

Local Democracy in the Woods: Understanding Decentralised Forest Governance through Forests Rights Act, 2006

Satyapriya Rout
Associate Professor
Department of Sociology
University of Hyderabad

1. Introduction

1.1 Background to “Local Democracy in the Woods”

In most of the developing societies, where social world and the bio-physical world share an intrinsic relationship, natural resources like forests have been the sites of contestation to define, negotiate and reconstruct the meaning and practice of democracy, social justice and citizenship. In these societies, the triadic relationship between the livelihood security, resource dependency and societal well-being, makes communities important stakeholders in forest governance and their involvement an integral part in decision-making over forest resources. Besides, to mediate the competing claims, counterclaims and conflicting interests in forest resources, democratic institutions become an essential framework for forest governance. Hence, practice of social justice and environmental conservation – two of the most crucial issues of public policy of contemporary times – demands “*local democracy in the woods*”. However, forest governance policies and laws in India till mid-1980s – not excluding their colonial legacy – have reiterated the practice of exclusion, marginalization and displacement of forest dwelling tribal and other local communities to make way for environmental conservation. It is only during 1988, that the National Forest Policy of India recognized community’s dependence on forests, paving the way for people’s participation in forest management practices. Since then, there has been many attempts to practice decentralised forest governance through democratic institutions, albeit multiple nomenclatures: social forestry, Joint Forest Management (JFM), Community Forestry, etc. In this process of on-going forest governance reforms, the Panchayats Extension to Scheduled Areas (PESA) Act, 1997 and Forest Rights Act (FRA) of 2006 stand as milestones in India’s forest governance reforms, with stated objectives of ‘undoing historical injustices of the past’ through adopting rights-based and demand-driven approaches in forestry. The Forest Rights Act (FRA) of 2006 not only recognises the land ownership rights of forest dwelling indigenous communities, but also makes provision to involve them in sustainable forest governance, by extending them ‘individual forest rights’ and ‘community forestry rights’.

Local democratic institutions such as Gram Panchayats play the most crucial role in implementation of FRA, with all the three tiers of PRIs being integrated into the implementation process. The FRA recognises Gram Sabha as the crucial body in the process of recognition and vesting of forest rights. The Gram Panchayat is expected to convene the Gram Sabha for the purpose of implementation of FRA. The Gram Sabha has the following functions in implementation of FRA:

- Constitution of Forest Rights Committee (FRC)
- Verification of Forest Rights Claims
- Considering Resettlement Packages
- Conservation of Community Forest Resources

The FRA, 2006, since its inception has evoked varied response from different states with differential degrees of success in terms of recognising tribal rights to the forest land and establishing democratic institutions for sustainable governance of forest resources.

1.2 Scope of the Study

It is in this context that the proposed research aims to explore the fundamental shifts within forest governance leading to democratisation of nature, environmental subject-making and emergence of new identities to negotiate power and social justice with the state. The study attempts to address certain key puzzles: why do some institutions perform better in democratic governance of natural resources, while others hesitantly accept the institutional change for decentralised resource governance. Why does FRA invoke a conflicting response from tribal activists, populist environmentalists and the elitist conservationists?

1.3 Rationale of the study:

Ensuring environmental sustainability, human development and social justice have been on the top of the agenda of academic and policy research since 1990s. Considering the potentials of FRA to address these concerns, it becomes imperative to understand the working of local democracy in forest governance and the determinants of successful implementation of FRA.

2. Literature Review

2.1 Colonial (Scientific) Forestry and its Social Consequences

Formal management of forests in India is one of the oldest in the tropical world, dating back to 1860s. Prior to the British conquest of India, forests were owned and managed by self-sufficient village communities with traditional practices and indigenous knowledge. Such a practice has been described as 'ecological prudence' by Madhav Gadgil, which pointed towards "exercise of restraint in the exploitation of natural resources such that the yields realised from any resource are substantially increased in the long run, even though that restraint implies foregoing some benefits at the present' (Gadgil, 1985: 1909). However, The beginning of colonial rule experienced a sea change in the attitude of the state towards the forest resource and the pattern of forest use and management in India. The colonial treatment of India's forest had significant impacts upon the physical condition of the forest as well as the socio-cultural life of forest dependent communities. Colonialism has been, thus, described as an 'ecological watershed' for India and the colonial treatment of India's forests as an 'onslaught on forests' for the destruction of forests, which has been made to fulfill the strategic requirements of the colonial state (Gadgil and Guha, 1992: 116-23; Guha, 1989: 37-43).

Primarily, three strategic requirements of colonial state shaped the forest governance practices during British India, i.e. (i) building up of railway networks, (ii) ship building activities for British royal navy, and (iii) expansion of cultivable land to generate high revenue and thereby extend control over Indian territory (Gadgil and Guha, 1992; Guha, 1983, 1989; Rangarajan, 1996). These requirements of British colonial administration resulted in large scale deforestation and the immediate problem before the British was then as to how best to manage and control the tree wealth, which no longer then had remained as an inexhaustible resource. Such a situation finally resulted in the introduction of scientific management of forests in India and the first ever Indian Forest Act, 1865.

The 1865 Act adopted conservationist measures to protect the forest resources from large-scale deforestation, by establishing state control over the forestlands. The Act is rightly considered as 'the first step towards rule of property for the forests of British India' (Rangarajan, 1996: 30). The Indian Forest Act, 1865 was revised in 1878. The 1878 Forest Act ensured that the state could demarcate and establish its monopoly control over valuable tracts of forest, needed especially for strategic purposes. The long-standing claims of local communities over forests were curtailed and the state control over forest resources was marked by the new forest Act. The revised Forest Act of 1878 successfully established complete state monopoly over country's forest resources and classified it into three categories, namely, reserved forests, protected forests and village forests (Guha, 1990).

The scientific management of India's forests during colonial rule has had significant consequences upon the life of the people as a whole and particularly those dependent upon forests for daily livelihood requirements. The age-old relationship of mutuality between forest dwellers and forests was broken down, labelling the forest dwellers as intruders and destroyers of forests. The traditional patterns of forest use and practices, and protection system also broke down as indigenous rights declined (Poffenberger et al., 1996: 20). This erosion of social bonds, which had regulated the customary use of the forests led to what Guha (1983, 1985, 1989) describes as an 'alienation of man from nature'. This alienation, when became extreme, resulted in people degrading their own surroundings in which they once lived in symbiosis (Guha, 1989: 58).

2.2 Forest Governance Practices in Post-Independent India

We may broadly categorize the forest governance policies in post-independent India into three regimes: continuation of colonial legacy (1950 –1970), recognition of people's needs over forest and emergence of people's participation (1970 – 1990), and rights-based approach to participatory forestry (mid 1990s onwards).

Continuation of colonial legacy (1950 – 1970): The post-independent forest governance policies in India continued to rely on earlier colonial usurpation of forests and reinforced the rights of the state to exclusive control over forest protection and management. Forest laws and policies were promulgated on the assumption that national interest was best served by capitalising natural resources for consumer goods and international market. With an aim to increase the production of industrial wood to generate greater revenue, the first National Forest Policy of India was promulgated in the year 1952. The National Forest Policy, 1952 stressed on maintaining 60 per cent of the geographical land in hilly regions and 20 per cent land in plain land under forest cover. The policy gave primacy to national interest and sustained yield of timber. The 1952 forest policy exhibited a soft attitude towards the process of industrialisation and large-scale growth of wood-based industries, leading to a greater emphasis on 'production forestry' (Rai and Sharmah, 1998). Highlighting the continuity of the policy with that of colonial forest governance practices, Guha stated that "in a similar fashion to the 1894 policy, the National Forest Policy of 1952 was an explicit assertion of state monopoly right at the expense of the forest dependent communities" (Guha, 1983: 1888). Such marginalisation of rights of forest dependent communities was justified in the name of 'national interest', which was placed much higher in comparison interests of local communities.

Emergence of people's participation in forestry (1970 – 1990): The forest governance policies of India in 1970s started to recognise people's need over forest resources. Based on the recommendations of

the National Commission on Agriculture, the **Social Forestry programme** was launched in 1972 in India, which focused on plantation activities with people's participation to meet the twin goals of increased availability of fuelwood and reduced demand/degradation of natural forests (Blair, 1986; Robinson, 1998). The social forestry programme envisioned people's participation in three of its components, i.e. farm forestry (plantation in private lands), street plantation (in road sides and railway tracks), and village woodlots (plantation in village common lands and wetlands). Notwithstanding the large scale critique of the social forestry programme for its industrial orientation, environmental impacts and negative attitude towards rural communities as the destroyers of forests (see Gadgil and Guha, 1992; Mukherji, 1995); it was perhaps the first attempt to involve local communities in practices of forest governance in India.

Forest governance practices witnessed a paradigm shift with promulgation of **National Forest Policy, 1988**, which gave primacy to environmental sustainability, soil conservation, maintenance of ecological balance and above all meeting the subsistence requirements of the local people. It strongly felt that people who were living in and around forests must have a stake on the forest governance, and their requirements of fuelwood, fodder, minor forest produce and small timber must be met. Further, environmental stability and maintenance of subsistence requirements of local people were seen above earning revenue from the forests. The policy aimed at increasing the productivity of forests to meet essential national needs as well as to create a massive people's movement with involvement of women, for achieving these objectives.

The years following the launching of the National Forest Policy, 1988 have been a period of great development in Indian forest history so far as people's participation is concerned. On June 1, 1990, the Government of India adopted **Joint Forest Management Programme**, which envisaged a partnership between local communities and state Forest Department for the protection and management of forests. The new JFM model necessitated to consult people dependent on forests and consider their views to plan the management of forests, signaling a significant policy shift in forest governance in India (Joshi, 1998; Campbell, 1992; Mukherji, 1995).

Rights based approaches to participatory forestry (mid 1990s onwards): People's participation in forest governance in India got a new lease of life since mid 1990s, with participation and involvement in forest governance increasingly being seen as a 'right'. It is worth to mention here two important policy frameworks in this regard, which have facilitated community's engagement in forest governance practices in the last two decades, i.e. The Panchayat Extension to Scheduled Areas (PESA) Act, 1996 and the Forests Rights Act (FRA), 2006. Though not directly related to forestry sector, the PESA Act tried to uphold the unique identity of the tribals and their rights over their land, forest and self-governance. This act suggested that 'every Gram Sabha (village council) shall be competent to safeguard and preserve the traditions and customs of people, their cultural identity, and community resources including land, forests and water (Rout & Patnaik, 2014).. The FRA, 2006 acknowledged that the forest dwelling communities are integral to the very survival and sustainability of forest ecosystem. It recognised the rights of the local forest communities, and vests in them the right to use, manage and conserve forest resources. This act provides for recognising thirteen different rights that are central to the lives and livelihoods of tribals and other forest dwelling communities.

The Forest Rights Act, 2006 provided for involvement of the forest dwelling communities (including women) through formation of Forest Rights Committees (FRCs) at the village level. The Forest Rights Committees are empowered to make their rules and regulations concerning access, use and management of local forest resources. The Forest Rights Act, 2006 has two components, in which the FRCs are now expected to participate in governance of local forest resources. The first one is the grant of individual rights over forests to the tribal or forest dwelling households, who have been residing and occupying forest land for residential and farming purposes for a sufficiently long period of time. Secondly, the FRCs are expected to play an active role in grant of community rights to a specific tribal or forest dwelling community to collectively own

2.3 Implementation of Forest Rights Act (FRA), 2006:

Ever since its implementation, issues of tribal rights over forest have gained much attention in academic research. Most of the studies, however, limit themselves to the implementation of the act, and highlight the hurdles on the way of its success. The apathy of the Gram Sabha (lowest level of decentralized local government in India) has been often cited as an important reason for its poor implementation. It has also been reported that forest bureaucracy along with civil society organizations promoting the cause of tribal rights have played a more active role than the Gram Sabha, which questions the potential of the act to promote decentralized forest governance (see Sarap et al, 2013; Bandi, 2013). Besides, there are also studies on linking Forest Rights Act with questions of livelihood. Madhusudan Bandi's (2015) study of implementation of FRA in Chattisgarh and Gujarat reveals that the land received by the beneficiaries was very meager in proportion to what was being originally claimed. Other studies on FRA look into the historical context of the implementation of the act, and focus on the politics behind emergence of rights based approach to forest governance (see Kumar et al., 2011; Kumar & Kerr, 2012). In another context, Munster & Vishnudas (2012) from their study of implementation in Kerala highlight how FRA has been used as a strategy to fulfil political ambitions and electoral promises of Left-wing government to ensure redistributive justice.

3. Formulating the Research Problem

Various studies on implementational challenges of FRA notwithstanding, there still remains a gap in the research pertaining to a critical review of forest governance reforms in India. Barring a few (see Bose et al, 2011; Kashwan, 2017), research on democratization of nature and environmental subject-making of Scheduled Tribes in the process of forest governance reforms has remained largely neglected. The proposed research aims to fulfill that void. The central problem of the proposed research, therefore, revolves around a critical questioning of the forest governance reforms in India, and inquiring about its potential to bring about democratization of nature and empowerment of Scheduled Tribe communities on the one hand and evolution of sustainable forest management practices on the other. The forest governance reforms under FRA are expected to transform the marginalized, excluded tribal communities into autonomous agents in the practice of 'democracy in the woods' with full citizenship rights. It is in this context, the proposed aims to explore critically how far FRA has been successful in establishing deliberative and participatory democracy in forest governance practices and in creating an autonomous agency among the tribal communities.

3.1 Research Objectives

The broad objective of the study is to understand the practice of local democracy in the woods that functions as a forum to negotiate social justice and citizenship vis-à-vis environmental conservation; and to examine the determinants of good practices of decentralised natural resource governance. The specific objectives of the study are the following:

- To analyse competing contestations of democratization, social justice and environmental conservation in the context of forest governance in India
- To examine the process of 'environmental subject making' of the tribals as participant agents in democratic forest governance
- To explore the challenges and opportunities of ensuring social justice and sustainable forest governance through implementation of Forest Rights Act
- To examine the role Panchayati Raj Institutions (Gram Panchayats) in implementation of Forest Rights Act
- To examine the determinants of successful practice of decentralised resource governance at the grassroots level

3.2 Research Questions

The central question of the study pertains to the role of local democratic governments in successful implementation of Forest Rights Act, 2006. The study will attempt to answer the following relevant research questions.

- What role does the Gram Panchayat play in successful implementation of FRA, 2006?
- What are the determinant factors influencing the success of sustainable forest governance?
- What are the implications of successful implementation of FRA for the practice of local democracy, social justice and sustainable resource governance?
- What are the challenges that Gram Panchayats faced in the process of governance of forest resources?

4. Forest, Forest Governance and Forest Governmentality: Theoretical Framework for the Study

The proposed research aims to rely upon the Foucauldian framework of 'governmentality'. The post-Foucauldian literature on governmentality makes a useful distinction between government and governance, where governance may be understood as a 'shorthand label' used to describe a particular set of changes in the ways in which society is governed (Newman, 2001: 11). Foucault's governmentality does not restrict its analysis to the institutions or political power of the state. Rather, it defines the 'art of governing more broadly as 'conduct of conduct' (Foucault, 2003: 138), which may range from 'governing the self' to 'governing others' (Lemke, 2002: 51). Lemke (2002: 3) stresses that governmentality as an analytical tool 'offers a view on power beyond a perspective that centres either on consensus or on violence; it links technologies of the self with technologies of domination, the construction of subject to the formation of the state'. It highlights how endeavours to devolve autonomy and responsibility from state to an active citizenry represents a form of 'regulated freedom' in which subject's capacity for action is used as a political strategy to secure the ends of government (Ross, 1999).

Foucault's idea of governmentality, in recent years, has increasingly influenced studies on environment in India (see, Agrawal, 2005; Sivaramakrishnan, 1995, 1996; Bose et al., 2011). Adopting Foucauldian concept of governmentality, Agrawal (2005) coined the term 'environmentality', by which

he meant 'governmentalisation of environment'. Agrawal's environmentalism helps to critically understand the inter-relationship between power/knowledge, institutions and subjectivities in environmental governance. Agrawal (2005) basically highlights three main processes to elaborate on his notion of environmental regulation and environmental governance, i.e. 'governmentalised localities', 'regulatory communities' and 'environmental subjects'. While environmental localities point towards evolution of new democratic and participatory institutions that function external to the government, redefining the conventional links between state and localities (communities), regulatory communities refer to manipulated, sanctioned and calculated actions of communities towards the environment. Finally, the environmental subject-making enables creation of new identities within forests, which thinks, acts and engages with forest differently contradistinction to their previous identities.

The proposed research intends to use governmentality/environmentality as critical analytical constructs to examine the changing forms of forest governance, and the process of subject construction of the Scheduled Tribes.

5. Research Design and Methodology

5.1 The study Universe

Ministry of Tribal Affairs (MoTA), Govt. of India regularly updates the status of implementation of FRA in the country in its website (www.tribal.nic.in). According to the latest MoTA data, a total of 42,96,452 claims have been received in 20 states of India as of October 2021, out of which for 20,75,787 claims titles have been distributed to the claimants. Further, a total of 1,58,76,759.80 acres of forest land has been distributed under FRA during the same period. Out of the 20 states for which data are available in MoTA website, maximum number of claims were received from states like Chhattisgarh (9,17,690), Odisha (6,42,495), Madhya Pradesh (6,27,453), Maharashtra (3,74,716) and Karnataka (2,81,349). Likewise, the highest number of titles were distributed in states like Chhattisgarh (4,90,587), Odisha (4,57,930), Madhya Pradesh (2,58,004) and Maharashtra (1,72,116).

Considering the extent of implementation of FRA, it is proposed to consider **Odisha** and **Maharashtra** as the universe of the study, from which samples will be drawn for empirical study.

5.2 The sampling

As claims for obtaining forest rights under FRA are made through local governments, it is hence proposed to consider Gram Panchayat as sample units for analysis. In consistent with the objectives and research question, it is proposed to identify 2 group of local government (Gram Panchayats) as sample units from both the state:

- **Sample Category I:** Gram Panchayats which have been successful in obtaining both individual and community rights under FRA
- **Sample Category II:** Gram Panchayats which are eligible for claiming forest rights or have claimed such rights, but have not obtained forest rights under FRA

In each sample category, it is proposed to take 5 Gram Panchayats making it a total sample of 20 Panchayats from 2 states. To be specific, our sample in 2 states will include 10 GPs where forest rights have been obtained and another 10 GPs where such rights have not been granted so far. Such a sample selection would allow us to compare between tribal communities who have obtained forest rights

under FRA and those have not, and in the process identify the role of Gram Panchayats in the whole process of implementation of FRA as well as the factors facilitating the successful implementation.

5.3 Selection of Respondents

From each selected Panchayat, it is proposed to identify 10 respondents randomly for empirical data collection. Thus, in total 200 respondents will be identified from 20 GPs across the states of Odisha and Maharashtra. The following table depicts the sampling framework of the study.

States	Sample Category I	Sample Category II	Total	No. of Respondents
Odisha	5 GPs	5 GPs	10 GPs	10x 10 = 100
Maharashtra	5 GPs	5 GPs	10 GPs	10 x 10 = 100
Total States: 2	10 GPs	10 GPs	20 GPs	Respondents: 200

5.4 Empirical Research Strategy

Sources of Data: Both primary and secondary sources will be used to elicit relevant data for the study. The secondary sources will include data from MoTA, and several published and unpublished reports on implementation of FRA, various government documents, as well as books, journals, and relevant literature in the concerned area. The primary data will be collected through an empirical study, covering 200 respondents from 20 GPs across 2 chosen states

Method of Data Collection: To develop a comprehensive understanding, the study will adopt a triangulation method of data collection, incorporating qualitative and quantitative methods. Qualitative methods like case study and Focused Group Discussion (FGD) will be used to gain deeper insights into the phenomenon. For the case study, the study will identify few GPs which have obtained Community Forest Rights (CFR) and are collectively managing the forest resource through village Forest Rights Committees (FRCs). Besides, a survey method will be adopted to obtain quantitative data from the 200 identified sample respondents.

Tools and Techniques for Data Collection: To obtain the qualitative data through case study and FGD methods, appropriate checklists and semi-structured interview guides will be used. Personal interviews with the 200 respondents will be conducted to obtain quantitative data through the survey method. A structured interview schedule with mostly close-ended questions will be used during the interviews to elicit relevant quantitative data from the respondents.

Appropriate scaling technique will be adopted while preparing the interview schedule. The schedule will elicit data pertaining to socio-economic profile of the respondents, dependence on forest, benefits obtained from the forest, nature of engagement in forest governance and the FRC, area of forest land claimed and received, etc.

Data Analysis: The empirical data collected from the field with the above methodology will be presented through Tables and Graphics. Appropriate descriptive inferential statistical tools will be used for analyzing the quantitative data. Suitable parameters will be identified for the purpose of analysis. The qualitative data will be analyzed through description of the observations, case studies and narratives.

6. Significance to the domain

The proposed research fits well into the domain of 'Local Democracy', which explores the constitutional promise of deepening and widening the democratic foundations and development of the country. In sync with this theme, the proposed study aims to explore the process of democratization of forest governance practice and the potentials of local democratic institutions to govern local forest resources in an equitable, efficient and sustainable manner.

7. How am I best placed to carry out the research?

My teaching engagements at University of Hyderabad, which has been recently identified as an Institution of Eminence (IOE) by Govt. of India, provides me the right platform to apply the theoretical and conceptual perspectives that I have gained through my teaching/learning exercise in understanding the grounded social reality of local democracy in forest governance practices in India.

References:

8. Duration of the Study and Expected Outcomes:

The study will be completed within a period of 12 months. The entire period of the study will be divided into three phases. The initial 3 months will be used for preparatory work and literature review. The next six months will be devoted for designing the empirical strategy, tools of research and the field data collection. The last three months will be utilized for data analysis and report writing. The detailed work plan for the project is depicted the Gantt Chart below:

Work Description	1 st -3 rd Months	4 th – 9 th Months	10 th – 12 th Months
Preparatory work & Literature review			
Designing tools of data collection Carrying out Secondary & Primary Data Collection			
Data entry and processing Data analysis Report writing			

The outcomes of the study will be submitted in the form of a report, which subsequently be published in reputed peer review journals.

9. Budget

Sl. No	Budget head	Description	Amount
1	Salaries to Research Staff – Field Investigator (FI)	Rs. 20,000/- per month for 4 FI for 2 months	1,60,000/-
2	Salaries to Research Staff – Research Assistant (RA)	Rs. 25,000/- per month for 1 RA for 5 months	1,25,000/-
3	Fieldwork – Local Conveyance	Rs. 2100/- per day for 45 days	94,500/-
4	Fieldwork – Outstation travel	Rs. 50,000/- for each state	1,00,000/-
5	Fieldwork – Accommodation & Food	Rs. 5500/- per day for 45 days	2,47,000/-
6	Others	Miscellaneous	273/-
Subtotal			7,27,273/-
Institutional Overhead (@ 10 % of subtotal)			72,727/-
Total			8,00,000/-
Rupees Eight Lakh Only			

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