

A Study on Women Entitlements in the Forest Rights Act, 2006 in Dumbriguda Mandal, Vizag.

**Conducted for CRY Net
Collective and Samata**

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1.1 Introduction

Nestled in the hills of the Araku region in Vishakapatnam district of North Coastal Andhra Pradesh, a cluster of hamlets administratively known as Dumbriguda mandal is home to the Nookdadoora, Kondadoora, PTG Kodhu and Dhuliya tribes. The erosive effects of modernization and land acquisition for “public purpose” have pushed these communities to the fringes of existence, mainly because of the exploitation of the forests on which these tribes are dependent on for livelihood, subsistence and security. Within these shrinking boundaries they strive on an almost daily basis to manage with the piecemeal provisions given to them by the government.

An estimated 147 million villagers live in and around forests and another 275 million villagers depend heavily on forests for their livelihoods. Additionally, 170,000 villages with a total population of 147 million have forestland within their village boundaries (FSI 2002). Hundreds of thousands of families have lived for decades in the fear of eviction, or denial of access to forest resources, since these have never been recognized as legitimate in the eyes of the law. Tribal communities, the custodians of ecological balance who know the forests inside out and who have coexisted with natural elements since time immemorial are now treated as ‘encroachers’ on land that has been merely ‘there’ and a part of their being, not a possession per se. The concept of ownership was constructed in their psyche over the years with oppressive laws such as the 1952 Forest Policy, The Forests Conservation Act 1980, the National Forest Policy of 1988 etc which essentially reiterated that the land whose soil they had known since the beginning of time was not in fact their “own”.

The study attempts to locate the intersection between gender and tribe within the broader framework of land rights in forest areas. The lands demarcated for claims have been on women’s names in the area under study and the paper traces the reasons for this method of allocation by analysing responses of 60 women. An evaluation of the awareness level of the law, supplemented by the deconstruction of the concepts of rights, ownership, power, equality and control in gender spaces is attempted in order to understand the implications of gender spaces in law.

Geographical Area

Location: Vishakapatnam district, Andhra Pradesh

Coordinates: Latitude: 17° 41' 60 N, Longitude: 83° 17' 60 E

Area: 11,161

Total Households: 887,003

Total Population: 3,823,336

Population Density(per sq.km): 343

Literacy Rate: 59.96%

Table 1.1(a) Population and Sex Ratio

Sex Ratio	Child Sex Ratio	Population		SC Population		ST Population	
		M	F	M	F	M	F
985	976	1,930,197	1,902,139	146,813	144,406	278,399	279,173

Source: Census 2001

Table 1.1 (b) Administrative Divisions

Mandals	43
Mandal Parishads	39
Villages	3,294
Inhabited villages	3, 108
Uninhabited villages	186
Urban Agglomerations	2
Towns	9
Statutory towns	4
Non statutory towns	5
Out Growths	8

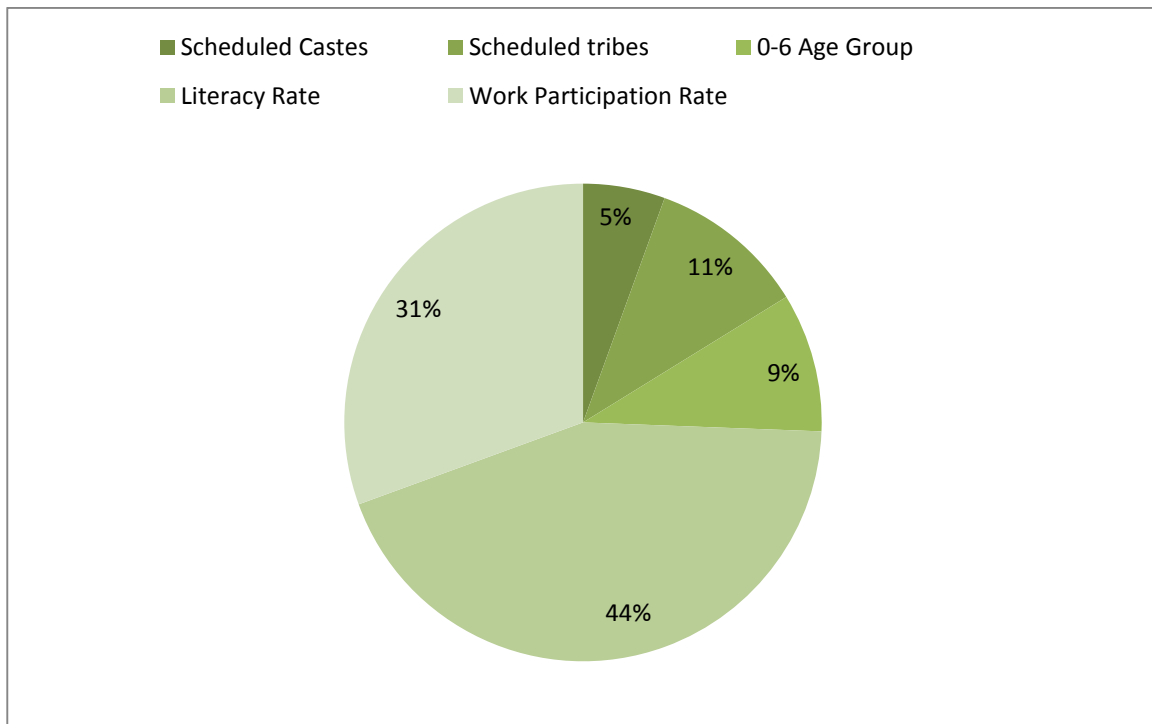
Source: Census 2001

Table 1.1(c) Work Participation

	Persons	Male	Female
Literates	2,002, 316	1,171.082	831,234
Total Workers	1,602,761	1,069,542	533,219
Main Workers	1,305,584	931.810	373.774
Marginal Workers	297, 177	137,732	159,445
Non Workers	2,229,575	860,655	1,368,920

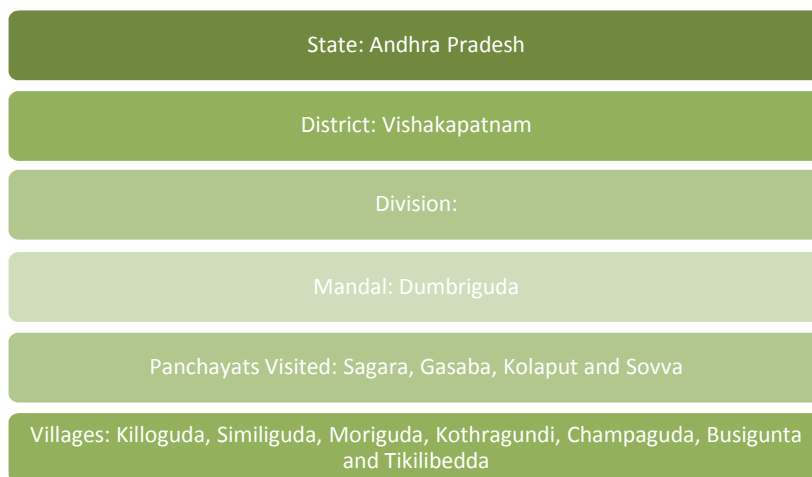
Source: Census 2001

Figure 1.1: Percentage to Total Population



Source: Census 2001

Figure: 1.2 Administration of the Area under Study



Characteristics of Eastern Ghat Region

- Located between 11° 30' and 22° N latitude and 76° 50' and 86° 30' E longitude in a North-East to South-West strike.
- Total area: 75,000 sq. Km
- Average Rainfall: 1200mm
- Extremely fertile, lower elevation than the western ghats, watershed of many rivers

- Granulite belt, mineral rich
- Ecologically critical

Table 1.2 Demographic Details of Dumbriguda Mandal

Code	Mandal	Households	Total Population	ST Population	SC Population
0003	Dumbriguda	9, 650	44, 873	41, 928	267

Source: Census 2001

Tribe

The most organised and catastrophic waves of dispossession that millions of people in India had to face were the enactment of forest and conservation related laws in pre- and post-independent India. Management of natural resources that excluded local people was endorsed by the colonial government in the 19th century. In the 1800s, the colonial government started the process of “survey and settlement,” which essentially meant documenting the land that was under the private ownership of individuals and state takeover of the rest of the land and resources (Rangarajan 2000).¹

Alienation from homelands has fostered cultural dissipation and magnified the marginalisation of these vulnerable groups. The tribes in this area practise *podu* or shifting cultivations along with crop rotation. These methods of farming are purely organic and the area produces over 62 varieties of organic seeds. As per these laws, a family that farms on 8 acres of land can be ordered overnight to farm on 0.50 cents of land. This space can logically grow not even a single crop. These basic logistics have drastically altered the economic conditions of these people. Their social conditions are shaped by shades of deprivation of a shadowed existence. The denial of their basic rights and the sheer inaccessibility both physically and legally to basic provisions is responsible for their current socio economic condition. They occupy remote spaces both in geography and in the government’s priority list.

¹ http://www.kalpavriksh.org/images/LawsNPolicies/IGES_FRAPaper_Aug2009.pdf

Table 1.3: Village Profiles

Village	Tribe	Language
Similiguda	PTG Kodhu	Kui Basha
Tikilibedda	PTG Kodhu	Kui Basha
Killoguda	Nookadora, Dhuliya, Kondadora	Oriya, Telugu
Kothragundi	PTG Kodhu, Nookadora, Kambari	Kui Bashan, Oriya, Telugu
Champaguda		
Busigunta	Nookadora, PTG Kodhu	Oriya, Kui Basha, Telugu
Moriguda	Kondadora	Oriya dialect

Table 1.4: Panchayats of Villages Surveyed

Name of Panchayat	No. of Villages
Sagara	16
Sovva	22
Gasaba	13
Kolaput	11

Table1.5: List of Governmental Schemes

Name of Village	Housing	Old Age Pension	Education	Water	Job Security	Food	Micro Finance	Land	Health
	Indramma Patrika*	Indramma Patrika**	Sarva Shiksha Abhiyan ITDA** *	Gravity Scheme	NREGS	Ration Cards Issued Grain Banks	SHGS Abhaya Hastham+ +	FRA	Primary health centers 108 and 104 for emergencies+
Killoguda	✓	✓	✓	✓	✓	✓	✓	✓	✓
Champaguda	✓	✓	✓	✓	✓	✓	✓	✓	✓
Busigunta	✓	✓	✓	✓	✓	✓	✓	✓	✓
Moriguda	✓	✓	✓	✓	✓	✓	✓	✓	✓
Similiguda	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tikkilibedda	✓	✓	✓	✓	✓	✓	✓	✓	✓
Kothragundi	✓	✓	✓	✓	✓	✓	✓	✓	✓

Note: All Tribe Certificates have been issued to avail constitutional guarantees and benefits

* Integrated Novel Development in Rural Areas and Model Municipal Areas

**Indramma Patrika for Housing Schemes

***Girijana Abhirudhi Samsatha

+ Community Health Workers Nominated, Rs. 500 per month issued for health concerns, Medical Social Workers

++Rs 30 per member, 10- 15 members

Forests and Legal Aspects

The Forests Rights Act 2006, henceforth FRA, is a major opportunity to strengthen economic and social security of tribes and other forest dwellers. The act also attempts to facilitate their political empowerment thus giving them a basis to participate in various processes so that they have an equal stake in as citizens of this country. Awareness of their rights ensures that they don't remain mere afterthoughts and that they assume visibility after decades of shadowed existence. The act aims at restoring traditional rights of forest dwellers and maintaining ecological balance so crucial to the forest areas. Further, the act talks about the preservation of sustainable livelihoods of the tribes and other traditional forest dwellers. The act aims to correct historical injustice in the form of displacement, land acquisition, establishment of biosphere reserves and wildlife sanctuaries. The rights identified by the Act on both individual and community rights. On an individual level, the right to ownership of land is recognised for subsistence cultivation or any other common occupation or habitation that secures their livelihood including the collection of MFP. At the community level, the act recognises the right to access forest products other than timber, including fish from water bodies (NTFP) in addition to traditional and seasonal access to pastoral resources for grazing are recognised for communities and nomadic tribes. Community forest rights ensure access to biodiversity and intellectual property rights of traditional knowledge and cultural diversity. Some of the significant provisions are as follows:

- *Community tenures of habitat for Primitive Tribal Groups and pre agricultural communities*
- *Rights over disputed lands in any state where claims are disputed*
- *Rights for conversion of pattas/leases/grants issued by any local authority or a state govt. on forest lands to titles*
- *Right of settlement and conversion of forest villages and other villages in forests (recorded, notified or not) into revenue villages*
- *Right to protect, regenerate, conserve, or manage any community forest resource, which they have been traditionally protecting and conserving*
- *Any other traditional rights that are enjoyed by the forest dwelling STs or traditional forest dwellers (except the right of hunting, or extracting a part of the body of any species of wild animal)*
- *Right to in situ rehabilitation including alternative land in cases where STs and Other Traditional Forest Dwellers have been illegally evicted/displaced from forest land without receiving legal entitlements.*

The act also prescribes duties such as protection of habitats, wildlife and biodiversity and provides a framework for forming various committees to ensure that the people themselves have a say in the governing of the forests they know best. Gram Sabhas and forest rights committees are necessary to build a system of administration that provides a means to protect and uphold these inalienable rights. The legal framework therefore is essential to operate within to ensure social justice and community developmental goals are met.

Under the FRA, the government is also supposed to divert forest land for developmental schemes and programs such as schools, primary health centers, anganwadis, fair price shops, electric and telecommunication lines, drinking water etc.

Time line of Forest Rights Act Events in the Area

2006 December: Bill Passed in Parliament

2007: Implementation Phase 1

2008 August: Implementation underway, 15 members gave signatures (FRC), Forming of Institutions

2010 March: Patta distribution in

2010 July: Patta distribution in Tikilibedda

2010 July 27th: National Committee on Forest Rights Visit, Large scale application for resurvey of land

Gender

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 tribals, 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 'status'. 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.

The tribe and forests aspects of the study have been elaborated to set the context of the study, the main focus within this framework is the women's access to and awareness of the Forest Rights Act. Therefore theoretically, the standpoint of the topic under study is the intersection between gender, tribe and forest land. Gender spaces in the Forest Rights Act have been duly reserved as follows

Chapter 1 Section 2(g)

“Grama Sabha” means a village assembly which shall consist of all adult members of a village and in case of states having no Panchayats, No Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women.

Chapter 3, Section 2(d)

*A resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals**

Chapter 3 Section 4

A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of- kin.

Chapter 4 Section 8

The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed

Leach (1994) argued that "women's access to and control over natural resources is often treated in terms of static and predetermined 'female domains'². Women operate within a rigid framework of rules. In a predominantly patriarchal society ordered on gender roles; the space for women is limited. She is duty bound and submissive and occupies any additional space subject to the prior approval of the patriarchs. The wave of change that has altered our social rubric has questioned these structures time and again and thus finally legal spaces were created by state machinery that possess power to alter societal constructs and norms. Women who have been historically marginalised now have access to claiming equal spaces in political participation thus representing the interests of one of the most vulnerable groups in our country in almost every aspect, economic, educational, scientific, legal, political, official, cultural, and familial. Religion is no exception to these engendered inequalities. The condition of tribal women in terms of five clusters of disadvantages propounded by Robert Chambers (1983) namely poverty, physical weakness, isolation, vulnerability and powerlessness.

² Veena Bhasin, 'Status of Tribal Women in India', 2007

The concepts of power and control, of rights and ownership are relatively new additions to the female vocabulary. Land, is intrinsically linked to these concepts since it is the primary source of security with natural resources supplementing the means of sustenance. Close examination of these variables in a woman's world have drastically different meanings for men and women, the patterns of resource control are disparate. A woman's exposure to these variables, are incidental and commonplace whereas in a man's world they are a source of power and control. They are possessions like the women and progeny and thus the man shall know matters of the state and the woman shall remain in the dark, working at home and in the fields " women's and men's resource-management activities proceed along isolated, parallel tracks."

Gender disparities originate at the household level and that is the essentially the sphere that needs to undergo true change in order for women to fully utilise legal spaces to represent their long silenced voices. The women interviewed were able to identify spaces for gender equality that would contribute to upliftment of their status and give them a voice, the interesting aspect of the study was that almost all the women insisted on having additional rights and were equivocal about men's preference in the laws or governmental schemes, the essence of questioning an order and realising that rights are due to all human being alike was evident in their responses.

According to Veena Bhasin, a conceptual framework to analyse women's status comprises the seven roles women play in life and work: - parental, conjugal, domestic, kin, occupational, community and as an individual. Gender roles generally constructed through the division of labour were questioned since a majority of the women claimed that they did more work than the men did since they did the household chores and worked in the field or walked miles to cut firewood. "The men did only half the work and drank their evenings away".

Women 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. Andocentric 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.

Table 1. 6: Details of Claims Registered

Name of Village	No. Of Claims	Year	No. of Beneficiaries		Area per Claimant	Rights Identified, Total Area Claimed	FR Committee
			Men	Women			
Kothragondi	33	2007	0	33	1 to 5	52	Yes
Killoguda	85	2007	0	85	1 to 2	33.6	Yes
Tikkilibedda	30	2000	0	30	1 to 4	10	Yes
Moriguda	53	2008	0	52	2	40	No
Champaguda	79	2008	0	79	4	3.16	Yes

Similiguda	25	2008	No	No	No	No	Yes
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Source: Sanjeevini Rural Development Society, 2010

Table 1.7 Total Forest Area in Villages

Name of Village	Total Forest Area
Similiguda	265 acres
Tikkilibedda	350 acres
Champaguda	363 acres
Busigunta	78 acres
Killoguda	600 acres
Moriguda	1500 acres
Kothragondi	183 acres

1.2 Objectives

- To analyse the awareness of the Forest Rights Act
- To analyse the knowledge of the process of claiming rights prescribed under the act
- To evaluate participation of women in the village and panchayat levels
- To investigate possible hindrances in the access of women to the entitlements of the Forest Rights Act
- To understand gender spaces in legislations and the effectiveness thereof
- To analyse the intersection between gender, tribe and land rights in a forest context

1.3 Methodology

The data gathered for the study was collected through primary and secondary sources. The secondary sources with respect to gender spaces and the implementation of the forest rights in the given area were taken from web resources, research studies, reports, government publications and portals and books. Field visits in the area under study provided the primary data. An additional field visit was undertaken assessing the women's awareness of the law and their access to its entitlements in a different geographic location to clarify certain elements of contrast.

An Interview Schedule was prepared with both qualitative and quantitative themes of inquiry therefore the questions posed were both open and close ended which provided a mixture of responses and different dimensions of data. The stratified random sampling technique was selected with a sample size of 60 respondents including

- a) Women claimants
- b) Women
- c) Women representatives of the Forest Rights Committees

The interviews were conducted in 7 different villages namely Similiguda, Tikilibedda, Killoguda, Moriguda, Kothragondi, Champaguda and Busigunta. An average of ten interviews were conducted in 5 villages. Five interviews were conducted in the villages of Champaguda and Busigunta due to the lesser number of households in the village. Representative samples were selected to evaluate various indicators identified for the purpose of the study.

Tools

Data collection was carried out through a) Individual interviews and b) Informal discussions. The Interview Schedule was designed to collect detailed information regarding various indicators such as awareness of the law, functioning of the committees and the hindrances in access to the law. Informal discussions were also carried out at the end of every session in a village since the women gathered together and began questioning and discussing the issues that were raised during the individual interviews. The study was empirically collated and verified.

A meeting of forest rights was also attended to analyse responses to the law enforcing mechanisms and bribery to quell protest. Participant observation was the methodology of data collection during this meeting. In addition, a case study was carried out to illustrate the profile of a woman and understand the purpose of the study from a narrative point of view.

2. Awareness on the Forest Rights Act and Women's Access to the Law

2.1 Qualitative Indicators

The questions regarding claims and their date of registration were unanswered because every respondent reported that she did not apply for the claim personally. Similar instances were narrated in each village, some said the government hired a private agency, some said that a few students were sent to conduct surveys. To quote one respondent, “they sat under a tree and pointed in various general directions and made notes and left, we didn't even know who they were, they said that the government sent them”. Another respondent reported that some frauds came with devices and asked for money to measure the land.

Land was divided the government representatives randomly with no proper survey, and pattas were subsequently distributed with drastically reduced spaces in Tikkilibedda and Busigunta. The government therefore had issued pattas in villages with low awareness or vague notions of that either about the law's implications (which in the case of most of the people was mere security against eviction).

The processes of conducting surveys and issuing pattas were completely flawed since they went against the prescribed guidelines of the land distribution system. There was also no transparency about the methods used for division of land. In the data collected, though there was no particular “claimed amount” the women of Tikkilibedda and Busigunta reported the area of land they actually had so that was recorded to illustrate the discrepancy between land under cultivation and land distributed.

Since the women did not personally apply for claims, they were not aware of the administrative structure prescribed in the law; a majority have had no interaction with government officials due to this reason.

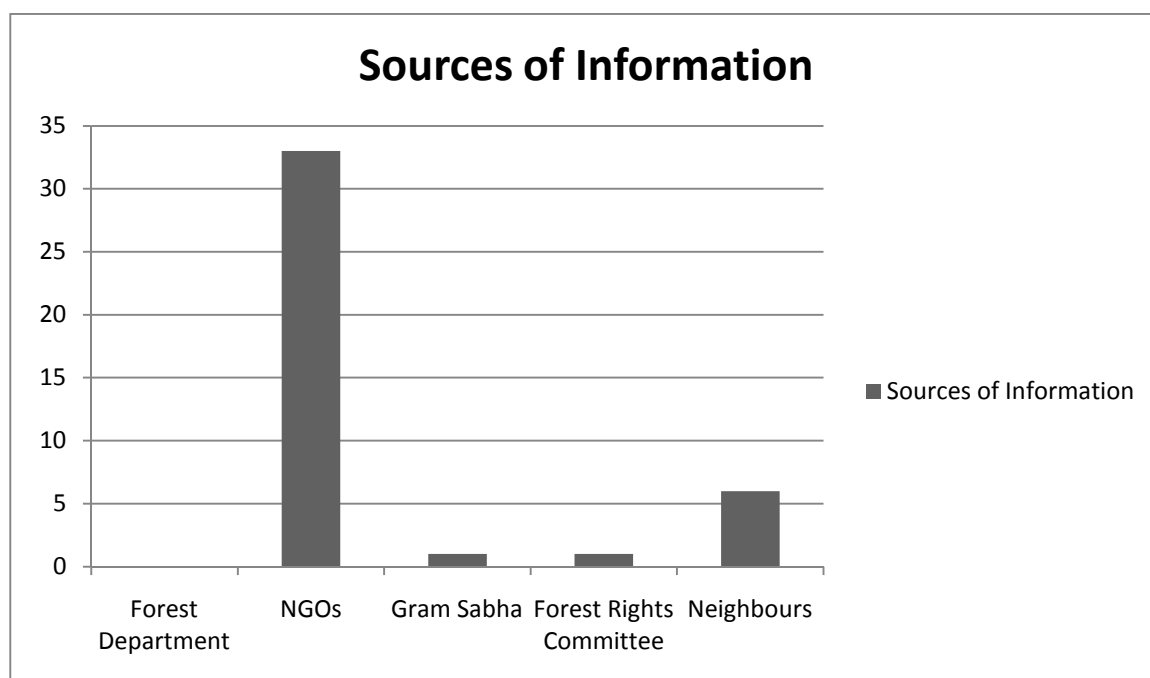
2.2 Quantitative Indicators

- Single Women in the Sample Size: One woman above 50 is unmarried, one 15 year old is unmarried, there are three widows
- Mostly all the women have lived in these villages for several generations with about three cases wherein they have lived in this village for 8 yrs, 30 yrs and 7 yrs respectively. In Busigunta, the inhabitants were forced to leave their original lands nearby in a village called Dekkaparu due to a family feud. Most of their lands were in that area and the shift had left them poorer.
- 33 people have been informed about the act by NGOs, 1 person by the Gram Sabha which is indicative of the government's neglect and the misuse of funds allocated for awareness

programs. Solely 1 person was informed about this law by the FRC and 6 people were informed about it by their neighbours which also points to lesser levels of information circulation of this nature.

- None of the claims were applied for personally
- A total of 40 respondents knew of the act, some people knew it from two sources
- Three women said that their experience with the officials was good since they attended meetings or go forward and participate in an attempt to know their rights and the process to claim them better, one person spoke of their interaction when the national committee visited(asked about the land reduction) this was just an instance of speaking out.
- All the respondents said that they needed land for livelihood purposes, i. e cultivation or increasing their crop yield, they need the land for subsistence and survival

Figure 2.1 Sources of Information



3. Functioning of the Committees

Quantitative Indicators

- 9 respondents reported that the number of members was 15, a few replied 3- 5 and the rest were not aware
- An average of 2 to 3 women were reported to be members of the FRCs

- There are 3 FRC representatives in the sample which is evident of the low degree of women participation in these bodies that make have reserved spaces for women, moreover 18 out of 60 women know of the meetings that are organised and only 6 participate in these meetings
- In Champaguda and Busigunta the women knew of the woman member in the FRC which shows that there is circulation of information whereas in Kothrgondi though there is a member in the village the women mostly are unaware of her membership in the committee

Qualitative Indicators

The Forest Right Committees were set up at the panchayat level and not the village level. The negligence of these procedures greatly reduces participation of villagers and representation of views and interests. The meetings are usually conducted in the panchayat offices that are far away and the distant villages don't even get the information since no inhabitants from those areas are a part of the Forest Rights Committees. The awareness level of the law is also adversely affected

On Discussions in the FRA and the Gram Sabha:

The topics that repeatedly came up from the women who were aware of the functioning of the committees and the women who were members of the forest rights committees.

- Issuing of pattas and distribution in podaguddu, tilikibedda and pujariputta
- The questions of a land resurvey due to land reduction and the problems it was causing for the mixed cultivation methods adopted by the people
- The resettlement action plan and
- Community forestry
- Spaces for women in governmental schemes

Figure 2.2 The administrative structure prescribed by the FRA is as follows



Each of the above committees should have membership from various departments, like revenue, forest, tribal affairs, and 3 members of Panchayati Raj institutions. The major stakeholders in governance of these areas are the Ministry of Tribal Affairs, the Forest Department, Revenue Department and Local Self Governance Department.

4. Hindrances

Quantitative Indicators

- 24 women reported that the law was beneficial, 5 said it was not and the rest remained sceptical or undecided
- 26 women reported that individual rights were essential, 25 reported community rights were equally significant and 10 specified land rights and 1 community rights
- The main obstacles in the process was the land reduction and the delay of patta issuing in addition to unawareness of the law

Qualitative Indicators

The main hindrance identified was that the women are unaware about the law, the few who had got their patta did not know about the clauses and entitlements. A handful had a sketchy idea but mostly ‘podupatta’ was meaningful to them to protect their lands so that they have legal rights over it. The basic idea was that there was a law that enabled them to assert that the land that has been in ancestral

possession is in fact theirs. The women who knew about the law frequently reported the land reduction and delay of patta issuing as main obstacles.

The women largely were unaware of the role played by the Forest Rights Committee and the Gram Sabha in processing the claim. They did not even know how to process a claim. Some women talked about visiting the panchayat office and filling a form and submitting it at the mandal. The nature of every woman's claim was land and land rights. The women did not know the clauses well enough therefore most of them insisted that each household should get individual pattas. Community grazing land and all the provisions under Community land was unknown to them and the government has done nothing to change this ignorance therefore experience with the officials was reported to be satisfactory or favourable when there was proper involvement with government mechanisms.

As illustrated, a majority of the women did not know the role of the FRA and Gram Sabha in processing the claim but some reported the following, "they tell us to register for pattas", 'conduct meetings' and send people for surveys and then divide the land for patta issuing.

On Additional Rights and Gender Equality:

Though the women were not legally aware, their sense of dignity and their personal questioning of patriarchal structures was apparent in all the interviews. The women were equivocal about additional rights though not all were able to express what kind of additional rights were necessary and what it would take for them to demand them. The responses were more testaments to the feeling that they "deserved more" and they were not being recognised enough or given opportunities enough. A majority of the women insisted that they do more work than the men which naturally meant that they were in fact more capable, some reported that the law made them feel like they 'mattered' counted? Another angle that emerged from the study is that though the pattas are on the women's names, the men take the decisions and the money and they have no say in any matter.

In Busigunta of Kolaput region, one respondent equated timely dispatch of pattas with additional rights; one respondent said ensuring that we are aware of the spaces demarcated for us is an additional right. One woman said that a specific clause of inheritance of land on her daughter's name would be an additional right. Some said that additional rights were necessary to uplift the women from their situation. Others reported preferences in schemes and reservations to strengthen their voice, some said that only change at the household level is capable of really giving them any kind of rights.

Most women reported that men were given a preference like they have been given in preference in most respects, but some believed that the women got the benefits nowadays, still others said that there was a semblance of equality.

The Difference the FRA has made so Far:

The range of responses ranged from sense of security and a legal right of ownership and a level of access to power and resources so that the men would not take advantage of them unduly on the contrary there were women who viewed the law as not beneficial due to the amount of land reduced or the little difference it made due to their ignorance of the clauses, some said that they were yet to feel the difference since they had not gotten their pattas yet.

On Future Plans:

All the respondents replied that they will cultivate on the land in peace and increase their crop yield in the land has rightfully been theirs with no fear of eviction. Some talked of plantations and nurseries' and still others wanted to change the law and get a resurvey of the land. Some women said that they will go for meetings so that they will begin to know the implications of participation in these spaces. In Busigunta some wanted to get back the land that they had lost during the family feud and lastly a few were motivated by the discussions generated to understand their rights better.

5. Key Findings

The government provided packages of Rs. 25,000 under the Resettlement Action Plan for each family mostly in kind (cattle, goats etc) and that is their basis for not issuing pattas. The RAP was implemented to compensate people adversely affected by the relocation under the first Joint Forest Management phase. The RAP contains numerous lacuna that weaken any guarantees for land and land compensation as the RAP affirms: land for land compensation will be provided wherever government revenue or ceiling surplus land is available and acceptable, this is ambiguous and as exploitative as the term "public purpose" thus giving state requirements precedence to basic human rights of livelihood and security. There are also gaps regarding grievance mechanisms to address complaints regarding the implementation of the RAP. The patta issuing for these lands have been put on hold because of the government's notion that Rs. 25, 000 will suffice generations of tribal inhabitants in a given village.

Participatory or Joint Forest Management systems have rapidly degraded the forests since the 90's. The JFM was launched on the basic premise that forest protection was possible only with the involvement of the local communities. The clearly defined guidelines for the setting up of any institutional framework are always bound to change as per "contingencies" the apparent democratic representation enunciated by most legislations somehow seems to turn more oppressive than democratic. The inevitability of this end is the ignorance of the uneducated tribal population who are illiterate and legally more so. In the garb of participation and representation, institutions are set up but it all falls flat when they process begins to roll "equal beneficiaries" are all mere jargon.

The VSS in this area was in conflict with the people on several issues due to the misuse of funds. The communities have been given a stake in their “own land” and “viable forest management models” have replaced traditional modes of forest management thus accelerating the ecological devastation. The forest department seems to have more administrative power and tenurial security is perpetually in question. The communities are constantly apprehensive and the result is a battle between the forest department and the community over control and management of forest resources. The land conflict in this region is testimony to this fact.

The resurvey was a major issue that the people were all discussing since it was a move initiated by the communities themselves in an attempt to gain some control over the arbitrary processes of land distribution. The signatures for the resurvey represented the collective awakening of the communities who decided to question the state’s non transparent, politically strategic land allotment system. This was indicative of the fact that they were questioning the law, questioning the practises and actively thinking about how they could ensure redressal of grievances that they were rightfully entitled to. The visit of the National Committee on the Forest Rights Act to Killoguda on July 27th this year, sparked off the discussion about the possibility of a resurvey, the process of collecting and submitting signatures followed soon after.

The overall self image of the women was assertive. Only one woman was sceptical whether a woman’s status actually mattered. The rest were vocal about the injustice of socialisation into inherently patriarchal structures and detailed the manifestations of which ensured that they still inhabit only the domestic spaces. Their articulations were not painful pleas for upliftment but thought out insights delivered packaged as light jokes. There was no fear of disclosure and that was indicative of the possibility of a lesser degree of male dominance since they women were all actively thinking about the fact that they deserved more, that they did not wanted to be treated like footwear anymore.

Economically, the woman’s space in the society is of prime importance since she gathers MFP, partakes in farming and cultivation, sale of produce and trade. The weekly market or raithu bazaar is a space occupied by mostly women therefore they have the exposure to market forces and thus this contributes to their self reflection of the role they play in society. The women who were working with the government as community health workers are aware of the schemes available and are critically thinking about their positions in society. Their insights during the interviews stood out. Interaction with the governmental mechanisms facilitated their awareness of their rights and that contributes to the strengthening of self image which is gradually breaking free from the supremacy-subjugation relationship that they have been historically trapped in.

Regions like Similiguda and Champaguda border Orissa and due to the geographic proximity there is an element of mixing of language and tradition and a merging of distinct identities. The adaptability of the people to each other was evident in their interaction and invention of numerous telugu-oriya

dialects. The flipside of this symbiosis was the problem of migrants and land conflict and there were indications of these issues.

Annexure 1: *Case Study: A voice not trained by margins*

Introduction

The village of Kothragondi, they say is age old. As old as the mountains and ancestral spirits. The people have been here since several great grand fathers , a novel way of measuring the many moons. Situated in the plains, the village is surrounded by lush fields of almost every kind of vegetable and pulse. Carrots and cabbages were abundant this season and paddy grew in almost everywhere. The walk to the village once you descend from the mountains allows you witness the numerous varieties of crops under cultivation in this region. Surrounded by the villages of Gopalavalsa on one side and Devvuluvalsa on the other, Kothragondi is home to the Kambari, Nookadorra and PTG Kodhu communities and the tribes coexist with minimal conflict though the tribe structure does seem to have its own hierarchical order.

The Nookadorras are considered the most superior tribe followed by Bhagata, Mali, Kotiya, Dhuliya, Parengaporaja, Kondadorra, Kambari, PTG Kodhu and Valmiki. The last two are the lowest in the rung in the tribal social organisation. The tribe is further divided into clans which are distinguishable by the house name that the women attach before their maiden names. The various clans in Kothragondi are Ontala, Phangi, Korra and Mari. The village has a council of elders headed by the Naidu who is the Chief of the village and the authority on most matters.

Ontala Sanamma hails from this road side village. Ontala Sanamma has been engaged in cultivation every since she can remember and her routine through the years has not altered much. At the crack of dawn she gathers water from nearby streams since the village has no water supply. A scheme funded by Asav Care Step was introduced for a while and run by the two Self Help Groups in the village but even that was cut off a while back . After the water collecting errand, Sanamma gets busy with household duties like or sifting the husk from the grains or grinding spices and food grains. After the children are awake and attended to she proceeds to walk up the mountains to collect firewood. After rest in the afternoon, work in the fields was next on the agenda. Sanmama has two children and when they were young, the ones that made more noise were slung around her body in fabric and taken to the fields for rice picking. The women usually go together so 'work' is more like a an enjoyable community activity. Nightfall is her time women usually congregate and discuss scandals, daily events and future plans.

Problem

Isolated in a parallel reality, Sanamma like many others have been unaware of the larger mechanisms at work that govern their lives in a way that they till date do not fully comprehend. Good spirits and natural forces were in their eyes the most superior forces that had power to alter the course of their lives and they remained ignorant of the gradual entry of the state. Initially alien to them, the state represented negative forces that dramatically altered the social rubric of their social organisation. There was no concept of private ownership since there was plenty for all and in a tribal egalitarian power was never equated with land. The concept of ownership itself began to dawn in their subconscious when their existence was threatened, when their rights were questioned when their spaces were stolen. Only under threat did they realise that there was a need to secure boundaries and guard them from encroachers. They were disturbed by manifestations of these kinds over the years but they just kept seeping into their isolated world like an oil spill.

Some people who called themselves the 'sarkar' told these people to stop cutting trees, to stop gathering firewood because the forests were not theirs anymore. Overnight they became "encroachers" on the mountains that gave life to generations before them. Sanamma's village was one of the first villages that receive help from the NGO Sanjeevini. In 2001 interventions in this area had begun and there was widespread agitation in Sovva Panchayat about the government's threats of encroachment on forest land. The first kind of pattas were given to a few villages in this region because the village was represented in the first forest rights committee. But since the initial efficiency the mechanism has lapsed into inaction once again and the people of Kothragondi still do not have pattas though it has been almost 3 years since the Forest Rights Act was passed.

The Forest Rights Committees that are mandatory to be set up at the village level are present only at the panchayat level due to ineffective administration; therefore Sovva Panchayat has 15 members from 22 villages. Out of the 15, there are two women and Ontala Sanamma is one of them who was elected during a meeting at the Gram Sabha. The Forest Rights Committee meetings are conducted twice a month and she attends them regularly, August being the last meeting held till date. The current issues in the Forest Rights Committee are discussions regarding the issuing of pattas and the need to pressurize the authorities due to the delay. The issue of resurvey has also come up since the villages who have got their pattas are absolutely unhappy about the extent of land reduction. "They have in some areas issued pattas that possess land lesser than the space their hut takes up, how are we to grow half a crop?, moreover our soil fertility depends on the cultivation of different varieties of crop and farming only one kind on that little space will destroy the soil. What will our children have to eat?". Sanamma thinks that the generations to come will face grave consequences of this blatant disregard for the ecology and environment, not to mention the shrinking spaces allotted to them ever so generously.

Since Sanamma is aware of the Forest Rights Act, she is aware of the significance of community rights unlike most other women who do not understand the government's bifurcation of the two kinds of land. The government has two separate forms to claim for individual and community rights and the forest department and the Tribal Development authorities have neglected ensuring that awareness campaigns are accessible and effective. The threat of eviction has made every person paranoid and thus many women were compelled to believe that individual rights were more significant.

Analysis

Sanamma is rather sceptical of the proper implementation of the law, she chose not to comment too much till her patta is issued. It was no doubt a way to secure her livelihood but if her land is drastically altered she says that there is no point for these mechanisms that might turn out more harmful than beneficial. Though Sanamma was a member of the Forest Rights Committee, most women in her village were unaware of the law and the reason for this was not that she chose not to educate them but because there were other dynamics to abide by in their social organisation that took precedence. Women are usually not allowed to participate in 'outsider business' they have been historically bound to their maternal role and anything outside the domain of the family was a man's business. In the village this status quo is still maintained and therefore the men intentionally keep the women in the dark about matters of this kind.

Conclusion

A majority of the women in this area reported that the men went off for meetings and intentionally never told them what they were about, moreover if a woman was to travel far to attend these meetings the men would get suspicious about her whereabouts, their inability to trust their women was also a reason that the women were confined to domestic spheres. An avoidance of a clash with the male ego is probably a reason why Sanamma keeps a low profile, there is also a semblance of equality amongst their statuses so being a member of a committee was a position that was not discussed in too much detail.

Sanamma believes that women are more capable than men are since they do their work as well as every little household duty. They're able to manage a range of tasks effectively and not get aggressive or alcoholic at the end of the day. "We're much more capable and would not drink any money away so it is better than these matters come into our hands" Spaces in the laws are our only way to step up and claim spaces that are rightfully and equally ours.

Annexure 2: Interview Schedule

Section-I

General Information

I.1. Name of the village

1.2. Name of the Panchayat

1.3. Name of the mandal

1.4. Total Forest area in the village

Section-II- Individual information

II.1. Name of the person

II.2. Age of the person

II.3. Marital status

Living with husband (yes/no)

Or single women

II.4. No.of children

II.5. How long have you lived here?

Section-III-Awareness and process on FRA

III.1.Are you aware of the entitlements of the Forest Rights Act?(yes/no)

If yes through whom you are aware of it?

Forest Dept(), NGO() Gram sabha () FRA comm.() neighbours ()

III.2.Through whom have you applied the claim

When was that?

III.3.How much land did you claim for?

III.4.Have you got the deed/patta yes/no

If yes, when was that

III.5.And for how much land

III.6.Was it the amount of land you claimed for or not?

III.7.Did they do the survey of your land yes/no

If yes when was it done?

III.8.And who participated in the survey

III.9.What was the method adopted

III.10.Are you satisfied with the process yes/no

Section-IV functioning of committees

IV.1.How many members are therein the FRA Comm.

IV.2.And how many women members are there in the FRA comm..

IV.3.Are you a member in the comm..yes/no

IV.4.Do you know any of the comm..members yes/no

IV.5.Where is the comm..placed

At village level , At Panchayat level

IV.6.Do you have any idea of their meetings yes/no

IV.7.If yes how many times did they meet?

IV.8.Have you participated in gram sabha meetings on FRA Yes/no

IV.9.If yes when did you participate?

IV.10.What did they discuss?

Section-V-Hindrances

V.1.What is the role played by FRA comm. And Gramsabha in processing the claim

V.2.What is the process to claim various entitlements? Are the women in the village well versed with the procedure?

V.3.What is the nature of your claim and what are reasons thereof?

V.4.Which rights are significant according to you?

V.6.What is the significance of the claim?

V.7.What are the drawbacks of the procedure?

V.8.What has been your experience with the officials while filing a claim?

V.9.Do you think the law is beneficial, if not what are the clauses that put you at a disadvantage?

V.10.Any other obstacles you perceive in obtaining entitlements?

V.11.In the context of the FRA, what additional rights should be granted to women specifically? How do you think you can be heard? What is needed to create a space for yourselves?

V.12. What difference do you feel through FRA

V.13.Do you think women are as equally capable as men? Do you think men have been given preference in the law?

V.14. what are your future plans

Name of the interviewer

Date

