



A CRITICAL ANALYSIS OF Tribal women's empowerment through the Forest Rights Act, 2006

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ABSTRACT:

The Forest Rights Act of 2006 recognizes the equal land ownership rights of tribal women compared to men. This study examines the impact of this policy on women's socio-economic status, specifically looking at access to resources and women's agency. Although access to land has not significantly improved access to basic resources like water or healthcare, women who have received land ownership have gained confidence and challenged traditional social practices. Widowed women, in particular, have benefited from the ownership of land. While the Act has not increased women's participation in the public sphere, community-based organizations have helped to provide women with training and access to information, leading to improvements in social engagement and mobility.

1.INTRODUCTION:

Women in India, particularly those living in rural areas, face significant challenges in obtaining recognition of their collective land and resource rights. This is a common issue in patriarchal societies, where customary laws and cultural norms often prevent women from accessing property rights and participating in community decision-making. Despite these obstacles, India has a history of progressive leaders who have championed women's rights, which is reflected in the Indian Constitution. Women's movements have also played a crucial role in advancing legal recognition of women's rights in India. The Forest Rights Act of 2006 is one such law that recognizes women's land rights within communities and requires new land titles to be issued in the joint names of both spouses. It also requires the participation of women in

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decision-making authorities, with one third of participants in village assembly meetings being required to be women to reach quorum. According to a recent gender study by RRI, the FRA is one of only two legislative frameworks studied in 30 countries that recognizes equal rights to community forests for all adult women members of the village assembly.

2.ROLE OF THE FOREST RIGHTS ACT IN SECURING WOMEN’S LAND RIGHTS:

The Forest Rights Act and other laws in India have empowered women in various ways. For example, in 2013, the Supreme Court ruled that village assemblies, with active participation from women, must decide on proposed mining projects in sacred hills of the Dongria Kondh community. This decision was based on the FRA and other legal provisions that recognize the rights of indigenous communities. In other villages, women who had been protecting their forests became more empowered to prevent destructive activities by outsiders and the forest department. Women in the buffer zone of the Simlipal tiger reserve, who were aware of the provisions of the FRA, successfully stopped the forest department from fencing their sacred grove and planting exotic species in and around it. Women have also taken over forest protection from men in many cases, as they are often more effective in preventing illicit logging by outsiders. Their priorities include regenerating local species by dropping their seeds into good soil while collecting other forest products.

Empowered women who hold forest rights and are actively involved in forest governance can bring about significant positive changes in forested landscapes. This involvement can lead to an increase in the biodiversity of the forest, as well as enhance its socio-economic and cultural value. For many women, the forest holds immense value beyond being a source of food, fodder, fiber, and other useful products. It is a place of peace and rejuvenation, akin to their parental home. Women, who are primarily responsible for providing food to their households, possess rich indigenous knowledge about their forests, which can be preserved and protected through the recognition of their rights in the governance of community forests.

3. CHALLENGES TO THE IMPLEMENTATION OF FOREST RIGHTS ACT, 2006:

Implementing the progressive legal provisions for women's rights in India, including those in the FRA, is a challenging process that faces several obstacles. Government agencies responsible for informing potential claimants about the FRA have been slow to act and have largely ignored the Act's provisions related to gender equality. Unfortunately, even civil society organizations that work towards recognizing forest rights have largely overlooked the gender equality provisions of the FRA. Additionally, official monitoring does not collect gender disaggregated data on recognition of rights. As a result, many potential communities are unaware of the FRA's provisions, and even those who are aware often have a poor understanding of the

gender equality provisions. This lack of understanding and implementation disproportionately affects women who are entitled to recognition of their rights.

4. STEPS NEEDED FOR RECOGNISING TRIBAL WOMEN'S RIGHTS:

There is some good news, as there are networks that support the recognition of rights and have started to concentrate on enforcing the FRA's gender equality provisions. They are devising plans for integrating the FRA's implementation with the activities of other departments to ensure the recognition of women's rights is integrated into mainstream processes. Additionally, they aim to ensure that women's participation in decision-making is upheld both during the rights recognition process and in forest governance after the rights are granted.

In certain states, efforts have been made to arrange separate meetings for women members of village councils, where information about the FRA and its recognition of women's rights is included. This is because such meetings provide a more conducive environment for women to express their views and priorities. Furthermore, activists have proposed incorporating the recognition of women's forest rights into the national policy on women that has been recently drafted. There is also a proposal at the national level to ensure that women are registered as cultivators in official agricultural production records, which could be linked with the recognition of women's forest rights to strengthen their roles as food producers and forest protectors and make their rights more mainstream.

Women in forest-dwelling communities spend a considerable part of their lives gathering forest resources, but they are generally excluded from decision-making processes about forest access and conservation due to prevailing patriarchal norms in many societies. Even modern conservation regimes have failed to integrate women into forest management and access. Insecure tenure rights over forest land further disadvantage women, as they are often evicted from protected areas or displaced due to mining and infrastructure projects. The Forest Rights Act seeks to address this gender imbalance by providing for the active participation of women in decision-making about forest access. The Act mandates that one-third of members present at Gram Sabha meetings must be women, and that one-third of members of the Forest Rights Committee must be women. Additionally, women must be included in the membership of the Sub Division Level and District Level Committees. The Act also aims to secure the social and economic well-being of women by providing that titles over individual claims are in the name of both spouses or in the name of the woman if she is the head of the household.

5. SITUATION ON THE GROUND:

Research indicates that the provisions of the FRA related to women's rights are not being implemented effectively. Despite their significant role in forest management and protection within their communities, women continue to face challenges in decision-making related to claiming and managing forest rights. Women's participation in the SDLC, DLC, and SLMC meetings is hindered by power dynamics, which prevent them from having an equal voice. In order to understand the issues and challenges faced by women regarding their rights under the FRA, Vasundhara, an NGO based in Odisha, has been organizing state and national level meetings of groups working towards women's rights. At a National Level Consultation held in Bhubaneswar, civil society groups and community members from six states shared their experiences and discussed the challenges faced by women.

- The Forest Rights Act provisions related to women's rights are not being adequately implemented due to a lack of awareness among women about their rights and the claiming process. This has led to women's inadequate representation in FRCs and Gram Sabhas. Even governmental institutions responsible for the implementation of the FRA lack awareness about these provisions. As a result, titles issued on forest land are issued only in the name of men, and single women, who are the most vulnerable, are not provided with forest land rights except for a few isolated cases. The government does not have any disaggregated information on the status of recognition of women's rights under the FRA.
- Recognizing rights over Community Forest Resources (CFRs) has the potential to be a significant source of livelihood for women. However, the recognition rate of these rights is still low across all states. Even when rights are recognized, ownership and usage rights over minor forest produce (MFP) are not being implemented effectively. The minimum support price mechanism for MFPs is not properly enforced, and the collection and sale of important MFPs such as tendu remains under state monopoly. As a result, women's organizations involved in collecting and marketing MFPs, such as cooperatives and self-help groups, are unable to access the benefits of these activities.
- The lack of recognition of forest rights for marginalized communities, particularly women and dalits, has a significant impact. Women from these communities also face harassment by forest officials while collecting forest produce. The forest department often carries out activities like plantation and relocation that go against the FRA, which negatively affects women's land rights. These issues are often overlooked but have serious consequences.

6. STEPS THAT CAN BE TAKEN IN THIS REGARD:

- To ensure the rights of women over land, ecology, and livelihoods, the government should initiate programs that raise awareness about the importance of women's participation in pre- and post-claim processes under the Forest Rights Act. Such programs should also aim to educate women on their role in asserting land rights.

- These programs should include workshops aimed at providing orientation and education on women's rights under the FRA. These workshops should be held at the gram panchayat level and be targeted towards women, panchayati raj institution members, forest rights committees, self-help groups, and other government officials.
- The workshops should encourage communication and collaboration among women's groups, fostering a sense of community and creating opportunities for them to work together towards achieving legal recognition of forest rights for women.
- In addition to the workshops at the gram panchayat level, it is important to establish a state-level network of women leaders and organizations working on securing women's forest rights. This network can facilitate consultations and federation building and help in documenting the status of FRA implementation with a specific focus on women. Case studies should also be included to highlight the impact of the FRA process on women. This participatory process will ensure that the documentation of the FRA status is inclusive and reflective of the concerns and experiences of women.
- It is important to encourage women to play an active role in creating forest fire control mechanisms that can lead to forest regeneration. This approach can help women become community resource persons who can spread awareness about the significance of women's participation in the assertion of forest rights under the FRA. By actively participating in forest management, women can strengthen their role in this area and share their knowledge and expertise with other villages.

7. NEED FOR THE COLLECTIVE APPROACH:

India's environmental policymakers should take stronger action to ensure that Indigenous women have opportunities to participate in forest decision-making processes. Historically, Indigenous forest-dwelling groups, officially recognized as 'Scheduled Tribes' or 'Adivasis', have been dispossessed and excluded from their traditional homes in forests. To address these historical injustices, India passed the Scheduled Tribes and Other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006, also known as the Forest Rights Act (FRA), which recognizes the rights of Indigenous people. These rights include access to certain land, minor forest products, and the ability to manage and conserve forests. While the FRA has the potential to be a powerful piece of environmental justice legislation, its slow implementation and lack of gender responsiveness continue to pose a threat to Indigenous people's survival.

Indigenous women are taking a leading role in advocating for their communities' forest rights, often without much policy support. However, current forest policies and laws in India lack sufficient gender-specific provisions, and the Forest Rights Act does not adequately recognize women's claims to property. It is crucial to recognize and grant women's equal representation in forest conservation and management decisions under the FRA. Further research is needed to understand how the FRA impacts gender relations and knowledge,

which can help women better understand their rights to forest lands and how to improve their access to those rights.

Although some forest policies acknowledge the importance of gender inclusivity, they often fall short in their implementation. One such policy is the Forest Rights Act (FRA), which does incorporate gender-sensitive provisions, including a requirement that one-third of members in local institutions should be women. Additionally, the FRA recognizes joint land titles and the property claims of women in households headed by single females. However, these provisions are often nominal, and further action is required to ensure that gender inclusivity is effectively implemented in forest policies.

Although some forest policies have attempted to address gender inclusivity, these measures have only scratched the surface of deeper issues such as gender inequity, participation, and agency in forest decision-making. These policies tend to focus mainly on men and overlook young women, especially those who are unmarried or widowed, leaving them vulnerable to marginalization and exploitation by others. The Forest Rights Act (FRA) is the most important legislation regarding forests in India, but its lack of gender responsiveness means that broader Indian forest policies also fail to adequately address gender equity. Policymakers need to provide Indigenous women with more opportunities to engage with forest policy and address socio-ecological gender inequities that undermine women's livelihoods and their capacity to care for the forest. Without these measures, the FRA is unlikely to achieve its dual goals of promoting socio-economic progress and protecting ecological sustainability.

Despite the absence of policy support and unfavorable conditions, many women are actively fighting to reclaim their forest rights. Tribal women have been able to express their concerns to state authorities, while Indigenous women have been participating in decision-making bodies such as sub-divisional forest committees and Gram Sabha level Forest Rights Committees, where they can voice their concerns and defend their rights and entitlements. However, their participation currently requires them to sacrifice their daily livelihood and household and care responsibilities, resulting in physical and emotional hardships. This makes participation a risky economic decision that also carries social and emotional challenges.

Despite the efforts of tribal women to fight for their forest rights, their participation often comes at a high cost and with no guarantee of success. Dominant social and state actors often prioritize their own interests and ignore the voices of these women. This reality shows that without policy support, the fight for gender equity in forest management is unnecessarily difficult. The socio-economic and political environment is often biased, creating unequal power dynamics that make it challenging for Indigenous women to achieve the goals of the FRA, despite its good intentions.

In order to address this problem, policymakers need to work closely with local decision-makers to reform their processes, with a focus on marginalized Indigenous communities. The current efforts towards gender inclusivity are not sufficient, and fail to address the unequal distribution of responsibilities and benefits that come with having a say in forest policy-making.

The recent election of India's first tribal woman president on 21 July 2022 highlights the need to prioritize the inclusion of Indigenous women in local forest decision-making processes.

Additional measures should be taken to provide training and enhance capacity building, not just to support the endeavours of Indigenous women, but to secure the rights of Indigenous communities in forest-related decision-making.

8. CONCLUSION:

Efforts to promote gender-responsive forest policies in India are crucial to achieving socially just and ecologically sustainable outcomes in the face of the challenges posed by a changing climate. The issue of women's land rights, including their right to forest land, is an important aspect of this effort. Women play a crucial role in the conservation and management of forest resources, and securing their rights to forest land is essential for enhancing their social and economic status, as well as their empowerment. The Forest Rights Act recognizes the importance of the participation of forest-dependent people, particularly women, in the political decision-making process, and includes provisions for their participation in institutions and decision-making bodies established under the law. The act also provides for the recognition of women's rights over forest land through joint land titles and independent titles for single women and women-headed households. Recent decisions since December 2018 have been made to apply these provisions to tribal women who till forest land, as well as to community forest land under the Forest Rights Act.

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