

**The Political Economy of Decentralised Forest Management
in India: Civil Society and the State**

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The ubiquity of a concept, we can conclude somewhat regretfully, may prove ultimately to be its undoing. For if it comes onto everyone's lips with a fair amount of readiness, it must have lost both shape and content. Amidst all this acclaim, ritual invocations of civil society as a panacea for the ills of the modern world sound simply insipid and dreary. Where in all this are the grey areas of civil society that Hegel spoke of? Where are the exploitations and the oppressions of civil society that Marx passionately castigated? Where is the state-inspired project of hegemony that Gramsci unearthed so brilliantly and insightfully? Where do we find the ideological construction of subjectivity in this civil society? Where do we look for struggles over meaning, over form, over content, all of which once made for some exciting debates in all these contemporary formulations? – (Chandhoke 2003: 12-13)

The questions Chandhoke raises above are more than ever relevant in the discourse and debates around decentralised natural resource management. User groups (in various forms) are increasingly being seen as a means to strengthen decentralisation and the role of civil society¹, to redefine (and limit) the role of the state and consequently to make natural resource management more effective.² While there has been considerable debate around 'outcomes' associated with user group participation (Sundar et al. 2001; World Bank Undated), much less has been said about the philosophical underpinnings behind such a discourse, why and how this discourse has resulted in an infatuation with user group models and a heavy-handed condemnation of the state's role in natural resource management and what its implications are in terms of democracy and rights.

Keeping Chandhoke's lamentation in mind, this paper attempts to examine the above questions in light of decentralised forest management in the Indian context by engaging with the discourse around user groups and problematising the faith being placed in them in terms of civil society-state relations and decentralisation. I argue that the

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¹Civil society, though a contested term, has in general been linked to wider concerns over democracy and rights. This paper attempts to unpack the contested nature of civil society and its implications for debates around democracy and rights.

² The word effective is used to suggest that outcomes are not only associated with efficiency, but also questions sustainability and equity.

failure to engage in such a discourse has privileged a particular and limited type of vision in terms of the role of civil society and the state. There is, therefore, a need to engage much more critically with civil society-state discourse so as to move away from an one point managerial agenda when it comes to discussing issues of decentralised forest management. All of this is to highlight the limits of an analytical framework which looks at user groups and good governance in isolation from the political economy of the state and decentralisation.

The paper is divided into three main sections. The next section (Section 1) starts with an examination of development discourse which emerged in the 1980s with particular reference to the manner in which civil society was privileged and the state recast. This sets the background for a more detailed discussion in terms of the role of civil society in forest management in India and the manner in which this role has been intrinsically linked to the state's good governance project. Section 2 grapples with an 'autonomous' civil society and the possibilities and limits of such a sphere in terms of decentralised forest management.³ The third section revisits the state and the possibilities of a rights based discourse for problematising the forests as commons.

The State's Vision of Civil Society

The 1980s was important in terms of redefining the role of the state in development. This redefinition was influenced by two different and often competing ideologies. On the one hand, there were those who wanted to roll back the state, so that it became an enabler rather than a doer, and allow markets to function freely (Harriss 2001). On the other hand, there were those who were less enamored by the market and more interested in making the state accountable to the demands of civil society. While there had been great expectations of the developmental state - that it would address the needs of its people who had been impoverished by colonial rule - by the eighties discontent was brewing as this had not happened. In India, there was also discontent at the Nehruvian emphasis on industrialisation at the expense of the agricultural sector. The 1980s, therefore, saw the emergence of social movements which were aimed at making the state more accountable and compelling the state to address issues which it had chosen to largely ignore until this time (Chandkhoke 1995).

³ Although there is considerable debate around the notion of an autonomous civil society, such an 'ideal' is often invoked by those who criticize the state for ineffective forest management.

What was common to these critiques of the state was a discourse which privileged civil society. On the one hand, reducing the role of the state and increasing the viability of the market presupposed a vibrant civil society with adequate (if not perfect) information. Proponents of the market saw civil society as a necessary corollary to a well-functioning market. Moreover, civil society was to strengthen democracy as the state retreated. Social movements were less interested in replacing the state by the market and more in favour of making the state more accountable to the demands of civil society.

It is this broad consensus around the need for a vibrant civil society which is under scrutiny here. What is this civil society we appear to have a consensus about? What are the expectations from it? What is its connection with the state? These questions are important given the multiple meanings ascribed to civil society. It is not only necessary to understand the form civil society is taking, but whether it actually lives up to its expectation. In other words, is civil society so different from the state? Does it not have multiple and conflicting agendas? Is it not beset by power? Finally, can we as Chandhoke (1995) asks see civil society as separate from the state? If the state is not there, where does civil society derive its existence from? Or conversely, is civil society at all defined by the state in its quest for recognition?

Forest management offers a good site in which to examine these questions in the specific context of democracy and rights. As James Manor (forthcoming) has argued, an enormous amount of faith has been placed in user groups, especially since the late '80s, in terms of a 'second wave' of decentralisation as a means to provide voice to local level actors. The 1990 G.O. on joint forest (JFM) management prompted a significant shift in terms of forest policy - a shift which foresaw an increasing role for forest protection committees in the management of degraded forest areas. The 1990 G.O elicited considerable enthusiasm at first because it was seen as a move towards empowering forest dependent communities in terms of democracy and rights. The G.O. has over the last decade or so translated into over 20 state G.O.s (Jeffery and Sundar 1999). More recently, the G.O has been revised to include non-degraded forests as well. Many policy makers and scholars thus see in JFM a more forest-dependent community friendly approach to forest management (Sundar et al. 2001).

Much of the critical focus on participatory forest management a la JFM (user group driven management) has been on the constraints that the state imposes on decentralisation. Despite all the rhetoric around an 'autonomous' civil society, civil society has been from the outset tied to the state. The foreseeable limits to JFM (and the role of civil society) were apparent in many of the G.O.s themselves. In a now well cited piece, Kollavalli (1995) highlighted that most state government notifications on JFM in the 1990s specifically acknowledged that decentralisation to forest protection committees was the result of high transaction costs faced by the state. In other words, as the state was unable to manage its forests, it involved local communities in the process. There is nothing to suggest that this logic has changed over time despite certain modifications to the G.O. a few years back.

The limits to JFM has implications in terms of the wider concern of democracy and rights. In practice, the rights bestowed upon communities are restricted to usufruct rights and some cash benefits from timber sales. (Shackleton et al 2002; Sundar et al. 2001). Moreover, it would be fair to say that the major decisions about natural resource management remain with the government. A number of problems are there: (1) limited decision-making powers given to forest protection committees, (2) significant powers retained by forest department officials, (3) unfair sharing mechanisms vis-à-vis timber products, and (4) restrictions in terms of what lands JFM are taken up on. Those who have criticised JFM have correctly pointed out that if the state was keen on empowering local communities, they would give much greater powers to local communities in terms of forest management decisions. In other words, JFM continues to have both operational limitations as well as limits in terms of vision (Lele 2002).

The constraining limits of the state and its vision for civil society can also be clearly seen in the other decentralised user group contexts. Significant variation in terms of decentralised forest management exists in India both in terms of type and region. Much has been said, for example, about *van panchayats* and community forest management (CFM) (Sarin et al. 2003; Singh and Ballabh 1991). JFM might have been 'revolutionary' for foresters and the Forest Department, but many communities have long histories of collective self-mangement. But as Sarin et al. (2003) illustrate, these different forest management trajectories are also being threatened by initiatives such as JFM. Many areas which were under *van panchayats* and CFM have now come under the

purview of JFM. As a result, where local initiatives were previously relatively (if not totally) autonomous of the Forest Department, they are now once again under the purview of the Forest Department's scrutiny. Thus, communities who had a significant share of autonomy have lost much of their decision making power. There are also situations where competing hierarchies of authority have developed between 'traditional' bodies, local panchayat bodies and line department sponsored committees (Shackleton et al. 202). The sidelining of traditional bodies in particular seems to be part of a different discourse which sees village communities not as empowered, independent decision makers, but as managers and project implementors.

These examples of how the state has imposed limits on civil society is reflective, I argue, of the manner in which civil society finds its place in a **particular** conceptualisation and vision of its role. The origins of this discourse, it has been argued, are located well beyond the bounds of the Forest Department - in good governance discourse - though its manifestation has particular flavours. Thus, while not denying the potential 'democratising' effect of a reemerging civil society in the 1980s, it is quite another thing to say that this democratisation has resulted in the state privileging civil society's vision of a democratised state⁴. The proliferation of forest user groups in the early 1990s was, after all, an initiative of the state with little consultation with civil society.

This has serious implications in terms of decentralisation. Decentralisation is a much flaunted term with multiple if not contested meanings (Menon 2000). While decentralisation politically speaking is a means for local communities to articulate local voice, it is also a means for supra-local actors to ensure that service delivery is better. JFM to a great extent seems to privilege the latter concern. Thus, civil society is included but in terms of agency it has its limits. Clearly, the form participatory forest management has taken is more in line with discourses around good governance than that of democracy (Jeffery and Sundar 1999). Operationally what seems to have happened is that upward accountability to line departments has replaced downward accountability to local communities (Agrawal and Ribot 2000).

⁴ The state's view of civil society is often in conflict with civil society's vision of its own role. Civil society too has multiple manifestations.

An equally important concern is that the local (within civil society) is conceptualised in a very specific way within JFM, namely that of forest protection committees. If villagers don't form forest protection committees, they will not receive the 'benefits' of JFM. This implies a number of things. First of all, it implies that the form of collective organisation in its present form within JFM is non-negotiable. The rules of the game are decided by the state. Villagers cannot say that they do not want to form a FPC or that they would rather function within the bounds of already existing institutions. Second, one is either part of the FPC and consequently in or not part of it and thus out. If the spatial bounds of the FPC exclude households who use the same forest, in practice they have no rights though legally prior rights are not necessarily excluded (Lele 1999). The vision of a participatory civil society thus has its own *a priori* limitations.

It could be argued that the limited powers given to user groups has a valid logic, namely that if too many powers are given to communities they might degrade the forest. Advocates of community management would not be satisfied with that reasoning as they blame the state for degradation. But one cannot shy away from the fact that there are scenarios where the tragedy of the commons does take place because communities (more specifically individual households) have no option but to degrade for subsistence reasons. However, given this scenario, are limited material benefits adequate to prevent the tragedy? While they might be in certain circumstances, they will not be in others. Local priorities differ across landscapes and the only manner in which to ascertain what these differences are is to give local communities a voice in the planning and decision-making process. JFM does not do that at present because the transaction costs do not appear to be high enough as yet! In other words, I am suggesting that the limits to democracy and rights envisioned in JFM has 'functional' consequences in terms of good governance as well (Menon 2000).

The nature of devolution/deconcentration sanctioned by the state does not seem to be specific to JFM or forest protection committees. Manor (forthcoming) has highlighted, in much more detail, how user committees have essentially emerged due to pressure from international donors (and thus have been more prone to manipulation), how they have been largely confined to specific sectors and thus relatively toothless in terms of their planning potential, how they are over-funded and thus again subject to manipulation, and how their democratic character and lifespan is limited.

To sum up, what the developments with regard to JFM illustrate is that the state has, to a great extent, been able to co-opt the agenda of civil society and package it in a different bottle. Although one should not underestimate the crucial role social movements have played in shaping current policy discourse, one should also not exaggerate its achievements. The above discussion on the limits to JFM and the manner in which programmes like JFM have swallowed up other more autonomous initiatives is testimony to this. While some might continue to argue that JFM is a step in the right direction (however slowly that step is being taken), one cannot escape from the fact that even initiatives such as JFM, let alone other initiatives which bestow civil society with significantly more powers, have not been encompassed in forest acts.

It would be wrong to presume, however, that the limits the state sets are necessarily accepted by civil society. The emphasis here on the dialectic is crucial. Although the space afforded to civil society is an action of the state, civil society has room to 'negotiate' this. Theories of the state in which the state is omnipotent fall short on a number of counts (Chandhoke 1995). Examples of autonomous self-organisation remain in terms of forest management. Not all CFM has fallen under the purview of the state (Sarin et al. 2003). Examples are also emerging of adivasi communities declaring 'self-rule' and managing their own natural resources including forests. In that sense, the limiting influence of the state is not all-pervasive. However, such autonomous initiatives of local communities are not 'sanctioned' by the state either. In that sense, they are plagued with 'insecurity'.

Another important point is that the state too has its own tensions and conflicts when it comes to visualising the role of civil society. How do we explain, for example, PESA? PESA gives tribal communities radical self government powers and recognises traditional community rights over natural resources. PESA provides tribal communities, moreover, the means to define the bounds of their *gram* sabhas. More importantly, these *gram sabhas* have the right to approve all development plans and control government functionaries and institutions working within their territorial boundaries. It will be interesting to see whether PESA will be operationalised at all in practice (Saxena undated).

Overall, therefore, it is necessary to temper expectations about how much 'freedom' civil society is actually being afforded. What I have tried to highlight here is that the potential of civil society is very much linked to that of the state. Chandhoke argues that 'a democratic civil society cannot exist if the state is undemocratic' (Chandhoke 1995: 36) because an undemocratic state will destroy civil society. Less dramatic, but as important perhaps, is the fact that the shape civil society takes is largely determined by the amount of space the state offers civil society - a dialectical process no doubt itself effected by how civil society carves out terrain for itself and how the state responds to that.

An Autonomous Civil Society?

Despite the constraints imposed on civil society, a huge amount of faith continues to be placed on it. Civil society is seen to be the 'third way' - between the state and the market. It is seen to be a non-state autonomous sphere where individuals (citizens) are empowered through 'associational life', where they are able to realize their capacities and where they recognise themselves as social beings (Chandhoke 1995: 34). Civil society remains, therefore, the domain between unbridled individualism and the state - a domain which also helps strengthen democracy.

This flattering faith in civil society, as many have already argued, is based on an uncritical assessment of the potential of civil society. As Chandhoke (1995) argues, civil society used to be a contested domain. Faith in civil society was tempered by the recognition that it also had a destructive potential. Although associations might discourage unbridled individualism, they could foster divisive collective action. Similarly, as Pai (quoted in Rudolph 2000) has illustrated, the link between civil society and democracy is extremely nebulous. Chatterjee (1998) makes the distinction between civil society and political society - civil society being much more the product of Enlightenment modernity and restricted mainly to the recipients of modernity. Democracy, he argues, must emerge from political society. All of this would suggest, *a priori* at least that dissatisfaction with the developmental state does not necessarily translate into the emancipatory potential of civil society. Not only might civil society be the domain in which the state establishes its hegemony, as Gramsci argued, but the inhabitants of civil society might choose not to 'stand outside the structures of state

hegemony and interrogate them' (Chandhoke 1995: 36). There is nothing sacrosanct about civil society. Like the state, it needs to be interrogated and deconstructed.

This becomes all the more important in the case of decentralised forest management when it is recalled (from the earlier section) that civil society has arrived in a particular size and shape. At one level, as highlighted above, the 'emancipatory' potential of civil society continues to be forged in advance and forged by the state. Whether it was social forestry or JFM, major decisions remain with the Forest Department - thus civil society is hardly an autonomous sphere. Where there were signs of autonomy, as in the case of CFM and *van pancabayats*, that too seems to be disappearing. In such a context, can one truly speak of the third way!

The shape civil society is taking is not only being forged by the state but also by non-government agencies and donors, once again limiting or at least pre-defining the nature of civil society interventions in the forest sector. Many state JFM initiatives are now being funded by the World Bank. On the other hand, NGOs have become the harbingers of change. NGO networks around JFM have been established in many states. There is even a national network on JFM which organises regular meetings, workshops, seminars etc.

This has resulted in certain voices in civil society being privileged over others. Why is the Bank's money necessary to promote a policy (JFM) which essentially calls for institutional change in the form of co-management. Institutional change and co-management require not money but time and effort on the part of forest officers to understand the needs of forest dependent communities and involve them (preferably in equitable ways) in the management of forests and sharing of benefits. The Bank's presence - especially in financial terms - has enticed NGOs to get involved in the promotion of JFM often without any critical assessment of JFM itself. And as Chandhoke correctly asks, who are NGOs accountable to besides their donors? (Chandhoke 2003)

The implications of this go beyond the boundaries of the forest. Despite all the rhetoric around civil society, certain voices have not been heard at all within civil society, namely the voices of the 'organic' village community. The marginalisation of certain groups in civil society such as tribals is because they 'do not participate in the

construction of what counts as "reasonable", or indeed what constitutes as appropriate and legitimate knowledge in the public domain of deliberation' (Chandhoke 2003: 186). Reconsider the forest question. Local management of forest resources is only taken seriously when it is introduced by the state in the form of JFM not when it exists autonomously in the form of CFM. In other words, local knowledge is only legitimate knowledge when the state appropriates and recognises it. This civil society has its inherent limits.

It is, therefore, perhaps not surprising that critics of JFM within civil society point in the direction of a civil society where communities autonomously manage their forests. Tribal groups have campaigned for tribal areas to be declared as Fifth Scheduled areas where tribal gram sabhas make decisions about natural resource management (including forest management). Concerned academics and some NGOs have drawn up alternative bills such as the People's Health and Environment Bill and campaigned for changes to the Forest Act. In most cases, these voices have articulated the need to transfer property rights to communities. Implicit in this position is that the failure of initiatives such as JFM is due to the fact that communities have not been empowered adequately - and that only property rights can ensure such empowerment. Village communities, be they tribal gram sabhas or non-tribal panchayats, can better represent communities than FPCs controlled by the Forest Department. Property rights will ensure that civil society has a voice and that it is not constrained by the state and its line departments.

The argument in favour of a transfer of property rights to village communities is premised, on a notion of '**the village community**' or '**the tribal community**'. These communities become representatives of an **autonomous** civil society. The customary domain is reinvoked and not marginalized. If FPCs are formed, they should be linked to customary panchayats. On the other hand, considerable skepticism exists about the role of 'government' panchayats as they are 'outside' bodies - and that too plagued by politics.⁵

Such a conceptualisation of the community within civil society is perhaps as problematic as the one privileged by the state. Locating the **spatial** community itself is difficult because the physical bounds of the forests might not coincide with the social

⁵ While some people consider panchayats (as constituted under the 73rd Amendment) as part of civil society, others consider these panchayats to be extensions of the state.

bounds of the village. More importantly, the community might be of multiple social and economic groups who cannot be represented necessarily within the confines of a panchayat. Are nomadic pastoralist concerns likely to be represented in caste panchayat deliberations? Thus, as critics of 'community' discourse have repeatedly pointed out communities at times are more imagined than real (Jeffery and Sundar 1999; Agrawal 2001). Communities might be repositories of 'traditional knowledge', but this knowledge is rarely homogeneous across class, caste and gender and rarely available to all equally. A number of studies point to the fact that benefits from the forest vary significantly according to land size holdings, contrary perhaps to earlier belief and discourse that marginalised groups benefit more from forest resources than landed groups (Sundar et al. 2001). And there is little evidence to suggest that these customary bodies make explicit attempts to address inequalities within the community anymore than state-sponsored forest protection committees.

This brings me back to the point that civil society itself is a contested domain with multiple voices. Whether it is forest protection committees, tribal panchayats or government panchayats, the possibility exists that these bodies are stratified. These bodies, after all, represent in some way the society they are located within. It is wrong, therefore, to presume that some how stratification and inequality are the result of the state's presence and that privileging the customary is necessarily a solution to this. In fact, I argue in the next section that the state might well have an important role to play in terms of democracy and rights within civil society - with caveats of course.

Having said this, inequality can not be legislated away. Hierarchies and tensions within civil society will continue to exist despite attempts (mostly by the state) to address them. And consequently the presence of politics too will also be there. The notion that some how FPCs are the means to insulate local communities from politics is naïve at best. As Vasavada et al. (1999) argue, FPCs too are plagued by politics especially when questions of money arise in terms of allocation of funds. But politics should not be only seen in these negative terms. Politics and political discourse is very much central to democracy and democratic functioning. It can and should not be seen as something undesirable. Contestation, moreover, should also not be seen as a problem as it currently is. The absence of conflict is not necessarily an indicator of successful collective management and surely not an indicator of a vibrant democracy.

A number of points emerge from this discussion *vis-à-vis* the location and role of civil society in decentralised forest management. First of all, there is considerable confusion and contestation with regard to the form civil society is to take. The user group model (in its present form) needs to be questioned both in terms of the limits the state imposes upon it and in terms of its 'legitimacy' locally. Second, the case for an autonomous civil society in terms of forest management is not too clear in terms of questions of democracy and rights. Communities are rarely the imagined repositories of traditional wisdom only - they too are changing, beset by social hierarchies and environmentally destructive at times. Consequently (and third), it is not necessarily a case of civil society or the state. In fact, in the next section, I attempt to retrieve the state in a form that is conducive to promoting democracy and a different discourse on rights.

Retrieving the State

The leap of faith being taken in favour of civil society has clearly been accompanied by a lack of faith in the state. Whether it is free market proponents or social activists and their competing visions of civil society, the state has invariably been the victim. So is the state irretrievable? Is the future that of civil society alone?

Many advocates of a revitalised civil society would at one level be happy to see the state take a back seat if not whither away. Kothari (quoted in Chandhoke 2003), for example, argues in favour of civil society in the form of traditional community institutions which can manage their affairs well without the interference of the state. Proponents of community based forest management, likewise, are essentially suggesting that communities can manage their forests best independent of the state if they are empowered to do so.

Such positions, however, are of limited use when examining the relationship between civil society and the state. Even if one accepts Kothari's position, civil society depends at one level on the state. If village level bodies such as tribal panchayats which are at least nominally autonomous from the state are to flourish, they need the sanction of the state in terms of recognising that autonomy. It is of no use for a tribal panchayat to make decisions with regard to forest use, if the state supersedes these decisions. Similarly, NGOs too need that legitimacy. The hundreds of NGOs involved in decentralised forest

management are for the most part recognised societies registered under the Societies Act. Their ability to function depends crucially on the state's endorsement at some level. Of course, there are problems in depending upon the state. The state can and does 'legitimise', as argued above, certain actors within civil society and not others. There are NGOs, for example, who are very much involved with JFM who are recognised by the state whereas social movements which position themselves against JFM are largely ignored. This is evident also in the manner in which autonomous community forest management is increasingly being replaced by state-supported JFM.

But the state, like civil society, is also not an entirely autonomous domain. In fact, classical political theory posited the interlinkage between state and civil society. Civil society was meant to embody the spirit of the democratic state and was closely associated with the process of democratisation (Mahajan 1999: 1193). Clearly, there are differences between the 'modern' European state from which such conceptualisations emerged and the current Indian state. However, as I have already argued, 'our' civil society too contests and contends with the state. State and civil society, therefore, shape and are shaped by each other. It is within this context that reassessing the state is important.

The recognition of the community and community rights is one domain in which this contestation is taking place vis-à-vis forests. An important question which needs to be asked, therefore, is whether communities should seek legitimacy from the state in terms of claiming common property rights. There are those who argue that the emancipatory potential of rights (read rights recognised by the state) is limited today. It is argued that: (1) such legal rights are self-limiting (2) universalisation of rights reflects the interest of the dominant groups and (3) defining the community and community rights is problematic (Menon 1998).

While there is some truth to all these points, none of it implies that the state should whither away. First of all, it is worth pointing out that civil society itself is asking for the state to recognise its collective rights over common property resources. In other words, civil society is aware of the importance of state legitimacy. It might also be the case that many rights are not actualised, but this should not be the reason for not fighting for such rights. The same is true in terms of multiplicity of rights. Defining community and community rights is a complicated affair, but it needs to be done. And finally, if

dominant groups are capturing collective rights, the state might well have a role to play here.

In the case of forest management, the first task is to define the community. One of the problems with current initiatives such as JFM is that the 'construction' of the community often ignores who uses the forest. A distinction needs to be made between those in proximate distance from the forests (i.e the potential managers) and others such as nomadic pastoralists who too depend on the forest. Recognition of these collective rights by the state is important given the fact that at present most of these rights have been abrogated or are considered privileges. To say that state recognition of community property rights is not important would be ignoring history and the consequences of the state's colonisation of common lands in its various forms.

There are no doubt problems in terms of the emancipatory potential of community rights. Most importantly, there is a disjuncture between rights and the law (Menon 1998) as mentioned above. In addition to the state seizing much of the forest lands in India, even customary rights which have been recognised during the British period continue to be ignored. A more fundamental problem, however, is what community and what rights. Nivedita Menon has argued that the problem with abstract rights is that it does not recognise the plurality of communities and the fact that 'moral communities' themselves are not universal. In such a case, she argues that securing justice through universal rights may be misdirected.

While her argument is important, it does not detract from the need (as a first step) to recognise the common property rights of the 'community' as long as one is aware of these multiple communities and particular rights. There is a need to distinguish between the **autonomy** of the local and the **form** the local takes. Autonomy must be examined in the context of decentralisation and empowering the local, i.e in terms of devolution. Decentralisation to the local has an intrinsic value in that it provides the local a voice. But the form the local takes should be part of a wider discourse of rights which are embedded in the search for a just, democratic state. Empowering local communities collectively is one thing, ensuring that marginalised communities have a voice within these communities is another.

The state, whether one likes it or not, has a role to play here. Much of the protection afforded to marginalised communities today is in the form of Constitutional rights. These rights are both political and economic in nature, both aimed at communities (or groups) and individuals. Although these rights are of a very general nature, they provide some recourse as they are justiciable. They also provide a certain direction to state policy. State policy can influence the nature of the collective - take for example the case of reservation for scheduled castes, scheduled tribes or women within panchayats. Why not the same within forest protection committees? If not in the form of reservations, why not in terms of differential benefits? To some extent at least, this will address the **form** forest protection committees will take. In a sense, what I am arguing makes resonance with Chaterjee's distinction between civil society and political society. The aim of policy (and thus the state's goal) should be to reach political society, those not reached by civil society and modernity (Chaterjee 1997).

It is necessary, however, to engage with the rights discourse more critically in order to problematise common property rights more elaborately in all its complexity and to understand what the state should be supporting. As Jayal (1994) suggests, it is important to ground the defense of common property rights in a philosophy that can accommodate it. As Jayal (1994) argues, the communitarian perspective which privileges the community's way of life and the common good would seem to be an appropriate starting point. But what if different community rights or expressions of the common good conflict with each other (Das 1994). More specifically, what if expressions of collective rights overlap in terms of claims on forests.

Community rights is a hornet's nest. While community rights might be a way for groups to be 'recognised', it is also possible that such rights acts as an obstruction to individuals or even sub-groups. This returns us to the question raised by Nivedita Menon in terms of moral identities and particularist claims. Is it adequate to take the position that cultural differences should provide a basis for democratic discussion? That I feel is not adequate. Rather as Mouffe (quoted in Menon 1998) contends, it is necessary to be part of a process which helps form the political community itself. In other words, communities need not be static but can be constituted and reconstituted.

Engagement with the rights discourse needs to keep this in mind. A pronouncement vis-à-vis cultural rights is clearly not adequate in addressing the forest question. What is the normative framework by which we assess the outcomes of decentralised forest management and deconstruct the community? As I have argued elsewhere, a framework that examines entitlements across the community will help locate various actors (groups or individuals) within the community. The mapping of entitlements can be location specific so that regional peculiarities are captured. Such entitlement mapping will also help locate forests (and hopefully forest policy) within the agrarian economy. Debates around forest management and the respective roles of civil society and the state rarely address this concern and consequently fall short both in terms of addressing the rights and managerial dimensions of forest management.

Although the rights-based framework put forward here has an element of being state-centred, it clearly predicates an important role for civil society as well. The state is not taken for granted, neither its laws and policies. But neither is civil society. Ignoring the state and its 'relative' autonomy ignores the possibilities that the state might offer in terms of defining the political community. Having said that, it is from within civil society that a rights based approach to the commons and forests must emerge. How this is to emerge requires engaging with discourses on deliberative democracy and participatory democracy. I have also argued that an entitlements based approach can provide the best framework from which to understand and map out whether or not forest management is adequately addressing questions of democracy and rights.

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