

## **Approach, Process and Learning of the project titled “Ensuring tenure rights of poor tribal and forest dwelling communities with preference to poor and single woman households for land and community Resources”**

### **Issues concerning implementation of Forest Right Act (FRA)**

The Forest rights Act, 2006, was the first legislation in the history of forest governance in India that mandated inclusion of community based democratic institution like gram sabha in its legal framework and assigned special role to it at the community level for settlement of forest rights. However, these institutions in majority of Tribal and rural areas all across the country were ignorant about the law & its empowering provisions and lacked capacity to carry out its assigned task effectively. These institutions apart, the larger Tribal community was also unaware of such legislation and lacked mobilization to assert its legitimate forest rights under this law.

### **Approach and Process**

Keeping these issues in view, Nirman focussed on empowering the community and community based grassroots institutions and facilitated their inclusion in the statutory forest rights settlement process so that they could effectively participate in the structure of local forest governance. We also facilitated engagement of community with government officials responsible for implementation of law at the District level. This helped in creating a platform for dialogue, interface and negotiation with the District Administration which eventually supported the forest land settlement process under FRA. During the course of follow up with officials it became increasingly clear that mere dialogue was not sufficient to deal with bureaucratic hassle. Hence the community leaders from *Nagabali Upatyaka Bikas Manch* (NUBM) were trained to use legal space available in other legislation like Right to Information Act, which sought information and accountability from officials for delay. The continuous follow up by the community leaders created pressure at the administrative level that opened space for further negotiation.

Much of the approaches mentioned above were supported by strong process like awareness building, information sharing, capacity building, Advocacy, community action and participatory governance.

The details of these approaches and process are given below

### **Strengthening of community based organization**

The Tribal and forest dwelling community with which Nirman worked were marginalized and highly vulnerable group and had either poor or no access to formal institutions of governance like Revenue and forest administration system, judiciary and other political and bureaucratic systems of government. We realized that unless the community was organized and capacity of existing community based organization/NUBM was enhanced they could neither participate and deliver their assigned role in the democratic framework of the legislation, nor build pressure on administration to expedite the land settlement process. Besides the community

would hardly own and sustain the process on their own and assert their rights unless they were involved in every step of the project and took the initiative.

Keeping this in view, Nirman not only built their capacity on empowering provisions of the law but also facilitated their direct participation in Gram Sabha(village assembly) meeting, legal claim filing and verification process, community resource mapping, advocacy process etc. The leaders were also trained on how to use the existing space in other legislation like RTI and use them in the advocacy process.

The major outcome of this process are mentioned below

- Women participation in NUBM meetings almost increased to almost 2 to 3 times their original number of participation in earlier meetings.
- The community leaders from NUBM played a significant role in advocacy process and participated effectively during their negotiation with District Administration.
- The community leaders used legal space provided in other law like Right to Information Act to obtain status of claims filed and reasons for delay by officials and filed 8 formal cases. This not only ensured accountability among government officials but also expedited the entire process.
- The community leaders also followed up the progress of settlement and formal complaints were lodged in District Collector's grievance cell whenever delay was prolonged.
- Community leaders could speak and debate on different provisions of the law and issues related to Forest Rights Act



NUBM participating in CFR mapping process

### ***Strengthening the grassroots democratic institutions like Gram Sabha***

The grassroots democratic institutions like Gram Sabha (village Assembly of all adult male & female members within a village) & Forest Right Committee responsible for implementation of the law at grassroots level were extremely weak and lacked awareness, capacity and skill to implement the law.

Nirman focussed on building capacity of these institutions through meeting, awareness building on different provisions of the law, orientation on statutory role assigned to these institutions, training etc. Besides this, we tried to ensure participation and inclusion of all marginalized groups in these meetings who are often either left out or fail to participate properly.

This led to following outcomes

- The participation of community members increased substantially in Gram sabha meetings held for FRA

- The women participation in Gram Sabha meetings also increased
- The awareness of community leaders/members representing Gram Sabha increased on FRA and forest governance. This was evident from the quality and content of discussions recorded during meetings.
- The community leaders representing Gram Sabha and Forest Rights Committee participated with authority during verification of claims by technical committee consisting of govt. Officials



Verification of claims by Revenue official in the presence of FRC/ Gramsabha of Murukakana village

### ***Emphasis on inclusion and consensus building within community:***

Nirman encouraged participation of all forest dependent families openly in the meeting for building consensus within community. This helped us in resolving internal conflicts related to resource sharing, competing claims on same land and other issues.

### ***Sensitization of Govt. Officials***

The statutory sub-divisional and District committee constituted under this law for verification and endorsement of claims filed at the community level consisted of several government officials. Many of these officials were earlier part of the same Revenue and Forest administration system that prohibited use of forestland in accordance with earlier laws prior to enactment of Forest Rights Act. Hence, we considered it extremely important to sensitize the officials about the empowering provisions of this new law so that an enabling environment could be created at different levels.

Nirman facilitated continuous interaction with these government officials and organized meetings and workshop on Community Forest Resource rights under FRA. The workshop aimed at clarifying doubts and confusion regarding CFR.

Major outcomes of this process

- The government Officials extended their support and cooperation during land and CFR settlement process
- The officials responded to demands of expediting the process and hastened the formal process which would have otherwise delayed the endorsement process.

### ***Interface and engagement with Government officials:***

Nirman facilitated continuous engagement of community leaders representing NUBM as well as staffs of Nirman with the Government officials responsible for implementation of the law. This not only helped in bringing to the notice of officials about the constraints faced during implementation but also helped us in obtaining their support for expediting the formal process leading to conferment of legal title on forest land and CFR.

Some outcomes of this process mentioned below

- Information sharing with Government officials increased the understanding. For example, Nirman shared community claim filing model with District administration which helped in clarifying doubts of government officials and increased understanding on process.
- Space for negotiation with government officials increased that ultimately helped in vesting legal right on forest land and community forest resources
- The District Administration responded positively to the claims on Community Forest Resource (CFR) in our field areas, which have largely remained unsettled in other areas of the state and the country. This process led to legal settlement of community rights for 40 villages under FRA.
- Out of the 467 individual claims over customarily used lands are filed under FRA, 79 tribal households received titles, another 125 tribal households claims are advance stage of settlement.



Murukakana villagers showing their CFR areas which rights are settled

### ***Mobilization and assertion of rights:***

Nirman mobilized the community and community based organization to assert their right so that they could protect and effectively exercise the legitimate right vested through this law. Increased understanding on the empowering provisions of the law and direct participation in forest rights settlement process further contributed to this process.

Some outcomes of this approach is mentioned below

- Community members opposed and stalled eviction from forestland for Plantation programme by Government citing provision of FRA in 2 villages Poduchuan and Kadalichuan ( Budaguda GP of Kalyansgur block) which would have affected nearly 62 families.

- Forest management committees were formally set up in all 40 villages under FRA for conservation and management of traditionally protected forest the day the final Gram Sabha was convened. This was another important step towards local forest governance.



Traditionally protected forest areas close to village

Some important processes

### ***Facilitation of participatory Forest governance:***

Nirman consciously encouraged higher participation of community members, and leaders of NUBM in forest rights settlement process, mapping of traditional boundary for CFR, Joint verification with officials and advocacy process. This not only resulted in increased capacity of community based institutions but also helped in ensuring accountability among officials responsible for implementation of the law.

### ***Capacity building***

The major focus of Nirman was on capacity building of all stakeholders including community groups, local community based organization and government officials responsible for implementation of this law. The process of capacity building of community and community based institutions included wide range of activities like training, participation in land settlement process, engagement with government officials through interface meetings, community resource mapping etc.

Some outcomes of this capacity building are highlighted below.

- Community members and leaders from NUBM could articulate on different provisions of law
- Direct involvement with implementation increased their awareness on various formal process of land and community forest rights settlement under FRA
- Helped in assertion of rights and turning customary rights over traditionally protected forest resources to legal rights for 40 villages under FRA.
- Enhanced capacity of community leaders helped to participate in advocacy process and effectively engage with government officials for negotiation

### ***Advocacy process***

The advocacy process has already been mention above through narratives of different approaches. However, apart from its explicit contribution towards forest land settlement and community rights over forest resources, another very striking outcome of this process is mentioned below.

- ***When the records of legal title over community resource were finalized by District Level Committee, the records did not specify all the boundaries of CFR area. While***

*the legal title over CFR was highly tempting and the administration wanted to distribute it, Nirman pointed out the possible implication of such flaws. Community leaders demanded that the title should specify all boundary as it could have otherwise led to reduction the scope of rights of CFR areas. Vigorous negotiation followed between Government officials, Nirman and Community leaders from NUBM. Nirman even brought sample copies of title given in other areas. Finally, the officials had to accept the demands and clear boundaries were specified in the legal title.*

## Learning

1. One of the important learning for us was that the advocacy strategy should not be limited to building pressure only. Rather, it should be judiciously combined with continuous engagement with Government officials responsible for implementation of

the law. While we were some way through, we realized that we had to combine both judiciously. On the one hand, community groups created pressure through use of RTI and follow up at the grievance cell, on the other hand Nirman along with NUBM maintained continuous engagement with government officials through information sharing, interface meetings, workshops etc. This helped in ensuring legal rights of Tribal/Adivasi communities.

When we started our intervention we found very poor participation of women in both NUBM and Gram Sabha meetings. We consciously pushed for participation of women in various community meetings, meetings of NUBM and meetings of Gram Sabha. Initially, the result was not very encouraging. However, we persisted with our effort and things started changing gradually. Now the participation



Sharing issues with government officials relating to Community Rights over CFR during a district level workshop



Women's participation in NUBM before project intervention



Women's participation in NUBM after project intervention

of women in all community meetings and in meetings of NUBM is much higher.

2. This legislation holds immense potential for enhancing tenure security of forest dependent communities and conservation of forest resources. As a whole, it also holds the potential of changing the local forest governance by facilitating decentralization and inclusion of local community in the structure of forest governance. However, even after ten years of its enactment, implementation constraints have led to very poor performance in field. Specially, the progress of settlement of community rights on CFR is very poor all across the country. In this context, the approach and strategy adopted by Nirman for successful settlement of Community Rights on traditionally used forest resources (CFR), many of which evolved from field learning, could be replicated in other areas.