

Brokering Power: Bureaucratic Contestations in Participatory Forest Governance

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Abstract

The success of forest governance reforms aimed at decentralisation, local participation, and sustainable resource use depends on the bureaucracy implementing such reforms. One such case of decentralised forest governance is the Forest Rights Act (FRA) in India, which recognises the rights of traditional forest dwellers to forest resources that they historically used. Most studies on FRA implementation have only highlighted the obstructionist role played by state forest departments. However, the implementation of the FRA is the joint responsibility of the revenue, forest, and tribal welfare departments. This article examines the role and interplay of power among all three departments in determining implementation outcomes. Employing bureaucratic politics theory and an actor-centred power framework, the paper argues that unless power inequalities within a multi-department implementation setting are addressed, failure in implementing decentralised forest policies is a foregone conclusion. Addressing these power inequalities through collateral structural changes in the concerned departments and regular training can help in effective implementation.

Keywords: Bureaucratic politics, Power, Policy implementation, Decentralised forest governance, Collaborative governance, Forest Rights Act

INTRODUCTION

Forest governance reforms were introduced in most countries of the Global South in response to long-standing resistance by local peasants and indigenous peoples to poor state management of forests, which deprived them of their forest rights and resulted in unabated forest degradation (White and Martin 2002; FAO 2010; Art and Visseren-Hamdkers 2012). India too went the route of reform by introducing The Scheduled Tribes

and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter FRA). For socially-sensitive conservationists, the FRA was significant, because for the first time, the Indian state acknowledged its mistake of having long ignored the role of local communities in conserving their natural resources. Section 3(1)(i) of the Act recognises the rights of traditional forest-dwelling communities to govern ‘their’ forests. These are referred to as community forest resource rights or CFRs.¹ Yet, only 15.5% of the total potential area for CFRs has been recognised,² reflecting poor policy performance.

The most common reason cited for this lackadaisical performance has been the obstructionist role of the forest department (CFR-LA 2016). Blaming the forest department alone, however, ignores the role of the tribal welfare department (henceforth tribal department), and the revenue department in implementing the law. The tribal department has

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prime responsibility in implementing the law, including, but not restricted to, formulating rules, setting procedures, and issuing clarifications. The revenue department chairs multi-department committees at various administrative levels and therefore wields considerable influence over committee decisions (Fortunato et al. 2019; Banerjee et al. 2020). Yet, the role of these two departments and the functioning of multi-department committees have not been studied. What challenges do these departments face during implementation? How can we correct the power imbalance in multi-department settings to pave the way for a more sustainable forest conservation regime? To answer these questions, we compare the implementation of CFRs in Mysuru (Mysore) and Chamarajanagara (Chamrajnagar) districts of the southern state of Karnataka. These districts, while similar in many aspects (described in Section 4), thereby allowing us to control for other variables, have very different CFR titling outcomes. While tribals³ in Mysuru were far more active in claiming their rights, tribals of Chamarajanagara were more successful in receiving CFR title deeds (details in Section 5.1). As the bureaucracy plays a significant role in issuing title deeds, differences in titling outcomes can be explained through bureaucratic behaviour. We used theories of bureaucratic politics and actor-centred power (described in Section 2) to explain this difference. Section 3 details the legal process of recognising CFR claims, while Section 4 describes the study area and research methods. Section 5 presents our findings on power differentials between the three departments, the nature of power exhibited, and extra-bureaucratic influences on the implementation of CFRs. We discuss the implications of committee decisions on CFR titling and their impact on participatory forest conservation in Section 6 before concluding (Section 7) with policy suggestions for strengthening the conservation regime in India.

CONCEPTUAL FRAMEWORK

Individuals and communities are more likely to conserve natural resources when they are assured of benefiting from long-term efforts in doing so (Wade 1988; Ostrom 1990). Kashwan (2017) has argued that recognising traditional forest dwellers' rights to forest land helps meet the goals of forest conservation and social justice. The state's role in recognising such rights is equally important (Futemma 2000). Studies carried out in other tropical countries such as Costa Rica and Thailand have emphasised that good relationships between local communities and the bureaucracy support local participation in conservation (Johnson and Forsyth 2002; Basurto 2013). These studies also highlighted the significant role of local government officials in determining the access and management rights of communities over their forests. It is common knowledge that in countries with colonial histories, the forest department primarily dictates forest governance. Despite introducing forest governance reforms through multi-department decision-making, we find that the outcomes of such reforms largely depend on the will of government officials to implement them (Johnson and Forsyth 2002; Basurto 2013; García-López 2019; Forsyth et al. 2021).

Hence, studying power negotiations within multi-department decision-making bodies becomes vital to study these reforms. Studies have debunked the commonly held belief that politics and administration are separate when it comes to governance. These studies have pointed out that it is the "supposedly 'non-political' careerists [who] have the strongest motivation to play bureaucratic politics" (Riggs 2001: 816) in order to influence resource allocation (Svara 2001; Riggs 2001; Nyadera and Islam 2020). Their ability to do so (bureaucratic power) emerges from their formal organisational position as opposed to demographic traits such as gender and age (Clegg 2009; Zhou et al. 2012; Egeberg and Stigen 2021). Given that different government departments often have conflicting interests and capacities (Matta et al. 2005; Fleischman 2011; Giessen et al. 2016a), power tussles become inevitable in a collaborative governance scenario. The main points of conflict pertain to domain encroachment, i.e. when specific department actors are seen to express opinions on matters that were earlier considered to be the sole domain of different departments. Understanding interdepartmental power negotiations entails identifying powerful actors and the way they wield power over other actors (Krott et al. 2014), because it is the powerful actors who can help implement forest governance reforms. It is important, therefore, to consider the mandate of concerned departments and interactions among them to understand how power influences policy outcomes.

Bureaucratic politics theory does so by examining how officials not only work towards attaining the formal goals of their respective departments, but also advance informal goals such as maximising discretionary space for decision-making, expanding their jurisdictional mandate, and increasing funds and staff (Wibowo and Giessen 2015). It states that bureaucracies act as political institutions as well as administrative bodies (Giessen et al. 2016b) because they wield power owing to their expertise and access to information, and take decisions that align with their administrative ideologies without fear of jeopardising their tenure. Collaborative governance encourages building interdepartmental alliances, which necessitates an examination of departmental structures to understand interdepartmental power dynamics (Mai 2016). Administrative structures provide bureaucrats with the additional capability to change the behaviour of other bureaucrats (Arts and Tatenhove 2004; Krott et al. 2014). Whether they do so or not, however, depends on structural factors such as job tenure, interdependence with other departments, and income (Riggs 2001).

Krott et al. (2014), through their actor-centred power theory, argue that power manifests itself when Actor A can "alter the behaviour of Actor B without recognising B's will" (Krott et al. 2014: 2). This, they illustrated, could be empirically measured through observable behaviour that actors employ, referred to as power elements (Krott et al. 2014) (see Table 1). First, there is coercion, which entails powerful actors compelling subordinates to behave in the way they want them to. Second is dominant information, where selective information is used for decision-making (Giessen et al. 2016b). If subordinates

Table 1
Definition, observable facts, and examples of power elements

Element	Definition	Observable facts	Example
Coercion	Altering behaviour by force	Physical action, threat of physical action, or sources of physical action	District collectors threatening forest officials with punitive action if the latter do not comply with the former's orders
Dominant information	Altering behaviour by means of selective information	Providing/threatening with selective information	Committee members accepting forest officials' claim that the FRA is not applicable in national parks
Non-acceptance	Altering behaviour by refusing to acknowledge power of others	Ignoring information or directives of fellow committee members	Forest officials ignoring tribal officials' interpretation of the FRA
Contrived obedience	Altering behaviour by making a show of compliance	Making a show of complying with the law, even as they refuse to respect it	Junior forest officers conducting field verification as per the district collector's orders, but producing a biased report as per their department seniors

cannot check the veracity of the information given, either due to lack of confidence, lack of time, lack of access to correct information, or simply blind trust, then they comply with the dominant authority (Devkota 2010; Maryudi et al. 2012). In addition to Krott et al.'s (2014) two measures, we identified two more power elements. One is non-acceptance, or the refusal to acknowledge changed power equations or information put forth by other departments. The other is contrived obedience, where actors create a false impression of cooperating in policy implementation. All power elements can be employed by one or several actors, simultaneously (Table 1).

Additionally, actors derive their power from their organisations (structural power) (García-López 2019) or through reformed organisational responsibilities (neo-structural power). Forest reforms have typically followed the path of instituting collaborative governance structures, including multi-department decision-making bodies, and providing neo-structural power (Johnson and Forsyth 2002; Basurto 2013; García-López 2019). In the case of the FRA, the tribal ministry, historically with less structural power than the forest ministry, is given the power to decide on the rules and procedures to be followed for implementation. Likewise, at the state level, the tribal department is responsible for creating awareness and training officials and village forest rights committee members, ensuring that relevant government records are supplied to *gram sabhas* (village assemblies) and helping with other supportive documentation for claimants.

But bureaucracy is just one spoke in the wheel of forest governance. Our concern for achieving socially just conservation goals compels us to look beyond the power contestations within multi-department settings, engaging with the larger system in which they are embedded (Riggs 2001: 86). The role of civil society (Charlton 1995; Barnes et al. 2016; Gupta et al. 2020), street-level bureaucrats⁴ (Brynard 2009; Lipsky 2010), and state politicians (Nyadera and Islam 2020) in deciding how forest governance reforms are ultimately delivered to intended beneficiaries is key.

SETTING THE CONTEXT

The Forest Rights Act

The FRA was the result of a protracted struggle by marginalised forest dwellers⁵ and their supporters to assert their rights

over forests on which they were traditionally dependent (Kumar and Kerr 2012). Colonial and post-colonial states had centralised forest management, taken away land (individual and community) from communities, and erased, almost totally, any form of community control that existed. The FRA aimed to correct this 'historical injustice'. Our concern in this paper is focused on CFRs, as it has implications for the future of forest conservation in India.

The FRA sets forth a framework to process claims that are to be officially recognised and vested. *Gram sabhas* at the village/hamlet level initiate this process by collecting and verifying community claims.⁶ Then, village forest rights committees, along with field personnel of the revenue and forest departments, physically verify claims. Based on field verification reports, *gram sabhas* decide on claims and forward them to state bureaucratic committees, who re-examine them and issue title deeds for approved claims. Officials of the tribal, forest, and revenue departments, along with elected representatives of the communities, constitute these committees.

CFRs signal the transfer of forest governance from the forest department to local communities. For the forest department, this means handing over management powers to the latter. For the tribal department, CFRs are a means of alleviating the poverty of traditional forest dwellers. For the revenue department, it is a statutory responsibility to be fulfilled. Thus, the main possible point of contention within the bureaucracy is between the forest department who could see the Act as anti-conservation and the tribal department who sees the Act as empowering tribals.

Composition of state bureaucratic committees

In Karnataka, every district-level committee is chaired by the district collector⁷ and has concerned district-level officers from the forest and tribal department. The assistant collector heads the subdivision-level committee, which again has officers of the respective departments at the subdivision level. The respective tribal welfare officers act as member-secretaries. Three district and *taluk* (sub-district) *panchayat*⁸ members, usually belonging to forest-dwelling tribal communities, are also part of these committees. Although the elected members represent their communities in these committees, they are not part of the bureaucracy per se, and hence not included in our analysis.⁹

Role of the three bureaucracies under the FRA

Intended to bring about reforms, the FRA granted new powers to *gram sabhas* and gave additional powers to the tribal department, even as it downscaled the forest department's powers in determining forest governance.

The general mandate of the tribal department is to improve the welfare of tribal communities, based on a pejorative understanding that tribals are 'backward' and that their 'backwardness' is due to their dependence on forests for their lives and livelihoods. Consequently, tribal welfare is aimed at mainstreaming them. The FRA reverses this focus and recognises their traditional claims to forests. Tribal welfare officers must ensure that information is provided to *gram sabhas* about the latter's duties towards forest protection and biodiversity conservation. They are also obliged to provide relevant maps and other documents to *gram sabhas* for the claim-making process, ensure that regular awareness and training of village forest rights committees are carried out, and examine whether all claims are recorded. Finally, the tribal department also performs the secretarial role of coordinating with other departments for meetings at the district and subdivision levels.

The forest department is responsible for physically verifying claims when forest rights committees request it, providing relevant documents to assist the verification process, recording recognised rights, and preparing a final map of the forest land vested with communities. Similar responsibilities are entrusted with the revenue department too. The district collector, in consultation with the other two departments, takes final decisions regarding claims.

STUDY AREA AND METHODS

Until 1998, Mysuru and Chamarajanagara districts together constituted Mysore district, located in the southern part of Karnataka in south India (Figure A). Ecologically, both districts, situated in the Western Ghats, have mixed moist, deciduous forests that are rich in wildlife and non-timber forest products (NTFPs). Mysuru's forests comprise the Nagarhole and Bandipur national parks (and tiger reserves), while Chamarajanagara's include the Kaveri, Male Mahadeshwar Hills, and Biligiri Rangaswamy Temple wildlife sanctuaries.¹⁰ Tribals inhabit these forests but have been displaced to the forest fringes and are now engaged in sedentary agriculture, collection and sale of NTFPs, and wage labour. Tribal rights groups have helped these communities organise and demand forest rights.

A mixed qualitative-quantitative research approach was employed for this study. The first author undertook semi-structured interviews with concerned bureaucrats during multiple field visits between July 2018 and May 2022. The minutes of 124 subdivisional- and district-level committee meetings held between 2008 and 2022 were collected from tribal department officials. These were translated from Kannada to English with the help of translators, before analysis. Information on the procedures followed for recruitment and

training of concerned departments was also obtained from online government department websites.

A qualitative content analysis of the meeting minutes was carried out to understand how power elements (as categorised in Table 1) were employed by bureaucrats during decision-making. We focused only on deliberations related to CFR claims, although individual forest rights claims were also discussed during meetings. The text of all meeting minutes was analysed to mark out the nature of power exhibited by each department. An example of the power analysis based on power elements is attached in Appendix 1. While we concede that interpretations can be subjective, we repeated our analysis twice to minimise the arbitrariness of interpretation. Power elements were quantified using simple Excel software to find the distribution and frequency of particular power elements (See Table Z in Appendix 2). Power elements exhibited by each department across 124 meeting minutes were tabulated to see how different departments exhibited power, what forms of power were deployed across both districts, and what the deployment of power meant in terms of the bureaucracy's interpretation of the FRA. In order to see which department dominated the meetings in each district (Fig. 1 in Appendix 2), we calculated, as a percentage, the total number of power elements deployed by each department/total number of power elements deployed in each district (Table Z in Appendix 2). Similarly, to understand how each department deployed the different power elements, we calculated, as a percentage, the total number of times a power element was deployed/total number of power elements deployed by each department (Fig. 2-4 in Appendix 2). All power elements were treated as equally important, regardless of their form or duration. This approach does pose a risk, as, depending on the context, employing a particular power element may be more effective than another, especially if it occupies more time. However, given that this analysis is meant to reveal a broad picture of the deployment of power among different departments, we are convinced that such an equation will not drastically affect our findings.

FINDINGS

Recognition of CFR Claims

Despite similar social, ecological, and tenurial contexts and supportive civil society presence, we found that CFR claim recognition outcomes in both districts differed significantly in two ways—the percentage of claims filed and the proportionate success in obtaining title deeds (See Table 2). We calculated the percentage of claims filed as a ratio of the number of CFR claims to the total number of village forest rights committees in the district. The success rate of titling was calculated as the ratio of the number of title deeds issued to the number of claims. We assumed that each village forest rights committee filed a single claim for CFRs. Guided by bureaucratic politics theory, we first assessed how each department recruited and trained officers, before analysing how departmental structures contributed to their power.

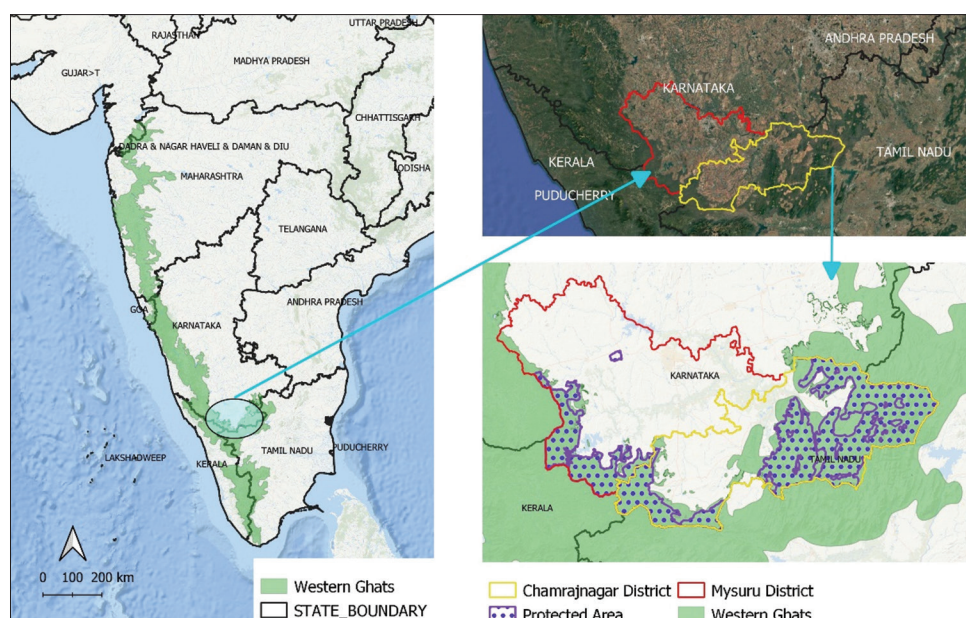


Figure A
Study site location

Table 2
Variation in the status of community claims across the two districts as of April 2018

District	No. of village forest rights committees	No. of claims	No. of title deeds	% of claims filed as against total village committees	% of success in receiving titles
Mysuru	146	126	38	86%	30%
Chamarajanagara	121	67	64	55%	96%

Source: Karnataka Social Welfare Department, 2018

Differing Structural Powers

Under the Indian Forest Act, 1878 (amended in 1927), the administration of forest land under state control became the sole responsibility of the forest department (Sarin 2014). Forest officers are trained to have a sense of discipline, loyalty, and obedience to the department (Hannam 2000), and identify themselves as part of the central bureaucracy as opposed to state bureaucracy (Fleischman 2016). Hence, they usually tend not to follow the orders of the district collector who heads the district administration. Given their wide ranging powers over vast areas of land, the department acts as a “paternalistic bureaucracy” (Hannam 2000: 285) and its officials dominate in multi-departmental bureaucratic committees (Bhavnani and Lee 2021). As head of the district, the district collector enjoys multiple powers which, in effect, empower the revenue department. The tribal department, on account of being the welfare arm of the state, rather than a revenue-generating one (as the other two are), has been insignificant historically within state administration.

Structural disparities in power are amplified in the recruitment and training process. Whereas district-level officials from the revenue and forest departments are recruited through competitive examinations held by central agencies, tribal officials are recruited by regional agencies. The union government carries more weight than the states when it comes to bureaucratic functioning. Moreover, forest and administrative service recruits **aspire** to their ‘prestigious’

posts, while most tribal department officers admit that the department was not their first choice. Consequently, tribal department staff are more “reactive than proactive” (Mai 2016: 252), lacking initiative in performing their duties. Given that the tribal department is the nodal agency under the FRA, this lack of interest is counterproductive and acts as a ‘structural disincentive’. Furthermore, unlike the forest and revenue department, which has staff down to the village level, the tribal department has staff only down to the taluk level. For village-level outreach, they rely on untrained tribal school teachers, decreasing efficiency. Moreover, until 2013, staff were frequently interchanged between the tribal and social welfare departments, earlier treated as one department in Karnataka, making them indifferent about their responsibilities. The absence of pay and grade parity with other department officials is also a structural disincentive.

The training of tribal department staff is primarily focused on teaching officials how to handle welfare funds, as opposed to teaching them on how to help tribals financially in ways that the latter want. Moreover, tribal officers have to clear an administrative exam before posting. However, the FRA is not included in this context. This is a major lacuna.

Exhibition and Negotiation of Power

Interdepartmental power dynamics in deciding claims can be understood through a perusal of committee meeting

minutes. Our analysis suggests the following. First, the 2006 law was referred to as the “Forest Rights Act” and not as the “Tribal/Forest-dwellers’ Rights Act,” which gave the forest department control of its implementation. Second, in Mysuru, the forest department dominated meetings, whereas, in Chamarajanagara, the revenue department did so (See Fig. 1 in Appendix 2). Third, in Mysuru, forest officials employed dominant information with their structural power (See Fig. 2 in Appendix 2). Dominant information refers to technical knowledge about forest laws and related government orders and information about the history of forest administration. Fourth, in Mysuru, the forest department argued that the FRA is applicable only to communities who are dependent on forest resources or who are occupying forest land and not to those who were ‘historically displaced’ (Assadi 2014: 36) when forests were legally notified.¹¹ Proof was demanded from those who claimed to be illegally evicted. Ironically, all information on evictions lies with the forest department, which they have failed to produce.

Fifth, in Chamarajanagara, the revenue department was assertive because district collectors actively studied the FRA and used their structural power to counter the dominant information of the forest department (See Fig. 3 in Appendix 2). Consequently, the forest department was forced on the backfoot, employing dominant information and non-acceptance power elements (See Fig. 2 in Appendix 2). Forest officials have rejected claims, pointing out that human habitations and related activities are not permitted inside national parks according to the Wildlife Protection Act, 1972 (WLP). This is an incorrect legal observation as per Section 2(d) of the FRA. Moreover, Section 13 of the FRA emphasises that the law should be read “in addition to and not in derogation of any other law in force” governing forests. Sixth, district collectors in Mysuru passed the implementation responsibility to the forest department. Seventh, in both districts, the tribal department invoked their neo-structural power and non-acceptance power elements to counter the forest department’s power. However, it was more assertive in Mysuru (See Fig. 4 in Appendix 2). In Chamarajanagara, it was often left to community representatives and the district collector to decide on the veracity of the claims. At times, however, the tribal department did employ dominant information power, as one taluk tribal welfare officer pointed out:

.....As soon as a claim is tabled during the committee meeting, the forest department immediately rejects them. Our role is to provide proof that the claim is genuine, for which we collect documents that support the applicant’s claim. All this homework must be done by us. We approach the archaeology department to verify the claim of the community.

- Interview, March 2022

External Influences on Bureaucratic Power

Bureaucracies are not standalone entities but are created by “constitutionally rooted governing bodies” (Riggs 2001: 820), which provide the context in which bureaucracies perform.

The bureaucracy’s power is balanced by the power wielded by extra-bureaucratic actors or institutions such as political representatives, civil society, and market forces (Riggs 2001). Also, bureaucracies are influenced by local socio-political contexts, and hence, context-specific governance solutions are warranted (Besley et al. 2022).

Tenurial context

Forests, being on the concurrent list¹² of the Indian Constitution, are subject to union laws and strictures passed by central authorities such as the National Wildlife Board, National Tiger Conservation Authority, and the Ministry of Environment, Forests & Climate Change. The latter has consistently opposed the FRA (Menon 2016), conveying the impression to officers that ‘giving away’ forest lands to claimants will result in punishment. As a Mysuru forest officer put it:

...They [claimants] are not going to get it [title deeds]. Which officer will risk their life and service? If I go ahead and admit that historical injustice has been done, and grant their [claimants’] rights, tomorrow they [forest department superiors] will question me. As a forest officer, they expect that I object to it and if I do not comply, they will suspend me [from service].

- Interview, March 2021

Although the forests of Mysuru and Chamarajanagara are both under state control, the former has national parks, which do not tolerate human presence or use, under the WLP. When the state notified forests in the 1970s, tribals were evicted, without any compensation, to areas outside the forests (Mathews 2005; Assadi 2014; Mahalinga 2014). Though similar processes occurred in Chamarajanagara, tribals were displaced to the buffer area of the sanctuary as this was permitted under the WLP. Meeting minutes reveal that the implementing bureaucracy only approved claims of tribals currently residing within forests.

Political representatives

A lack of interest in or the active undermining of a policy by the political arm of the state significantly influences the incentive structure of and resources available to the implementing bureaucracy (Das 2019). Although tribals are well-organised in both districts, in Chamarajanagara, the tribal organisation, supported by the local NGO, was able to actively engage with both the administration and politicians. This was not the case in Mysuru. Consequently, politicians attended district-level meetings and took the district administration to task for delay in issuing titles, as the below minutes illustrate:

39 CFR applications were approved by the committee, but district forest officials have not signed the certificates and have kept them pending. Sri Dhruvanarayana, Member of Parliament, asked for clarifications for the delay. He directed taluk tribal welfare officers to place all pending applications with necessary documents in the next meeting when the district in-charge minister will be present. He gave a deadline of 25/12/2017 to ready all 42 CFR certificates for distribution to beneficiaries.

- Chamarajanagara DLC meeting minutes, 25 November 2017

Astute community leaders

Community organisations and their ability to reach out to political representatives, especially in Chamarajanagara, also shaped CFR claim outcomes. Even before the FRA was implemented in the district, the district-level tribal organisation lobbied political representatives to ensure they could collect and sell NTFPs from the forest, despite a ban on collection since 2004. There were even instances of leaders asking the state chief minister to transfer out uncompromising forest bureaucrats. Tribal rights groups in Mysuru, on the other hand, were mostly contemptuous of politicians, as illustrated by one group leader:

Bureaucrats are more acceptable than politicians. They have some common sense and a sense of responsibility. We tried approaching politicians, but they are cutthroats. They focus only where they get votes. Implementation responsibility lies with the bureaucrats. So, we work with bureaucrats.

- Interview, March 2021

Training

Regular and proper training of bureaucrats on the new policy goals is vital for implementation success (Rockman 1992). Proper training on the FRA can help reduce interdepartmental conflict during meetings. Tribal welfare officers were active in taking steps to bolster the CFR claims of *gram sabhas* by collecting additional evidence and countering the misinformation of forest officials when they knew of the applicability of the law. They were also more assertive in committee meetings. The Karnataka government's recent creation of a separate tribal welfare department, and imparting exclusive training to incumbents, has imparted a sense of belonging and pride, as one officer noted:

You will see the change [in FRA outcomes] within three years. I am very sure of it because now all the district level officers [of the tribal welfare department] are exclusively trained by the tribal welfare department. Since it is our home department, we will be interested in implementing it [FRA]. Officers deputed from other departments stay for a maximum of two years, handling a maximum of four [committee] meetings. So, it [implementing the FRA] does not matter much to them.

- Interview, March 2022

Similar changes in outlook regarding the FRA have been observed among newly trained forest bureaucrats. A freshly recruited forest officer said the following:

There was one [training] session expressly on the FRA. We had general information and were antagonistic towards it. But, one faculty changed our perspective. He told us why we should be giving rights to forest dwellers. He asked us to think about the time when these forests were reserved. "How could we expect these tribals to represent their interests to the British officials? The legal language used for inviting rights claims is something still beyond the grasp of an educated citizen today.

What could the illiterate tribal know? Existing state forest notifications may or may not have taken into consideration these rights. That is why the government of today felt the need to recognize those rights. It is a well thought out move. The government wanted to give them one more opportunity. If you find that it [claim] is true, then give them their rights." That was an exposure.

- Interview, 7 April 2022

DISCUSSION

The implementation of conservation policies that address ground realities demands collaborative governance structures. Yet, while seeking to do so through decentralisation, states have failed to consider the power inequalities that plague these collaborative institutions, which could contribute to policy failure. We employed theories of actor-centred power and bureaucratic politics to provide a more nuanced understanding of how power is brokered in multi-department settings. For this, we compared CFR claim titling outcomes in Mysuru and Chamarajanagara districts of Karnataka.

Our findings reveal that dominant information is the game changer when it comes to understanding how the bureaucracy makes decisions about CFR claims. Dominant information could be knowledge about forest laws, specific knowledge about the FRA, or knowledge about the history of forests and/or the spirit with which FRA was enacted. Dominant information is normally backed by structural power to help organisations achieve their formal and informal goals. Often, it is the forest department which employs dominant knowledge about the WLPA to incorrectly deny recognition of CFR claims.

The FRA is perceived by the bureaucracy, in general, to be a 'forest issue' more than a 'tribal issue'. The opinions of forest officials are thus prioritised as the other two departments do not possess knowledge about forest histories as the forest department does. Organisational structure and culture predominantly influence decision-making among forest officials. According to Hannam (2000), foresters tend to prioritise circulars, regulations, and planning documents approved by the central environment ministry rather than laws and policy documents issued by state or national governments (Kumar and Kant 2005; Matta et al. 2005). Moreover, the top brass of the forest ministry is antagonistic towards the FRA, which is conveyed down the hierarchy (Kumar and Kant 2005; Matta et al. 2005).

The neo-structural power that the FRA has granted to the tribal department is not sufficient to match the historically superior structural power of the other departments. For structurally enfeebled actors to counter structurally powerful actors in a multi-agency setting, they must be thorough in their legal/policy knowledge, backing it up with evidence collected through groundwork. Where tribal officials can do so, they advance the interests of tribals in committee decisions, resulting in some wins and some losses. For example, tribal officials have succeeded in convincing the committees that the FRA is applicable even in strictly protected areas where earlier

it was believed otherwise. Consequently, CFR titles have been issued to tribal hamlets displaced within the national park, though the claims of historically displaced tribals are kept pending. But in most cases, we witness structural disincentives at work among tribal officials. Individual bureaucrats in structurally disincentivised settings need to invest more energy to influence policy outcomes if they want to resist the power of structurally superior actors. Tribal officials often find it difficult to invest their time, energy, and resources to verify and counter the dominant information of the forest department. Structurally disincentivised officials, therefore, prefer to subordinate themselves to the power of the potentate (Devkota 2010). For the revenue officer chairing the meetings, meticulous evidence-gathering for claim verifications means extending decision-making time, which they would rather not, unless pressured by politicians.

Changed public mandates can lead to changes in administrative ideologies that impact training of fresh recruits and possibly change the behaviour of individual bureaucrats, over time. For example, with the introduction of the FRA, the tribal department's approach changed from welfare-oriented to rights-based. Such an approach probably necessitated the creation of a separate tribal department in Karnataka. However, this is inadequate to foster change. Countering the power of the forest department requires deeper structural changes to the tribal department, including restructured training, allocation of financial resources, and increased field presence. The last is significant considering that real power is exercised in the everyday actions of the field staff, where presently the forest department trumps and imposes its will (Krott et al. 2014). As Lipsky (2010) has noted, street-level bureaucrats play a crucial role in communicating policy changes to the public with whom they interact, helping them adjust to new policies. This becomes even more important when policy clients are from poor and marginalised communities.

Our study suggests that despite supplying appropriate participatory forest governance institutions, a lack of imagination in modifying relevant administrative structures entrusted with the implementation of such policies has resulted in ineffective decentralisation. It has also led to the misconception that the FRA is primarily a forestland distribution issue and not a forest governance issue where local communities play an important role in sustainable conservation. Collaborative governance structures that do not address power inequalities within often reproduce power and reinforce structural hierarchy through the politics of public authority, done so by creating certain narratives within the implementing bureaucracy (Jagannath 2016).

Conflict within multi-department settings also results in policy failure (Peters 2018). The absence of forest officials from field verification processes and/or from crucial district-level committee meetings, or worse, their refusal to sign title deeds despite joint decisions taken at committee meetings, all lead to implementation failure of the FRA. Ostensibly, decisions are arrived at through negotiations among the three concerned bureaucracies and community representatives. However,

these decisions may not reflect the will of some of the parties concerned. Furthermore, the outcomes of such negotiations may be partly influenced by the need to maintain professional relationships rather than to resolve policy problems. One of the weaknesses we identified with bureaucratic functioning is the predilection of bureaucrats to maintain the status quo as opposed to enhance efficacy for the public good (Mai 2016). This discourages bureaucratic innovation. In that sense, decisions arrived at in multi-department settings are merely 'provisional consensus' or temporary 'truces' in the language of conflict, rather than a final outcome of negotiation. Policy contexts are always in flux (Arts and Tatenhove 2004), which affects bureaucracies too. Changing local political economies, along with frequent transfers of higher officials, changes power equations within committees, which may again revive conflict and alter negotiated decisions (Mthethwa 2012). Hence, final decisions may not be arrived at, as bureaucrats and structural elements of power change. For instance, a CFR title once granted may be withdrawn (see Kohli 2018; Gupta et al. 2020), or severe use restrictions may be imposed despite titles issued (see Sahu et al. 2017).

As long as the two major impediments to policy implementation—over-centralisation and complex bureaucratic dynamics—exist, individual bureaucrats are not in a position to see the consequences of their decisions (Garcia-Zamor 2001). In effect, they are removed from any responsibility of 'externally imposed' policy implementation outcomes. This can frustrate bureaucrats and reduce their efficiency. Other scholars have noted that the more powerful actors in a multi-department setting tend to be more active, employing their agency to undermine policy implementation (Giessen et al. 2016b). Collaboration among different actors is aimed at problem-solving and demands horizontal (rather than hierarchical) structures that are more open and adaptive to contextual demands (Eun 2010). Our research finds that where structurally disadvantaged actors are proactive, they can influence policy outcomes to the extent that the structures permit them to. In Mysuru, the tribal department succeeded in convincing the committee chair of the validity of CFR claims in a national park, resulting in *de jure* forest rights for communities. It is another matter that *de facto*, these rights remain elusive due to the forest department's reluctance to respect these rights. Our argument that the mismatch between policy reform and the reform of administrative structures tasked with policy implementation stands good here. Such mismatches have been noted in health sector reforms (Jagannath 2016), corroborating the fact that the transformation of governance structures must be considered as part of radical policy changes, and not exclusive of them.

In the Mysuru case, the non-implementation of claims recognition can also be explained by the fact that tribal organisations failed to liaise with their political representatives, resulting in the absence of political pressure on the bureaucracy. Consequently, the revenue department relied on the dominant, but incorrect, information provided by the forest department. On the other hand, because tribal organisations

in Chamarajanagara astutely mobilised political interest in the FRA, it resulted in political pressure on the revenue department which, perforce, had to study the law and accept it, leading to better CFR claim titling outcomes. Elsewhere, scholars have noted the influence that the legislature exerts over the bureaucracy in South Asia and how they wield power and authority over the bureaucracy (Garcia-Zamor 2001; Nyadera and Islam 2020). Inevitably, they also influence bureaucratic decision-making.

Ultimately, the FRA intends to reduce conflict over forests, leading to better conservation. Despite decades of having governed forests exclusively, the forest department has failed to resolve conflicts, instead increasing them owing to arbitrary land-use change for more powerful clients—such as industry—even as it portrays local communities, who have the biggest stake in the survival of forests, as villains. Providing space on the ground for public participation in forest governance is the need of the hour, and policy changes addressing these new realities must not neglect accompanying structural changes within the bureaucracy for this to become a reality.

CONCLUSION

The FRA, which emerged after a long struggle by forest-dwelling communities, was aimed at not only addressing historical injustices but also promoting decentralised governance and sustainable resource use (Kumar and Kerr 2012; Kashwan 2017). Yet, the success of such reforms depends on whether the ground has been adequately prepared for implementation and whether the bureaucracy carries through these reforms. Bureaucrats who have been trained for decades to function in a centralised, command-and-control mode of administration are now expected to participate in collaborative governance, discarding departmental boundaries. As we have illustrated, there is a hierarchy of sorts within the bureaucracy that places the forest and revenue departments above the tribal department. The state needs to address the structural weakness of the tribal department by increasing staff and ensuring staff positions right down to the hamlet level. It also needs to recognise, more concretely, the important role of the tribal department, especially with regard to the FRA, and ensure that a separate budget is set aside for FRA implementation (see Sahu et al. 2017). This should be part of a shift from a paternalistic tribal welfare approach to a rights-based approach. Without such a shift, decentralised forest governance will remain incomplete at best and a dream on paper at worst. Currently, the revenue and tribal department recruits are exposed to the workings of other departments, which has facilitated interdepartmental collaboration. However, this must also include exposing them to forest histories. Similarly, the training of forest officials must include exposing them to tribal issues to help ease tensions within collaborative governance settings.

These recommendations are based on a study that depended largely on interviews and a reading of committee meeting minutes. Thus, power was only analysed as it transpired within

the confines of meeting rooms and that too as portrayed in the meeting minutes. Furthermore, power elements were noted only where they were exhibited. We had no means to calculate the amount of time devoted for each power element to see the effect of particular power elements on outcomes. As we cannot vouch for the accuracy with which meeting proceedings were recorded, we may have lost out on important discussions and power play dynamics. Nor were we privy to the interactions among bureaucrats that may have taken place outside meetings. Finally, the centrality of the implementing bureaucracy to our study does not negate the role of extra-bureaucratic institutions with vested interests in policy making. Future research could examine how marginalised communities lobby political representatives and the impacts of such lobbying on CFR titling.

Supplementary material: rb.gy/mwf54m

Author contributions statement

RK conceived and designed the research with guidance from AM; RK collected and analysed the data and led the writing of the manuscript; AM provided significant inputs to the manuscript and reviewed it. Both authors contributed critical, intellectual content to the research and gave final approval of the version to be published.

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Declaration of competing/conflicting interest

The authors declare no competing interest in conducting this research.

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Research ethics approval

This research was conducted as part of RK's doctoral thesis for which she received a research ethics approval by the

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Data availability

The data from this research are not publicly available due to confidentiality permissions.

NOTES

1. Although the FRA provides for recognising and vesting of other kind of forest rights such as community and individual rights, the focus of this paper is solely on CFRs, as it is this provision that changes the forest governance regime in India.
2. As per the Ministry of Tribal Affairs, area vested under CFRs is 1,32,74,213 acres (<https://tribal.nic.in/FRA.aspx> Accessed on January 9, 2024), while the minimum potential area for CFR recognition is estimated at 85.6 million acres (CFR-LA 2016).
3. This term, contentious in its use, refers to ‘indigenous’ communities in India also known as adivasis. For ease of reading, we retain this term.
4. Considered a crucial link between the bureaucracy and the general public, they possess discretionary power in deciding how policy is received at the ground level, especially in matters of resource allocation (Brynard 2009).
5. Includes tribal and non-tribal forest-dwellers.
6. The focus of recognising CFRs has primarily been around claims of tribal communities.
7. The district collector’s office serves as an intermediary between the district and state government. This office is held responsible for anything that happens in the district. They also head the revenue department.
8. Local governing body consisting of one or more villages.
9. Committee meeting minutes reveal that community members are not taken seriously unless backed by political pressure from above.
10. Some human settlements and activities (for subsistence) are permitted in wildlife sanctuaries, but are banned in national parks. Both categories are governed under the Wildlife Protection Act, 1972.
11. Sec 3(1)(m) of the FRA recognises the rights of illegally evicted forest dwellers to in situ rehabilitation.
12. The Concurrent List of the Indian Constitution includes 47 subjects that both, the central and state, governments can make laws on.

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