

Strengthening Institutions: Panacea for Tribal Forest Governance in India

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The focus of this research is on devolution of power and its effect on local (formal and informal) institutions at village level managing forest resources. This action research study was conducted between 2006 and 2007 in the tribal areas of western India. A detailed analytical version of this empirical research study is under process for publication.

Abstract

This paper recognises the intrinsic strengths of local tribal forest management (informal) institutions and examines the underline causes. In addition, it briefly establishes the inter-linking relationship of the forest decentralisation policy (Tribal Right to Forest Bill) with tribal governance and community forest institutions. The field study was undertaken in contiguous semi-arid tribal districts, taking four cases of community forest management sites two from each state of Gujarat and Rajasthan, India.

Qualitative research methods were used for data collection and analysis. Bhils, poor tribal of this region, have traditionally practiced forest management without the implication of an inter-state boundary issues or different policies. The study demonstrates two complex scenarios between limited implementation of tribal forest decentralisation process on one hand, and often contradictory land tenure, forest and devolution policies affect existing local practices on the other. This has direct impact on source of livelihoods of forest dependent and poor tribal communities, particularly women.

Based on the institutional analysis of the village governance (Panchayati Raj) process, the paper argues that success level of local community forest management is not an outcome of decentralisation process, but depended on strengths of these local institutions. Further, the research highlights that there is need for quality institutional framework.

Key words: forest policy, Bhil tribal, governance, panchayats, institutions, India

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1. Introduction

Decentralisation is increasingly becoming a global trend for improving livelihoods of poor and for better management of forest. Most countries have adopted decentralization as a tool for promoting development and towards increasing efficiency, equity and democracy. Some scientific literature on forest governance has interchangeably used the term decentralization to refer to devolution. These terms connote different meaning in policy discourse, implementation and possible outcomes. Decentralization broadly refers to a top-down process with the transfer of resources and powers taking place from central government to lower (village) levels in a political-administrative and territorial hierarchy (Agrawal and Ribot 1999; Capistrano and Colfer 2005). Definition of devolution and its relation to decentralization differ, but common emphasis seems to be on empowering lower level authorities and local people, independent of government, with decision-making responsibilities and resources (Sundar 2001). Decentralization is linked with neoliberal approach wherein the state is no longer sole service provider, but also the private and civil society are actively involved (Manor 1999). The devolution of power, responsibility and sometimes resources on to democratically elected councils at local or intermediate levels appealed to very different sets of people who often disagreed on other issues (Crook and Manor 1998). Decentralization advocates believe that devolution of power is expected to enhance participation of local administrative bodies in decision-making forums, particularly among groups that have traditionally been neglected by local political processes (Johnson 2003; Baginski and Blaikie 2007).

In several developing countries, particularly in Asia and Africa, some form of decentralization/devolution is incorporated as a fundamental element in national legislation and policies. One of the main aims of the decentralized forest management is to focus attention on recognizing and upholding the rights of forest dwellers (Edmunds and Wollenberg 2003; Kulbhushan and Inoue 2007). In practice, the actual transfer of power in decentralization and devolution in forestry has mixed outcomes. A significant proportion of population in Asia, Africa and Latin America that are implementing decentralized forest management have diverse social, cultural, political and functional communities. Several recent case-studies from countries like Philippines and South Africa indicates that devolution policies have addressed equity issues and enhanced actor-empowerment in decision-making (Shackleton et al. 2002). In contrast, country case-studies on decentralization and devolution in Latin America and West Africa demonstrates that the central governments limit the ability of local authorities to exercise power (Ribot et al. 2006; Ribot 2007). These studies indicate that though decentralization and devolution of forest management is expected to recognize the importance of customary institutions, however, it tends to create new forms of local institutions. In most cases, new policies and laws undermine the existing informal customary practices by formulating statutory rules. Moreover, most countries transfer few public powers over natural resources to existing and new democratic local governments (Ribot 2007).

Another equally important goal of decentralization and devolution is linked with ensuring good governance. Merilee Grindle in her article *Good Enough Governance Revisited*, elaborates the dilemmas of good governance in practice (Grindle 2007). She introduced 'good enough governance' as a shift from ambiguity to practice by considering the 'minimal conditions of governance' necessary to allow political and economic development to occur. Several recent studies on effective decentralization of forest management corroborate with her recommendation. Some studies point out that the need to identify minimum forest management measures[†] essential for sustaining the forest resource, and then modifying policies to ensure local communities have maximum control and sustainable livelihood (Larson and Ribot 2007).

Main emphasis of this paper is to examine the role of local tribal forest management (informal) institutions in the semi-arid contiguous (indigenous) poor tribal[‡] districts of Gujarat and Rajasthan, in the western region of India. With the decentralization of forest management through JFM programme and with the devolution of power to *gram panchayats*, tribal institutions were excluded from being recognized as mainstream local institutions. Further, using institutional analysis approach, this study attempts to explore the main causes of challenges in the forest devolution policy process in tribal areas. The study goes on to draw the relationship of devolution forest policy outcomes with the existing decentralized forest management (formal and informal) institutions at village level in tribal areas.

For the purpose of paper presentation, this paper is summarized in eight sections including the introduction. The following section of this shorter version of paper focuses on the background of the research problem. Section 3 briefly explains the policy transition of forest decentralization and devolution in tribal India. Section 4 describes the study area and the main criteria for selecting the study population for this study. It further provides methodological techniques for data collection and analysis. Major findings and discussion based on institutional analysis is presented in Section 5. In continuation to findings, Section 6 focuses on comparative analysis results of implications of interstate policy differences of forest management in tribal areas. Some of the key strengths of local tribal forest management (informal) institutions are briefly described in Section 7. Lastly in Section 8, few crucial steps towards strengthening institutions based on study finding are provided before final conclusion. Summing up, this study demonstrates that the success level of local community forest management may not be direct outcome of decentralization process. Rather, this study finding indicates the strengths of local informal institutions as the main factor behind determining the better management of forest resources.

† For elaboration on this point see Larson & Ribot (2007) and Ribot (2004)

‡ Indigenous or tribal communities in this study refer to Scheduled Tribes (STs) or specific indigenous peoples whose status is acknowledged to some formal degree by appropriate national and state legislation (<http://www.tribal.nic.in/>)

2. Background

For centuries and even millennia poor tribal communities traditionally manage forest, pasture land and water resources through system of tribal self rules. The prevailing pattern in forestry, where the State controls forests to the exclusion of community rights and interests, is now deeply rooted (Colchester et al. 2006). With large number of poor people living in and around forest and traditionally managing the resources suggest strong interdependency between forests and people. For majority of tribal people forest is deeply rooted in their history and have been traditionally valuable to them to meet a variety of livelihood needs; for example agriculture, pastureland, religious needs etc. About 73 percent of India's 1.136 billion population live in villages (Census of India 2001) majority of them have little access to basic infrastructure such as health care, education etc. More than eight percent of nation's total population are "tribal", that is 84 million people form the ethnic minority group (ibid). Poverty is most experienced among people in forest-based economies; 84 percent of the total tribal ethnic minority population live in forested areas (Sunderlin et al. 2005). These poor tribal or indigenous communities or forest dwellers living inside or on fringes of the forests rely on forest resource use for their livelihoods.

In India, almost 22 percent of the national territory of India is under the control of State forest department (Colchester et al. 2006). Decentralized forest management has been implemented now for more than a decade through joint forest management (henceforth, JFM). On the basis of good governance approach, national level JFM programme created space for collaborative forest management by state and various social groups at village level. Main aim of the JFM programme was to involve local communities for *protecting and managing the degraded forest land* (emphasis added). To large extent, JFM committees were established parallel to panchayats[§] to implement this programme. Unique aspect of JFM is that it lacks formal legislate agreement between state and village communities. Hence, the state continued to hold authority and power of withdrawing the rights to forest resources from the communities, while communities lacked trust on decentralization process.

Unfortunately, JFM did not prove beneficial for India's tribal population. Implementation of JFM faced criticisms on two positions. First that the JFM programme failed to recognize tribal people's right to forest use and customary practices and for entrenching the interests of higher caste elites and forestry department officials (Sarin 2005; Colchester et al. 2006). Secondly forest protection was expected from communities without actual devolution of decision-making power (Baumann and Sinha 2001).

§ Gram panchayat is the third-tier government administrative unit (statutory institution of local government) at village level.

Focussing on these two concerns allows us to highlight the interrelationship between institutions and livelihood**, and thereby creates demand for further investigate the research gaps to attain better solutions.

Most policy-oriented research studies have shown varied outcomes of forest decentralization with focus on impact of economic, social and political factors that influence the livelihood of people and in management of forest resources (Agrawal and Ribot 1999; Agrawal and Gibson 1999; Andersson and Ostrom 2007). Several scholars (e.g. Sarin, Sundar, Upadhyay, and Saxena^{††}) have analyzed India's recent national policies on forest and tribal rights. But there exist few empirical studies with regard to the implications of forest decentralization policy on the existing local forest management institutions in tribal areas.

3. Forest decentralization/devolution in tribal area of India

One of the underlying assumptions is that decentralized management of forest resources may lead to good governance provided that the decision-making power is devolved to *gram panchayats* or village councils. To implement decentralization in the tribal areas^{‡‡} is even more challenging. With the increasing economic and political situation in India there has been emerging need to recognize the tribal rights. In last two decades, due to increasing pressure from the local populations, donors and civil organizations demanding for tribal autonomy, forest decentralization policy reforms were introduced. Most recent policy reform by the Union Ministry of Tribal Affairs is an Act- Scheduled Tribes and Other Traditional Forest Dwellers (also known as Recognition of Forest Rights, December 2006), which addresses the historical injustice meted out to tribal and forest dwellers. On paper, these policy reforms recognize rights of tribal to forest resources and land, and encourage devolution of statutory (formal) decision-making power to *panchayats* for managing forest resource use in tribal areas. In addition, the role of *gram sabhas* and *panchayati raj institutions* in decision-making and as local authorities in the legislation is strengthened. The main challenge remains in practice and implementation of these policies at the respective states. This is because states are not directly accountable to federal government for implementing the forest right bill.

Nevertheless, it is unclear to what extent tribal communities will be capable of utilizing the newly acquired decision-making power and which institutions (rules of game) they use to achieve this end. In tribal areas, local informal institutions

** Livelihood comprises people, their capabilities and their means of living, including food, income and assets (Chambers and Conway 1991). Here, livelihood includes both tangible assets (resources) and intangible assets (claims and access).

†† Sarin, 2005; Sundar, 2001; Upadhyay, 2008; and Saxena, 2002

‡‡ Tribal areas also known as Vth or VIth Scheduled Areas in this study refer to those areas where the tribal populations (or groups categorized as Scheduled Tribes) are predominant and/or under Article 342 of the Indian Constitution as "such areas as the President may by order declare to be Scheduled Areas".

are based on traditional, customary, social concerns that play an important implicit role in management of forest resources and livelihood strategies. With new parallel statutory forest management institutions, the informal functional local institutions are often regarded as illegal or unauthorized institutions or they are dominated by less-inclusive authorities such as customary chiefs (Ribot 2007).

4. Study area and methodology

Considering the existing complexity of devolution policies related to the tribal community forest management institutions, this study proposes to examine the various factors associated with the local institutional arrangements in managing the forest resources by using the institutional analysis. The principal aim of this study was to investigate two specific questions. First, to what extent devolution of political power at local panchayats facilitated the functioning of informal institutions in management of forest resources. Second, were the outcomes of improved forest management practices through informal institutions interrelated or independent with the decentralization process at village level?

The selected study area is in western region of India. This semi-arid region has dry deciduous teak forest. Forests and teak forest in particular, constitute a main natural resource in this region that is highly prone to degradation, if overused. However, teak is also easily regenerated through protection (coppicing), and/or plantation. In this proposed study area where deforestation has occurred, most of the forestland is barren degraded with 70 percent topsoil erosion, while in some parts grass is covered with few patches of natural rootstock of teak. Due to forest protection, plantation, and watershed activities through JFM programme some instances of forest regeneration was possible in these selected tribal areas.

Two contiguous districts were selected with predominant poor tribal population. Within each district, two tribal villages were identified as research site to conduct field-work. First study area is Banswara district of Rajasthan state. Banswara region is situated in Aravalli range of mountains and has scanty forest cover. Bordering Banswara to the south is the second study area, Dahod district of Gujarat state. Of India's 84 million tribal population, Dahod has about 14 percent and Banswara has about 12 percent. Both these selected districts are considered as the Vth Scheduled Tribal areas by the states of Madhya Pradesh and Gujarat respectively. The majority of tribal population in these two districts are "Bhils" tribe. Bhil identity has been forged from a complex history of forest livelihoods, rule and resistance, and a history of relationships with dominant groups in society. Bhils have been patronised and disciplined, displaced or protected, integrated or excluded, reformed or rescued, ennobled or accused in colonial or post colonial policies on the 'tribals' or in contemporary environmental debates on deforestation or dams (as quoted in Mosse 2005).

On an average, Bhil farmer holds about one hectare of agricultural land. Combined with drought and insufficient income from agricultural produce, they migrate to neighbouring cities for supplementary income. Despite huge migration, their livelihood to great extent depends on dry deciduous forest for non timber forest produces. The collection of non-timber forest produce such as fruits, honey, tuber, *tendu patta*^{§§}, *mahua*^{***} flowers generally used for consumption purpose; while medicinal plants, gum, fodder, fuel-wood are also sometime used for commercial (selling) purpose often source of supplementary income. Bhil tribe have almost similar socio-economic and cultural values irrespective of the geographical boundaries. In general, the household decisions are made by both men and women. Due to successive droughts, deforestation, scarcity of water, fuel wood and fodder, Bhil men and women are overloaded with work both in agricultural and household front. Though this study takes into account specific role of Bhil women in the devolution of power at local institutional level and decision-making of forest management, I will not elaborate in this paper version. The selected tribal districts are divided by the two state political boundaries and independent state forest laws. It is this distinctive feature that will be analysed to compare the political decentralization process on two similar tribal communities of contiguous districts in western India.

This paper is based predominantly on findings related to participatory qualitative investigations. The main reason for using participatory approach was to ensure tribal communities were involved in data collection process, mapping and meetings. Field work was conducted over period of eight weeks in the year 2006 and 2007. Primary data collection used some of relevant techniques of rapid rural appraisal approach applicable for indigenous communities. List making collaborative technique was useful for identifying the different forest institutions and classifying according to usufruct rights of tribal communities over natural resources and land. Venn diagram as second technique (consist of circles drawn to indicate different local and external forest user group) proved to be beneficial in illustrating interaction within different institutions, and participation of different actors. The size (bigger the circle, stronger is the decision-making power) and location of the circles (if circle is in the centre, important is the position and scale) as perceived by the communities helped in identifying the important relationship and reliance each group has with particular institution. It was used as an approach to facilitate focus group discussion and in identifying participation of actors over forest resource-use decision-making. Semi-structured interviews with local actors, participant observations and focus-group discussions were also integral approach of research method conducted in each of the two identified case study tribal villages. The semi-structure interview was conducted with 85 households in both the districts of the study area. In addition, 14 key actors from government (forest and revenue department) and non-governmental

§§ Leaves of *Diospyros melonoxylon*

*** Flowers of *Madhuca indica*

organizations were interviewed. The qualitative data analysis of this study was analyzed with the support of SPSS computer software program.

5. Major findings and discussion

For the purpose of this paper, three key findings are summarized below. First relates to role of panchayats and implications of decentralization process in tribal areas. Second reflects upon local informal (customary) institutions and their role in context to existing formal institutions and in management of forest resources. Lastly, focus is given on potential causes of challenges for forest devolution policy in tribal areas.

a. Formal institutional arrangements

At village level, the study finding indicates that the role of statutory institutions such as *gram panchayats* plays a significant role in decision-making of forest resource use. With the recent tribal policy change, there is an increased expectation at the tribal *panchayat* level to gain more authority through devolution of power to manage forest resources. The findings indicate that political decentralization in tribal areas has provided an opportunity for increased participation of Bhils (including women) in the formal institutional arrangement. However, such institutional empowerment has yielded little benefit to the livelihoods of poor tribal. The result shows that most of the elected tribal panchayat chiefs are often associated with political party, which influence their decision-making process or that elected tribal chairwomen (*sarpanch*) had little influence over the other members of village committee. Moreover, *panchayats* are faced by power dilemmas because of flaws within the decentralization policy and in the implementation process. The study result also indicates that *panchayats* generally work as an exclusive body at village level and often have limited interactions with other functioning local informal institutions. Expectations of village communities from *panchayats* were to initiate a platform that would become a voice of different customary institutions.

b. Forest management informal (customary) institutions

Local informal institutions remains largely excluded from the mainstream forest devolution policies. On one hand, implicit power that customary institutions are experiencing through various integrated development projects at village level has resulted in undermine importance of *panchayat's* role. These informal (customary) institutions are increasingly playing several important roles such as monitoring and evaluation of *panchayats*, regulating forest resource sharing rights, ensuring accountability and transparency among others. While on the other hand, because informal institutions lacks financial access and has no direct political power, it made them less accountable to the village communities. Overall, the findings indicate that at the local level increased informal involvement and recognition of local customary institutions is helping local tribal communities to attain better negotiation power in management, rules and access rights to forest resource use.

c. Challenges in the forest devolution policy in tribal areas

Briefly, the challenges in the tribal areas are related to the policy discourse on recognition of tribal rights to forests. The new bill 'Recognition of Forest Rights (2006) is impressive for it ensures that traditional inheritance rights on land of forest dwellers. This is considered as progressive step in the policy after years of historical injustices. At local level, the study shows that in both the study area there is an apprehension about the implementation of this policy. This is because tribal land has always been under controversy between forest department and revenue department. Interpretation of the new policy reform could mean that tribal and forest dwellers are required to live inside the forest area (recognized by forest department). In this study area, majority of the tribal land are under revenue department. The findings indicate that *panchayat* are unaware about whether and how the state policy will be formulated to address the issue of land tenure. It also shows that there is minimum representation of *panchayats* at state level policy formulation. Due to the devolution process, individual actors (here *Bhils*) in both the study villages have gained position (as an elected representative at *panchayat* level) that have an influence on decision making to manage forest resources and land tenure rights. With this policy reform, village councils may get more decision-making power that may create conflicting situation in the study area.

6. Implications of inter-state policy differences

The study shows that the different inter-state policies have minimum direct impact on functioning of village level institutions. The contiguous tribal villages in Dahod and Banswara districts of Gujarat and Rajasthan states share different statutory rules of managing forest resources. Despite different institutional rules and regulations with regard to access to forest resources and participation in decision-making process, at local level boundary issues are often settled effectively through informal approach.

- Dahod district: Tribal institutions (both formal and informal institutions at village level) in this district were comparatively better equipped with political and administrative management. One of the factors could be related to various rural development intervention projects such as agro-forestry, horticulture implemented in this region. Such initiatives may be related to empowerment of the local tribal communities to join the co-operatives (e.g. village bank, market entrepreneurship etc) and actively participate at *panchayat* level. Though the political devolution of power and quota system (reservation of few seats in the *panchayats*) gave tribal communities special rights, the study showed quota system was not considered ideal by the villagers. As this study indicates, individuals (*Bhils*) have independently contested and won the seats in their village councils.

- Banswara district: As compared to Dahod, *panchayats* were more defunct and lacked adequate political and financial support from the district level. In the study villages, tribal customary practices of forest resource use particularly fodder and fuel wood collection by household was in direct conflict with the rules of statutory institutions. Minimum interventions took place from the district forest department to solve the conflict or to correct the misinterpretation of amendments at district level. Resource sharing issue continues to dominate the forest management domain in this area whilst the relationship between *panchayats* and informal institutions escalate to conflict. Main underlying factor is related to limited empowerment of formal institutions (and key actors in tribal *panchayats*). In contrast to Dahod, formal village institutions received limited active decision-making participation from the village households and informal institutions.

By comparing these two districts, in brief, two key issues emerge regarding the inter-state policies of forest management and devolution of power to village councils. First, devolution of power through *panchayats* does not directly lead to empowerment of individual actors (tribal in particular) at village level. Second, irrespective of local institutional dynamics and different state policies, conflicting issues such as land-tenure and forest resource sharing between boundaries are addressed by local institution with minimum or no state interventions. Thus, decentralization process may not be considered as direct outcome of success or failure of institutions managing forest resources. This leads us to question in what way new tribal national policy (Recognition of forest rights, 2006) will address these issues in relation to decentralization, and if it will face the similar fate as that of previously formulated policy reform (Panchayats Extension to Scheduled Areas, 1998) or whether it is a step forward to improve the livelihood of tribal. In addition, it demands whether devolution of power at local institutional level permits the statutory and customary institutions to thrive in co-ordination or lead to conflicts.

7. Main strengths of tribal forest management (informal) institutions

The study shows several intrinsic strengths of informal customary institutions that may help in bridging gaps with *panchayats*. Informal rules play crucial role in livelihood needs of the poor tribal by determining the access and resource sharing rights. While formal institutions tend to focus on legal framework in relation to management of forest resources; informal institution often facilitates statutory rules in adapting to the local livelihood demands. Secondly, decision-making power of informal (customary) institutions is supported by majority and especially those disadvantaged groups that are excluded from the formal set-up. Though formal institutions will remain key agent in negotiating issues, the role of informal institutions in recognising land tenure rights and working in collaboration

with tribal cooperatives is value-addition. Thirdly, informal (customary) institutions receive almost complete social (informal) participation at the village level. Social capital of informal institution can be considered as an assets because they impose balance forest resource sharing rules, avoid political favouritism, have to large extent downward (implicit) accountability, and lacks the potential of capture by local elite. Recognition of these strengths in tribal and forest policy formulation will only strengthen the relationship of actor-institution and between different forms of institutions and organisation at local district and village level.

This paper is a crude version of author's upcoming article that is based on detailed institutional analysis focussing on concerns of indigenous people, forest commons, local livelihoods and poverty.

8. Conclusion

The study suggests that there is a tremendous need for systematic research in identifying relationship between policy and institutional arrangement at local level. The findings indicate that devolution of power at elected local village councils does not necessarily ensure coalition with informal institutions or better management of resources at village level. Rather, it largely depends upon specific institutional power, individual empowerment and ability to manoeuvre policy decision (in favour of tribal poor). This leads us to further demand for an empirical research investigation on political decentralization in context to new forest reform policies in tribal areas.

Summing-up, this study argues that decentralization should not be considered as an isolation solution in order to improve forest management rather there is need to strengthen local (customary) informal village institutions along with co-operation of *panchayats* in tribal areas.

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- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006
- Panchayat Raj (Extension to Scheduled Areas) Act in 1996 (PESA 1996) in the Fifth Schedule Areas (Vth scheduled areas refer to 9 states of India excluding North-Eastern states)

Policy

- National Tribal Policy Draft, 2006

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