

Environmental Justice Perspective on Indian Forest Laws: Decolonizing Forest Governance

Kamal Kumar*

Abstract

This article seeks to critically analyse the Indian forest laws, and more specifically the “Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006”—popularly known as ‘Forest Rights Act’ (FRA)—enacted by the parliament in 2006 and the subsequent amendment brought in 2012, from the environmental justice perspective. The study finds that there are several provisions incorporated in the FRA that are explicitly influenced by the global environmental justice discourse. The inclusion of environmental justice principles (such as basic human right to access the natural resources, local participation, recognition of traditional knowledge and sustainable development) in the FRA enables the post-colonial state to dismantle the exploitative, undemocratic and violent colonial structure of the forest governance. The study also demonstrates how the apt recognition and incorporation of environmental justice principles (pertaining to the natural resource including forests management) in the forest laws and policies offers potentials to ensure environmental and social justice to the forest communities at the local level.

Keywords: *Environmental Justice, Forest Rights Act, Forest Communities, Social Justice, Participation, Traditional Knowledge.*

Introduction

Forests are one the key natural resources upon which the survival of both human and non-human living beings are depended. They provide a wide range of benefits such as herbal medicines, food products, habitat to microscopic species and earthly animals, wealth, raw materials (like timber and paper etc.) to the industries, protection to wildlife, and employment opportunities for millions. Besides it, they provide space to the forest communities (like tribals) and others to grow economically, culturally and spiritually. Furthermore, forests play a central role in purifying the air—and so in ensuring a healthy and clean environment—by absorbing greenhouse gases like carbon dioxide from the atmosphere. This is probably why the forests are attributed as the ‘lungs of earth’. They also

* Dr. Kamal Kumar is Assistant Professor at Department of Political Science, Shivaji College, University of Delhi, New Delhi

“regulate soil development and erosion, water quality and stream flow, and...provide recreational opportunities, and spiritual values for humans” (Paehlke eds., 1995: 288). In this way, they play a constructive role in maintaining the ecological balance. The existence of human as well as wildlife significantly depends on the ways of managing forest resources. Hence, sustainable and prudent management of these resources is essential to keep receiving its benefits.

Given the enormous benefits (in particular economic and commercial) attached to the forest resources, they have always been a significant source for achieving swift and high economic growth in both developing and developed nations. Probably that is why the Indian state since the colonial period tried to establish stringent and monopolistic control over forests (to manage, conserve and use them) through different institutional mechanisms and laws. However, in last few decades, a shift observed in the state’s approach towards the forest governance as well as the forest communities—especially the tribals—who economically, socially and spiritually depend on the forest resources. This study primarily intends to evaluate the Indian forest laws—with a special reference to the Forest Rights Act, 2006—from the environmental justice standpoint in order to highlight its contribution in dismantling the exploitative and violent colonial structure of forest governance. The concept of environmental justice emerged in the end of twentieth century to divulge the dominant patterns of injustice and inequality in the context of environmental policies and governance, primarily the injustice done to indigenous and tribal communities, colored people, and underprivileged sections (Bullard, 1993; Dobson, 1999; Cunningham et al., 1998; McNeil and Maudlin, 2012). Also, it calls for democratic and inclusive decision-making procedures in the context of natural resources (including forests) management, ensuring participation and social justice especially to those whose lives are being affected from such decisions (Grass, 1994; Roberts, 1998).

Indian Forest Laws: An Environmental Justice Perspective

This section analyses the colonial and post-colonial Indian forest laws from the environmental justice perspective with the purpose of analysing the interactions between the global environmental justice discourse and the forest laws. It begins with analysis of colonial forest laws that is followed by a post-colonial forest laws analysis. It then examines the, in a separate sub-section, FRA, 2006 to highlight its key provisions dismantling the colonial forest management structure by offering important rights to the

forest communities as well as recognizing their contribution in preserving and conserving the forests.

Colonial Forest Laws

Forest laws and policies brought during the colonial period reflected the western conception of natural resources management and promoted commercial forestry. The origin of colonial forestry era in India is considered in the latter half of the nineteenth century while Lord Dalhousie, the then Governor-General of India, announced the “*Charter of the Indian Forest*” in 1855 to conserve the forests. In reality, it was largely an attempt to establish a control over teak and regulate its local trading rather than conservation (Kulkarni, 1987: 2143). However it was the year 1865 when the colonial government had introduced its first forest act entitled, “*The Indian Forest Act VII of 1865*”, to establish its unilateral control over forests considering their immense economic and commercial values. However, the Act was not extended to all the provinces, and there were many provinces (like Madras) where the forest communities had control over forests and were freely using its produce for their day-to-day social and customary practices. Surprisingly, the forest act of 1865 was completely silent about the traditional and customary rights of the forest dwellers and other communities who were depended on forests for numerous reasons. Rather, the locals including tribals were prohibited to access them by pronouncing certain local activities illegal (Jha, 1994: 11-12). At the same time, the 1865 Act declared the customary practices (based on indigenous values and knowledge) of using and managing the forest produce unlawful.

To further strengthen the control over forests, after the thirteen year of introduction of first forest act, a much tougher, comprehensive and systematic new law, entitled as “*the Indian Forest Act VII of 1878*” was brought into practice. This new act introduced several fresh provisions. Most importantly, it divided the forests into three main categories in line with degree of control excused by the government; first type of them was referred as the ‘*reserved forests*’ (Chapter II), second as ‘*protected forests*’ (Chapter IV), and third and the last one was declared as ‘*village forests*’ (Chapter III). With this categorisation, the colonial stated had able to enjoy ownership rights over lands of reserved and protected forests, and confined its role to the management only with community-ownership of locals over lands in village forests (Sivaramakrishnan, 1995: 10-11). It was initially felt that unlike its predecessor, the 1878 act would at least partially

recognize the peoples' right to access the forest produce by allowing them to use specified 'villages forests'. But it was remained a daydream for the local indigenous communities. Firstly, all valuable trees were declared as 'reserved' by the government so that it had undisputed claims over them. Hence, the key implicit purpose was to exclude the locals from forests and own them as 'government reserves'. The provisions (contained in Section 27) relating to the formation of 'village forests' for local use was not implemented at the ground since the forest bureaucracy was primarily focused on expanding the 'reserved forests' area only which in turn, further intensified the conflicts between the local forest communities (peasants and tribals) and colonial forest department (Hazra, 2002: 25).

Given the widespread criticism and opposition to 1878 Act, the colonial government brought a new law, entitled as the "*Indian Forest Act, 1927*". The newness was noticed in the 'title' of the act merely, since its intents and contents were the same as like the preceding laws. Like earlier, it was observed that the term "conservation finds no mention in the Act and this exposes once again the exploitative designs of the colonial government" towards the forests (Hazra, 2002: 27). The Act was primarily designed to attain the three key objectives: first, the consolidation of existing forest management's legal structure, second, the "regulation of and transit of forest produce, and lastly, to levy duty on timber and other forest produce" (Desai, 1991: 2). In other words, the colonial state continued with its policy of excluding indigenous peoples from the forest and expanding its reserved forest area. In order to crush the local peoples' opposition and resistance, this law further empowered the forest authorities as now their officers could "arrest any person without a warrant, thus making any violation of the Act a cognizable offence" (Desai, 1991: 2). Similar to 1865 and 1868 Acts, the Act of 1927 reflected imperialist understanding about the forests where the major focus was on extensively exploiting them in order to meet the industrial requirements (at home) and revenue generation. Perhaps this is why it had nothing constructive and positive to offer to the local indigenous communities like tribals.

In summary, forests in colonial period were considered as the good source of "revenue extraction" that was much reflected in the British government's approach and attitude (in terms of laws) toward forests. Forests were simply referred as the commodity (source of raw materials for industries) rather than a natural resource to extract the maximum revenue and commercial benefits. This is probably why the words like 'conservation' was never found a place in any of colonial forest laws, and

thus, no attempt was made to preserve the forests to avail the ecological and environmental benefits by the colonial state rather focused singlehandedly on availing the maximum economic profits. At the same time, they had little to offer to the local indigenous communities like tribals, and also did not pay heed to their intimate relations with forests as well their ways (based on centuries-old experiences, and values and knowledge systems) of using, managing and conserving them.

While analysing the colonial forest laws from the environmental justice standpoint, this present study offers some afresh understanding about the former. They are on several grounds against the principles of environmental justice. First, the colonial forest laws promoted distributional injustice in India, albeit in different manner not similar to the western societies where racial minorities and poor disproportionately bear the environment burdens (Steady eds., 2009). Forest resources and forestlands were unequally distributed as the colonial government brought all the valuable trees/floras (timber and medicine plants) into the 'reserved forests' and also established its control over fertile forestlands in order to extract the maximum commercial benefits on the one hand, and allocated—though very seldom—forest regions with wastelands and unusable trees to the local forest communities.

Second, colonial forest laws also caused procedural injustice to the Indian forest communities by keeping them aside from the decision-making process, while the participation of locals into the latter process is considered as a significant mean of ensuring environmental justice to the affected communities (Low and Gleeson, 1998: 530-531). The laws and policies relating to forests in colonial ear were based on closed and exclusive model of decision-making, and participation to the locals was never a matter for consideration. It is because of the fact that the colonial regime was very dictatorial in nature given their belief in dominance and oppression as well their violent imperialist character. Third, the colonial forest laws violated the basic human rights of forest communities (such as peasants and tribals) to access the forests regardless of their dependency on them for survival as well as customary and cultural practices. Their concerns and interests never attracted the attention from the colonial government, and they were further marginalised through exploitative forest policies.

Fourth and last, colonial forest laws were remained silent over the contribution of indigenous communities in sustainably maintaining and

conserving the forests for many decades. Historically, traditional knowledge (based on their peculiar experiences, values and culture) possessed by such communities played a crucial role in managing the forests without doing any harm to it. But this fact was not recognized by the colonial government because “indigenous knowledge [was placed] in the categories of primitive, simple, ‘not knowledge,’ or folklore” (Robyn, 2002: 201). At the same time, the ignorance of indigenous knowledge by colonial state had also put the lives of the local communities into danger. As Linda Robyn (2002: 200), environmental justice scholar and human right activists, argues that the survival of indigenous “peoples depended on their being able to utilize knowledge in balance with the natural environment.”

Hence, the environmental justice perspective highlights that colonial forest laws were the main source of environmental and social injustices to the forest communities since they denied equal distribution, local participation, basic human rights (especially the right to access natural resources including forests) and also did not acknowledge the role of traditional knowledge in forest management. In other words, colonial laws and policies relating to forests were against the principles and norms set by global environmental justice discourse. At the same time, they caused environmental injustice to the Indian forest communities by not identifying their symbiotic relationship with forests as well as their traditional rights and responsibilities.

Post-Colonial Forest Laws

With attaining independence in 1947, post-colonial Indian state felt the need to review the colonial forest laws and policies. It was essential because of the “revolutionary changes which have taken place during the interval in the physical, economic and political fields called for a reorientation of the old policy” (Haeuber, 1993: 58). With the aim of review the old forestry rules, the “Central Board of Forestry” (CBF) was constituted in 1950. On the basis of CBF recommendations and urgency to conserve the forests, the government announced the first “*National Forest Policy*” in 1952. This new policy was comprehensively inspired by the provisions contained in the 1894 colonial forest policy, and its primary aim was to manage the forests in a view of meeting national interests. Surprisingly, the word ‘conservation’ found no place like earlier in this new policy which in turn, underlined the fact that forests were still considered a source of raw materials to industrial growth and economic development rather than an essential natural resource to

maintain human and natural health. Ravi Sankar Sahay (2012: 1352) further illustrates the colonial character of this 1952 policy as he puts, “the destruction of forest for the construction of roads, bundling irrigation and hydro-electric projects was justified in the name of national interests.” In other words, it continued to deny participation in decision-making, importance of traditional knowledge in forest management and social justice to them, thereby denying environmental justice to the forest communities.

Given the rapid deforestation causing the rapid decrease in the forest cover, the Indian government announced “*The Forest (Conservation) Act*” (FCA) in 1980 with a purpose of slowing down deforestation and conserve the forests by putting “restriction on the de-reservation of forests or use of forest land for non-forest purpose” (GOI, 1980: 1). Its main focus was on conservation and so the FCA remained silent about the basic rights of the forest communities as well as their (especially tribals) historical role in managing and protecting the forests for many centuries. Despite the fact that many scholars have offered plenty of substantial evidences indicating the significant contribution of traditional knowledge (possessed by indigenous or forest communities) and local participation in managing and conserving the natural resources including forests as well as in ensuring sustainable development, the FCA 1980 did not contain a single provision on traditional knowledge neither on the participation of local forest communities (Agrawal, 1997; Kumar, 2001). However, in the 1990s, a somewhat shift was noticed in the post-colonial forest management structure with an announcement of new “National Forest Policy” (NFP), and a novel programme, popularly known as “*Joint Forest Management*” (JFM) in literature, via a circular by the Ministry of Environment and Forest (MEF) in 1988 and 1990 respectively (Lele and Menon, 2014).

In contrast to the Forest Policy of 1952, the new NFP 1988 recognises the ecological significance and benefits of the forests and thus encourages the governments of both centre and state to sustainably manage and conserve them in order keep availing its benefits. Since its key objectives are defined as “maintenance of environmental stability through preservation... Conserving the natural heritage of the country by preserving the remaining natural forests... Increasing substantially the forest/tree cover in the country through massive afforestation and social forestry programmes... Creating a massive people's movement with the involvement of women...” (GOI, 1988: 2-3). A separate section on rights of forest communities (with special reference to tribals) about forest produce is incorporated in this new policy that has theoretically distanced

it from the earlier exclusive and undemocratic forest polices. In fact, NFP 1988 explicitly states (in the Section 4.3.4) that the basic rights (with respect to forests) of tribals and other forest communities should be acknowledged and valued by the authorities. Above all, it affirms that their right of accessing the forest resources in order to meet the daily essential requirements are to be prioritised (GOI, 1988: 5). Moreover, the NFP 1988 is also consisted a provision under Section 4.3.4.2 to motivate the local communities to safeguard and manage the forests. This policy is, thus, commonly credited to recognise the importance of local participation in the management and conservation (Behera and Engel, 2004: 353).

In addition to NFP 1988, with an introduction of JFM programme, the 1990 Circular, entitled “*Involving of Village Communities and Voluntary Agencies for Regeneration of Degraded Forest Lands*”—issued by the MEF via a circular “vide no.6-2/89-F.P”—has further strengthened the role of local forest communities. Its main purpose is to engage the locals especially tribals, in the process of forest restoration and preservation with help the ‘participatory’ model of natural resource management that is widely popular for encouraging the local participation at various levels in many developed and developing countries (Mutamba, 2004). Beside this, it is explicitly stated in the Circular that the everyday “requirements of fuelwood, fodder and small timber such as house building material” of the forest communities including tribals should be given a top priority while distributing forest produce (GOI, 1990: 1). In other words, the government has acknowledged the demand put by several tribal groups and struggles, recognising the primary right of all the local communities (living in and close to the forests) on forest resources. It further states, “the forest communities should be motivated to identify themselves with the development and protection of forests from which they derive benefits” (GOI, 1990: 1). In that sense, this 1990 Circular further strengthens the role of forest communities (especially tribals) in forest management by seeking their participation not just in its management and protection, but also in restoration process with the help of age-old experiences and environmental knowledge. However, the term ‘traditional knowledge’ still did not find its place in the formal forest rules and regulations.

Upon independence in 1947, it was the popular belief that the state’s approach towards forests would be changed and the long-denied rights of the forest communities were to be granted. However not many changes occurred, for a very long period, in the structure of forest laws and its governance in post-colonial India. Until the 1990s, there was a no shift

observed in the attitude and approach of the state towards the forests as it had continued with same colonial forest management structure in independent India as well. It was the 1990s when the new trends and shifts were observed in the context of state forestry policies as the government announced the new NFP in 1988 and JFM programme in 1990. Considering the positive outcomes, it has been over two decades since these two new policies relating to forests introduced and the Indian government in recent times proudly “claims that a third of the country’s forest estate is under participatory management” (Lele and Menon, 2014: 5). There are many studies which support the government’s latter claim, and also further states that the NFP and JFM programme have enabled the Indian state to democratise the forest management structure on the one hand, and to resolve the unending conflicts between the local communities and the forest authorities on the other (Lele and Menon, 2014).

Forest Rights Act (FRA), 2006: Decolonizing Forest Governance

In December 2006, the Indian government enacted the FRA to safeguard the long overdue forest rights of the forests communities, particularly their traditional right to access and live in harmony with environment (forests) upon which their livelihood, lives and identities are dependant, and their responsibility of managing and protecting the forests. After independence, the Indian state, for the first time, acknowledges the historical injustice (or denial of environmental as well as social justice) done to the forest communities during the colonial and post-colonial periods as the Act’s Preamble explicitly states:

“WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem” (GOI, 2006: 1).

The FRA therefore intends to undo the historical injustice by recognising the rights and responsibilities of forest communities. It has contained (in its Chapter II) thirteen important forest rights that have been raised over the years by many human right activists, regional political parties and forest communities’ voluntary groups among others (Srinivas, 2013: 1015). The “right to hold and live in forest land... right of ownership, access to collect, use, and dispose of minor forest produce...rights of

settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests...rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use” are the few of the key forest rights (GOI, 2006, 4). In this way, there are many provisions incorporated in the FRA 2006 that have been highly cherished by many tribal groups, human rights activists and environmentalists.

The 2006 Act is widely attributed to bring a radical shift in the domain of forest governance as well as conservation policies by democratising the structure and recognizing the traditional rights of forest communities. To further decentralise the structure of forest governance, the Central Government has amended the FRA in 2012 to strengthen the *Gram Sabhas* to effectively implement its key provisions. The amendment, entitled as the “*Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendments Rules, 2012*”, has not only extended the rights of the forest community, but importantly “provided opportunities to them to participate and share their own ideas of conservation of forests” (Sahay, 2012: 1354). In other words, it has recognised the considerable contribution of forest communities in sustainably managing and conserving the forests through their knowledge system based on the values, age-old experiences and customary practices, thereby recognizing their wider contribution in maintaining the ecological balance.

While analysing the post-colonial forest laws from the environmental justice perspective, this present study highlights some interesting facts about the former. The independent Indian state till 1990s largely followed the colonial legal structure to govern its forests and adopted an apathetic attitude towards the rights of the forest communities as it continued to deny participation in decision-making, significance of traditional knowledge in forest management and protection, equal distribution basic human rights (most importantly right to livelihood and life), and social justice, thereby denying environmental and social justice to the forest communities. It was the 1990s when a shift was observed in the state’s approach towards the forests as well as the forest communities with the announcement of the new forest policy in 1988 and JFM programme through a Circular in 1990. These two initiatives are largely considered as the first of its kind in the post-colonial India that officially recognised the “symbiotic relationship between forests and forest-

dwelling communities” (Rajagopal, 2019: 1). The NFP 1988 attached more importance to the environmental benefits (rather than the commercial benefits) of the forests and also recognised the first claim of forest communities on forest produce. And, the 1990 Circular strengthened the role of locals in forest management by seeking their participation not just in management, but also in ecological restoration with the help of age-old experiences and environmental knowledge. However, it is worth noting here that “neither the National Forest Policy nor the 1990 Circular refer to equity and social justice goals, except emphasising the needs of tribal communities” (Lele and Menon, 2014: 27). In other words, both the initiatives of 1990s are not in sync with the ideals of environmental justice.

With the enactment of FRA in 2006, a new era of forestry governance has commenced in independent India as suggested by many scholars. This study finds that there are several grounds on which the FRA appears to be in sync with the principles of environmental justice on the one hand, and dismantles the exploitative, un-democratic and violent structure of colonial forest governance on the other. First, its announcement marked the first instance in the history of forest governance in India where the state has acknowledged the fact that environmental and social injustice historically imposed on the forest communities. Its Preamble explicitly states that the state forest polices during the colonial and post-colonial periods caused injustice to those local communities “who are integral to the very survival and sustainability of the forest ecosystem” (GOI, 2006: 1). Similarly, the global discourse on environmental justice has considerably disclosed the embedded patterns of injustice in the context of natural resource management (Adeola, 2000). This study argues that acknowledging the historical injustice done to the forest dwelling communities in the FRA is a notable event as solving a problem first requires recognising it. This is probably why the Indian state has made efforts (in terms of announcing the FRA in 2006 and subsequently amending it in 2012) to ensure environmental and social justice to such communities by radically revising the forest legal structure.

Second, the FRA 2006, unlike the colonial forest polices, intends to undo the distributional injustice (in terms of correcting the unequal distribution of forest benefits and basic rights pertaining to forest resources) as its Section

3.1 consists of several rights that recognises the historic claims as well as the rights of forest communities on forests, forestland, minor forest produce, and the products (such as fish) of water bodies among others (GOI, 2006: 4). More specifically, it specifies that the daily requirements of the forest communities are to be given a top priority while distributing forest produce. Moreover under Section 3.1.10, it has acknowledged their customary rights “which are recognized under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State” (GOI, 2006: 4). Such claims and rights have been raised on different national and interactional platforms by the many tribal associations, non-governmental organisations and political parties. By acknowledging their historical claims and customary rights in FRA, the Indian state has not only extended the human rights to the politically and economically marginalised tribal communities, but also protected their livelihood and lives as they are historically depended upon the forest resources for their very survival and cultural identities.

Third, the FRA has ensured a wider participation to the forest communities in the forest management and conservation, and this is how it prompts procedural justice by recognising the significance of local participation in the forest governance. However, the word ‘participation’ has found mention once in the whole act, but its various provisions tends to promote the participation of forest communities at different levels of forest governance. For example: its Preamble acknowledges the key role in achieving the “sustainability of the forest ecosystem” (GOI, 2006: 1). Unquestionably, the latter requires participation of the forest communities not just at the level of decision-making, but also in the implementation process. In addition to FRA, the 2012 amendment has offered “more opportunities to them [forest communities] to participate” in the forest management by further decentralising the forest governance structure by giving more powers to the *gram sabhas* (GOI, 2012: 3). In other words, the local participation is considered a key to achieve the sustainable forest management, as suggested by the ideals of environmental justice.

Fourth, the FRA unlike its predecessors is the first such act that has incorporated a provision relating to traditional knowledge possessed by indigenous forest communities, especially tribals. Traditional knowledge system holds the potential of making a rich contribution towards evolving a

sustainable model of forest management. This is probably why the FRA has timely recognised the contribution of traditional knowledge in the “sustainable use, conservation of biodiversity and maintenance of ecological balance” (GOI, 2006: 1). In other words, the FRA confirms the fact that forest communities inherit a knowledge tradition that establishes a sustainable connection with environmental resources including forests. Under Section 3.1, the forest communities are encouraged to share their traditional knowledge based local structures of protecting, managing and conserving the forests.

Fifth and last, given the above FRA analysis from the environmental justice standpoint, this study traces an impact of the global environmental justice discourse on its structure and provisions. In fact, the incorporation of ‘participatory model’, distributional concerns, basic human rights, and social and equity concerns into the FRA is appeared to be highly inspired by the ideals of environmental justice. These all concerns are situated at centre of global discourse on environmental justice (in both developed and developing countries) by the beginning of twentieth-first century. At the same time, the deliberation and debates on the preliminary draft of FRA also began in the same period that underlined the potential interactions between these two events. In essence, the FRA 2006 along with the amendment of 2012 has ushered a new era of forest governance in India that appears to be highly structured by the global discourse of environmental justice.

Conclusion

This study adopts the environmental justice perspective as its analytical framework to examine the Indian forest laws—with a special reference to FRA, 2006 and its 2012 amendment—with the purpose of analysing the interconnection between the global discourse of environmental justice and the act. In doing so, the study has learned that the post-colonial forest policies and laws, for a long time, continued to follow the colonial legal framework and structure even after independence. For example: the NFP 1952 was comprehensively inspired by the provisions contained in the 1894 colonial forest policy. The announcement of FRA in 2006 is unquestionably a historic moment in an Independent India as it recognises the rights of forest communities, contribution of traditional knowledge in maintaining the forest, as well as the importance of local participation,

thereby dismantling the undemocratic and exploitative colonial structure of forest governance. However, many studies have pointed several limitations in implementing the FRA provisions at the ground, but it does not undermine its importance in decolonizing the structure of forest governance as well as situating the basic rights of forest communities at the centre of governmental discourse on forest laws and policies.

Reference

- Adeola, F. O. (2000). Cross-national Environmental Injustice and Human Right Issues: A Review of Evidence in the Developing World. *American Behavioral Scientist*, 43 (4), 680-696.
- Agrawal, Arun. (1997). *Community In Conservation: Beyond Enchantment And Disenchantment*. Gainesville, FL: Conservation & Development Forum.
- Behera, B., & Engel, S. (2004). Institutional Analysis of Evolution of Joint Forest Management In India: A New Institutional Economics Approach. *Forest Policy and Economics*, 8 (4), 350-362.
- Bullard, R. D. (1993). Race and Environmental Justice in the United States. *Yale Journal of International Law*, 18 (1), 319-335.
- Cunningham, W. P. et al. (1998). *Environmental Encyclopaedia*. New York: Gole Research Detroit Publishing House.
- Desai, V. (1991). *Forest Management in India: Issues and Problems*. Delhi: Himalaya Publication House.
- Dobson, A. (1999). *Fairness and Futurity- Essays on Environmental Sustainability and Social Justice*. Oxford: Oxford University Press.
- Government of India. (1927). *The Indian Forest Act 1927*. Delhi: Government of India.
- Government of India. (1980). *The Forest (Conservation) Act 1980*. New Delhi: Ministry of Environment and Forests.
- Government of India. (1988). *National Forest Policy 1988*. New Delhi: Ministry of Environment and Forests.
- Government of India. (1990). Involving of Village Communities and Voluntary Agencies for Regeneration of Degraded Forest Lands. *Circular to The Forest Secretaries (All States/UTs)*, No. 6-21/89-PP, New Delhi: Ministry of Environment and Forests.
- Government of India. (2006). *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*. New Delhi: Ministry of Environment and Forests.

- Government of India. (2012). *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012*. New Delhi: Ministry of Environment and Forests.
- Grass, R. (1994). Environment and Justice. *Environment Stanford Environmental Law Journal*. 10 (2), 6-15.
- Haeuber, R. (1993). Indian Forestry Policy in Two Eras: Continuity or Change?. *Environmental History Review*, 17 (1), 50-59.
- Hazra, A. K. (2002). *History of Conflict over Forests in India: A Market Based Resolution*. Retrieved from: <http://www.environmentportal.in/files/History%20of%20conflict%20over%20forests.pdf>
- Jha, L. K. (1994). *India's Forest Policies: Analysis and Appraisal*. New Delhi: Ashish Publishing House.
- Kulkarni, S. (1987). Forest Legislation and Tribals: Comments on Forest Policy Resolution. *Economic and Political Weekly*. 22 (50), 2140-2154.
- Kumar, S. (2001). Indigenous Communities: Knowledge of Local Ecological Services. *Economic and Political Weekly*, 2859-2869.
- Lele, S. & Menon, A. (2014). *Democratizing Forest Governance in India*. New Delhi: Oxford University Press.
- Low, N. & Gleeson, B. (1998). *Justice, Society and Nature: An Exploration of Political Ecology*. New York and London: Routledge.
- McNeill, J. & Mauldin. (2012). *A Companion to Global Environmental History*. West Sussex: Blackwell Publishing Ltd.
- Mutamba, E. (2004). Community Participation in Natural Resources Management: Reality or Rhetoric? *Environmental Monitoring and Assessment*. 99 (1), 105-113.
- Paehlke, R. eds., (1995), *Conservation and Environmentalism: An Encyclopaedia*. London & Chicago: Fitzroy Dearborn Publishers.
- Rajagopal, K. (2019). What is Forest Rights Act? *The Hindu*, 2 March 2019.
- Roberts, R. G. (1998). Environmental Justice and Community Empowerment: Learning from the Civil Rights Movement. *American University Law Review*, Retrieved from: <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1316&context=aulr>
- Robyn, L. (2002). Indigenous Knowledge and Technology: Creating Environmental Justice in the Twenty-First Century. *American Indian Quarterly*. 26 (2), 201-217.

- Sankar, R. (2012). Post-colonial Forest Policy of India and Tribal Communities of Jharkhand. *Proceedings of the Indian History Congress*. 73, 1350-1368.
- Sivaramakrishnan, K. (1995). Colonialism and Forestry in India: Imagining the Past in Present Politics. *Comparative Studies in Society and History*. 37 (1), 1-18.
- Srinivas, D. (2013). The Forest Rights Act: A Study Of Its Implementation In Khammam District, Andhra Pradesh. *Proceedings Of The Indian History Congress*. 74, 1004-1021.
- Steady, F. C. eds. (2009). *Environmental Justice in the New Millennium: Global Perspectives on Race, Ethnicity, and Human Rights*. New York: Palgrave Macmillan.