

Forestry in Kodagu: A Historical Analysis

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Abstract

British India's forest policy and legislation has been much in debate after independence. Opinion makers in the field of the environment and others have painted a picture which depicts our colonial rulers as the worst exploiters of our natural forests under the support of draconian forest policy and law enacted by them. This line of argument has been espoused by political thinkers figuring out to the left of the centre. But unfortunately this is not true. Sufficient injustice has been caused to the founding fathers of British India's forestry. In this paper highlights tiny province of Kodagu and British forest policies.

Key word: forest, colonial rule, legitimacy, rule of law

Introduction:

Humans have been living in the forests and modifying their environment for well over ten thousand years. But it is only since the Neolithic period, five thousand years ago, that the transition of human societies from hunter-gatherer to food growing caused large scale changes in vegetation. Forests are significant natural resources for the development of agricultural economy in Kodagu district of Western Ghats of Karnataka. The sustainable use of forest area is being threatened due to commercial and demographic pressure.

¹ The stewardship role of the village community to preserve forests in their virgin condition is manifested through a forest institution called "Devara kadu". Devara kadu is characterized by a temple of folk tradition surrounded by forest and a temple tank and are preserved for ecological and spiritual linkages. The village community enjoys aesthetics and performs rituals in the annual Devara kadu festivity offering social fencing.² This institution brings and binds the village community and family together and in turn strengthens the Devara kaadu signaling a code of conduct of preservation for ecological and spiritual needs. Over the past century the area under Devara kadu has reduced from 15000 acres to 5000 acres by 0.6 percent per year. If this continues, at the same pace it threatens the very foundation of the institution of Devara kadu affecting the forest ecology and economy of Kodagu.

The forests are playing a vital role in regulating the climate and biodiversity conservation despite providing livelihood benefits to millions of people living in and around the forests. The forests of the Western Ghats region of peninsular India have undergone significant transformations over the past century.³ The nature, extent and causes of these transformations have been due to deforestation, over grazing, forest fire, rapid urbanization, encroachment for agriculture, etc. Hence the forest management requires an understanding of the spatial and temporal patterns using remote sensing data and *Geographical Information system* (GIS) techniques. Recently many researchers have used the remote sensing data to assess the forest cover. Very few studies used RS & GIS technique to analyze the forest encroachment patterns.⁴

Colonial Forest Policy:

Political economy of British India's forest policy and legislation has been much in debate after independence. Opinion makers in the field of the environment like Dr. Ramachandra Guha, Dr. Madhav Gadgil and others have painted a picture which depicts our colonial rulers as the worst exploiters of our natural forests under the support of draconian forest policy and law enacted by them. This line of argument has been espoused by political thinkers figuring out to the left of the centre. But unfortunately this is not true. Sufficient injustice has been caused to the founding fathers of British India's forestry. This is high time to set the record straight.⁵

There is enough evidence to show that dense forests once covered India. The changing forest composition and cover can be closely linked to the growth and change of civilizations. Over the years, as man progressed the forest began gradually depleting. The growing population and man's dependence on the forest have been mainly responsible for this. All ancient texts have some mention of the forest and the activities that were performed in these areas. Forests were revered by the people and a large number of religious ceremonies centred on trees and plants.⁶ The *Agni Purana*, written about 4000 years ago, stated that man should protect trees to have material gains and religious blessings. Around 2500 years ago, Gautama Buddha preached that man should plant a tree every five years. Sacred groves were marked around the temples where certain rules and regulations applied.

When Chandra Gupta Maurya came to power around 300 BC, he realized the importance of the forests and appointed a high officer to look after the forests. Ashoka stated that wild animals and forests should be preserved and protected.⁷ He launched programmes to plant trees on a large scale. These rules continued even during the Gupta period. During the Muslim invasions a large number of people had to flee from the attacks and take refuge in the forests. This was the beginning of a phase of migration to the forest. They cleared vast areas of forests to make way for settlements. The Muslim invaders were all keen hunters and therefore had to have patches of forests where they could go hunting. This ensured that the trees in these areas were not felled, and the forest ecology was not tampered with. The Mughals showed

more interest in gardens and their development.⁸ Akbar ordered the planting of trees in various parts of his kingdom. Jahangir was well known for laying out beautiful gardens and planting trees. During the early part of the British rule, trees were felled without any thought. Large numbers of trees such as the sal, teak, and sandalwood were cut for export. The history of modern Indian forestry was a process by which the British gradually appropriated forest resources for revenue generation. Trees could not be felled without prior permission and knowledge of the authority. This step was taken to ensure that they were the sole users of the forest trees. But after some time, the British began to regulate and conserve.⁹ In 1800, a commissioner was appointed to look into the availability of teak in the Malabar forests. In 1806, the Madras government appointed Capt. Watson as the commissioner of forests for organizing the production of teak and other timber suitable for the building of ships.¹⁰ In 1855, Lord Dalhousie framed regulations for conservation of forest in the entire country. Teak plantations were raised in the Malabar hills and acacia and eucalyptus in the Niligiri Hills. In Bombay, the conservator of forest, Gibson, tried to introduce rules prohibiting shifting cultivation and plantation of teak forests. From 1865 to 1894, forest reserves were established to secure material for imperial needs. From the 18th century, scientific forest management systems were employed to regenerate and harvest the forest to make it sustainable.

Between 1926 and 1947 a forestation was carried out on a large scale in the Punjab and Uttar Pradesh. In the early 1930s, people began showing interest in the conservation of wild life. During World War I forest resources were severely depleted as large quantities of timber were removed to build ships and railway sleepers and to pay for Britain's war efforts. Between the two wars, great advancements in scientific management of the forests were made, with many areas undergoing regeneration and sustained harvest plans being drawn up. Sadly, emphasis was still not on protection and regeneration but on gaining maximum revenue from the forests.¹¹ World War II made even greater demand on the forest than World War I had done. With the independence of India in 1947, a great upheaval in forestry organization occurred. The princely states were managed variably, giving more concessions to the local populations. The transfer of these states to the government led to deforestation in these areas. But some forest officials claim that the maharajas cut down a lot of their forests and sold them. This may have been the case in some instances, but a lot of forest had existed and has been lost since the government took over these states.

The report on inventory of forest of Kodagu (Coorg) District, Karnataka is based upon the survey work conducted by the Forest Survey of India. Southern Zone; It deals with methodology of the survey, data processing and results of the inventory. It gives a complete account of state of soil, vegetation cover, and growing stock of the forest area of the district. The salient features of the state of forest can be summarized as under.¹²

Forestry in Kodagu district:

The district has large extent of good quality Tropical Rain net forest area of the district is 1,920 sq.kms out of which 1,770 sq.kms. is tree forested area wooded area. The forest includes Reserve Forests, National Park, Unclassified forests, Private forests, and other areas like Genimalais, Jammamalais, Paisari, Devarakadu, and Urdave lands covered by dense tree vegetation, tree growth on which is being managed by Forest/Revenue Department. Genimalais are part of Reserve Forests given in small units on short term lease for cultivation of cardamom. Jammamalais are the portions of forests in ghat area of the district which have been retained as enclosures and excluded from reservation. These areas have been given to listed persons with hereditary rights of cultivating cardamom, of course, without any proprietary rights over the land and tree growth. Paisaris are the government waste lands managed by Revenue Department to be ultimately handed over to Forest Department for management purposes. Devarakadus are forests marked for deity and temples and are under the dual management of Forest and Revenue Departments. Urudaves, however, are government community lands and village forests under the management of Revenue Department. The tree growth on Urudaves is supposed to manage by Forest Department.

Forest Land Use in Kodagu:

In second half of the 19th century the British were consolidating their foothold in Kodagu after emerging from the shock of first war of Indian independence. They had realized that state has to intervene in the matters of general welfare in Kodagu if the British Raj was to be sustained. Creation of vast network of roads, rails and other physical infrastructures were reflection of this conviction. The following table shows the land use pattern in Kodagu district.¹³

S I	Land use	Area in sq.km.	% of Total land use
1.	Geographical area (according to village papers)	4,107.75	Nil
2.	Forest area Land Not Available For Cultivation	1,345.97	32.76
3.	Land put to non-agricultural use	236.91	3-10.
4.	Barren and uncultivable land Other Uncultivated Land Excluding Fallow Land	3-10. '10	7.55
5.	Permanent pasture and other grazing lands	174.04	4.23
6.	Land under miscellaneous tree crops and grove	378.78	9.22
7.	Fallow lands Cultivable Waste	56.99	1.39
8.	Cultivable Waste	119.15	2.90
9.	Net Area Sown	1,485.81	36.17
	Total	4,107.75	100

Pre colonial and Colonial Forest Policy in Kodagu:

The whole of the forests and waste land in the late 19th century Coorg have been brought under forest act (Act VII of 1878) either as reserved or protected forests. The former comprise for the most part the chief compact blocks of deciduous forest forming a more or less continuous belt along the eastern frontier; but they also include two groups of reserves in the evergreen forests of the Western Ghats, where other areas too have been preliminarily proposed as reserves. The protected forests include the compact tract known as the Ghat forests, as forests, as well as other scattered lands known as Urudves, Paisaries and Devarakadus.¹⁴ In the Ghat some portions of the reserved forests in Coorg called Jammamalais were retained as enclosures and excluded from reservation. In these Jammamalai, listed persons were given the hereditary right of cultivating cardamom without any proprietary right over the soil. Even though malaidars were permitted to make openings in the free growth by regarded felling and collect fuel for trying cardamom and small timber for home construction, they cannot move any timber to any place outside the areas nor dispose of the same. Jammamalai's are not transferable and the assessment liable to be revised. Method of cultivation is also prescribed: that is plot method and they can not deviate from this system. In this paper an attempt has been made to discuss the bases of claims and rights in forest lands by the jamma malai holders in the late nineteenth century Coorg.

The Jamma Male or Malai, a special form of land concession granted to certain Coorg (Kodava) families for growing cardamom by the then rulers of Coorg. As per the survey maps prepared in 1892, the extent of Jamma Malai lands in the region was 13,736.80 acres. Some of the malaigars (holders of male lands) had abandoned the land as they could not pay the assessment fixed by the authorities. Such lands have lapsed to the Government over a period of time. Subsequently, the area of the Jamma Malais during the period 1892 to 1935 got reduced from 13,736.80 acres to 8,649.93 acres.¹⁵ However, the jamma cardamom malai holders received shocking news in the early years of 20th century. Lionel Davidson in 1904 on behalf of the British government made a pronouncement that malai holders were not eligible to claim proprietary right over the land which was allotted for cultivating only cardamom. It was under this circumstance the jamma cardamom malai holders initiated a programme to legitimize their claims and rights over the land which they had secured from coorg raja in 1811. While fighting with British officials the jamma malai holds the claims and rights were centered around

- 1) The proprietary right in Jamma malais
- 2) The right to cultivate cardamoms therein
- 3) The right to collect minor forest produce therein
- 4) The right to carry guns within the Malais and the reserved forest generally for the protection of their persons and their crops and for purposes of shikar
- 5) The right of access to the malais

- 6) The right to fell timber therein
- 7) The right to utilize material obtained from the forests for the construction of sheds for the labourers employed in collecting the produce and the right to cut firewood generally for their own use and for the purpose of drying cardamoms on the spot; and
- 8) The right to draw toddy from the Baine palm (*carvota urens*).¹⁶

Some of these claims are inter-connected and overlap one another, and it is impossible to deal with them separately. Until the announcement of Lionel Davidson's judgement on the claims of jammamalai holders, no exhaustive investigation has ever been made of the appellant's status with regard to these jammamalais, and there are no records, hardly any documents, which throw light on the manner in which their rights or privileges originated. The origin undoubtedly dates from a period beyond the memory of living man and oral evidence is consequently of no real value. It is, therefore, necessary to fall back upon the scanty records available, the consideration of which forms the most convenient prelude to the discussion of the various theories put forward and the decision of the specific claims preferred.¹⁷

The earliest record which can be traced referring to the subject is a Hukumnama issued in the year 1811 by Raja Lingarjendra Wodeyar, the preamble of which may be translated as follows: whereas, certain cardamom malais have been given to ryots by the palace and whereas it is the practice for such ryots to gather the produce of such malais. The order proceeds with the direction that all cardamoms so gathered shall be made over to the Palace at specified rates, ranging according to the classes of the produce from Rs. 12 to Rs. 20 per maund, and concludes by prescribing in emphatic language the penalty for a breach of this order. That is if a ryot shall deceive the Palace and sell a single cardamom seed to any other purchaser, whosoever he may be the cardamom malai which has been given to him shall be confiscated and resumed to the Palace. Only one other document has been discovered dating from the time of the Coorg Rajas. This an order written by the Raja's Diwan Ponnappa, in the year 1829, directing that enquiry should be made into a complaint of one Patrapanda Puvanna of Kadietnad, representing that his jamma caerdamom lalai has been entered as belonging to the Palace and requesting that it might be restored to him.

The next piece of evidence is the reports submitted by Colonel Fraser, who accompanied as Political Agent the expeditionary force which invaded Coorg in 1834. He came with the task of drawing up preliminary plans for the administration of the province, and in May of that year it was decided to take the territory under British control. Colonel Fraser left Coorg the earliest record which can be traced referring to the subject is a Hukumnama issued in the year 1811 by Raja Lingarjendra Wodeyar, the preamble of which may be translated as follows: whereas, certain cardamom malais have been VB given to ryots by the palace and whereas it is the practice for such ryots to gather the produce of such malais. The order proceeds with the direction that all cardamoms so gathered shall be made over to the Palace at specified rates, ranging according to the classes of the produce from Rs. 12 to Rs. 20 per maund, and

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Colonel Fraser writes that "The Governor General-in-Council Will determine how far it is right reference to general or specific grounds of policy that we retain the monopoly of the cardamom produce which may be property of private individuals. No objection has been made nor will it be, so, I imagine, to the maintenance of the present system in respect, which has prevailed from time immemorial. It is calculated that about seven eighths of the whole cardamom produce belongs to the Sirkar and the remainder one- eighth to the ryots. The orders of Government in regard to the treatment of those private cardamom grounds are contained in paragraph 31 of the draft rules approved in Mr. Macnagthen's despatch dated 9th September 1834, which runs as follows: As some ryots are in possession of cardamom-grounds, they shall as heretofore deliver their whole produce to the Sirkar. They shall be paid at the rate of Rs. 12 to Rs. 20 and they are prohibited from selling their cardamoms to any other persons but only to the Srikar. If they violate this rule, they shall be fined in a sum equal to double the value of the cardamoms which they have offered for sale to other persons. Neglecting intermediate correspondence with regard to

the establishments employed for the working and supervision of the State cardamom-grounds, the next official record of importance is to be found in the year 1842.¹⁹

The Superintendent of Coorg, Captain Le Hardy, was apparently engaged in drawing up a scheme for the introduction of the lease system in lieu of the departmental management of such grounds and in this connection suspended the preparation of new plots, instructed his subordinates to define the boundaries by marks on trees and called for estimates of the probable produce of each ground as gauged by local inspection. The Padina do Subedar when replying to these instructions drew attention to the existence of private cardamom-grounds on the 22nd April 1842. On the same date Captain Le Hardy writes in reply. I have taken notice of your report written on the 22nd of April. In this taluk some ryots have got cardamom malais. The cardamom produce of these malais is taken by the ryots. It is Aly customary that resin and pepper are collected by the Kudiyars and delivered to the Srikar'. The Subedar was then directed to estimate the amount of the resin and pepper produced in such areas. Again in an order addressed to the same official on the 23rd May 1842 Captain Le Hardy writes; In Kadietnad and Padinalknad of your taluk some Janna ryots have their own cardamom malais. It is customary that the resin and pepper of such malais are delivered to Government and that the cardamoms are taken by the ryots themselves. It is then directed that these ryots be required to make over to Government the actual yield of resin and pepper or its estimated value, failing which these articles of produce should be gathered by Government agency.²⁰

The other document of interest relating to this period consists in a petition from certain Jamma malaise dated 12th April 1857, complaining that they had been induced to furnish Captain Martin with correct accounts of their produce on the promise of receiving nirupas i.e., formal deeds of title for their malais. The endorsement given by Captain Martin on this petition which is dated 14th May 1857 runs, the granting of Patras for brigade (fixed assessment) on Jamma cardamom malais will be considered hereafter. There is, however, no official record of the final disposal of the matter. Captain Martin who was demi-officially addressed on the subject in February 1887, writing from recollection, stated that the ryots did not allude to the permanency of the rate of assessment, but merely wanted a deed which would secure their right to the lands held and that all that he himself promised was to recommend a consideration of this request to the Chief Commissioner. Discussion as to the system of leasing Government malais drew the attention of the Officiating Chief Commissioner, Mr. Girdle stone to the subject of Jammamalais early in 1886 and the enquiries thus initiated led to an important pronouncement by Sir James permanent chief commissioner who unhesitatingly rejected the malaise claim to permanent assessment and directed the survey of the Jammamalais and their re-assessment at rates based on one-sixth of the estimated collection of cardamom, pepper, resin and other produce. While remarking that the tenure of the Jammamalai gars might have to be decided in settlement proceedings under the Indian Forest Act, the chief commissioner thought it clear that their rights was in the nature of a right of use or occupancy in a Government Forest

and not in the nature of proprietorship of the soil. Commenting on the importance of this distinction, he pointed out that a right of use is limited by custom, whereas a right of property in the soil is not, and includes all subsidiary profits and advantages.

It may be observed in passing that Sir James Lyall's attention does not appear to have been specifically drawn to the fact that the Hukumnama of 1811 describes these malais having been given by the palace. The original papers show that he was under the impression that the expression Jamma was of recent origin and that for the facts of the case he accepted in the main the theory set out in the memorandum drawn by the assistant conservator, muttanna, which rejects, the notion of any specific grant and assumes that the malaigars rights originated in the spontaneous occupation of the malais by adjacent land-holders at a time when cardamom cultivation was so little known and valued that no one cared to interfere. Of less weight than the official records which still of some evidential value is Lieutenant Connor's memoir of the province. Lieutenant Connor, who visited Coorg in 1816-17, is careful to premise his memoir with a reference to the jealous surveillance to which he and his establishment were subjected throughout their stay in the country. The claim to proprietary right in Coorg, Connor says the cultivated lands are occupied in severalty, but the wood and pasturage within the boundaries of the village (itself a little community) are the common possession of those inhabiting it.²¹

The subsidiary sources (of revenue in coorg) are cardamoms, pepper, bees – wax, honey, ivory. They belong to the Sirkar, which also derives a profit from sales of timber; the proceeds of these, however, are extremely inconsiderable. Timber, though in great abundance, can scarcely be considered as a source of revenue, the difficulty of carriage is so great (water carriage is impossible) that none is exported and that felled for internal consumption is, in most cases, free from charge. On the basis of these documentary evidence available on the subject, Lionel Davidson dealt with the specific claims and rights of jamma male holders. The first of these related to the question of proprietary right. There can be no question that the claimants are not entitled to that absolute ownership which has been described as including the totality of all conceivable rights to use and enjoy 'the property. They have never possessed or claimed the rights of alienation, transfer or sub-lease; Captain Le Hardy's orders in 1842 show that up to that period the resin and pepper were made over to the State without payment, and even at the present day no claim is preferred to the timber or minor produce except where required as an adjunct to the practice of cardamom-growing or for use for the bonafide domestic or agricultural purposes of the holders themselves.

Davidson however observed that it is necessary to consider whether the appellants can be regarded as possessing a restricted or limited ownership. If that was the case then he said that, their status must originate either in a specific grant or have been acquired by prescription. According to him the only evidence available in support of the former theory is to be found in the Hukumnama of 1811. But the words there in used, namely, cardamom malais which have been given to ryots by the Palace, do not

explicitly referee to any deed of absolute gift and cannot reasonably be interpreted as placing the holders in a more favourable position than the occupants of arable land. In Lieutenant Connor's opinion, the latter were in 1817 entitled to retain possession so long as they paid the assessment fixed on their land, but the abstract right in the soil vested in the ruling chief whose will was uncontrolled by law. Moreover, the extract taken from the Hukumnama as whole shows that the area referred to were considered merely in their aspect as cardamom grounds and that the raja treated the holders as little more than tenants-at-will liable to summary eviction for the slightest attempt to evade the state monopoly in cardamoms. It is plain; therefore, that in 1811 no claim to ownership would have been admitted by the ruling power and there is nothing to show that between that date and the accession of the British government in 1834 any change in the position took place. On the other hand, the continuance of the state monopoly of cardamoms until 1842 and captain le Hardy's reference to the enjoyment by state of resin and pepper as well as his orders that the land, trees, etc, on the malais shall remain according to the ancient custom constitute strong evidence that the proprietary right was treated as vesting in the state until that year. The holders were plainly regarded as nothing more than grantees or permanent lessees of the cardamom produce subject to the state monopoly.

Davidson further argues that Lieutenant Connor's reference to the woods and pasturage within the boundaries of the village as the common possessions of those inhabiting it," itself inconsistent with the statement that the cardamoms and indeed all the produce of the woods exclusively belong to the Rajah is known, prevailed as regards the ownership of waste and forest lands in Southern India before correct ideas regarding the value of forests began to gain ground. In the adjacent district of Canara¹⁹ it was held by the board of revenue and by sir Thomas Munro that except in regard to unclaimed waste and escheated estates, the Government had no proprietary right and all the earlier administrators treated a large portion of waste and forest lands as the private property of ryots. These views have long since been held erroneous. A judicial exposition dealing with the matter will be found in the well-known case of Bhaskarappa Vs, the collector of North Canara, I.L.R.III Bombay, 452 and the correct view as to the right of the state undoubtedly is that it continues in the absence of a specific grant. "there never was a time" as Mr. Baden Powell writes,²⁰ when the Government could not issue an edict reserving certain valuable trees-teak sandal, black wood and others as royal trees; nor any time when the chieftain of the province would have hesitated to enclose off a large area of the waste as a hunting preserve.

Conclusion

The forest encroachment in Kodagu district was assessed for the year 1975, 1990 2000 and 2010 and accordingly it was delineated that the rate of forest encroachment was maximum during transition period from 1975 to 1990 followed by 1990 to 2000. Major portion of the encroached forest area are categorized under large / high class for all the three decades and higher encroachments was mainly observed in moist and dry deciduous forest in the district. In Madikeri, Smapje Bagamandala ranges having high reserve forest area were classified under lowest encroached forest area. Moderate medium encroachment was observed in Ponnampet and Madikeri ranges while highest forest encroachment was noticed in Kushalnagar and Somvarpet ranges in Somvarpet taluk. Based on the field survey, the encroachment pattern was mainly observed very near villages and towns. It is also observed that good natural regeneration in the abandoned cultivated areas, which can grow as a good forest in the future. They also get their medicines from forests. They collect gums, resins, various seeds, fruits and leaves to sell in the market and fulfill their needs. These patches need a detailed study for protection and conservation so as to control the re-visit to the same spot for cultivation within RF boundary.

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- ¹⁷ Sir James Lyall's, decision was incorporated in his Secretary's letter No. 483, dated 5th March 1887.
- ¹⁸Sir James Lyall's, decision was incorporated in his Secretary's letter No. 483, dated 5th March 1887.
- ¹⁹Col. Fraser's letter to W.H. Macnaghten, Secretary to the Government of India, Bundle 1 of 1834, coorg record office.
- ²⁰Connor, Lieutenant, Memoir of the Cadagu survey commonly written Koorg, Part II, Bangalore, 1870.
- ²¹ Manual of Jurisprudence for Forest Officers, pp.89 and 113.