Fighting neoliberalism

Sanhati

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Women, control of forest through community forest rights and building institutions in context of Forest Rights Act

April 26, 2012

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Today the natural resources land, forest and water are under major attack from neo-liberal policies where the crisis is about a few usurping the rights and access of the vast majority of the disempowered over the commons – air, water, land, minerals and forests. Unsustainable economic development and inequitable growth based on an economy dependent on the use of fossil-fuels and extractive industries — which intensified in the last 60 years — have led to the sharp rise in carbon emissions, way beyond what the Earth can absorb. Climate change has become a serious threat to the poor. In India, widespread and significant impacts of climate change have been noticed in many regions. These impacts adversely affect the urban working poor, the lives and livelihoods of the Himalayan and other hill people, fishing communities and other coastal and island communities, small and marginal farmers and agricultural workers, dalits, women, adivasis, forest dwellers, and other disadvantaged and marginalized communities in different regions. Large scale displacement is taking place in these regions but no livelihood opportunities are given to people instead. On the other hand people are been thrown out of agriculture and large scale migration is taking place from agriculture. State believes that if people remain dependent on agriculture than the economic development will be halted they need to be shifted to other jobs. At the same time the policies of the environment is also being made by the elites and people who have symbiotic relationship with this environment are being alienated from their resource base. The struggle is not only against poverty but it is also against dignity, identity and culture. It is where the women struggle is envisaged, which is the struggle for their survival based on livelihood rights.
On the other hand it is a fact that Neo-liberalism has faced its toughest resistance across the globe from communities protecting their rights over the commons. While the thirst of capital for minerals and fossil-fuels magnifies, so does the resistance to protect these vast tracts of land that are under forest cover and inhabited traditionally by adivasis, other forest dwellers and women dependent largely on these natural resources. And it is also a fact that tribal, dalit, poor and working class women are the ones who are in forefront to oppose the neo-liberal policies adopted by our government. The attack of international capital is unprecedented and so as the opposition by the natural resource based working people also led by women folk is unprecedented. Now it is visibly clear that the next war against the imperialist countries is going to be fought in the arena of natural resources against the loot of resources that started some 250 years ago.

In historical times when there was no concept of nation state the society was the owner of these large natural resources, at that time women were more free. British created myth of nation state that was actually based on eminent domain as a result of which tribal and other forest dwellers were alienated from the forest. The forest was under the eminent domain of British who created Forest Department (FD) and eventually community’s control was replaced by the state control and individual control. In this manner state also assumed a patriarchal role. In agriculture, British created “landlord system” by giving more powers to absentee landlords whereas in forest they created FD as a biggest “landlord.” By monopolizing the forest resources the British also eliminated community rights and established individual rights that got concentrated in the hands of men. The powerful appropriated these resources and poor were forced to sell their labor in the market. The marketization of the resources was done and livelihood resources were traded to fulfill the demands of the industries. More stringent law like Indian Forest Act (1927) was made to keep people away from the forest. Women were the ultimate losers in whole of this process, she lost her control over forest resources to the market forces once these resources were traded.

The tribal society was based on barter system with a strong virtue of “madad” (help in local language). The strength of the barter system was reciprocity and replenishment of the natural livelihood resources by the communities but this reciprocity was destroyed by British and later after independence when these resources were nationalized. The present market system forces people to sell their labor to work below their dignity, this exploitative structure also created difference in labor that generates profit for some big people. The worker is not even aware to whom they are selling their labor. e.g in forest NTFP(non timber forest produce) started vanishing as FD monopolized it, as a result of that big people also started planting NTFP in their field to get profit. Those who were dependent on the forest were losers and those who wanted to make profits were benefited and thus masculinity increased in our society. Senior bureaucrat Sh KB Saxena, Ex. Rural Development Secretary GOI says that,” If market comes between the use of natural resources than women will not be able to defeat heavy nexus of market that is based on exploitation. Women do not have capacity to deal and fight with these giant market forces.” He further says from his experience while he was posted to Bihar that in Santhal Pargana of Jharkhand “a tribal is exploited eight times in the market dealing that starts from moneylender, bank, broker, forest dept, railways, police, to the buyer in the city”. The women in forest were more powerful in family and society that power has been completely weakened by the market. These issues were not dealt by our governments since independence whereas on the contrary the neo-liberal agenda threw the tribal and forest dwelling society in the jaws of dangerous market economy and their rights got very limited and virtually non existent.

If women gets independent rights on the resources there will be development and prosperity and the resources will also be utilized in a much better way. There are two kinds of thought in terms of women rights on natural resources, one that talks about efficiency and welfare, other thought is the women’s struggle for equality and social justice. The first thought is neo liberal agenda whereas the struggle for equality, dignity and social justice is the real struggle of women that should be the prime agenda for women’s rights struggle on the natural resources. But the context of rights of women living in forest area and that of settled agriculture is not same. In forest, women are free, independent, commune linkages are much strong and there is less male domination. There are vast resources and community control in forest thus social and community control can be achieved more in the forest.
Women in struggle especially dependent on the natural resources are also today working on the alternatives simultaneously against this greed and profit market oriented economy to advocate the community governance of these natural resources. Though, it is a very tough fight that women are envisaging, since the fight is not only against the international capital but also against the age old feudal structure of our society, against the patriarchy embedded in such feudal structure and against the privatization of resources. It is a conflict of property vs livelihood rights, private vs community rights, state governance vs community forest/natural resource governance that is now visible in entire forest and coastal landscape of the country. These struggles are very much democratic in nature, much militant who have their own collective political consciousness with clear understanding that there is direct conflict of people with state. The poor women in the forest regions are challenging the state through their collective struggle that might create a big danger in coming future for the greedy and anti people governments who are sold off to imperial interests. This is the context in which present write up is based to discuss the tribal, dalit and other forest dweller women emerging political consciousness in the forest area that are bringing new debates in the fore front.

Women have been denied access to the resources both by state and by the family since women were considered “property” and they were suppose to perform only reproductive role to enhance family. Though our Constitution promulgated “equality before Law” in Article no 14 and “Prohibition of discrimination on ground of religion, race, caste, sex and place of birth” in Article 15, yet she has been denied her equal share in all the natural resources and property and especially land. After independence forest was nationalized and new Indian Government continued the colonial legacy inside forest and thus entire forest region was kept out of land reform policies. The forests were transferred to colonial Forest Department in the name of managing the forest and thus it became biggest landlord of this country against the very much spirit of the Constitution. The lands acquired from big landlords were the lands that were brought under land reform policies. But due to lack in political will to implement this legislation major chunk of land was appropriated by the landlords. The land reform policies adopted by Indian Government, revenue laws and the personal laws were based on discrimination against, landless, cultivating women agricultural force, women collecting Non Timber Forest Produce inside forest. Women were neither recognized as “cultivators”, nor “gatherers” of food. Hence no place was given to women in any of the land reform laws or any other laws of forest1 to protect their social-political-economic rights over livelihood resources. However it was for the first time any special legislation “Forest Rights Act” has been enacted to protect the people and forest resources by granting more control to communities but this legislation also spells very little for women control at a large in the forest area.

Though the State has failed to address the equal rights to women in ownership to all resources, women from poor sections in the unorganized sectors are mobilizing and organizing themselves to snatch away that has been denied to them till now. They are organizing in the forest area not only fighting to take back their livelihood but also resisting the global capital that is taking away their forest, land, water, minerals and causing pollution in the entire area. In other way they are the real fighters to save the ecology, environment and life systems that the elite led environmental lobby has failed to do till now. These struggles are visible in kaimur region of UP, Bihar, Chengera(Kerela), Jharkhand, Himanchal Pradesh, Assam, West Bengal, Rewa (MP), Shivalik region(UP and Uttarakhand).

The struggle inside the forest area has a glorious tradition of some 300 years that was led by forest people, essentially by tribal. It has been led by them, with the tradition of women leadership and that has been essentially democratic. The enactment of Forest Rights Act 2006 (FRA) is result of this historic struggle. It is actually after so many years the enactment of FRA has created a democratic and political space inside the forest area that was denied to people in these last 250 years since British invasion. This is the major contribution of FRA, it is a secondary concern whether people will get their titles or not but it is quite evident that their political assertion will lead them to attain more than just mere titles. And this political assertion can be seen collectively present in women of forest areas across the country. It is for the first time that special Act talks about the rights of the forest people and this legislation has recognized the equal rights of women in forest area both in individual and community rights. Though the Act is not very vocal on the various provisions of the rights of women separately but inclusion of women equal right clearly shows that women plays major role in conserving the resources and they heavily depend on the forest products for their livelihood. It is now a challenge how to
use these provisions in favor of women to make them stronger so that they take a larger control over the forest resources through this legislation.

We have seen that naturally “Forest” is synonymous with “women” and so as “women” with “forest”. Women spend almost 80 percent of their time in collecting fuel wood, fodder, grass, NTFP (Non Timber Forest Produce) etc from the forest. They are more close to nature. We can see that in various forest regions the sex ratio is higher and must be higher in previous times also as women were not totally dependent on families for their food, they would depend on forest for food and livelihood for their entire family. Women in forest were more independent as forest acted like a big reserve of food security for them. But forest women also have been enslaved after these resources were privatized by the state.

Ramshakal, a tribal from village Manbasa, sonbhadra, UP says, that earlier when we use to feel hungry our parents use to send us to forest but now when a tribal child feels hungry he runs towards house. This simple statement is very good analysis of how tribal economy was based on forest.

There is a major shift in the tribal and other forest dweller food sovereignty in last four decades which is due to depletion of forest. The depletion of forest has resulted adversely on the health of women and of the entire tribal and forest people. It was in the forest only that traditional health healers use to treat the ailments and illnesses with their traditional knowledge but since the shift of forestry to commercial forestry the traditional health practitioners also went into oblivion. The state promoted commercial forestry in last six decades that completely changed the ecology of the forest, such monocultures prevented the grass, shrubs, herbs to grow naturally. In other words the monocultures have destroyed entire biodiversity, flora and fauna of various regions.

There are very good opportunities for women in FRA, if used properly it can give altogether a new dimension to conservation, management and governance inside the forest area. Section 3 of the Act talks clearly about the individual and community rights. The women bargaining can be much stronger in the community forest rights that are the domain where larger control can be achieved by women. The resources will also be safe in the hands of women that are very much linked to her security in the family as well. It has been experienced by us that the individual title issued in the names of both husband and wife has strengthened the confidence of women. The Act doesn’t discriminate between single and married women, in various places such as in UP, Tripura, titles to single women can only be effectively achieved where there is strong movement. Since the title in inheritable and not salable she can exercise more control within the family and her assertion will also increase. FRA also talks very clearly in its preamble to mitigate historical injustices done against the forest people, this is a very good context that can help women to exercise their control over the forest resources.

The community forest rights are the place where women can exercise maximum control. But due to lack of political will this very aspect of the Act is not properly implemented across the country. Main impediment in implementation is the forces that are conniving together such as Forest Department, feudal, corporate, mafias, bureaucracy and the governments. There is fear on the part of the state and Forest department (FD) that if the forest land goes to the community the state’s hold on these resources will be let off and they will not be able to bargain with the big companies for their vested interest. Where as there is conflict of people with the state in this space only, FD holds 23% of the total land mass of this country of which forest exists only in less than 9 % of area.

It has also been realized by women that the governments are not showing any political will to implement this Act in its true spirits and hence it is their responsibility to take control over and snatch away their rights. Women in various forest regions are coming together and struggling for their rights, they are uniting, forming associations and organizations and challenging the state motive to do commercial forestry with Japan International cooperation with huge FDI in this very domain where the community forest rights have to be filed by the community. Women everywhere are opposing Joint Forest Management (JFM) programme that is being imposed on forest people so as to defeat the FRA. The FD is very conscious of the fact that in this new Act very minimum role has been assigned to them due to this they fear that they will lose their control over the resources that they enjoyed since colonial days.

Sh. K.B Saxena says that women struggle is at three places:
1. Against the government
2. Against the male domination in the society
3. Against the feudal, capitalist and ruling classes.

The struggle of resources are local and national so it is very important that we are aware of each and every aspect and accordingly the strategy needs to be prepared for women’s control over natural resources and their “dakhal” (possession) in the forest governance.

The conflict that is visible in forest areas is becoming more intense with the women assertion. In various women are challenging the “eminent domain” of the State and are opposing by reclaiming their lost political space i.e by taking “dakhal” (possession) of land taken away by State in historical process. Women in various areas and has formed “Women Forest Rights Action Committee” (WFRAC) to take direct possession of these community rights through strengthening their organization. In various areas such as sonbhadra, khiri in UP, chattisgarh, orissa many such community initiatives have come forward where the commercial plantations are being opposed and instead of that women have come forward to do such plantation that are used by the community. In these areas there is intense discussion going on how to safeguard these initiatives, build up the institutions to safeguard these community initiatives and bring changes at the policy level to strengthen the community institutions such as cooperatives.

The formation of WFRAC has brought many good results. The initiative to form WFRAC was brought forth with the help of “National Forum of Forest People and Forest Worker” and made its own independent identity within a very short time. Taking inspiration from this initiative women from other forest area have also shown interest to join this front and actively participate in this.

Our agenda there fore needs to be focused on:

Equal rights of women in the natural resources in all the revenue and forest laws that is still not been incorporated. In this context various amendments are needed in the existing laws and may be new legislation needs to be brought in.

The amendment in Hindu Succession Act 2005 have been though brought in regards to daughters control over the ancestral property but these amendments have still not reflected in the state land laws as land is the state subject. These contradictions should be eliminated and such amendments should be done in all the land reform legislation of the states.

The women should be recognized as the ‘collector’, gatherer, peasant, protector, producer and accordingly various schemes should be linked with her development and special programmes should be incorporated for the development of her children also. One very important component being education that is based on their knowledge system and enhancement of their traditional knowledge.

These land reform legislations and forest laws should also incorporate very important component that should be linked with traditional health system and should be part of these legislation. Women should be specially trained in this and should encourage becoming para health medical practioners.

Case study: Programme taken by women of Kaimur in forest area – Reclamation of land and plantation of forest

Hundreds of trees useful for people like Neem, lemon, sehjan, amla, jamun, mango, seeds of chironji, mahua were planted symbolically in subdivision and District Court premises on 4th July 2011 by thousands of tribal women and men to protest against the plantation drive by Forest Department funded by Japan based company JICA. This plantation programme by tribal has been taken in massive scale under the banner of National Forum of Forest People and Forest Worker and local organization Kaimur Kshetra Mahila Mazdoor Sangarsh Samiti in all the lands that were reclaimed by tribal in Kaimur region of Sonbhadra, UP, Jharkhand and Bihar in last few years. This 5 million JICA project is being imposed to obstruct the implementation of new Act Forest Rights Act (FRA), that talks about historical injustice inflicted on forest people and recognizes their individual and community rights. The Forest Department that holds 23% of land in entire country is afraid that if this Act is
fully implemented the department will loose its land that is under their control and also loose its landlordism. There is tough battle going on in these regions between the local communities especially the tribal/ other forest dwellers who are dependent on the forest and the forest department to take control over the vast forests that now falls under the category of ”community rights” according to FRA.

It is to be mentioned here that the movement of reclamation of land in entire Kaimur region during last few years have brought honor to tribal/ other forest dwellers and Forest Rights Act was implemented in its own way by forest people through their movement before it was enforced. After five successful years of this movement, the forest people have been successful in reaping crops and access other forest produce even in the drought years. This produce brought them security of food and livelihood they have left working in the fields of feudal which were using them as bonded laborers. In the forest areas the tribal were pushed away by forest dept and in the villages they were extremely exploited by the feudals who appropriated their ancestral lands also. Through reclamation of their lost forest land they have been able to fight their poverty and have been able to increase their assets too. In this movement women did extremely well by coming in the leadership and fought the repressive state machinery and feudal to assert their constitutional rights.

After tribal attained stability of production of food grains, they have pledged to plant trees to protect livelihood and environment. In as many as 20 clusters where the forest land has been reclaimed by the tribal, women force have planted more than 10000 trees this year which will be in protest against Japan funded JICA programme of plantation drive started by Forest Department (FD). The plantation programme started by FD is through forming Joint Forest Management (JFM) of feudal and upper caste in the village. This JFM committee is working against the committee formed under Forest Right Act, as JFM is not governed under any Act. The plantation by these JFM committees is being done on those lands where forest people are filing their claims according to FRA or where they got titles under FRA. Forest people have given open challenges to these JFM committees.

The class war is being instigated in every village in forest region by FD in order to protect its landlordism. The FD does want to loose its landlordism therefore it is leaving no stone unturned to defeat the Forest Rights Act.

The Plantation drive started by women is a move against this foreign funded plantation to assert their community rights over forest. A massive rally was taken out by tribal women on 4th July 2011 to assert their community rights over forest….Dressed in Red and green sarees each one of them had brought sapling, with these saplings they traveled in entire township of Robertsganj, head quarter of District Sonbhadra. Than women assembled at District Court premises which is also the office of Dy.Collector, the saplings were planted in a big park inside the premises. The plantation was done with lot of enthusiasm, as a festival with beautiful songs sung by women. A big message was spread in the entire region that now forest people will reassert their rights over forest and will not allow any company, Forest department and others to take over their forest.

Women have also challenged the State that if their community rights are not recognized than they will themselves draw maps and identify their boundaries of forest land to take over the possession from Forest Department. Sokalo Panika a tribal women says that the plantation done by FD is total failure, the plantation is being done on papers and JFM is money making committee. Rajkumari bhuiya another tribal women says the plantation done by the JFM committees are of no use to the community, they plant the commercial varieties that is not good for the environment also. The tribal and dalit communities have started serving notices on behalf of FRA to these JFM committees to stop such plantation other wise action will be taken against sec 7 of the Act, that says any one working against the Act shall be punished.

The women give these notices in a ceremonial way that gives shock waves not only to Forest Dept but also to administration that is not serious enough to implement FRA. The women serves this notice in group, dressed in Red saree and paste it outside every office starting from JFM committee to Range office to police station, dy collector and than Collector office. One copy of this notice is sent to State principal sect of Forest, Revenue, Tribal dept, Chief Secretary, Chief Minister and to the Environment Minister and Tribal Affair Minister. Mithailal Gond, a tribal leader says that earlier we were being served notices by FD to vacate our land, now we have got the right and power under FRA hence we will now serve notices to these departments for illegal activities.
They have also given warning and notices of newspaper agencies to write in their favor and stop writing in favor of FD. A multiple pronged strategy has been adopted by forest people to get back their community rights.

Notes:

There is no law basically to protect the rights of people whose livelihood are based on natural resources. The law in forest, fisheries, and mining are geared against people and extracting revenue from these natural resources.

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