

An Interview with Prasant Mohanty of NIRMAN for its work on legal empowerment in India

This member spotlight features an interview with [@prasantmohanty](#), of [NIRMAN](#) in India who was one of the winners of the 2019 Grassroots justice prize. Their organization was founded in 1997.

We have been pursuing legal empowerment work through intervention in land and forest governance since last six years starting in 2012. But the founder of the organization and other senior members of the organization have been associated with a nationwide forest rights campaign since 2002 that was instrumental behind enactment of an empowering legislation namely “Forest Rights Act, 2006” or otherwise known as FRA. This legislation emerged in response to long struggle of Tribal/aboriginal communities, other forest dwellers and civil society groups for preventing widespread eviction and displacement of forest dwelling communities from their ancestral lands by powerful actors through formal processes. Hence its emergence created great scope as it became the first legislation in the history of forest governance that acknowledged the historical injustices meted out to Tribal and forest dwelling communities during consolidation of state forests and provided a democratic framework for vesting legal rights over customarily used land and forests to individual families and communities respectively for meeting livelihoods. It also empowered the communities to conserve, manage and govern community forest resources sustainably. While this law created huge potential for settlement of legitimate rights, its actual status of implementation on ground remained poor even after a decade due to varied factors including lack of awareness among communities, poor capacity of all stakeholders including government officials, opposition by forest bureaucracy and powerful groups (Industry, mining, conservation groups) etc. Especially, the status of settlement of community rights over forest remains extremely poor throughout the country. With this background, we started facilitating forest rights of poor Tribal and forest dwelling communities using this empowering legislation of Forest Rights Act. Our work included raising awareness about the law, building capacity of all stakeholders, facilitating claim filing by community, settlement of legal rights and mobilization of communities for conservation, management and governance of resources through local institutions. We have been working on land and forest tenure issues under the program of “ Natural Resources Governance and Management” since 2012 continuously.

What kind of issues does your legal empowerment work address?

The Tribal and other traditional forest dwellers who reside in and around forests are highly dependent on forest resources for their livelihoods, food and nutritional security. Yet they lost their legitimate rights over their ancestral lands when majority of these forest areas were classified as different categories of government forest including Reserve Forests, Protected forests, wild life sanctuaries etc during consolidation of state forests without proper survey or legal settlement of customary rights. In several forest areas their rights including right to collect forest produces, use of forestland for livelihood, etc were severely limited. As a result, large number of Tribal and forest dwelling communities were displaced and evicted without any compensation from their habitat by development projects like industry, mining, dam projects and forest conservation projects. Our legal empowerment work directly addresses such issues of tenure insecurity arising out of lack of legal rights of poor Tribal/aboriginal and other forest dwelling communities over customarily used forestland and common forest resources used for meeting livelihoods. It also addresses other forest governance issues confronting the community including lack of legal rights over forest villages, collection and use of Non Timber Forest Produces (NTFP), forestland for dwelling and cultivation, exclusion of community institutions from local forest governance process , forced eviction and displacement from ancestral land and de-legitimization of customary rights over forests.



Legal Awareness Meeting

How are you using legal empowerment to address the problems?

We are helping Tribal and forest dwelling communities to (1) Capacity Building: We raise awareness on the potential of this legislation for legal settlement of rights through community meetings, debates, group discussions, etc and follow it up with orientation and training of leaders on different provisions of law, filing of legal claims, building evidence to support claims, mapping process etc. Apart from communities, we also sensitize government officials and people's representatives responsible for implementation of the law on various provisions of law and procedural constraints faced by community for coordinated action at various levels (2) Strengthening community institutions: Since this law empowers the democratic institution like Gram sabha/village assembly to legally initiate forest rights settlement process and play a significant role in conservation, management and governance of community forest resources , we strengthen these institutions by facilitating their participation in capacity building, mapping of community resources , monitoring claim filing process by community members , joint verification of claims with government officials, dialogue with government officials on progress of implementation of law, forest management plan etc (3) Filing legal claims over land and Community Forest Resources under FRA : We facilitate filing of legal claims over customarily used forestland by individual families. Apart from individual rights, we also facilitate filing of legal claims on range of community forest rights including right over forest produce, forest village, water bodies, medicinal plants, other traditional rights and community forest resources by village community.(4) Interface with Government officials: We also build platform for regular interface of community with officials at various levels ranging from Panchayat, Block, district to state level on implementation and policy issues related to this legislation.

What are the strategies you employ to ensure the long-term sustainability of your work?

We facilitate our legal empowerment work at the community level either by building community institutions wherever there are none or strengthening the existing community institutions completely owned and managed by the community. Our priority remains in building capacity of these institutions on empowering laws/policies, entitlements programs of government, leadership development etc. We mostly try to build their capacity through building awareness, direct engagement in filing claims for legal rights, community action on settlement of legal rights, engagement with local administrations of government, etc. These process build their capacity to such extent that they are able to follow up legal empowerment work at local level without any outside support. Apart from these processes, we also facilitate their networking and alliance building with local civil society groups and wider campaign groups working on land and forest rights issues. Usually we facilitate sending leaders of Tribal communities to campaigns organized by forest rights campaign on policy issues both at the state and national level programs. This provides opportunity for the leaders of local institutions to interact with Tribal leaders from other regions of the country and forge partnership and take concerted action on land and forest rights. The other strategy that we widely follow is building volunteers in the form of Community Resource Persons (CRPs) from within the community who are provided training and exposure and who in turn build

capacity of other community members in a wide scale. These CRPs who are also members of community institutions play a major role in mobilizing the community.



Poduchan Villagers showing land right title received

Do you have any advice for other organizations about achieving scale?

We feel concerted action at various levels including government, civil society net-works, research institutions etc could go a long way in laying the foundation for long term impact of legal empowerment work at wider scale. For example, Scheduled Tribes and Scheduled Castes development department of state governments in India implement many Tribal livelihoods empowerment projects through ITDAs and other partner civil society organizations in different Tribal districts. These government programs implemented over a larger area through partnership with local civil society partners could provide a good launching pad for integrating Forest Rights Act with other Tribal empowerment programs. Influencing such Tribal or Indigenous community development programs of government with legal empowerment as major component could help to reach out to wider geographical area and more number of such communities. Apart from government programs, wider network of civil society groups like forest and land rights campaigns with more partners at various levels (from Panchayat, District, state to national level) provide great opportunity of facilitating such legal empowerment work through concerted action. Besides, these civil society networks provide great strength and voice to legal empowerment work apart from reaching out to wider community.

Do you have any tips for other practitioners?

We learnt following important lessons during course of our intervention in legal empowerment programs. (a) Capacity building through participatory action: We realized that capacity of community institutions enhanced significantly when they participated in community action like filing of legal claims under the law, mapping of community resources, joint verification with government officials, dialogue with government officials on progress of claims and management and governance of community forest resources. (b) Establishment of interactive platform for ensuring accountability: We found in the course of action that it was extremely important for us to establish interactive platforms between community groups and the government officials and policy makers for review of progress of claims. These interactive platforms through interface meetings from lower level (Panchyat) to District and state level provided the opportunity to identify implementation and policy constraints faced during implementation of the law and take corrective action. They also put pressure on government officials and made them accountable before people. © Assertion of collective Rights by Community: The community leaders in 3 Panchyats in our field areas mobilized the entire community when they found that the legal titles on community rights issued to them by the district administration were limiting in comparison to the broad provisions of the law. They refused to accept the titles until they were changed by the authorities. This strengthened our conviction further that the titles were important but mobilization of community and assertion of rights were equally important. Our important suggestion to other actors engaged in legal empowerment is that organizations working on these issues need to build networking at several layers including government, campaign groups, researchers , community leaders, resource organizations etc so that information, support and expertise could be shared widely.

Do you have any recommendations for a book, a quote, a resource or piece of art or music that keeps you or your team inspired and motivated?

Forest Right Act is a powerful instrument of adivasi and other forest dwellers to secure rights over customarily used forest land , community forest resources, correct the historical injustice done to them and transform their lives.

We have developed a booklet on the facilitation, learning and good practice on facilitation of Forest Right Act which would be quite useful for others those are working on facilitating tenure rights and access to justice. Please find the weblink: www.nirmanodisha.org

Source: **Mutanu kyanya via Legal Empowerment Network**<community@namati.org>

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