

*Oxfam India's<sup>1</sup> programme on Fair Sharing of Natural Resources is aimed at marginalised communities to realise their rights through rightful access, control and sustainable management of natural resources. This gives them voice and agency to transform power structures and reduce inequality and injustice. Oxfam India works, in Jharkhand, Chhattisgarh and Odisha, for the proper implementation of the Scheduled Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006, also known as the Forest Rights Act (FRA). In Jharkhand, Oxfam India is working with Naya Savera Vikas Kendra (NSVK) since 2009 to support forest dwellers to claim their rights through FRA and access, conserve, and manage natural resources.*

In 2015, Jharkhand was pulled up by the Prime Minister for being one of the 'laggard states' in the implementation of the Forest Rights Act<sup>2</sup>. It continues to be so. Of all the individual forest rights (IFR) and community forest resource (CFR) rights claims filed in the states as on January 2017, Jharkhand accounted for only 2.5%. Of the 4,171,788 claims across 20 states, Jharkhand filed 102,510 claims<sup>3</sup>.

For a state where 26% of its population is *Adivasis*, 31% of who reside in rural areas, this should be a matter of concern. One of the reasons for this poor performance is the political instability in the state since its formation in 2000. Further, the state government has often pinned the blame of the poor implementation on laws like Chota Nagpur Tenancy Act (CNTA) and Santhal Parganas Tenancy Act (SPTA)<sup>4</sup>.

Historically, there has always been a struggle for control over and access to natural resources, between the *Adivasis* and the *Dikus* (outsiders). The *Adivasis* fought against the British to wrest control over their customary community lands and forests. It is one of the few states in which the British were compelled to enact special laws such as the CNTA, SPTA, the Wilkinson Rules, and recognition of *Mundari Khuntkatti* tenures (recognising ownership rights of the original Munda settlers of the villages) which not only recognise customary community rights but also

traditional community institutions. These special Acts provide a legal protection to customary laws and practice<sup>5</sup>.

However, the exploitation of the *Adivasis* continues and they remain the most vulnerable to displacement. The *Adivasis* and other traditional forest dwellers (OTFDs) are dependent on the very forests that are storehouses of mineral reserves. Odisha, Jharkhand, and Chhattisgarh — home to 1/3rd of the country's *Adivasi* population — hold nearly 70% of the coal reserves, yet none of the economic prosperity from mining reaches them. The population living below poverty line, in these three states, is much higher than the national average of 26%. In Jharkhand, 37% of its population live below poverty line. In 2016, the state government proposed amendments to the CNTA and SPTA, making the *Adivasis* vulnerable to losing their forest and land. People protested; some lost their lives. A final decision is yet to be taken.

Regarding the implementation of the Forest Rights Act, there has been some resistance from within the community as well. One, the village headmen were wary of losing power if the Act were to be implemented. While the CNTA and SPTA vests some revenue and judicial powers with the village headman, the FRA empowers the Gram Sabha for claiming and exercising forest rights<sup>6</sup>. Two, it was unacceptable for the *Adivasis* to stake claim on what they always considered was rightfully theirs. Moreover, they are not ready to be restricted to a small patch of land.

Oxfam India and NSVK, are working since 2009 to facilitate forest rights under the FRA and strengthening campaign on peoples' access and control over natural resources in five districts of Jharkhand<sup>7</sup>. They are working in 75 villages of 5 blocks in the 5 districts of Bokaro, Giridih, Dhanbad, Hazaribagh, and Koderma. In the Oxfam India-NSVK project areas, 2335 IFR claims have been approved and 75 CFR claims have been filed. The CFR claims are at different stages with the Forest Rights Committee (FRC), Sub-Divisional Level Committee (SDLC), and the District Level Committee (DLC)<sup>8</sup>.

DISTRICT	BOKARO	GIRIDIH	KODERMA	DHANBAD	HAZARIBAGH	TOTAL
IFR claim filed	1067	1275	857	1092	1315	5606
IFR approved	723	456	371	9	776	2335
Area of IFR approved	682	535	274	4	896	2391 acres
CFR claim filed (all of them are pending final approval)	15	15	15	15	15	75
Areas for CFR claims (pending for approval)	7325	9140	5647	7424	8927	38465 acres

## SETTING THE HOUSE IN ORDER

Though the Forest Rights Act was passed in 2006, its implementation began in January 2008. Jharkhand however sprung into action much later. Apart from political instability, the Panchayat elections was another reason for the slow progress. Since the Panchayat elections had not been held, the SDLC and DLC, crucial to the implementation of the FRA, had not been formed.

After several meetings between organisations working on forest rights and the then Chief Minister, Shibu Soren, the implementation began in November 2008. He soon lost elections. Before stepping down he announced that Forest Rights Committees (FRCs) should be formed within 15 days. Though this was done with the intent to implement the Act, it was done hastily and without proper information. Moreover, it was announced that the Act was not for OTFDs. This confusion continued for a couple of years. The claims – mostly IFR – were being filed, but they were based on half-baked information.

“Meetings were held with the forest and welfare department. They had no information about the role of the FRC. There was some resistance from the Forest Department. Where the implementation had begun, there were reports of forms being torn and *Amins* (the land measurers) being arrested by them. And only individual claims were being filed,” says Birendra Kumar, founder of NSVK.

Claims for community forest resource rights were hardly being filed. This was due to lack of information and understanding, and lack of *Amins*. For instance, there were cases of a dominant hamlet filing CFR claims on behalf of the whole village. One of them was Adwara village in Giridih; this was divided into seven hamlets. “The FRC in this village comprised of villagers from the hamlet dominated by Kol *Adivasis*, but the CFR claim was filed by another hamlet on the same piece of forest. We made the communities



Community meeting at Paharpur hamlet of Adwara Village (Giridih district)

file claims per hamlet. We got the *Amin* to draw boundaries for all the hamlets. The entire village comprising the seven hamlets have now laid claim over 1287 acres,” he adds.

After state elections in 2009 and the Panchayat elections in 2010, the elected candidates were apprised about the Act through several meetings and workshops. It was decided that the civil society organisations working on forest rights come under one umbrella i.e. Jharkhand *Van Adhikar Manch* or JVAM. Twenty NGOs formed the consortium in 2013. NSVK supported by Oxfam India was one of the key members of JVAM.

JVAM signed a Memorandum of Understanding (MoU) with the state welfare department, the nodal agency for the implementation of the Act, to create awareness in a campaign mode. This was to ensure strategic advocacy with officials at the block and district level, with forest departments, and within the community.

JVAM supported the concept of *Van Mitras* or master trainers of FRA. In 2014, *Van Mitras* were selected from within the community and trained to facilitate the filing of claims. These are youths, with a minimum matriculation qualification, who have volunteered for this work. They are nominated by the Gram Sabha and JVAM members, and finally approved by the district welfare department.

The *Van Mitras* were trained on the different aspects of the Act and were given practical training on filling forms for IFR and CFR, collecting supporting documents, guiding villagers to file the right claims, and following up with the officials.

Each *Panchayat* has one *Van Mitra*. Encouraged by the success of *Van Mitras* in reaching out to communities, the state government adopted this concept. The state pays them a fee of Rs 15 on every claim filed. They are also paid Rs 500 for every two Gram Sabhas that they conduct training in. They are the master trainers now.

There are 24 *Van Mitras* in Oxfam India-NSVK project areas. In 2016, a few women were groomed to become master trainers, as well. Though JVAM has split for a variety of reasons, it brought the implementation of FRA up to speed in the last few years.



Karmal Kol and his family from Paharpur Village, (Giridih) with his IFR claim deed

## EMPOWERING THE COMMUNITY THROUGH GRAM EKAI'S

NSVK formed *Gram Ekais* in all the villages that they work in; these agenda-based groups was a concept created by Ekta Parishad<sup>9</sup>. In the 75 villages, Oxfam India has supported NSVK to form *Gram Ekais* to empower the community to identify and solve their issues. “We had been working on this concept since 2004. Earlier when we formed the committee, it failed. There was stiff opposition from the community as well. This was because we were forming the committees without understanding what the villagers wanted,” says Birendra.

NSVK fine-tuned the process by 2012. Instead of selecting people to form *Gram Ekais*, the entire village was made a part of *Gram Ekai*. The community comes together to identify the pressing issues in the village. These could range from education to health, from social sector schemes to agriculture, and from land rights to

forest rights. Since 2012, NSVK have formed *Gram Ekais* in all the villages that they work in with Oxfam India. A few big villages that are divided into hamlets have their *Gram Ekais* as well. In all there are about 90-95 *Gram Ekais*.

Sub-committees for different issues are formed. *Gram Ekais* have been formed into livelihood, social schemes, forest rights, SHG (formed entirely of women), farmers, and land rights sub-committees. The villagers are free to volunteer for any of the sub-committees or the villagers may select people for a sub-committee who they think can help resolve the issue. For instance, a sub-committee on Land Rights often have the landless as members of the sub-committee. This is done so they can start the process of getting land rights wherever applicable.

The 12-member SHG sub-committee at Dahua village in Bishnugarh block of Hazaribagh—*Marshall Mahila Samooh* — have improved their livelihood by rearing pigs, ducks and hen. They collect Rs 20 per month and sourced some loan from NABARD. Some of these women have started kitchen gardens. They grow millets, potato, onion, garlic, brinjal, and a variety of pulses. “This is not for sale. We started this activity to make our households self-sustainable and improve the nutrition of our family,” says Dulari Murmu, member of the SHG. They often get visitors from the neighbouring villages to understand their sustainability model.

The sub-committee members meet every 15 days. On the sidelines of the main meeting, members of sub-committees conduct surveys. These surveys help assess the needs of the people and maintain a record for the village. For instance, a survey on Public Distribution System could throw up discrepancies in its implementation. The sub-committee members then use this data to reach out to relevant departments to improve these services.

The executive body follows up on these cases in their monthly meetings. A three members executive body is formed for each sub-committee. The village tribal headmen i.e. *Manki Munda*, who have traditionally headed these villages, are included in these executive bodies. “Earlier we attended these meetings regularly in case the sub-committees needed some assistance. Now these sub-committees have become self-sufficient. We are there to hand hold but in most cases the executive body is able to follow up cases with the departments,” says Biren.



Women participation is ensured in all meetings on FRA as well as the different sub-committees of the Gram Ekais. Seen here are women of Dagarnawa Village, in Koderma district

The *Gram Ekais* are federated into Panchayat *Ekais* and Block *Ekais*. Three members from each *Gram Ekais* represent the *Panchayat Ekai*, and three from each Panchayat *Ekai* represent the Block *Ekai*. There is a plan to federate the Block *Ekais* into District *Ekais*. The sub-committee of the *Ekais* are formed for a period of three years. However, if the sub-committee isn't performing well then it can be reviewed and replaced at the end of the one-year. Though the state hasn't recognised or adapted *Gram Ekais*, this governance model ensures a platform for communities to discuss, decide and take action.

## THE FOREST SUB-COMMITTEE AND 4(1)(E) COMMITTEE

One of the sub-committee is the forest sub-committee. Though Oxfam India and NSVK worked on land rights and forest rights, they were careful not to broach the issue of forest rights in the initial days. “The forest dwellers are very proud people. They own the forest. They have no doubt about their rights over the forests. It took time and a lot of meetings for the community to understand that they had to file claims for forest rights. Then the forest sub-committee was formed,” explains Birendra.

The members of the forest sub-committee ensure that everyone in the village – *Adivasis* and OTFDs – files their claims. Prior to the *Gram Ekais* and *Van Mitras*, the claims were filed haphazardly – without a proper forest rights committee and without proper global positioning system (GPS) marking. These sub-committees are trained by NSVK to ensure all the rules are followed in filing both IFR and CFR claims. Once the Forest Rights Committee files the claims, the members of the forest sub-committee follow up with the block officials (since villages in Jharkhand are in far flung areas, they first submit their claims at the Block level) and the sub-divisional level committee (SDLC).

The communities now understand that once they get the CFR they will have complete management right over their forest and the forest department will no longer harass them.

In Belmi village in Dhanbad's Topchachi block, the forest department dug up fields overnight for forest plantation. These fields belonged to the villagers. The next morning, the villagers sat in their fields, refused to move, and did not allow the forest department to plant anything.

In Belmi, out of 260 households only 60 are *Adivasi* households, and nine of them have got their IFR titles. The *Adivasis*, mostly Santhals are concentrated in the

Maharagora *Tola* (hamlet). They have filed CFR claim on 795 acres of forest.

The forest sub-committees of the *Gram Ekais* also look after the conservation and management of forest resources. Once the CFR claims are filed the 4(1)(e) committee or the CFR Management Committee is formed<sup>10</sup>. Some members of the forest sub-committee are also members of the 4(1)(e) committee. Women are made an integral part of both the forest sub-committees and the 4(1)(e) committees. Apart from these, women have been formed into *Van Paalan Samiti*; these committees are community initiatives. These *Samitis* have been formed for the protection of forest, for instance, controlling illegal felling and forest fires.

In Belmi, though the CFR claims are still with the Sub-Divisional Level Committee (SDLC), the 4(1)(e) committee has been formed. The planning to conserve and manage the forest is in full swing. Boundaries around the forest have been made and it has been decided that the households will have to take permission from the 4(1)(e) committee to take Minor Forest Produce (MFP) or Non-Timber Forest Produce (NTFP) from the forest. Even stones and



Training being organised for members of forest rights committee in Bishnugarh village in Hazaribagh district

sand will not be allowed from the forest. "This is to ensure that every one gets their share and no one overdraws. If someone goes to the forest without taking permission from the *Samiti* then they will have to pay a fine. This is to ensure that the forest is not exploited," says Kashi Ram Manjhi, member of the Committee.

The villages have done a resource mapping. The list of all MFPs, NTFPs, and fruit bearing trees has been drawn; traditional healers (*vaidis*) have drawn a list of all medicinal herbs available in the forest. This is to ensure that the resources can be managed well and the income equally divided within the community. These forests are endowed with sal, mango, *tendu*, lac, *chironji*, gooseberry, plum, bamboo and herbs like *Satavari*. In Giridih's Adwara village, the *Van Paalan Samiti* plans to plant guava, litchi and jackfruit trees as well in their forests. "The plan was ratified by the *Gram Sabha* and then we got the saplings from the forest department. We will plant them in the right season," says Manju Devi, a member of the *Samiti*.

A processing unit is being planned to be set up at Chalkari Kal for extracting oil from *Mahua* and making Sal plates. Women will operate this unit. "The plan is to sell the sal leaf plates directly to distributors and businessmen. The money will be divided within the community in such a way that some of it is kept aside for further conservation activities," says Birendra.

Traditionally, the *Adivasis* have always safeguarded the forest. Now they do so through the *Van Paalan Samiti*. Forest fires have reduced. "We guard the forests to ensure that there are no stray lights that could trigger a big fire. We have dug trenches and we

ensure that dry leaves are removed regularly," says Laliya Devi of Adwara village. There are 22 households and they have divided themselves equally to keep guard in the morning and evening.

These villages depend on forests for about three months, migrate for six months and in the remaining period do some rain-fed agriculture. In most of the villages, there are no ponds or water bodies that can sustain them for a whole year. In Dahua, Dulari says that there is a plan to make a pond that will store water through the year.

"Jharkhand laid a lot of stress on IFR when they began and they were filed hastily. In villages where we work, we have analysed the IFR claims and re-applied after reconstituting the Forest Rights Committee," says Birendra.

Where IFR claims have been rightly distributed, convergence with on-going schemes has been initiated. Post-rights convergence improve the livelihood of communities. Santali Devi, after receiving her IFR, got her land levelled through the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). She received seeds from the agriculture department and sowed paddy and pulses on her land.

Oxfam India and NSVK have helped bring *Adivasis* and OTFDs together. "The OTFDs felt that they were going to lose out. This was due to miscommunication from the government. We held joint meetings and explained that they were eligible to file claims just like the *Adivasis*. Earlier there were a lot of clashes between the two groups. Now they have stopped," says Birendra.

## NOTES:

- 1 Oxfam India is part of a global movement working to fight poverty, injustice and inequality. In India, it works in six states.
- 2 The PM was addressing the second PRAGATI (Pro-Active Governance and Timely Implementation) meeting on April 22, 2015 <https://www.oxfamindia.org/blog/natural-resource-management/In-campaign-mode-states-flout-FRA-rules>
- 3 Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 31.01.2017] (MoTA) [http://tribal.nic.in/WriteReadData/userfiles/file/FRA/FRA\\_MPR/MPRJanuary17.pdf](http://tribal.nic.in/WriteReadData/userfiles/file/FRA/FRA_MPR/MPRJanuary17.pdf) [as viewed on March 15, 2017].
- 4 Draft report- Implementation of the Forest Rights Act in Jharkhandl Shankar Gopalakrishnan, Madhu Sarin, Trepan Singh Chauhan, George Monipally. The state government presented this argument at a MoTA consultation in 2012-13, legally there is no conflict with FRA. FRA already recognizes rights

- which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State [Section 3(1) (j) of FRA].
- 5 Vasan, S. 2005. 'In the Name of Law: Legality, Illegality and Practice in Jharkhand Forests'. *Economic and Political Weekly*, 40 (41): 4447-50.
- 6 Draft report- Implementation of the Forest Rights Act in Jharkhandl Shankar Gopalakrishnan, Madhu Sarin, Trepan Singh Chauhan, George Monipally.
- 7 Though NSVK, a sister organisation of Ekta Parishad, and Oxfam India joined hands in 2008, the work on forest rights began in 2009.
- 8 According to the process followed under FRA: The FRCs files claims with the Gram Sabha which recommends it to the SDLC. The claims are then recommended to the DLC which finally approves the claims and distributes the titles
- 9 Ekta Parishad is a people's movement dedicated to non-violent principles of action. They work towards

- building community-based governance, local self-reliance, and responsible government. They are a federation of approximately 11,000 community based organizations and have thousands of individual members. They are currently operating in 10 states working for the land and livelihood rights of India's most marginalized communities (tribals, dalits, nomadic communities, agricultural labourers, small and marginal farmers, etc.). Their work extends to over 20 Indian States.
- 10 Once the rights are recognised in accordance with the procedure under the FRA and FR Rules, a number of cascading rights and obligations result, including the establishment of Committees under Rule 4(1)(e) for the purpose of protection and conservation of the forests, wildlife, water resources and other natural resources in the CFR. [Frequently Asked Questions Under the Forest Rights Act; [http://www.forestrights.nic.in/doc/FAQ%20on%20FRA\\_inside\\_17-12-2015\\_High%20Res%20PDF.pdf](http://www.forestrights.nic.in/doc/FAQ%20on%20FRA_inside_17-12-2015_High%20Res%20PDF.pdf) [as viewed on April 10, 2017]].

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