK worked to have these reissued.

For the CFR process, social workers worked with the community to map the forest, sometimes using wireless technology, and compiled a list of community members who used the forest for agriculture. Social workers also helped with determining village development plans.

As of April 2014, the latest quarterly report with available data, the project had facilitated the filing of 4,025 individual forest right (IFR) claims (jointly titled) and 46 community forest right (CFR) claims. While the project mobilized communities to file for CFRs, these claims had yet to be granted by the government at the time of this study. IFR claims, however, have been granted. Both types of documents are the final step in the legal process and serve as evidence of rights over the forestland; therefore, having women named on the documents is important in ensuring that women’s rights to own, use, and manage the forest are respected by their communities and by the government.

VI. Gender Assessment

Overall, NSVK fulfilled its gender-related commitments to raise awareness of gender-related sections of the FRA, to encourage women to participate in FRCs, and to ensure women were included on FRA claims. NSVK's organizational commitment to implementing the project in a gender sensitive way played a major role in its success.

a. Organizational commitment

Gender is a cross-cutting theme for NSVK and is intended to permeate all of its work. While only men are in positions of authority at NSVK, there is a clear commitment to gender diversity of staff, which includes trying to hire equal numbers of men and women as grassroots-level social workers.

According to the staff at Oxfam, the staff at NSVK were not focused on gender or on the FRA when they first began the project. Oxfam worked closely with NSVK at the beginning of the project to promote the importance of the FRA and of gender issues. This included exposure visits to the other projects in other states working on the same issues and education on why particular attention to women's involvement was important.

All interviewed staff members were aware of and committed to paying attention to the different experiences and interests of men and women. They identified malnutrition, poverty, underage marriages, lack of livelihood opportunities, and lack of knowledge of rights as major issues for tribal women in Jharkhand. In both interviews and in communications materials, NSVK staff members expressed the belief that women have a deep knowledge of the forest, a reliance on non-timber forest products, and a commitment to managing the forest well, which they believe must all be given importance in any work done on the FRA. Staff said that as primary forest users, women are both likely to take an active role in managing the forest and likely to benefit from having their rights strengthened.

To integrate women in their work, NSVK has a number of policies. First, in the villages, issue-based committees are headed by three leaders, at least one of whom must be a woman. NSVK has stated its commitment to making sure this leadership is meaningful, and it gives female leaders trainings on alternative dispute resolution and leadership. However, these may have been less effective than other trainings, as interviewed men and women were unlikely to identify female leaders as dispute resolvers. It is evident that more engagement on this issue is necessary to change perceptions around women's roles as leaders in the communities.

Second, there is always an issue-based committee specifically focused on women's issues, as identified by the women in the committee. Finally, in all of their projects, NSVK sets a goal of equal participation by women and men. The secretary of the organization stated that there is a perception in villages that women become more involved in and committed to NSVK

projects than men do, and when women are more involved, projects are more successful. Therefore, villagers tend to be in favor of women's involvement in projects, and project staff report that women often participate at greater rates than men.²¹

However, there are barriers to hiring women as staff members. In total, NSVK has 94 social workers in 1,000 villages. Thirty-seven, or nearly 40%, of those are women. While this is an impressive number illustrating the work NSVK has put into recruiting women, it is less than the 50% target NSVK has set. One identified challenge is that it is difficult for female social workers to work in heavily forested areas because motorbikes are necessary to get around. According to the secretary of NSVK, most women are not comfortable riding these bikes.

Officers at NSVK also understood that women's presence is not enough to ensure their meaningful participation. NSVK documents commit to ensuring that women are full and equal participants and to ensuring their "profound participation" in decision making. This is the commitment that underpins NSVK's dedication to forming and supporting women's self-help groups and to providing trainings to women, including leadership trainings.

NSVK also addressed the issue of women's time constraints. Staff members were all aware of the need to schedule meetings during times women are available. For instance, this means they do not hold meetings at all during July, August, December, and January, when agricultural work is hardest and women must work all day.

b. Community-level awareness raising

At the local level, NSVK was committed to raising awareness about the importance of the FRA and about the importance of women's involvement, especially in communal forest management.

As part of that awareness-raising, trainings were given by NSVK leaders to staff and team members such as volunteers, leaders, and villagers on gender, both to sensitize team members and the community about the importance of women's rights generally and to help them understand the gendered provisions of the FRA.

The NSVK model in general includes discussions and trainings with all of the groups and committees they form. These trainings and discussions usually stem from the interests of the community and are influenced by the interests and goals of funders and projects, the political situation, and the NSVK team. For instance, in the case of this project, the focus on gender and the FRA was instigated by the funder, Oxfam, which worked closely with NSVK to ensure that the organization was in agreement with these priorities. Monthly meetings of the NSVK social workers provide a forum for the social workers to be trained. The workers then passed on what they learned, generally through discussions and short lectures with their established

21 Note that this may be affected by high rates of male seasonal migration for work.

groups. Different village interest groups received trainings or held discussions that differed depending on their priorities and interests; for instance, some villages may have been more interested in how to protect the forest, while others had more interest in furthering the economic activities of their self-help group.

As intended, trainings across the board included at least as many women as men, and in training village leaders the project went even further (of the village leaders trained, 60% were women). There was a perception among men and women that the FRA particularly impacts women, both because they play a major role in using the forest and because the FRA mandates that FRCs have at least 1/3 women.

These trainings seem to have changed community perceptions of women's inclusion, given that interviewed men were in favor of including men and women's names jointly on the IFR titles as mandated, which interviewed staff say may not have been the case earlier. The effectiveness of the trainings may be due in part to the deep ongoing involvement NSVK has had in these communities. In fact, while interviews and focus group discussions suggest that knowledge of the FRA is high among both men and women in most of the villages, trainings seem to have worked best in villages where NSVK has been long established and where villagers have been settled for a long time, as in these villages NSVK has been able to establish trust. One village visited as part of this case study had recently been settled by a tribe that was traditionally nomadic within the forest. In this village, women had much less knowledge and seemed to have less interest in forming groups. While it is difficult to attribute this to one cause alone, it does suggest that the effectiveness of awareness raising can be strengthened with longer-term engagement, both to establish trust and to understand the types of engagement or interventions which would work best in each community.

After the awareness-raising activities of the project were completed, women in several villages had formed groups to protect the forest, in some cases before they had formed FRCs, and began managing the forest, including by imposing fines on those who accessed or used the forest without permission.

While there has been no empirical research on these subjects, anecdotally the secretary of NSVK stated that since the awareness-raising activities, there has been a decrease in gender-based violence, and that men have been helping out more in their households. Qualitative research conducted as part of this study showed that the perception of both men and women interviewed is also that men have become more supportive of women and that women are listened to both within their households and in community meetings.

c. Government-level awareness raising

As noted above, awareness raising for the government took place at both the state and local levels. Gender concerns

related to the FRA were not a major focus of sensitization for the government at the state level, as the project was primarily focused on raising awareness of the requirements of the FRA generally.²² While the government is aware of the FRA, there has been little movement in actually issuing community forest rights documentation, likely because of high turnover of state employees.

Interviewed government officials believe that recent efforts by NSVK to raise awareness have been successful. The tribal welfare official noted that with the help of CSOs people are becoming aware of the FRA and following the rules about women's involvement. The Revenue Minister also noted that women should have an equal share in government aid schemes. The Secretary of Welfare had only been in office one month but noted that progress had not been satisfactory. According to the secretary, tribal people have more gender equality in their societies than non-tribal people, but there is still a disadvantage for women regarding land rights.

d. Forest Rights Committee formation

One of the goals of the NSVK project was to re-form the FRCs that had been formed by the government and to establish FRCs where none had been formed.

Gender was considered in two main ways. First, women were encouraged, through trainings and other engagement, to become active participants in the FRCs. Second, the FRA rules mandate that 50% of any village be present during FRA-decision-making Gram Sabha meetings, and NSVK committed to ensuring that half of this quorum be women who had been trained and encouraged to participate. According to the 2014 project report, "NSVK has always supported the view . . . that formulation of these policies must include and ensure an important participation of women."

These efforts were largely successful. Under the FRA, each established FRC is required to be at least one-third women. According to project documents, sometimes these reconstituted FRCs are two-thirds women. Interviewees said that this is in part because women are viewed as responsible. Another explanation may be that men tend to migrate for work throughout the area, so women and children are often the only full-time residents of a village.

Social workers and NSVK management believe that because of women's deep involvement in self-help groups (SHGs), women tend to be respected in the villages. Because of this, women in the FRCs are respected and are often in decision-making roles. These SHGs are often established as part of a larger government project by NSVK when it begins working in a village. Many of the 37 SHGs in the project area had been functioning for five or six years. SHGs provide women with a space to meet each week. In addition to saving money, women use the groups to organize

²² Note also that government officials were aware of the need to include women in both individual titling and community management, but had not taken any active steps in this regard.

income-generating activities and, in some cases, to organize groups to patrol the forest to protect it from exploitation by unauthorized users. In addition to SHGs, the NSVK model of holding frequent meetings of women's groups was identified as a major reason women felt empowered to participate in community meetings.

Women and social workers identified these women's groups meetings as important for women's empowerment. According to the social workers, while men were upset about women being targeted and supported in the beginning, they were taught about the importance of women's empowerment and have since become truly supportive of women's rights. For instance, interviewed men voiced opinions about the importance of women's participation in managing and guarding the forest. In part, this is because they have had time to see the economic and social benefits of empowering women. This change, however, did take time; it took between one and two years of engagement to reach these levels of acceptance of women's empowerment and participation.

e. Individual Forest Rights/Community Forest Rights

Working with local communities, NSVK prepared documents—resource maps and lists of forest users—for the CFRs and supported communities to file for them. They also supported individuals to file for IFRs if they had been in occupation of forestland for agriculture as per FRA requirements. As noted above, as of April 2014, the project had facilitated the filing of 4,025 IFR claims, all jointly titled where filed for by a non-single head of household.

NSVK sensitized the communities, before and as part of the project, on the importance of including women on titles issued under the FRA. In the observation of the NSVK staff, this sensitization meant there was little resistance to joint titling on the part of men. Staff observed that inclusion of women's names, especially when combined with women's pictures, on the titles increases women's decision-making ability generally.

NSVK social workers involved both men and women of the community in mapping the forest and in determining who used the forest. Where community members were identified as agricultural users of the forest, those individuals were supported to file for IFRs. NSVK worked with all members of the community, women and men, to educate them about the meaning of the IFRs and about the importance of being named on them. Therefore, women were always on the documents and tended to understand the importance of the documents and what they meant. In fact, in some cases women knew they had been allocated less land than they had applied for and had protested this fact by returning their applications to demand more land.²³ Unfortunately gender-disaggregated data was not collected on these filings.

Similarly, in interviews most women demonstrated that they understood the process for mapping CFRs, including the use of mapping technology. However, women's time in general is an issue, and this was particularly evident in participation in the mapping process. Although higher-level staff were aware of the need to include women in forest and community mapping and did so in most visited areas, in one area women had not been included at all. Women said, when asked, that they were unable to take a whole day off from their work to map the community forest. One woman asked, "Who will cook?" It appeared that in this one area, project staff were newer, and less focus had been put on ensuring that women participated, including finding ways to accommodate women's time constraints.

In villages where women were active in the mapping process they had also been active in managing the forest. Even before the mapping and other CFR activities had begun, these women had been encouraged to form groups that patrolled the forest under the customary authority of their communities to identify and fine those who were misusing resources. In the village where women were not included in the mapping process, women also were not yet actively managing the forest.

Because the CFR process has been stalled at the government level, it is too early to evaluate whether women's participation in the mapping process will have an effect on their legal rights.

²³ Note that these appeals are still being processed.

VII. Recommendations

Although NSVK largely fulfilled its gender goals, there are areas where NSVK, or its funder, Oxfam, could further focus to make an even greater difference. These are discussed below, along with findings of what was effective. Each section is headed by a larger recommendation, applicable to any project of this nature.

a. Support government agencies when possible

The government of Jharkhand, one of India's newest states, has experienced a lot of turnover. Because of this, most of the interviewed government officials had been in office for less than six months. This turnover has led to a delay in implementing the FRA, particularly the community forest provisions.

Trainings and sensitization for these officials, especially on the FRA, has been important to the issuance of IFRs and was identified as the reason officials were hopeful that CFRs would be issued soon. This kind of support is vital to ensuring that laws are implemented swiftly and well. Where there is extreme turnover, it is important that this support be ongoing and that trainings occur regularly, to ensure that new officials receive the same sensitization. In the case of the NSVK project support for the government was not given until quite recently.

b. Promote deep involvement in target communities

The NSVK model involves deep involvement in each village. In addition to its work on this project, NSVK has received a large number of grants from organizations like DFID and Caritas to engage in grassroots advocacy on a variety of issues including land, water, and sustainable livelihoods, in 866 villages in the nine districts of Jharkhand in which it is working.

NSVK has been involved in these communities for five to six years and attributes a lot of its success to this engagement. NSVK leaders shared that it usually takes about two years to establish enough trust with the community to really begin the process of changing customs and practices, especially around women's rights.

To organize interventions, the team works with the village assembly, the Gram Sabha, to prioritize important issues. As noted above, the team helps form six or seven issue-based committees as soon as it becomes involved in a village. In most cases, these NSVK social workers live in the area they are targeting and then work with a number of nearby villages.

NSVK also works on convergence with government programs, SHGs, and trainings. This includes linkages with the GOI's Mahatma Gandhi National Rural Employment Guarantee Act program, which provides citizens with employment, formation of SHGs, including helping them to link with banks, and assistance with building and forming institutions like community halls and

schools. Project officials observed that people are more likely to engage in social change trainings and discussions when they are getting other, more tangible benefits and services as well.

Whenever possible, therefore, projects that aim to improve gender dynamics should leverage organizations which already have sustained and deep engagement with the community.

c. Advocate for women's inclusion

It is not customary in Jharkhand for women to be equal participants in male spaces, such as community meetings. Women are also not customarily named on titles or considered co-owners of land. One consequence of this was that before the project began, an initial batch of IFR documents did not have women's names on them, despite legal requirements of joint titling.

NSVK workers were able to use their pre-existing deep ties in the community to sensitize community members on the importance of including women in community life and on titles. Ongoing discussions with both women and men on the importance of women's participation and on the economic and social benefits of their inclusion were identified as key to changing community norms and attitudes towards women's participation. This sensitization meant there was little resistance to the inclusion of women's names, which then increased their ability to make decisions about the land.

d. Weigh benefits of individual versus communal titling carefully

The FRA provides for both individual titling of forestland under occupation and community titling. While NSVK was originally in favor of advocating exclusively for communal rights, they have seen great benefits from individual rights.

In fact, the secretary of NSVK noted that in India, individual titles lead to more than just ownership of land. They lead to access to other programs, such as schemes to support farmers with farming inputs. In addition, because no one can sell an IFR, the land is protected from outsiders.

This does not mean there is no reason to pursue community titling of land. Communal rights may be more appropriate in many cases; in managing the forest, women are able to take an active role in the community and to benefit from using the forest. However, it is important to recognize that individual titles can confer different types of benefits and to understand why women may prefer one over the other, or the combination of both. This is especially true where there are different types of land; in this case, forestland that is used agriculturally and forestland that is used as a communal natural resource.

e. Hold frequent meetings of women's groups to help empower women

NSVK's model involves holding frequent meetings of women's groups. Social workers are in the villages on a weekly basis, conducting meetings on topics that have been identified as of interest to the community. This leads to communities' and, specifically, women's empowerment: women learn about the topics discussed and grow accustomed to working in groups, speaking in front of each other and in front of men, and meeting with strangers to the community. This change, however, did take time; it took between one and two years of engagement to begin to change men's minds.

f. Use local staff

NSVK's social workers are drawn from the local communities. They spend most of their time in their assigned villages, living with and working with community members. NSVK staff attributed much of their success to these young social workers, who often serve as a bridge between the community and outsiders, including other NSVK staff and the government.

The social workers receive considerable training. This means that if the project or NSVK were to end their involvement, communities would be left with a tangible resource.

g. Ensure gender is considered in staffing

NSVK attempts to ensure that there is an equal number of male and female social workers. This is a clear commitment to gender diversity and ensures that local women are comfortable approaching the social workers.

For NSVK's specific circumstances, the organization might work toward finding ways to accommodate women's constraints in becoming social workers. Specifically, the constraint of not feeling comfortable riding motorbikes might be overcome by pairing people who are comfortable driving motorbikes with those who are not.

It is also important for organizations to consider ensuring gender diversity at the highest levels, both as a commitment to diversity and to ensure that a variety of perspectives are heard. NSVK would benefit from including women in its leadership.

h. Work closely to build capacity of and provide incentives to implementing partners

While NSVK staff members were not always focused on gender or the FRA, Oxfam worked closely with NSVK as a partner to impress the importance of both issues. Oxfam was flexible and supportive as NSVK crafted a work plan, working with the leadership to ensure the project fulfilled the goals of both organizations and working with NSVK to help them understand the importance of the work Oxfam wanted to fund. This resulted in a change in NSVK's institutional priorities.

Part of this capacity development must include impressing upon partners the importance of data, especially gender-disaggregated data. While NSVK reports on some numbers (e.g. number of IFRs distributed), much of their data is not gender disaggregated, as noted above, making it difficult to quantitatively assess the gendered impacts of the project and leading to an over-reliance on qualitative reports.

VIII. Conclusion

In general, the NSVK project has incorporated gender well and has used sensitization, training, and support for individuals and the government to work with communities to realize their rights under the FRA. While the project itself faces some challenges, most notably with government capacity, it has accomplished its other goals of community involvement and empowerment of women.

In large part, this success was possible because NSVK has been deeply involved with its communities for at least half a decade. This involvement has allowed them to gain the trust of the communities. As NSVK's capacity has been developed, and especially as NSVK staff learned more about the importance of gender issues, they were able to pass on that learning to their target communities.



The Landesa Center for Women's Land Rights is an initiative of Landesa, an international non-governmental organization committed to the power of land rights as a pathway to eliminate extreme poverty, reduce conflict, and build more gender-equal and just societies. Given the centrality of women's land rights to a host of sustainable development and human rights outcomes, the Center partners with governments and global networks to champion women's land rights in high-level and strategic norms-setting fora, and by leveraging innovative solutions for stronger gender-responsive land rights on national and regional levels.



Resource Equity was founded in December 2014 as a women-run, women-first non-profit which focuses exclusively on gender issues related to land and resource rights. We work in concert with other organizations worldwide to advocate for social and policy change that will enable women to have secure rights to land, and develop the capacity of others to do this work around the world.