

Gender and Economic Policy Discussion Forum

Fire in the Forest: Looking at Gender and Forest Economies

FORUM XXV | 17 MAY 2018

BRIEFING NOTE 25

HIGHLIGHTS / KEY POINTS

- A reflection on the role of women in forest economies shows clearly that many struggles around forest rights are led by women. Thus there is a need to think of women not necessarily as victims, but actually as actors from whom people can learn and think of support in working together towards gaining forest rights.
- Many of the women are knowledge holders but very seldom recognized. They are producers within the community and need to be visibilized within the data-systems as well as policy implementation strategies.
- In terms of forest policy and law, community plays an important role. Therefore, to broaden the understanding of community, we need to look at migration and consequent changes in the nature of community. With women entering education and the work force, people are migrating in abundance due to economic changes and other multiple reasons. So, the nature of community is also changing drastically and becoming more complicated.
- The forest landscapes are changing and as data shows that there are at least 15,000 'officially' approved industrial infrastructures, mining and other projects operating on the ground, either on or around forest areas. Thus we need to bring this understanding into the work on forest rights and struggles.
- It needs to be emphasized that most encroachments are being done by the state including forest department and not by the communities. Largest loss of forests and forest land is through deregulation for 'development' projects such as hydel projects, mining, infrastructure projects, etc., especially because private capital gets greater control.
- There is a need to think and create models of overcoming social barriers and of changing institutional design keeping in cognizance the gaps and leaks and in building safeguards.

The 25th Gender and Economic Policy Forum organized on 17th May 2018, attempted to focus on the diverse aspects of how forest rights are organised in the country for the vulnerable populations and how that affects the everyday lives of women. When we think of forest rights, one of the rationales revolves around how forests are the source of the sustenance of ecological longevity and environmental protection. At the same time one also encounters the lapses that have been made at the policy level to encroach on ancestral forested land from generations and as a result affecting the lives of Adivasi/ forest dwelling populations, who have depended on the forests for their food, livelihood and a subaltern spiritual connection that binds them with nature¹. The attempt of the forum was to see the larger picture in which forests as an environmental and ecological concern is embedded within the forest communities which are also economically, socially and culturally tied to the life of forests and yet face the displacement of development.

The speakers at the Forum were Sudha Vasan from University of Delhi, Rohini Chaturvedi from World Resources Institute, Kanchi Kohli from Centre for Policy Research and Soma Parthasarathy from Mahila Kisaan Adhikar Manch (Makaam). The discussion was chaired

by Madhu Sarin from Campaign for Survival and Dignity. The discussion forum highlighted the gaps and caveats of policy and implementation of forest rights as well as the newer challenges of the neo-liberal-market economy. It specifically reiterated the complexity of the changing contours of what constitutes the community and how the 'new economy' is opening up the challenge of attending to the forest rights concerns with huge contextual differences.

Forest Rights in India: Migration and changing community boundaries-commitments

The Forests rights Act (FRA) was seen as landmark legislation sought by people's movements as a demand for restoration of community forest rights. The colonial and post independence laws ordered for an enclosure of all forest lands to be declared as state forests and since then the struggle of Adivasi movements in order to attain recognition of their rights over forests, common lands, has been a long journey. However with changing state regimes and the constant association of the state and capitalist agendas, the struggle continues, to legally gain access to forest land and resources for the communities or to even access minor forest produce (MFP)². In a recent report³, 62% of claims filed by tribals for individual land titles in Maharashtra under the Forest Rights Act have been rejected, and this holds valid according to data compiled till March 31, 2018. Out of 3,59,745 claims for Individual Forest Rights (IFR), 2,24,874 i.e. 62.5%, were rejected in a three-tier process involving local bodies (gram sabhas, sub-divisional level committees and district level committees)

(ibid.). This points to the harsh realities of the loss of forest lands to populations dependent on forests, by the hegemony of state and capitalist interventions.

The literature (Shiva 1993, 1988) on eco-feminism contends that women are more proactive in caring and conserving the forests, and about the intrinsic link between women and nature. However Sudha Vasan⁴ points out the caveat that both the naturalization of women and feminization of nature are problematic and has been detrimental to women, as they are patriarchal constructs to keep them within certain frameworks. So the new economy and capitalist frameworks are a reinforcement of these constructs. Hence the essentialization of women and ecology continues to be problematic as it sees women as only the 'caring' citizen⁵. Vasan further states that a large number of struggles around forest rights are actually led by women, which pushes the understanding to see women not necessarily as victims whom we need to speak for but actually as actors that we need to think and learn from and support. In the same vein, Vasan contends that we need to look at gender as relational and not necessarily as an understanding equivalent to 'women'. She emphasized that gender is not 'ahistorical' or only as a technical category, that generally becomes a ploy for policy makers as just an additive, losing its complexity.

Vasan further describes the movement of migration as very significant in the understanding of the context of forest economies especially in Himachal Pradesh and Jharkhand, where her work is focussed. Migration is not just about the movement of men, women or families then, but

also the dynamic inter-play of the migrated and the local communities, in-bound and out-bound migration, the migrated Adivasi communities and the resident Adivasi/non-Adivasi populations and how that changes the context, the understanding of the community and hence the access to forest resources or the commitment towards conservation or protection of forests. For instance in a region like Himachal, even the collection of forest produce and now fuel-wood, is often being done by the migrant labour. So in terms of forest policy and law, community is fundamental but the nature of the community is very complicated. And therefore the understanding of migration and what it does to gender and forest economies is important for understanding the context, and to think of solutions, in the face of the upcoming challenges.

Further, Vasan elaborates on the increasing differentiation among women, even within Adivasi societies, more substantially over the last two decades. In that sense she pointed to the uneven development across forested regions given the kind of differences within communities, on caste, class, region and increasingly migrant and non-migrant. This is to further emphasize the complexity of the 'community'. Many of the earlier forest rights struggles have hinged on the idea of demanding community rights for local communities from the state. However, the three things that have remained important and stayed throughout the 1970's, with an intrinsic focus on gender issues are-power, property and labour. These continue to hold significance in terms of understanding gender and forest economies.

Madhu Sarin also recounted the changing contours of the community and how, with the privatization of common lands as well as state capture of forest lands in Himachal Pradesh, the resistance especially from women's groups has moved to 'silence'. The government privatised the commons which were soon sold off as real estate, and the women are not interested in fuel-wood, fodder any longer. Also the rural economy has changed and the commons are no longer a major issue. Even with respect to private land, the people today say that "our children have all moved out, what is going to happen to our land after us"⁶. In that sense it is not just important to take into account the challenges of the neo-liberal economy but also what it is doing to the community and its changing needs and demands.

Landscape restoration and challenges of the law: thinking of implementation of laws, policy and programmes

The Joint Forest Management programme (1990) created an administrative framework for the conservation of forests which enabled communities to form committees for the protection of forests in conditional partnership with the forest department. However it was only after the FRA was enacted that communities were vested with statutory rights with women being made joint title holders for IFRs (Individual Forest Rights) with their spouses, or sole title holders in case of women headed households. The FRA also provided for women's representation in various decision making bodies and requires a third of their presence for completing the quorum in gram sabha meetings.

However, even with these laws, women have been largely absent in the decision making of forest management committees. Even when women are present and take the lead, it is mostly without any official sanction to their actions which often has resulted in the lack of any change.

Kanchi Kohli elaborated on the nature of law, the way it gets understood within community settings and how gender gets configured in the understanding of laws and policy. The big challenge she described was to think about how could we build a gendered 'responsibility', when procedures prescribed by law and policy, already required an intense tussle within the community⁷. This gets complicated in the way law, administration, bureaucracy, have been socially constructed, because apparently only men are supposed to handle the 'law'. It is a great challenge to overcome this barrier and is telling about the struggles of access to law that remains unavailable to women. Kohli calls this struggle as actually being 'fire in the forest'. One would find large groups of women who would assert their rights, being part of social movements, being frontline in many of the protests. However when it comes to evidence based, bureaucratic paper work etc. there lays the challenge where women's entry gets restricted. Kohli stated two statistics in her presentation. First, that on an average, 'officially' 25-30,000 hectares of forests is diverted every year for non-forest use. Secondly since 1994, there are at least 15,000 'officially' approved industrial infrastructures, mining and other projects operating on the ground, either on or around forest areas. This shows how the landscape is changing a lot and how the populations living in and near forests are getting affected by these changes.

Perhaps here Rohini Chaturvedi's talk and her work on intervention through landscape restoration helps us in understanding the value of restoration in the larger sense of restoring populations, livelihoods and cultures. Landscape restoration is talking about tree-based interventions in a variety of different types of lands, which doesn't mean to indiscriminately plant trees everywhere. The focus remains on right place and right use. So the attempt is to protect the good forest areas that have the potential to be restored. It is a process that focuses on multiple different types of benefits. Thus planting trees are not an end in themselves, but also how do we think about securing food security, bio-diversity, carbon storage, provisioning of fuel, fodder, small timber etc⁸. In that sense the strong focus remains on delivering benefits to communities who live within those landscapes.

Chaturvedi further goes on to elaborate on their work of landscape restoration in Siddhi, a remote district in Madhya Pradesh, along the basin of Som river. She mentions how this particular district presents itself with differentiated demands emerging from different parts for instance, erosion control having agricultural implications as well as of fuel-wood and fodder and in the tribal belt, the need of food security improvement. She explains that there are several benefits which can result from restoring Siddhi, which will have differentiated impacts on men and women and on landed and landless people depending on primarily intervention selection, species selection and the institutional framework. The estimates shown in their study of restoring the 350,000 hectares can generate over 30,000 new jobs over the next 10 years⁹.

Further, Kohli emphasized on the legal empowerment approach with communities and women. It is an attempt to use the laws to remedy situations where rights have been compromised. She elaborated that bringing women into the legal literacy fold continues to remain a challenge. She stresses on the need to constantly seek better understanding on how violence, threats, social oppression, play a role in keeping women back and in restricting their access to law. Kohli helped us think of law not just as a legal activity but also as building of a culture that promotes social equality and access to rights, land and forests. In that sense to think of how women could overcome their social barrier of exercising their legal rights in not just remedy but also how does that remedy gets shaped and affect their lives. So for instance, after a violation is checked and river contamination stops, how does one think of who are the set of people who talk to the administration to be able to actually shape the required remedy? Should it be repatriation, should it be restoration or should it be compensation? Most of the times when it is men, they would just ask for compensation and move on, but how do one begin to think about involvement of women in thinking of remedy and its effects¹⁰.

Forest communities and constructed subjectivities: the account of bureaucratic glitches

Bina Agarwal (2000, 2010) and Sarin (1995) help us to think of the relation between gender and forests, through women's labour that often gets ignored in policy making and planning. Studies have (Sarin, 1995) also shown that the rules

created in the name of the protection of forests also have contributed to women's time-poverty and unpaid care burden. Often times they are caught stealing fire wood from neighbouring villages when banned for accessing their own forests by their own men, which leads to embarrassment and further harassment. There is clearly a struggle to access and excessive labour, which points to the gendered contexts in which the rights of forest dwelling communities are placed and how women negotiate their ways around it.

In the light of this literature, Soma Parthasarathy spoke about communities and their struggles of survival in the forest areas, where they have been living for so long but have been displaced not just out of their subsistence but also out of their value systems. If this gets placed in the backdrop of the development processes, we will find increasing evidence of gender based violence that has become much more explicit. The National Crime Research Bureau (NCRB) tells us that 77% of cases are regarding environmental crimes¹¹, especially under the Indian Forest Act (1927) and the Wildlife Protection Act (1972). However, not a single case has been registered in the 25 states that the NCRB report gives data on, about the industrial violators. Only in Maharashtra 8 violators had been reported and some of the southern states. It is to be notes that 25 states have shown no such violation. In Rajasthan however, most of the violations were registered against women. These were about more than 70% of women, who were mostly tribal. Then they have been booked for going to the forests for their daily needs, for fuel, fodder, water etc.

Parthasarathy further talks about the construction of the woman subject, under the purview of national policy as well as the 'mono-cultural' understanding of the state, of the dynamicity of the context, that is totally devoid of the values of reciprocity, inter-species balance, inter-dependence. The designated role for women, the only place where we find a reference to women's role and participation is that of the 'caring' citizen. The normative position of women is expected to be the caregivers, to the forest, to the community, to the state as a means of engagement. Contradictory to this stereotyped notion if any woman seeks to claim rights is put under threats as the language of rights is just not acceptable.

Parthasarathy quotes from the CFR-LA (Community Forest Rights- Learning Alliance¹²) study, which shows that only 3% of the potential community forest rights have been recognized till date. The state prevents recognition of the rest because there is no active engagement of the state to create awareness on the Forest Rights Act. There is no curriculum for training, no enablement of the forest department to understand that it needs to lay off the occupied forest lands. The encroachments are being done by the forest department and not by communities, and there needs to be awareness around this. She also further elaborates on the gender critique of the CAF¹³ Act and presented MAKAM¹⁴ and CFR-LA take on the act. The Act has been introduced as a measure to replace forests, lost to development projects in India but the cost of this has been borne by those who live in those regions. Instead of involving communities suffering from lost forests, it centres

on the forest bureaucracy and empowers the bureaucracy. It does so in two ways; first by creating an authority which is a super-authority over the entire compensatory afforestation process but also creates a huge pot of resources which then is being used by the authorities. The CAF Act is an extreme violation of the rights of the community, to their resources, to their livelihoods, to their well-being. It undermines the community, its rights and its knowledge, and instead superimposes a mono-cultural approach that violates the women in multiple ways. More so, an atmosphere of harassment, fear and of violence against the women who protest and a further silencing of communities as a result is becoming an evident reality.¹⁵

Conclusion and Recommendations

As mentioned above, the state holds more charge of the forest land and the culpability of encroachment, which further distances the communities from their land and forest rights as well as cultural and social values. The way law, bureaucracy and social norms function, it further reduces the roles and accountability of women in participation and rights over forest land, despite their burden of labour and care. Also the data-systems don't talk about women and their contributions. The Ministry of Tribal Affairs (MOTA) doesn't visibilize recognition of women's rights in the implementation of FRA. The problem is that the entire forest policy looks at forests as commodity, as an input into production processes which are far removed from those who are forest dwellers and sees them as actors only to the extent of being labourers within those regions or perhaps

as migrants elsewhere. Unfortunately they are still considered to be unskilled, not recognising the skills that go into the managing, governing, restoring and regenerating the forests in which they have lived for centuries¹⁶. The community is then seen without its complexity, its context and its values but only as someone depending on forests and thus only seen as ‘encroachers’.

- The key idea is to work from bottom-up, where some rethinking happens at the level of government policy and state intervention¹⁷. The strategy for resistance should be visibilizing of violence making demands to the state as responsible for enactment and ensuring that the rights are in fact strengthened. So the strategies should then work towards recognition, citizenship, assertion and representation because many of the women are knowledge holders but are very seldom recognized¹⁸.
- MAKAAM’s work with data systems attempts to visibilize women’s presence, through a NREGA kind of data system that can actually register women more actively. It tries to deepen that analysis as well as cover different locations, to show what remains missing, because the law wants it to be covered, it doesn’t happen at the level of implementation. Thus the work remains to make women visible in data systems and to bring them back into policy planning, and at the same time to recognize them as knowledge holders¹⁹.
- It is also important to learn and recognize from the people’s movement especially the Adivasi’s movement and struggle against the state on claiming their constitutional rights.
- There is a need to create awareness on gender-sensitivity around the implementation of laws and consistently focus on creating gender-disaggregated data.

Endnotes

¹<http://fra.org.in/>

²<http://www.downtoearth.org.in/coverage/how-government-is-subverting-forest-rights-act-2187>

³ Indian Express, dated 04 June 2018.

⁴ Sudha Vasani, XXV GEP Discussion Forum, May 2018

⁵ Soma Parthasarathy, XXV GEP Discussion Forum, May 2018

⁶ The quote by the community given by Madhu Sarin, XXV GEP Discussion Forum, May 2018

⁷ Kanchi Kohli, XXV GEP Discussion Forum, May 2018

⁸ Rohini Chaturvedi, XXV GEP Discussion Forum, May 2018

⁹ Ibid.

¹⁰ Kanchi Kohli, XXV GEP Discussion Forum, May 2018.

¹¹ Data quoted by Soma Parthasarathy from the year 2014-15, XXV GEP Discussion Forum, May 2018.

¹² Soma Parthasarathy is also the member of the CFR-LA network.

¹³ Compensatory Afforestation Fund (CAF) Act, 2016.

¹⁴ Mahila Kisan Adhikar Manch (Forum For Women Farmers’ Rights) is a nationwide informal forum of more than 120 individuals and organisations of farming women, of women farmers’ collectives, civil society organisations, researchers and activists, drawn from 24 states of India, to secure due recognition and rights of women farmers in India. Soma Parthasarathy is one of the convening members of MAKAAM network.

¹⁵ Soma Parthasarathy, XXV GEP Discussion Forum, May 2018.

¹⁶Soma Parthasarathy, XXV GEP Discussion Forum, May 2018

¹⁷Madhu Sarin, XXV GEP Discussion Forum, May 2018

¹⁸Soma Parthasarathy, XXV GEP Discussion Forum, May 2018

¹⁹Ibid

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