

Indigenous Women and their Tenacious Strive for Forest Rights - An Indian Perspective

Ashima Rai¹

Abstract

In the forestry systems of developing countries, distinct roles are often assumed by men and women. However, women frequently encounter systemic disadvantages stemming from cultural norms, socioeconomic barriers, and institutional biases that restrict their access to and control over forest resources and related economic benefits. Despite their essential contributions to the sustainable use and preservation of forest ecosystems, women's roles continue to be underrecognized and undervalued. Policies and legal frameworks that govern land and forest management, which disregard gender dynamics and fail to adopt a rights-based perspective, risk perpetuating the legal and social marginalization of women. Such gender-blind approaches exclude women from decision-making processes and deny them fair access to the advantages derived from forest and land resources. This paper critically analyses current legal provisions, particularly focusing on India's Forest Rights Act of 2006, to investigate how existing forest governance structures adversely affect low-income populations, especially women. It also proposes targeted reforms designed to strengthen gender equity, enhance women's rights, and promote both social justice and ecological integrity within India's forest management practices.

Keywords: Indigenous, women, forest, rights, empowerment, sustainable use, forest management, Environment.

I. Introduction

Indigenous women, in India, on the one hand, are victims of environmental degradation in quite gender-specific ways. On the other hand, they have been active agents in environmental protection and regeneration

¹Ashima Rai, Research Assistant, Research Scholar, Department of Law, University of North Bengal.

movements.²Indigenous People are known to be ecosystem people. They live and adapt to the environment. They are known to have a high level of understanding of environmental protection, preservation, and mitigation of the effects of climate change or climatic variability despite living in high-risk environments. They also possess traditional practices proven to be environmentally friendly. Forests are highly diverse ecosystems on which many creatures depend, including humans. For example, protecting forests helps ensure a supply of safe and clean water for individuals, including those residing in large cities. Whether for direct or indirect use, people, predominantly rural and Indigenous women, rely on the functions forests provide and their associated biodiversity. Yet the world's forests are being destroyed at an alarming rate. Rural and Indigenous women, often heads of households, mainly depend on free access to resources, including fuel wood, medicinal plants, fodder, fruits, nuts, and seeds. Furthermore, during conflicts and natural disasters, displaced rural people become even more reliant on freely available forest products and services, which are again applicable particularly to women. As a result, women are recognised as being more severely impacted by environmental degradation.³ Indigenous people and women are two marginalised sub-groups significantly affected by the destruction of forests and its unequivocal and accelerating impacts. While various legal forums have gradually awakened and demanded a better understanding of the impediments to their participation in forest governance, little focus is given to the rights and role of Indigenous women.

Although the rights of women are formally codified as human rights under the United Nations Convention on the Elimination of Discrimination against Women (CEDAW)⁴, and the rights of the Indigenous people are codified and recognized in the United Nations Declaration on the Rights of Indigenous

² Bina Agarwal, *The Gender and Environment Debate: Lessons from India* Author, 18 FEMINIST STUDIES, no. 1, 1992.

³Arneil G Gabriel et al., *Roles of indigenous women in forest conservation: A comparative analysis of two indigenous communities in the Philippines*, 6 COGENT SOCIAL SCIENCES, no. 1, 2020.

⁴Convention on the Elimination of All Forms of Discrimination against Women, GAOR, July 9, 1993, 1249 U.N.T.S. 13.

Peoples (UNDRIP)⁵, Indigenous women's rights are often neglected at both the international and national level. Yet Indigenous women often face systemic violations of their human rights in the context of forest governance, experiencing deepened exclusionary and discriminatory practices in their communities as well as in society at large.⁶

II. Indigenous Women's Struggle for Forest Rights: Conceptual Framework

The conceptual framework is to understand whether legal recognition of indigenous women's land and forest rights has enabled effective land ownership and further access to resources, and whether or not the non-material resources of the community were undergoing any change. Additionally, it will highlight whether the rights given under the Forest Rights Act of 2006 have enhanced Indigenous women's ability to act upon their goals. In other words, it is sought to understand if these women's rights have triggered a process of change that has finally led to their improved socio-economic and cultural status. Further, since effective participation in natural resource management is also a means of empowerment, it aims to determine if women's legal rights over land and membership in forest rights conservation have enabled them to become equal participants in decision-making for the sustainable use of forests.

The present study aims to understand if women's rights and access to forest land and produce have improved Indigenous women's socio-economic status within households and in society. Whether land rights have also endowed them with greater bargaining power vis-a-vis the state. Hence, the study aims to explore whether the stipulation of rights under FRA, 2006 has triggered a process of positive change, such as a process of empowerment for Indigenous women. Appointments can exist only where a process of change has occurred. So it is

⁵UNDRIP emphasizes its equal application to both "male and female indigenous individuals." UNDRIP art. 4 also mentions the obligation of both states and indigenous nations "to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination." In UNDRIP, art. 22(2).

⁶Tahnee Lisa Prior and Leena Heinämäki, *The Rights and Role of Indigenous Women in The Climate Change Regime*, 8 REVIEW ON LAW AND POLITICS (2017).

essential to see if ownership rights over land, previously denied to women, have endowed them with the ability to make strategic life choices.⁷

In India, indigenous forest-dwelling groups officially documented as ‘Scheduled Tribes’ or ‘Adivasis’ have historically been dispossessed and excluded from their traditional homes in forests. The passing of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006 in India (Forest Rights Act) was meant to tackle historical injustices by recognising Indigenous people’s rights. These included rights to certain land, rights to access, use, and dispose of minor forest products, and rights to manage and conserve forests. The FRA can potentially be a powerful piece of environmental justice legislation. Still, its abysmally slow implementation threatens indigenous people’s survival, as does its lack of gender responsiveness.

Indigenous women are at the forefront of fighting for their community’s forest rights. They often take this massive responsibility without substantial policy support or incentives. Within India’s decentralised environmental legislation, there are few gender-specific provisions in forest policies and laws, and the regulations are not sufficiently gender-responsive. Some forest policies attempt gender inclusivity, but even these limits themselves to a nominal representation of women. For instance, the FRA does contain gender-aware provisions such as mandating that one-third of members in decentralized institutions be female. It also accounts for joint land titles and the recognition of women’s land claims in single-headed households. However, these surface-level fixes struggle to affect deeper problems, like inequity, participation, agency, and long-term effective involvement in forest decision-making.

Still, despite a lack of policy support and unfavourable conditions, many women are fighting to reclaim their forest rights and taking the example of the Van Raji people who are forest-dwelling tribal groups that inhabit remote, isolated, and ecologically fragile areas of Uttarakhand, a northern state located in the foothills of the Himalayas. With critical support from a

⁷Sagari R Ramdas, *Women, Forestspaces and the Law: Transgressing the Boundaries*, 44 ECO. & POL. WKLY., no. 44 (OCTOBER 31-NOVEMBER 6, 2009).

progressive local non-government organization and active local leadership, Van Raji women have been able to raise their concerns to state authorities. Indigenous women participate in decision-making bodies such as a sub-divisional forest committee and Gram Sabha (village assembly) level Forest Rights Committee, where they can vocalise their concerns and protect their rights and entitlements.

However, currently, their participation comes at the cost of their daily livelihood and household and care responsibilities. The physical and emotional hardships these duties bring are a significant hurdle to their opportunities. This makes participation an economic risk that carries social and emotional challenges. These risks do not always pay off even after making sacrifices. Dominant social and state actors often ignore their voices with their scheme of interests and goals. The Van Rajis' experience shows that women's fight to protect the forest is unnecessarily grueling without policy support. The biased socio-economic and political environment entrenches unequal power, and, despite the Forest Rights Act's good intentions, prejudice often squashes and turns off indigenous women's efforts to achieve its goals. To tackle this issue, policymakers must engage with local decision-makers to reform their processes, mainly focusing on marginalized indigenous groups. Present gender-responsiveness efforts are simply inadequate and do not do enough to redistribute the responsibilities and benefits of having a voice in forest policy-making.

Historically, women have ensured the sustainable use of forests while safeguarding their livelihoods and food security. Usually, women visit forests to collect firewood, fodder, graze cattle, collect minor forest produce, and for myriad other reasons. However, this way of life has consistently conflicted with the state's interests, has usurped forests from their traditional rightful holders, and has viewed tribal people as encroachers and lawbreakers in their own domain.

Contrary to popular perceptions about indigenous women being emancipated, they are equally or more disempowered due to their marginalization, lack of land rights, and control over sales of the forest produce they collect. In other words, tribal women are asset-less and mainly perform unpaid labour, like other women, for the household economy and have low status in the social hierarchy. They should be more consulted while framing forest use rules or preparing micro-plans for forest conservation and development.

Therefore, women's economic empowerment is not a function of attaining control and ownership rights over land alone but is also associated with adequate access to other productive resources such as rearing cattle, forest produce, productive technology, and non-material resources such as access to information, opportunities for skill enhancement, rights to influence ideologies and norms. This was effectively demonstrated by the experiences of the Centre for Women's Development Studies action research project, implemented in West Bengal's Bankura district. Here women were given access to land and productive technology, information, and training for income generation. Collectivisation was at the initiative's core, giving tribal women a voice and confidence in their traditional knowledge and practices. As a result, they converted wastelands into productive resources for the community and themselves; they also upgraded their skills and learned new methods for diversifying their sources of income, leading to more sustainable practices for ensuring their livelihoods.

To empower women, rights incorporated under the Forest Rights Act of 2006 need to be exercised. Adequate support for women-oriented farm forestry-based skill development and guidance in their local settings can further add to collective action. Sustained use of forest and its minor produce shall lead to conservation of natural resources. The consent of women before allotting land to other industries must be made indispensable to ensure that women assume active roles and assert their community rights. This can resultantly equip the community with greater bargaining power and can also facilitate adequate compensation for displacement.⁸

III. Women and Forest

In India, indigenous women have typically been responsible for fetching fuel and fodder, these communities have also often been the main cultivators. They are thus likely to be affected adversely in specific ways by environmental degradation. At the same time, during their everyday interactions with nature, they acquire a unique knowledge of species varieties and the processes of natural

⁸Anjoob B Sharma, *The Indian Forest Rights Act (2006): A Gender Perspective*, 2 ANTYAJAA: INDIAN JOURNAL OF WOMEN AND SOCIAL CHANGE 48, 64 (2017).

regeneration (this would include knowledge passed on to them by, for example, their mothers). They could thus be seen as both victims of the destruction of nature and as repositories of knowledge about nature in ways distinct from the men of their class. Indeed, based on their experiential understanding and expertise, they could provide a unique perspective on the processes of environmental regeneration.⁹

An estimated 147 million people live in 170,000 villages¹⁰ in and around forests in India, and another 275 million villagers depend heavily on forests for their livelihoods. The first victims of environmental degradation are the women among low-income people. For example, a fuel wood crisis due to deforestation forces village women to travel for miles in search of wood. This wastes energy and time, which the women could have devoted to more remunerative work. They have to bring water for cooking and washing from great distances. Fodder scarcity also affects women first, as livestock care is their responsibility. This burden on women, in turn, impacts girl children. When the mothers spend time fetching fuel wood and drinking water, girl children are kept at home and discouraged from attending school. They must look after the younger children, sweep the house, and do other household chores. Women are also the immediate victims of the smoke that fills the homes of those who cannot afford clean fuels like natural gas and electricity.

Vulnerability to environmental degradation induces women to become agents of eco-restoration in organised efforts. Women are keenly interested in planting fruit, fodder, and fuel wood trees around their houses and on common lands. They have played an enthusiastic role in preventing the overexploitation of forests by commercial interests. There have been instances of women fighting to protect grazing lands and forests from disruptive developments like mining. Women's participation is valuable for improving the productivity of common lands. Since women are so closely linked with natural resources, they represent a constructive and protective force for the environment. They can play a crucial role in turning vicious circles into virtuous ones.¹¹

⁹ Bina Agarwal, *supra* note 2.

¹⁰ The total number of revenue villages in India is about 6, 50, 000.

¹¹ Naresh Saxena, *Women and Forest In India*,
https://www.academia.edu/8062025/Women_and_forests_in_India

Rural and indigenous women, often heads of households, depend mainly on free access to resources, including fuel wood, medicinal plants, fodder, fruits, nuts, and seeds. Furthermore, during conflicts and natural disasters, displaced rural people become even more reliant on freely available forest products and services, and this again applies in particular to women. As a result, women are recognised as being more severely impacted by environmental degradation. When rural women's access to forest resources is improved, their income increases, and they are most likely to spend this income on their children's education, health care, and feeding the household. Therefore, women's access to forests and associated biodiversity has a direct bearing on poverty alleviation and the well-being of families.

Women play an essential role in feeding their families and hence, in the reduction of poverty. Although both men and women have differentiated roles concerning the sustainable use and conservation of forest resources, women's roles are often ignored. Forest and land policies that are gender-blind and do not take a rights-based approach will continue to marginalise women legally and socially, excluding them from decision-making and from benefitting from forest and land resources.¹²

When rural women's access to forest resources is improved, their income increases, and they are most likely to spend this income on their children's education, health care, and feeding the household. Therefore, women's access to forests and associated biodiversity has a direct bearing on poverty alleviation and the well-being of families. Furthermore, when women's involvement in related governance processes is restricted, this in itself serves to perpetuate the problem since they are unable to improve associated decision-making systems. Land tenure is a critical example. Women often cultivate lands they do not own and gather resources from forests to which they lack titles. Even where land tenure policies are in place, some patriarchal cultures will not consider women's land

¹² Isis Alvarez , *Forest, biodiversity and rural and indigenous women's rights*, *Global Forest Coalition, Colombia*,
<https://womensmajorgroup.org/wp-content/uploads/2014/05/SDGs-position-paper-Forests-FINAL.pdf>

tenure rights, thus leaving women and even families landless. At the same time, there has been a growing realisation that insecure tenure rights are a crucial cause of forest degradation, as forest users have few incentives and often lack legal status to invest in managing and protecting forest resources they do not own. Failing to tackle such causes of deforestation and forest degradation aggravates negative impacts on vulnerable groups, such as women and their children, who depend on forests for their livelihoods, thus increasing poverty. But many land policies and agrarian reform programmes, whether redistributing land or reforming tenure rights have overwhelmingly granted these rights to men, contributing to continuing discrimination against women.

The past decade, in particular, has seen increasing resistance to ecological destruction in India, whether caused by direct deforestation (which is being resisted through nonviolent movements such as Chipko movement in the Himalayan foothills and Appiko in Karnataka) or by extensive irrigation and hydroelectric works such as the Narmada Valley Project covering three regions in central India, the Koel-Karo in Bihar, the Silent Valley Project in Kerala (which was shelved through major government intervention and local protests in 1983), the Inchampalli and Bhopalpatnam dams in Andhra Pradesh (against which 5,000 tribal people, with women in the vanguard, protested in 1984), and the controversial Tehri dam in Garwal. Women have been active participants in most of these protests. Women's active involvement in the Chipko movement has several noteworthy features that are worth highlighting. First, their protest against the commercial exploitation of the Himalayan forests has been joint with the men of their community when they were confronting nonlocal contractors and, in several subsequent instances, even in opposition to village men due to differences in priorities about resource use. Time and again, women have clear-sighted opted for saving forests and the environment over the short-term gains of development projects with high environmental costs. In one instance, a potato-seed farm was to be established by cutting down a tract of oak forest in Dongri Paintoli village. The men supported the scheme because it would bring in cash income. The women protested because it would take away their only local source of fuel and fodder and add five kilo-meters to their fuel-collecting journeys. Still, cash in the men's hands would not necessarily benefit them or their children. The protest was successful. Women have been active and frequently successful in protecting the trees, stopping tree auctions, and keeping a vigil against illegal

falling. In Gopeshwar town, a local women's group has appointed watchwomen who receive a wage in kind to guard the surrounding forest and to regulate the extraction of forest produce by villager.¹³

Indeed, despite women's extensive traditional knowledge of forest management and sustainable resource use, they seldom have a voice in decision-making. Poor education and invisibility in public affairs, as a result of gender inequalities, often bar them from having a say in land use and forest management decisions and from accessing new knowledge, technical capacity, and other related educational opportunities. Thus men are more likely to be able to access and control resources and derive improved income, including by engaging in commercial activities.

IV. Indigenous People and the Law: Recognising their Struggle

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was eagerly welcomed as a victory and a significant step forward in the larger struggle of tribal communities seeking sovereignty over resources. For Indigenous women, in particular, it was supposed to give new meaning to gender and environmental justice, the right to a way of life and livelihood, and the acknowledgment of their knowledge and capacities to nurture the forests and ecosystem. The legislation, however, may become a tool for the State to execute its control over these forest resources and regulate freedoms to its citizens by retaining the powers of the final decision regarding the governance of the forest resource. The State's attempts to negate the management of the Gram Sabha, suppress the securing of community rights to forest resources, and the financial allocations through different schemes such as the National Rural Employment Guarantee Scheme to promote plantations and afforestation programs on the lands secured through the FRA, demonstrate another form of subjugation and alienation, which undermines the democratic rights and dignity of Indigenous women. The question is not just of including women in policy and programs but of unravelling the gendered structure of patriarchal institutions that are notoriously resistant to change. If citizenship content were to be extended to include the right to recognition of ways of living and livelihood, women could take their legitimate place as productive human

¹³BinaAgarwal, *supra* note 2.

beings entitled to dignity as a political right, not as a part of protection and welfare.

When the FRA was passed in December 2006, there were cautious celebrations as it appeared to recognise the legitimacy of the Adivasi or Indigenous women's autonomous relationship with the forests. More importantly, it accords legal rights and confers powers to the communities to protect and manage their community forest resources by their traditional conservation modes and protect the forests, wildlife, and biodiversity.

The process of claiming rights took another year when the rules were finally notified on January 01, 2008, mainly in response to pressure from people's movements across the country. People's organisations had barely begun to celebrate this partial success of their struggle when retired forest officials and conservationists filed nine different public interest litigations challenging the act in the Supreme Court and the high courts of six other states. The petitions argued that the act paved the way for local communities' destruction of the forests. Along with legal hurdles, the law's enactment provoked increased attacks by forest department officials against indigenous and Dalit communities. These attacks, in particular, targeted women living in forest areas, with reports of renewed and aggressive attempts to evict communities from their homelands across the country.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was aimed at redefining gender and environmental justice and acknowledging adivasi women's capacities to nurture forest space. However, as an analysis of the act's implementation in Andhra Pradesh shows, it has become a bureaucratic exercise instead of an empowerment tool. The ingrained patriarchal view of the State and its reluctance to grant the claimant's men and women community rights to the land they were tilling all these years reveal that the profit motive and integration into larger global capital markets drive its forest development programs. In the process, the women are becoming wage labourers carrying out the government's programs of plantation rather than exercising their traditional knowledge to nurture forests and gain rightful livelihoods.

The ancestral plural relationship that women hold with the forest space is depicted by how this space is used in multiple ways, shifting cultivation,

grazing, food production, foraging for wild fruits, vegetables, tubers, and medicines, saving seeds and breeds, collecting fuel wood, forest produce and materials to build homes, worshipping their ancestors and gods and a space to celebrate and mourn. These "productive" and other "noneconomic" interactions and relationships with the forest have been constantly contested, challenged and have come into direct conflict with the State's interests since before independence and have intensified in independent India. The indigenous women's active role in movements to resist the State's attempts to restrict and regulate freedom, and contain temporal and spatial mobility within their territories and homelands, is a concrete expression of opposition to subjugation and control. Furthermore, these resistance movements are an integral part of the larger struggle against patriarchal institutions and unjust forms of governance and for gender justice.

In this era of neo-liberal reforms and globalisation, women's resistance has taken an additional dimension in struggling against the appropriation of their territories and the forest by global and national capital markets. The more profound concern is that capital and governance are rapidly transforming their autonomous spaces and relationship with the forest into commodities with a market value that can be traded, allegedly to raise their incomes, eradicate poverty, and empower women while increasing the government's revenues. From shifting cultivators to pastoralists whose livelihoods banked on their access to forests to graze their animals to internally displaced Indigenous women forced to leave their homes and live as refugees in new forest regions, women have been victims of the brutal violence of the forest bureaucracy. They, thus, joined the thousands who protested on the streets to demand an end to their having to live in forests as criminals and law-breakers. For women, it is not merely a struggle for legal rights to resources but for confirmation of rights to livelihood strategies that engage with the land and resources in a manner that the State has long viewed as ecologically destructive and inefficient.

In the last decade coinciding with the neoliberal period of reforms, the female shifting cultivators and graziers have borne the brunt of this violence by the State to restrict and deny them access to the forests. Violence against women has taken several forms, such as taking control of their resources and displacing

them from their means of production, the land, forests, water, and genetic resources and negating their knowledge and power in decision-making.¹⁴

V. **Patriarchy of Governance**

The State's essentially unchanged patriarchal ideology and political character stands starkly exposed with these actions. The State assumes it is doing a great favour and can undo historical wrongs and further gender justice by throwing crumbs towards marginalized indigenous women. It takes these liberties because of a deeply ingrained patriarchal worldview and image of indigenous women as unquestioning, obedient, ignorant, and pliable. Allotting a couple of cents of land to women humiliates and mocks their dignity. However, democracy is not about granting favours. These women were struggling for something very different. For example, in four panchayats of Srikakulam district, women refused to accept these titles and demanded resurveys of individual and community claims, which the officials finally took. The state government did not inform these communities of the importance of filing community rights. To a prominent extent, people had no opportunity to internalise and understand the critical political relevance of staking their claims to these rights as collectives of households at the village or hamlet level.

The State appears to have consciously decided to subvert or suppress the process of ensuring local communities exercise their right to the community forest resources. This has massive ramifications, as we have argued earlier on women for whom the private and public spaces in forest regions form a continuum through which they exercise their right to livelihoods and life. Indigenous women view agriculture and non-agriculture lands, including forests and common property resources, as a mutually supportive continuum within the local landscape. They complement and supplement each other in shaping local livelihoods. This worldview, however, is in direct conflict with the State, whose plans for the forests work against women's interests. Denial and rejection of community claims directly attack women's livelihood aspirations, knowledge, and rights, which are closely embedded in the collective right to use shared resources to meet their needs.

¹⁴Sagari R Ramdas, *supra* note 7.

According to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on Biological Diversity (CBD), Indigenous Peoples play an essential role in protecting and managing natural resources. Still, the specific practices of Indigenous women, often the front liners in such tasks, should be addressed.¹⁵

VI. Challenges for Indigenous Women

Belonging to an indigenous community means women suffer discrimination, exploitation, marginalisation, and human rights violations. It is well known that, above all, the loss of lands and resources due to commercial logging, land conversion for monoculture plantations, extractive industries, dams, or protected areas is seriously impacting the lives of indigenous peoples. Women, in particular, feel the impact of losing land and access to resources, maybe even more than men, since they are more directly responsible for caring for and bringing up their children. Often, dispossession goes hand in hand with violence by state armed forces, settlers, or the security personnel of private companies. The occupation of indigenous peoples' land not only means forced eviction but murder and sexual harassment, including rape of Indigenous women. For example, prolonged militarisation and internecine and intercommunity violence have resulted in economic hardships, poverty, and serious human rights violations in the Northeast region of India.¹⁶

The powerful convergence of global climate change policies and neoliberal markets override India's current environment and forestry policy. The contemporary discourses on mitigation and adaptation to climate change and the global need to conserve carbon are undermining the rights as well as democratic, decentralized governance systems of Indigenous communities, which hit women hardest. Emerging climate change policies and neoliberal practices reshape indigenous and forest relationships, creating new forest forms. The new

¹⁵*Id.*

¹⁶*Violence, Customary Law and Indigenous Women's Rights In Asia*, AIPP Briefing Paper (2012)

https://www.iwgia.org/images/publications/0659_Violence_Customary_Las_and_IP_o men_Rights_in_Asia.pdf

conditions are culturally read as carbon, cash crops, and ecosystem services, with scientific knowledge and management as its guardians. Countries are reaching a global consensus on policies to mitigate and adapt to climate change, presenting a critical stage in Indigenous communities' history and a defining period. The influence it will have on the indigenous way of life and being is far from clear. Still, all initial evidence points towards the displacement of Indigenous subjectivities and livelihoods, towards that of global carbon capture and conservation, with regressive repercussions on Indigenous women.

The recent Indigenous Peoples Declaration on Climate Change reaffirmed that: (We) Indigenous People challenge States to abandon false solutions to climate change that negatively impact Indigenous Peoples' rights, lands, air, oceans, forests, territories, and waters. These include nuclear energy, large-scale dams, geo-engineering techniques, clean coal, agro-fuels, plantations, and market-based mechanisms such as carbon trading, the Clean Development Mechanism, and forest offsets. The human rights of Indigenous Peoples to protect our forests and forest livelihoods must be recognized, respected, and ensured. This idea has been expressed in several ways in both pre and post-independence in the history of the Adivasi struggle to acknowledge their rights to resources and their way of life. Laws like Panchayats Extension to Scheduled Areas Act 1996 and Forest Rights Act of 2006 are open democratic spaces for them to exercise their rights to help, protect and govern the forests. They are a step forward in their larger struggle against centuries of oppression and injustice. At the same time, when we analyse the ground reality and experiences, we find these laws and the "new welfare models," such as The Mahatma Gandhi National Rural Employment Guarantee Act 2005 (MGNREGA). The State uses the Rural Employment Guarantee Act 2005 to retain its authority, power, and supremacy over resources, alienate people from their land and way of life, and create and sustain capital markets. The State has identified women as key to implementing its neoliberal agenda and, in doing so, attempts to restrict and regulate their freedom, and confine and contain indigenous women within new boundaries. However, these women remain defiant and resilient and struggle to hold onto and regain lost space.¹⁷

VII. How Can Forestry Policy Support Women

¹⁷Sagari R Ramdas, *supra* note 7.

It is widely recognised that mainstreaming gender in policy processes can improve developmental and environmental outcomes. Ultimately, policies and programs empowering women in the forest sector are essential for building economies based on social justice and environmental conservation. Specifically, forestry policy-makers should concentrate on the following:

- i. ensuring that women's work in forestry (both paid and unpaid) is captured in national statistics, and increasing the availability and use of sex-disaggregated data for the forest sector;
- ii. improving women's safe access to fuel wood, supporting the use of healthier, more energy-efficient technologies and equipment (e.g., improved stoves), and enhancing access to alternative energy sources (e.g., solar energy, electricity);
- iii. designing forestry and agro-forestry programs that recognize women as users of forests (along with men) and acknowledge women's valuable knowledge, experience, and specific needs;
- iv. enhancing the understanding of gender roles along forestry value chains, supporting value chain activities performed by women, and working with existing processing and marketing groups in which women participate;
- v. aiming to achieve gender balance in forestry associations and forest user groups and enabling women to participate fully in decision-making within these associations/groups, e.g., through formal education, training, and support for income generation;
- vi. Systematically integrating gender into policy frameworks through gender-specific needs assessments, gender audits, gender-sensitive data collection systems, budget allocations, and consent to women's active participation in policy processes.¹⁸

VIII. Conclusion and Suggestions

India's environmental policies must further enable indigenous women to participate in decisions related to forest management. The sustainable development agenda beyond 2015 must prioritize goals that empower women, create conditions for their autonomy, and protect their rights. These goals should

¹⁸Women in Forestry: Challenges and Opportunities (fao.org).

support food sovereignty and shield women from exploitative labour systems and market pressures that exacerbate inequality. It is crucial to value and preserve women's traditional ecological knowledge, which has contributed to the sustainable use and protection of natural resources for generations, and ensure its integration into broader sustainable development strategies.

The concept of sustainable production and consumption is not unattainable; communities have successfully managed and cared for their environments for thousands of years. Reviving localized economies that consume fewer resources across the supply chain could help address global hunger and advance progress toward the Millennium Development Goals (MDGs). Although the MDGs aimed to eliminate gender inequality in primary and secondary education, they fell short in addressing the quality and accessibility of education. Therefore, the formulation of Sustainable Development Goals (SDGs) and post-2015 development plans offers a critical chance to firmly establish women's empowerment through clear, measurable, and achievable targets.

Adopting rights-based, inclusive projects that promote gender equity is essential for generating both environmental and social gains for all. Government subsidies currently supporting large-scale biomass and other environmentally harmful ventures should be redirected toward sustainable energy solutions such as wind, solar, and tidal power. Similarly, public funds should move away from industrial agriculture and instead provide real support to small-scale farming and community-led initiatives, particularly those led by and benefiting women.

Investment should prioritize programs that back proven, rights-based forest conservation and restoration models, such as Indigenous lands and community-managed areas that also advance gender equality. Recognizing the dynamics of gender roles in forest resource management is key to ensuring those resources are used fairly and sustainably. Failing to address gender issues will ultimately undermine efforts to enhance forests' roles in poverty alleviation, biodiversity protection, and sustainable development.

The United Nations Conference on Sustainable Development (Rio+20) concluded with minimal advancements for women's rights and the rights of future generations in the context of sustainable development. There was a notable lack of strong commitments regarding women's rights to land, property, and

inheritance—rights that are fundamental to equitable resource access. Therefore, future sustainable development goals must explicitly support the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The swift and full enforcement of CEDAW is essential to empowering forest-dependent women and ensuring that gender equality becomes a central consideration. Additionally, gender perspectives must be integrated into the work of the United Nations Forum on Forests (UNFF), which has largely overlooked these issues. Long-term commitments are needed to advance gender equality and embed women’s rights across social, environmental, and cultural indicators.

It is critical to address the root causes of deforestation and environmental degradation, such as overconsumption and misguided climate strategies that disproportionately burden women. Efforts must urgently focus on halting land, water, and mineral grabs. Legal land ownership significantly influences women’s access to natural resources; hence, recognizing women’s land rights is vital to combating poverty and resisting land dispossession. Despite forming a large share of the global poor and frequently leading households, many women remain without access to land and the means to produce food or earn an income.

Forest and ecosystem services must be kept out of carbon markets and other financial trading systems. Harmful subsidies and incentives such as those promoting biofuels must be revised, as they often undermine biodiversity, destroy livelihoods, and encourage forest destruction. A more inclusive and holistic definition of forests, like one acknowledging complex ecological processes and biodiversity, should replace the narrow categorization used by institutions such as the Food and Agriculture Organization.

Laws and policies at both national and international levels should not treat forests and biodiversity as separate entities, as they are deeply interconnected. Such artificial separation often serves industrial interests at the expense of local communities. Deforestation bans must be enacted in areas where forest use is unsustainable, ensuring that the livelihoods and needs of local communities are respected. It is also imperative to recognize and integrate women’s traditional knowledge and cultural practices, which have been proven effective in managing and conserving forest resources. Even when women lack

formal land titles, their contribution must be acknowledged, and they should receive a fair share of the benefits from the land they care for.

Women's roles in biodiversity conservation—such as seed saving and tree nurturing should be recognized and rewarded through targeted public policies, awards, and other forms of public acknowledgment. Bio-cultural conservation approaches, such as Indigenous and Community Conserved Areas (ICCAs), must be supported, and the UN Declaration on the Rights of Indigenous Peoples should be implemented at all stages of decision-making. The Convention on Biological Diversity (CBD) already acknowledges women's critical role in biodiversity protection and their right to participate in related policymaking processes.¹⁹

Country-level sustainable development strategies must reflect women's varied roles in forest ecosystems and be tailored to national contexts. Gender considerations should be mainstreamed into National Biodiversity Strategies and Action Plans. Furthermore, women's equitable access to benefits arising from genetic resources should be ensured through the ratification and enforcement of the CBD's Nagoya Protocol and the UNDRIP.

There is a pressing need to increase women's participation and leadership in decision-making, supported by capacity-building efforts and institutional changes that enable their involvement. Providing support systems, such as childcare, is essential to facilitate women's full engagement in community and environmental activities. With better access to information and decision-making platforms, women can become more aware of their rights and more capable of evaluating how projects may impact their lives.

Small-scale, community-led initiatives that promote income generation, food and energy sovereignty, and overall well-being must be prioritized. Establishing gender-specific mechanisms to enhance women's roles in sustainable forest management is necessary. Securing land rights and maintaining community control over natural resources are crucial, particularly for Indigenous and marginalized women. Monitoring systems should track the

¹⁹Isis Alvarez, *Forest, biodiversity and rural and indigenous women's rights*, GLOBAL FOREST COALITION, COLOMBIA, <https://womensmajorgroup.org/wp-content/uploads/2014/05/SDGs-position-paper-Forests-FINAL.pdf>

social, economic, and environmental impacts of both foreign and domestic corporate investments. Moreover, all projects must ensure the Free, Prior, and Informed Consent (FPIC) of rural and Indigenous women and their communities.

Deeper attention must be paid to persistent gender-based socio-ecological inequalities, which threaten both women's livelihoods and forest conservation. Ignoring these concerns will result in failed outcomes for environmental policies like the Forest Rights Act (FRA), undermining both social justice and ecological sustainability.

Greater investment in training and empowering Indigenous women is vital to safeguarding their communities' rights in forest governance. Through such a gender-responsive approach, India can work toward equitable, sustainable outcomes that address the urgent challenges posed by climate change.²⁰

²⁰Dipika Adhikari, *Indigenous women's struggle for forest rights in India*, ASIA & THE PACIFIC POLICY SOCIETY POLICY FORUM (JULY 22, 2022), <https://www.policyforum.net/indigenous-womens-struggle-for-forest-rights-in-india/>