

CASE STUDY

State of Jharkhand, India

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Protecting forests and securing customary rights through Community Forest Governance

Indigenous peoples play a crucial role in defending and protecting their forest land rights. The passing of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006 is a positive step towards the recognition of indigenous forest dwellers' land rights and their role in forest protection. In line with the new legislation, IWGIA has developed a community-based self-governance system for the management and protection of forests, called 'Community Forest Governance'.

PRINCIPAL ORGANISATIONS INVOLVED

International Work Group for Indigenous Affairs (IWGIA), Jharkhand Jungle Bachao Andolan (JJBA), Bindrai Institute for Research Study and Action (BIRSA)

LOCATION

The contiguous districts of Ranchi, Khunti, Kharswan-Saraikela, West Singhbhum and Simdega in the State of Jharkhand, India

TIMELINE

2000 – present

TARGET AUDIENCE

Civil society organizations (CSO),
Community based organizations (CBO),
Government agencies

KEYWORDS

Natural resources management, indigenous peoples, community empowerment, and customary tenure.

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GOOD PRACTICES

Towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting people-centred land governance, as defined in the Antigua Declaration of the ILC Assembly of Members. Further information at www.landcoalition.org/what-we-do

This case study supports people-centred land governance as it contributes to:

- Commitment 3** recognize and protect the diverse tenure and production systems upon which people's livelihoods depend
- Commitment 5** respect and protect the inherent land and territorial rights of indigenous peoples
- Commitment 6** enable the role of local land users in territorial and ecosystem management

Case description

Background issues

Jharkhand is a state in central India, and is home to numerous indigenous peoples (Adivasi). Jharkhand literally means "the land of forests". In-migration from other parts of India, mining, construction of large dams, industrialization, and urbanization gradually led to the Adivasi's economic, cultural and political marginalization.

A majority of the Adivasi depend on forests and forest resources for their livelihoods and cultural identity. Throughout central India, forests provide the Adivasi with food, fodder for their animals, building material and cash income through the sale of non-timber forest products. A study on hunger in Adivasi areas showed that in Jharkhand, 75% of the surveyed Adivasi households partly depended on forest food products throughout the year (Centre for Environment and Food Security 2005: 52) and they considered the loss of income from sale of minor forest products due to forest depletion as the second most important reason for increased food insecurity (Ibid.: 56).

The Adivasi are entirely dependent on agriculture and forest resources for their livelihoods. Over the years, they have increasingly been deprived of forest resources and agricultural land. Under British colonial rule, Indian forest policy vested all forest lands in the State. Independent India inherited this forest policy and the State continues to own all forests in India.

As an exception, the common property rights over forest land (Khunkatti) in 446 Munda villages were recognized under the Chotanagpur Tenancy Act of 1908. The Act resulted from a protracted rebellion between 1895 and 1900 under the leadership of Birsa Munda. In subsequent decades, many Khunkatti villages lost their status as communal lands: only 156 officially recognized Khunkatti villages remain.

"Earlier people believed that the forest could be protected only by the Forest Department. But now all can see that the forest is best protected by us, the forest dwellers." **Community Member**

The remaining 156 forests were not spared from the Forest Department's overreach. The Forest Department took control over them 'for scientific management', resulting in land loss by the Adivasi villagers, mismanagement by the Department and destruction of forests. 25% of India's land area is classified as public forests, yet only 8% is not denuded (Poffenberger 1996: 1).

The Forest Department whose mandate includes the management and conservation of forests, has ignored the fact that the Adivasi depend on forests and forest resources for their livelihoods, and has introduced a licence system for non-timber forest products. The licencing system has further entrenched the asymmetries in control over forest resources and corruption in the issuing of licences.

Solution

In recent decades, communities all over India have started to protect and restore denuded forests. A report published in 1996 refers to "[a]n estimated 12,000 to 15,000 villages, primarily in eastern India [that] have mobilized to protect one to two million hectares of regenerating forest. The evolution of this approach to resource management draws on both ancient traditions and emerging strategies" (Poffenberger 1996:2). In Jharkhand, the Jungal Katai Andolan was launched as early as 1978, as a protest movement against the destruction of forests in the Kolhan-Singhbhum area, mostly inhabited by the Ho indigenous communities. The forest rights movement remained particularly strong in Munda and Ho inhabited regions of Ranchi and West Singhbhum Districts. Sporadic protests continued to erupt until the emergence of the Jharkhand Jungle Bachao Andolan (JJBA - Save Jharkhand Forest Movement) in 2000.

The passing of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in December 2006 was a positive step in the recognition of the Adivasi's forest land rights and their role in forest protection. The Act gives Adivasi and other forest dwelling communities limited ownership rights to agricultural land, rights to access and use grazing grounds and water bodies, and the right of ownership and access to minor non-timber forest products.

JJBA has developed a four-tier Community Forest Governance Strategy that consists of:

- The traditional village council (Gram Sabha)
- A Forest Protection Committee
- Women's cooperatives
- A youth forum (Bal Akhra)

The four "pillars" represent a holistic community-based self-governance system that combines the traditional self-governance institution of the village council (Gram Sabha) with three new institutions. Women's cooperatives and youth forums empower two important groups in the community: they give women and youth an opportunity to organise themselves, without relying on the traditional village council.

Activities

JJBA emerged in 2000 through a joint campaign between Bindrai Institute for Research Study and Action (BIRSA) and International Work Group for Indigenous Affairs (IWGIA). Subsequently, it became an organizational platform for defence and strengthening of forest and natural resource rights of Jharkhand Adivasi communities. The emergence and functioning of JJBA, followed 4 stages:

Conceptual stage

The conceptual stage began with meetings between IWGIA and BIRSA, before the official launch of JJBA. The meetings included extensive brainstorming sessions between the two organisations and consultations with other stakeholders in Jharkhand. The conceptual stage assisted the organisation to strategize on the most effective interventions for upholding the forest and natural resource rights of Adivasi communities.

Creation of committees

In 2000, JJBA was launched under the stewardship of BIRSA. An initial 100 Forest Protection Committees (FPCs) were set up in the districts of Khunti, Kharswan-Saraikela and West Singhbhum. In 2004, the creation of committees was up-scaled and replicated in other districts, resulting in the creation of 454 FPC across the State. Each FPC is composed of 20 members; 10 males and 10 females.

JJBA was launched as a grass-roots movement for the restoration of forest rights of the Adivasi, providing them with a common platform for sharing experiences and coordinating their activities. Currently, it has about 5,000 registered members in 45 blocks in 12 of the 22 districts of the State.

Training and capacity building

IWGIA and BIRSA undertook stakeholder training, including members of the above-mentioned 4 committees. The overall training areas include:

- Community mobilization techniques,
- Advocacy and lobbying, and strategizing methods and techniques,
- Cultural identity of the indigenous communities in Jharkhand,
- Land rights of Indigenous Peoples, especially women and children,
- Forest management and bio-diversity conservation (including forest and vegetation mapping, and trade of non-timber forest products) and
- Climate change mitigation and adaptation strategies.

Community mobilisation

Simultaneously, members of JJBA were engaged in various mobilization and advocacy activities. They held protest marches and demonstrations against the Department of Forests, the Government of the State of Jharkhand and private corporations who were encroaching on Adivasi forest lands. JJBA organised the following key events:

"Will you spare us if we remove even a brick from your temple or mosque? But you feel no guilt when you graze our forest to ground because you refuse to accept the fact that the forest is our mother and our place of worship"

Community Member

- A successful conference and demonstration before the headquarters of the Forest Department in 2003. They delivered a letter of demand for the restoration of the ancestral forest land rights of the Adivasi.
- In 2004, they held demonstrations and submitted forest land claims at district administrative headquarters.
- In 2004, they filed a writ petition in the High Court against the State for illegal occupation of forest land belonging to the Munda people in Ranchi (capital of Jharkhand State).
- In 2005, they participated in a national level demonstration in Delhi and made a presentation before the joint Parliamentary Committee.
- In 2006, they organized a national level conference and rally in Ranchi.
- They participated in a joint demonstration demanding amendments to the Rules of the Forest Rights Act of 2006, in Delhi in 2008
- As part of the '*assertion of forest rights programme*,' the Gram Sabha began erecting billboards or megaliths on village forest borders in 2013.

JJBA held extensive community consultations in order to mobilize civil society and raise awareness about the conditions of Adivasi communities. Print and electronic media were used to popularise the work of JJBA. JJBA and BIRSA run monthly publications of Sarjom Sakam (the Sal Leaf), a journal on indigenous forest issues. IWGIA also publishes a monthly journal titled Indigenous Affairs and avails Hindi copies for indigenous communities.

Finally, JJBA worked with youth (Bal Akhra) to raise awareness about cultural identity of Adivasi communities. The activities include drama performances, traditional songs and music. Performance arts play a major role in raising awareness about the culture and traditions of indigenous communities.

Importance of the case for people-centred land governance

The creation of JJBA through collaboration between BIRSA and IWGIA, demonstrates the importance of partnerships and common platforms for the defence of forest land and natural resources of indigenous communities.

The Community Forest Governance Strategy's ability to combine the traditional self-governance institution of the Village Council (Gram Sabha) with three new institutions: the Forest Protection Committee; women's cooperatives and youth forum (Bal Akhra) presents an opportunity to enhance inclusive decision making at community level. It strengthens collaboration and cooperation among indigenous peoples and increases their awareness about forest land rights.

Changes

Baseline

India has seen an accelerated rate of deforestation since its independence in 1947. Adivasi in Jharkhand and beyond suffer more from the effects of deforestation because more than half of the communities' livelihoods depend on forest resources. The 'open access forest' management regime which was inherited from the colonial era gives local communities theoretical access to forests. In reality, the communities had little or no control over the management and exploitation of forest resources. It denied them forest resources that form an important part of their livelihoods and, most importantly, a part of their identity.

Although common property rights over forest lands were restored in 1908 as a result of Birsa Munda's rebellion, only 446 Munda villages benefited from the restoration. Furthermore, the restoration of forest rights gradually eroded in subsequent decades due to the ineffectiveness of forest management authorities.

Before the launch of JJBA, there was no organized platform for enforcing forest land rights of indigenous peoples in Jharkhand. Although communities knew that their forest land rights were being violated, they did not have joint and concerted efforts for enforcing their land rights.

Achievements

JJBA's persistent mobilization led to the realisation of 'people-owned forests' in the state of Jharkhand. Through community mobilisation, villagers who were sceptical about JJBA, concerned about the risk of losing access to forest resources for fuel, consumption and sale, became members of Forest Protection Committees.

JJBA made sustentative elaborations on the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (also referred to as the Forest Rights Act). The law is a milestone as it explicitly recognizes the role of forest dwelling communities in the co-management of forests whose resources they use for their traditional livelihood.

Finally, the most significant achievement of JJBA is the community's increased awareness about their cultural heritage. The various activities performed by the Bal Akhra and the other committees under JJBA have reaffirmed the value of indigenous people's identity.

Evidence

The contributions of JJBA in securing forest land rights of indigenous communities is now recognized across Jharkhand. Their activities were publicised through print and online media and are acknowledged by government institutions and NGOs alike.

Lessons learned

Lessons for civil society

When local communities are unaware of their rights; policy and legal safeguards are overlooked and abused by the State in order to protect vested interests of political elites. As such, abuse of State institutions can be averted through participatory and inclusive land governance processes. Community-led initiatives that include all relevant stakeholders, including women and youth will ensure the protection of community interests and reduce the risk of external manipulation.

Lessons for policy makers

A top-down approach dictated by bureaucratic institutions and political leaders tends to exclude local communities from decision-making. Conversely, when a process is inclusive and participatory, it caters to the needs of all stakeholders. In the case of JJBA, the final outcome is positive because of its inclusive, bottom-up approach. Government had a 'facilitation' role, guided by the opinions and interests of the grassroots stakeholders.

Challenges

Mobilising the Adivasi communities around forest land rights was an "internal" challenge for IWGIA. Despite having Adivasi Chief Ministers for 14 years, there was growing discontent with the State's forest policy. The rapid spread of armed struggles in Jharkhand forests is evidence of such discontent; yet local communities were sceptical of joining JJBA and becoming members of a community-based self-governance system.

External challenges came from conservationists, who had no faith in community forest governance; the Forest Department who prevented the implementation of the Forest Rights Act and powerful economic organisations that are exploiting the region's forest resources.

Follow-up

In recent years JJBA's activities have gained wide acceptance at state level. The concept of Community Forest Governance is widely adapted and replicated by indigenous peoples nationwide.

In 2013, JJBA initiated a process of networking with NGOs operating in Jharkhand. The process resulted in the formation of Jharkhand Van Adhikar Manch (JVAM), a forum for the protection of forest rights in Jharkhand. On 29 May 2014, the Tribal Welfare Department of the State Government of Jharkhand signed a Memorandum of Understanding with JVAM to expedite implementation of the Forest Rights Act 2006.

As part of JVAM, JJBA is regularly consulted by the Government and Forestry Department on forest governance matters. They also provide training on the Forest Rights Act. Since

JJBA is one of the five signatories of the JVAM-Government Memorandum of Understanding, they are formally recognised as stakeholders in the new community-based forest management system.

JJBA's work can be replicated in other parts of the world to protect forest rights of indigenous peoples. Inclusive participatory processes and accountability are central to the establishment of community forest governance institutions which represent and protect the needs and rights of forest dwelling indigenous communities.

Supporting material

References and further reading

Centre for Environment and Food Security (2005). *Political Economy of Hunger in Adivasi Areas*. New Delhi. A Survey Research on Hunger in Adivasi Areas of Rajasthan & Jharkhand.

Poffenberger, M. (1996). *Grassroots Forest Protection: Eastern Indian Experiences*. Research Network Report number 7, March. Asia Forest Network.

Photos, videos

**Community forest guards of Gabharia, a Munda village in Ranchi District:
Regenerating forests provide a large number of non-timber forest products**



Photo credit: Chris Erni

Mobilizing the people: JJBA rally in Ranchi, 2007



Photo credit: Chris Erni

Women are playing a key role in defending Adivasi forest rights: Munda village of Gilua, Saraikela-Kharswan



Photo credit: Chris Erni

JJBA activists with the village chief and members of Gilua Village, Saraikela-Kharswan District



Photo credit: Chris Erni

Celebrating the land titles obtained under the FRA: Raisingdiri, a Munda village Sraikela-Kharswan District



Photo credit: Chris Erni

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