



RESEARCH ARTICLE

TRIBAL WOMAN AND EMPOWERMENT THROUGH FOREST RIGHTS ACT – 2006 IN RAJASTHAN

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ABSTRACT

The preamble of the Forest Rights Act 2006 itself acknowledges the injustice done to the communities of Schedule Tribes and other people staying in the forests by stating that there has been an historical injustice done to the Schedule Tribes and other traditional forest dwellers. The Bill was passed by the parliament in the year 2006 for the recognition of the rights of the tribal and other communities who have been staying in the forest for centuries for their main livelihood. It mainly recognises ones community rights over the land they have been sustaining for their livelihood but also the women's rights who are also part of the family as a main unit. It entitles the ownership of land in the name of both men and women in a house hold thus trying to empower the women who are historically discriminated by the men. The present research paper tries to find out the impact it has done so far to women in Southern Rajasthan who got an equal share in availing the land rights same with the man whom she got married to. Upon collecting the data and through our observations in the field, we found that the Tribal women indeed got a say in the politics of development that men used to dominate, through the help of some of the community organisations present in the villages.

INTRODUCTION

Rajasthan is one of the historical place in the Indian state. It is also known for the history of the many great Hindu warrior like Maharana Pratap and the queen Padmavati, after all this Rajasthan also have many ST population. According to the Census of India 2001 it represent that Rajasthan has 12.56% of the ST population of the total population of the Rajasthan. It is also known as for the most patriarchal state and cases of female foeticide in Rajasthan are high it more high in the district like Jaisalmare. Social structure of the Rajasthan has always given more preference to the male. That was the main reason for the female foeticide. According to the census of Indian 2011 sex Ration of the Rajasthan is 928 woman out of 1000 man. According to the state forest report 2015 it shows that Rajasthan has 32,337 square/km. That forest area constitute the 4.28% of the total forest in the India. In all over Rajasthan they have reserve forest- 12,475 square/km, protected forest- 18,217 square/km and unclassified forests area is 2,045 square/km. In the unclassified forest are people can go for the open grazing and they can cut the tree but in the protected forest local tribal people who are living from the many years they can get the land and they stay inside the forest under the forest right act and they can sell the forest product for their livelihood. As for this research we conducted the study in three district. Banswara- Banswara district is located in the southern part of the state of Rajasthan. It has an area of 5037 square kilometre and lies between 23.11° N to 23.56° N latitudes and 73.58° E to 74.49° E. longitudes. Its height above sea level is around 302 m.

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- Population-1797485
- Rural-1669864
- Urban-127621
- Male-907754
- Female-889731
- Sex Ratio (980Females per 1000 males)
- Literacy rate of Banswara in 2011 were 56.33.
- ST population- 72.27.

Udaipur

- Location: Udaipur District, Block- Kotra, Village- Gond, Gond (Ahavali), Maldarkhurd, Sarlinal.
- Area: 11724 (Square kilo meter)
- Total Households:
- Total Population: 3,068,420
- Population Density(per sq.km): 262
- Literacy Rate:61.82
- Sex ratio- per 958 female per 1000 male
- ST population- 47.86.

Sirohi

- Location: District- Sirohi, Block- Pindwada, Village-
- Coordinates: Latitude:
- Area: 5136 (Square kilomeate)
- Total Population: 1,036,346
- Population Density(per sq.km): 202
- Literacy Rate: 55.25
- ST population- 24.76.

Characteristic of southern Rajasthan: Located between-Rajasthan is positioned between 23 degrees and 30' and 30 degrees and 11' on the northern latitude and 69 degrees and 29' and 78 degrees and 17' on the east longitude. Total Area-342,239 km². Average rainfall- 50cm in South Rajasthan near the Aravali hill range Pali District. Not all the districts are the extremely fertile but they have less water in ground but some of the District have good water for the irrigation through cannel like Sirohi District. Mineral and ecological rich area.

Administrative area under studies

State- Rajasthan
 District- Udaipur, Sirohi and Banswara
 Block- Kotra, Kusalgarh, Jhadol, Girva, Pindwara
 Village- Parevi, chhatarpur, Devpura, Palawada, Sera Nayan Bara, Paduna, Jabla, Ratnmal. Badlakirell, Basadi, Dhartara.

Statement of problem: Forest right Act (2006) bill was passed in 2006 by government of India. After this bill many tribal communities they got it the land inside the forest so from that time they can cultivate land and they can earn some money for their livelihood. But through this Act how much a tribal woman got empower? It was difficult to identify this issuebecause in Rajasthan one man have almost two or more than two wives. So in that case after marrying to the other woman the other woman she use to become single and for that she has nothing for survive her life and on the land which is given by the government that is registered only in the name of Man only. Then later on tribal woman they started demanded their own name also in the land and this was the wonderful change in the tribal woman also for the single woman and all this process gave a little space to the woman in tribal societies. So that the study area was the how much woman know about the Forest right Act?

Objective

- Re-evaluation of the implementation of the FRA Act (2006), in southern Rajasthan reference to tribal woman.
- To understand the social status of tribal woman in regard to their norms, value and perception with respect to resource accessibility and right of the PATTA.
- To evaluate the village awareness for the FRA and FRC with reference to PESA Act and woman participation in mass mobilisation.
- To conduct a brief survey of their livelihood in order to access their economic limit and understand their social capital status and limitation to access to public benefit

METHODOLOGY

The Purpose of any research method is to find answer some question and get new knowledge. Basic research advances fundamental knowledge about the social world. Research is the source of most new scientific ideas and ways of thinking about the word. It can be exploratory, descriptive, or explanatory; however, explanatory research is the most common. It provides a foundation for knowledge and understanding that are generalize able to many policy areas, problems, or areas of study. (Neumann, W. Lawrence: 1997) For fulfilling the purpose of research we use different methodology. Research design- The design is a logical sequence that connects empirical data to study's initial research question and ultimately, to its conclusion. (Darko 2004: 134).

Research design is two types fixed and flexible research. Fixed research mostly understood by quantitative and flexible research understood by qualitative research. In this research has used both fixed and flexible method.

Sampling Method and sample covered- This research study conducted in the Rajasthan state in that by the organisation we got the three district to conduct our survey. Respective districts were Udaipur, Sirohi, and Banswara. Also in those district we got the different blocks and under that villages. As for our better understanding we choose the 100 sample to find out the objective of this report. All this we collected in the three local Aastha people's organization. Respective organization name was- Aadivasivikas Manch ,Kotra. Vagadmazdoorkisansangathan, Banswara and Aadivasi Mahila Jagriti Sangathan- Udaipur.

Tool for data collection: Main tool for data collection was survey interview. It was structured interview. According to our objective question was in the questionnaire. Also for our general understanding we asked some unstructured question related with the course and better understanding of the tribal life and related with their livelihood practices. Also for the understanding of the village we had a depth interview with the local field coordinator and the local head of the people's organisation.

Forest right Act (2006): It is just not a law for the tribal people but it is a recognition of the right over forest of the tribal people. There is a long battle for the rights over forest. It started from during colonial period. We can understand through the BirsaMunda fight with Britishers. Also after Independents India was not so in favour of the tribal of so called vulnerable people their policy was the same like Britishers policy over Forest and other Natural Resources. From 1947 to 2005 many law came for the wild life and related with the forest but all this was not granting the land under the forest to the tribal people then in 2006 Forest right came in favour of the tribal people. This law has in favour of the tribal people but also with the many term and condition like there is no possibilities of co-existence.

Villagers has to move from that area, but in India many states like Karnataka people got displace from the native place but they didn't get the all the rehabilitation and settlement compensation. In the same state in the reserve area people they didn't move from the tiger reserve area and actually it leads the number of increasing tiger in those areas so it is the example of the co-existence is possible. Management Programmes were implemented from 1990 onwards with people participation. Until then there was mistrust about how forests are being managed and people felt alienated especially in forest areas where tribal are living in large numbers. Post-Independence most of the forests have degraded and when the government started course correction in 1990 onwards we are coming across the idea of people's rights over forest land and forest resources. There has been a long struggle for the land that they are dependent for their livelihood and survival. There are some dateline of the forest right Act from Britishers to Indian government but still on ground nothing has been changed. In 1982 Britishers made it forest rule in that they announced the total protection of the forest after that they started extracting the resource from the forest so that extracting the resource they need labour so for that they established many village inside the forest.

After that in 1927 Indian Forest Act 20 and 29 they announced the full conservation of forest including all the land in which the local forest dweller were doing farming and the Britishers they gave very limited right to the local forest dweller communities and they recognize all the farming land under the forest but in the 1927 Act it was mention that people who are using the forest land for farming it will come under the denotified and they can cultivate land for farming. After independence also it didn't change those land was under the forest conservation so that was the main reason still local forest dweller they can't recognize their own land. Forest conservation Act, 1980 came and it also fail to recognize the right of the forest dweller and in this Act also they did the same like the Britishers did in past.

Legal Aspect of FRA: The legislation was passed in December 2006 It concerns the rights of forest-dwelling communities to land and other resources, denied to them over decades as a result of the continuance of colonial forest laws in India. The Act grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws.

Rights under the Act: Title rights – i.e. ownership to land that is being farmed by tribals or forest dwellers subject to a maximum of 4 hectares; ownership is only for land that is actually being cultivated by the concerned family, meaning that no new lands are granted. Use rights – to minor forest produce (also including ownership), to grazing areas, to pastoralist routes, etc. Relief and development rights – to rehabilitation in case of illegal eviction or forced displacement; and to basic amenities, subject to restrictions for forest protection. Forest management rights – to protect forests and wildlife. Eligibility to get rights under the Act is confined to those who “primarily reside in forests” and who depend on forests and forest land for a livelihood. Further, either the claimant must be a member of the Scheduled Tribes scheduled in that area or must have been residing in the forest for 75 years. Process of recognition of rights: The Act provides that the gram sabha, or village assembly, will initially pass a resolution recommending whose rights to which resources should be recognised. This resolution is then screened and approved at the level of the sub-division (or taluka) and subsequently at the district level. The screening committees consist of three government officials (Forest, Revenue and Tribal Welfare departments) and three elected members of the local body at that level. These committees also hear appeals. Under the FRA, the government is also supposed to divert forest land for developmental schemes and programs such as schools, primary health centres, anganwadis, fair price shops, electric and telecommunication lines, drinking water etc. As per the information collected till now, 41,89,827 claims (40,50,131 individual and 1,39,696 community claims) have been filed and 18,24,271 titles (17,59,955 individual and 64,316 community claims)¹ have been distributed. A total of 36,51,414 (87.15%) claims have been disposed of². Some of the states are functioning very well in the favour of Forest right Act and like Rajasthan and Andhra Pradesh. In same like Bihar and other north eastern states these rights are functioning well.

Woman and Land: Historically, in most communities, women were allowed to inherit land only in the absence of

male agnates. According to some customary tribal rights, women can demand land for “maintenance” in the case of daughters and parental property and widows but ownership is not her prerogative. Customary laws have therefore emerged as sites for power contestation, and the alternation of gender relations with the ‘personal is political’ dictum has effected an improvement in women’s access to land rights. The women rarely have individual claims; the men are seen as household representatives. One of the main failings of the FRA is that it provides for the issuance of deeds to single men or married couples. The Act has provisions for joint ownership i.e, property can be on either spouses name, It is silent about the rights of single women, whether widowed, deserted or not yet married. The dominant assumption is that developmental plans targeted at a given household ensures that the benefits of the resources are shared equitably. The power structures at the household level have been undermined while conceptualising women’s access to schemes and their level of articulation about rights. Androcentric planning orders, the concept of a unitary household and the gender neutrality of development interventions and legislations is what has hampered women’s accessibility. Due to political agenda and election pressure, pattas in this region have been issued by the government on women claimants names with a definite strategy in mind.

Gender and other aspect of the the tribal woman in southern Rajasthan: As we know that Rajasthan is mostly know by the pride state and this pride comes from the upper caste Hindu great warrior where woman has no space in the society. Female foeticide rate is also very high in this state. But this research work was in tribal area comparing with the Hindu society woman in the tribal society woman has little bit space to come out from the Patriarchal issue but anything special we didn't find in tribal societies same still they have to cover their face before talking with any man. Under the Fifth Schedule of the constitution, areas have been demarcated as predominantly tribal areas. The most important provision is that no land or immovable property can be transferred to persons other than tribal, the PESA Act, or the 73rd amendment was enforced in order to provide supreme powers to traditional local institutions in tribal areas called gram sabhas. The Forest Rights Act is the third law that ties in with the existent legal framework to ensure that these indigenous communities have rights over land that has been in their possession for centuries. Despite all these provisions, the adivasi woman remains largely ignorant of what’s happening to her ‘statuses. Her space has been confined to household duties and cultivation or gathering of forest produce and hence for years she has not been able to comprehend the possibilities that lay beyond her traditional role. Most of the information is gathered by the men only and woman do only in field and other house work. By the organisation in a year they use to organise Mela as an awareness camp for the tribal woman.

Sr, No	Individual	Community
1	40, 89, 035	1,48, 818
Total	42.37, 853.	

Source-Ministry of tribal affairs

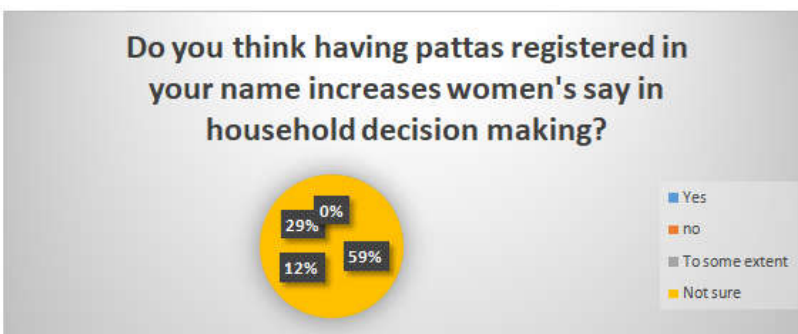
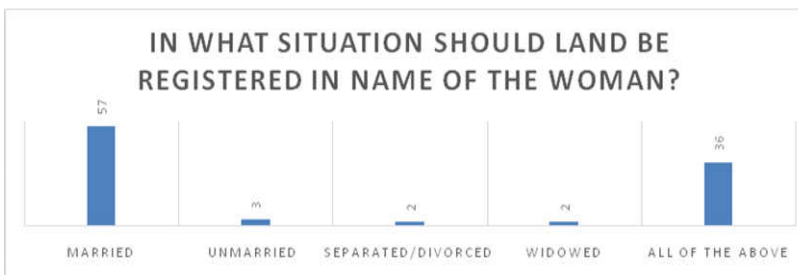
Sr, no	Individual	Community
1	1887894	76154
Total	1964048	

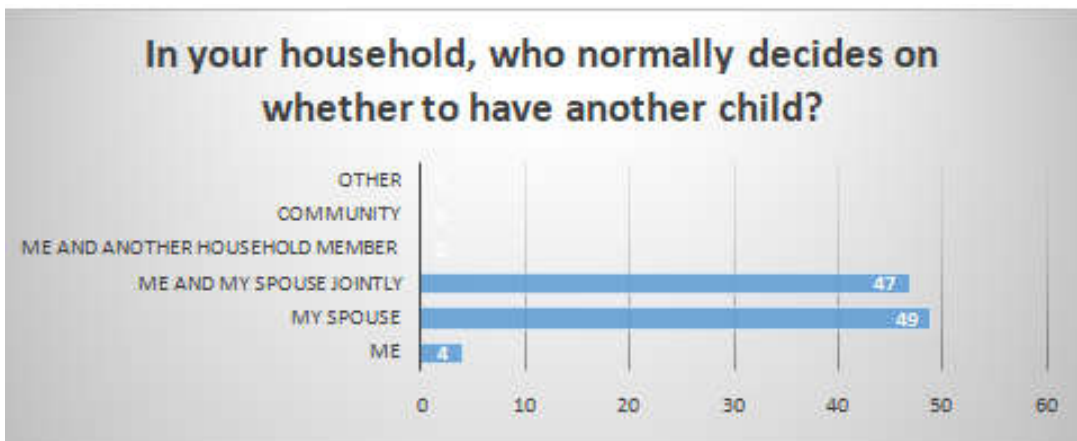
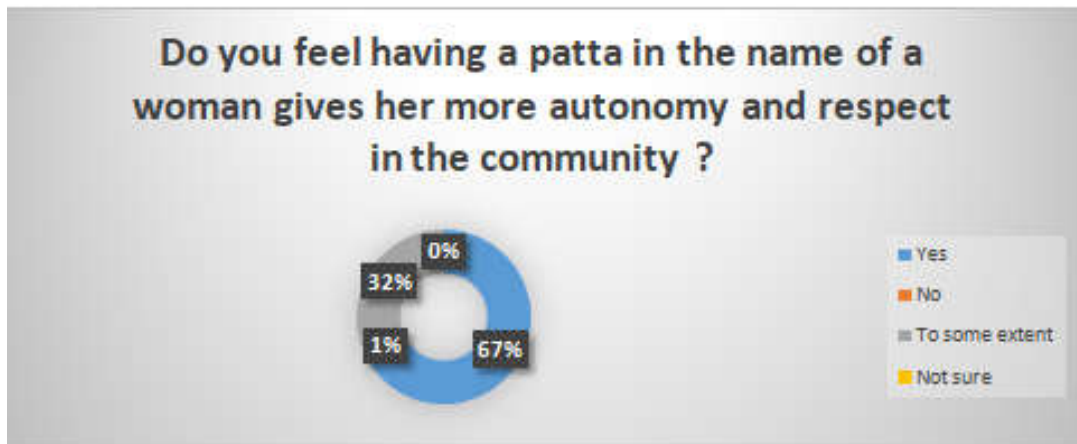
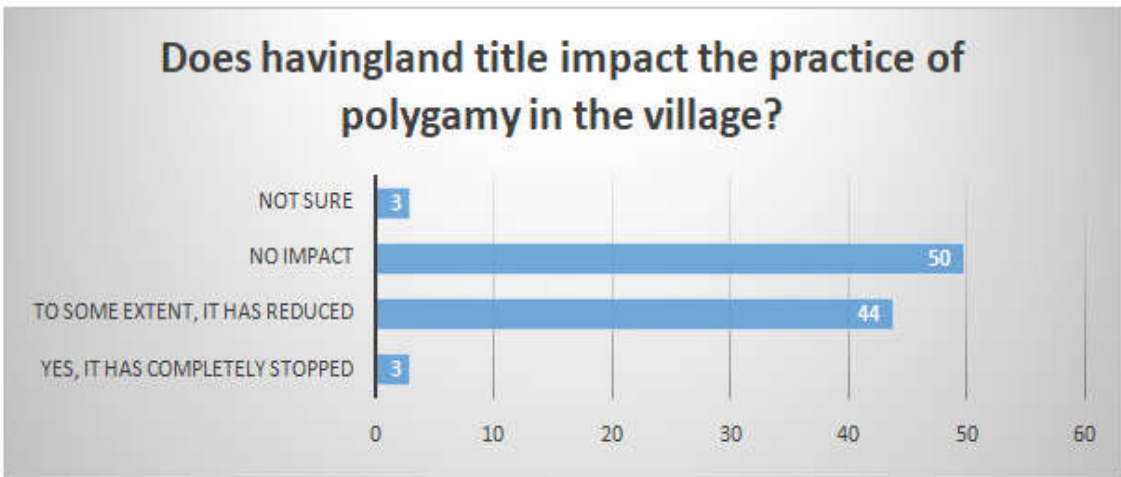
State wise performances of FRA: According to the Tribal Ministry of India they have updated the land distribution to the tribal under FRA act 2006 As per the March 2019.

¹<https://tribal.nic.in/MPRnAddit.aspx>

Sr, no	State	No of claim received up to March 2019			No of title distributed up to March 2019			Extent of forest land for which title has been distributed (In Acre).		
		Individual	Community	Total	Individual	Community	Total	Individual	Community	Total
1	Andhra Pradesh	177446	4062	181508	96675	1374	98049	239554	453384	692938
2	Assam	148965	6046	155011	57325	1477	58802	NA	NA	NA
3	Bihar	8022	0	8022	121	0	121	NA	NA	NA
4	Chhattisgarh	858682	31558	890240	401251	21967	423218	843100.69	2038146.15	2821246.84
5	Goa	9758	378	10,136	17	8	25	76.60	10.25	86.86
6	Gujrat	182869	7187	190056	83699	3516	87215	129571.61	1161351.49	1290923.10
7	Himachal Pradesh	2071	170	2241	129	7	136	5.96	4670.56	4,676.52
8	Jharkhand	107032	3724	110756	59866	2104	61970	153395.86	103758.97	257154.83
9	Karnataka	275446	5903	281349	14667	1406	16073	20813.51	28155.75	48969.26
10	Kerela	36140	1395	37535	24599	NA	24599	33018.12	NA	33018.12
11	MP	582927	42048	624975	226313	27962	254275	812345.19	1465013.16	2277358.35
12	Maharashtra	362679	12037	374716	165032	7084	172116	392928.73	2736660.68	3129589.41
13	Odisha	617935	13826	631761	430212	6564	436776	642542.12	235205.91	877748.02
14	Rajasthan	74414	1441	75855	38007	103	38110	57730.26	2993.64	60723.90
15	Tamil Nadu	32983	1005	33988	6111	276	6387	8607.26	0	8607.26
16	Telengana	183252	3427	186679	93639	721	94360	300284	454055	754339
17	Tripura	200358	277	200635	127931	55	127986	460049.16	91.16	460140.33
18	UP	92520	1124	93644	17712	843	18555	18854	120802.06	139656.06
19	Uttrakhand	3574	3091	6665	144	01	145	0	0	0
20	West Bengal	131962	10119	142081	44444	686	45130	21014.27	572.03	21586.29
Total		4089053	148818	4237853	1887894	76154	1964048	4133891.33	88,04870.81	12938762.14

Source- Ministry of tribal affairs.







And out of 42, 89 035. Details given below represent the distribution of the Land entitle to the tribal peoples in all over the India. Through the data claim by the ministry we can see and analyse that a total of claim and total of distributed there is a difference of – 2273805 including total claim. The reason behind is that this a government procedure it takes much more time and clearance from the ground. In many case the claim filed by the tribal for individual or community forest is not valid due to many reason. Many of the time doesn't happen because of the corruption. Local staff who distribute the land entitle. He always ask money from the tribal community for the paper. Due to this reason they did not get the land entitle. Many of the time the tribal people without the approval of the land entitle they started constructing homes and due to this reason many officer they don't give them land entitle. During my field visit in Rajasthan I found that tribal people having more than one wife and they demand land entitle accruing to their wife. Due to this situation it always gets delay that many of the tribal didn't get land.

Details given below represent the state wise claim of the land entitle of individual and community level. If we See and analyse the data we can find out that most of the state where tribal are in huge population they have good amount of claim and received of Individual as well as community forest. E.g. state- Chhattisgarh, Maharashtra, Gujrat, Odisha and Tripura. All these state has good number of claim as well as received. One state Karnataka where the total claim for the land entitle is 281349, whereas for distribution it shows only 16,073. Somewhere there is difference either the tribal who are claiming for the land they are not the real tribal or due to the political agenda tribal are not getting land. Because Karnataka forest has rich mineral resource. According to 2001 census of India report represent that there are total 34.64 lac tribal population are in Karnataka. According to 2001 population we can imagine that there will be more population of tribal in 2019. SO we can easily understand here that how the tribal are not getting the land entitlement. Also there is one more reason that due to the reserve forest and endanger animal government

official are not allowing to the tribal people into reserve forest. If we see the data of Andhra Pradesh, Gujrat, Chhattisgarh, Madhya Pradesh, Rajasthan and Odisha there is more than 75% land entitle has been given to the tribal population and there is only one reason that people and the civil society organisation in these state always involve in advocacy for the tribal population. In this case 66 woman out of 100 think that yes land should be registered in the name of woman and 16 think that no and 18 they are not sure about it. 66 woman think because the moment we ask question they thought we are asking about their empowerment that is why 66 is their out of 100. Most of the woman think that when woman are married then only land should be registered in the name of woman because it is pleasure to share social asset with their husband. Very few are the other and unmarried only in rare case like the widow woman or the single woman says radically that without man also land should be the registered in the name of woman because Rajasthan is states where one man is having 2 or three wives and they don't know when their husband are going to leave so it is always good that land should be registered in the name of woman. More than 50% woman that it increases the decision making in the household and in the same almost 30% woman think that to some extent it leads towards decision making processes in household. Because PATAS anyhow it empowers them through the local people's organisation.

More than 75% woman think that it reduces the domestic violence in the family because through this process woman participate through in various mela and other social activities which is usually organise by the civil societies organisation. Through these kind of activities women are more powerful in this regarding. Do you fell having Patta in the name of a woman gives her more autonomy and respect in the communities?. In your household, who normally decides on whether to have another child? Have you witnessed or experienced physical violence in your family (in last 12 month)? Do you know about your rights under FRA Act, 2006? Do you know the appeals process if claims are rejected by the Gram Sabha? What was your complaint related to?

Conclusion

Forest Right Act 2006, it is not much more successive on the reality many of the government officer they don't know that land should be the name of both men and women, because during our field visit we found that many of the land title doesn't have woman name.

There are many things like no road facility, electricity and schools are not available in those forest area. Gram-Sabha it also doesn't work properly again it is in the hand of the powerful person of the village. In three district of the Rajasthan in our field areas of working we didn't find any case of the community forest right, people have the individual forest right over land, because individual forest right plays a politics role in that before the election local leader promises that they will demand the district collector for their rights over forest land. The main failure of the FRA is the people are unaware about their right, illiteracy is the main important reason of that. Woman they don't know about their rights over forest right and other rights like PESA, and reservation in Gram-Sabha. Over all it is in favour of the tribal and non-tribal indigenous people but implementation of the Act is very big question and in the India it is always a big question about implementation of the any Act and policy.

REFERENCES

- Bhullar, Lovleen. „The Indian Forest Rights Act 2006: A Critical Appraisal“, Law, Environment and Development Journal (2008), Vol- 4/1, p. 20.
- Chaudhary, S.N. 2010. Tribal Economy at Crossroads, New Delhi: Rawat. Kelkar, G. and Devnathan, 1993, “Women's Law Rights and Witches” in M. Miri (ed.), Continuity and Change in Tribal Society; Shimla: IIAS.
- <http://fra.org.in/>
- <https://tribal.nic.in/MPRnAddit.aspx>
- Savyasaachi (2011) „Forest Rights Act 2006: Undermining the Foundational Position of the Forest“ in Economic & Political Weekly, April 9, pp. 55-62.
- Veena Bhasin, ‘Status of Tribal Women in India’, 2007.
