

# Historic Enclosures : Local Problems - Global Solution, Argyllshire in the 19<sup>th</sup> Century Compared to Enclosures of Another Kind: Global Problems – Local Solution, India in the 21<sup>st</sup> Century

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## Abstract

A unique debate in 1865 and 1866 – between Leone Levi, a professor in King’s College, London, and the Duke of Argyll the then Secretary of State for India - revealed how enclosure in the Scottish Highlands led to de-population because it had foreclosed local options for sheep walks when the commons were enclosed for “deer forests”. Even though this sounds like conservation in modern environment jargon it was a local problem with only a global solution – out migration.

This is one aspect of the significance of enclosure which the history of early and medieval times seems to have missed out. We can only surmise from this nineteenth century instance of enclosure and from contemporary experience of developing countries as to what happened in earlier enclosure when it destroyed the ecological foundation of a ‘shared system of rights and obligations in seeking a livelihood’<sup>2</sup> and so dissolved the safety catch of a community network. Simultaneously it closed options for pastoral transhumance to access the regional grasslands across national boundaries of Europe.<sup>3</sup>

However the history of early and medieval times, with some exception, misses out on the real significance of enclosure. We can only surmise from contemporary experience of developing countries as to what happened in earlier enclosure when it destroyed the ecological foundation of a ‘shared system of rights and obligations in seeking a livelihood’<sup>4</sup> and so dissolved the safety catch of a community network. Simultaneously it closed options for pastoral transhumance to access the regional grasslands across national boundaries of Europe.<sup>5</sup>

Therefore can the examples of enclosure in Europe ratify/justify a similar process in developing countries of the 21<sup>st</sup> century where modern globalisation closes boundaries of opportunity for dispossessed peasant-pastoral people?

We need a window<sup>6</sup> into the past – contemporary India is a “laboratory”,<sup>7</sup> for here persist those very institutions of the village community, like the complementarity of sedentary-transhuming use of common property

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<sup>2</sup> John Goodacre’s study of Leicestershire.

<sup>3</sup> E.H. Carrier’s study on Water and Grass, 1932.

<sup>4</sup> John Goodacre’s study of Leicestershire.

<sup>5</sup> E.H. Carrier’s study on Water and Grass, 1932.

<sup>6</sup> Vincent Ostrom.

<sup>7</sup> Henry Sumner Maine

resources which are reminiscent of Europe before 'historic enclosures' got rid of them. Unlike Western experience, globalisation has only added to environmental uncertainties for India which necessitates local solutions and expanded scale of operations which have only pressurised institutions of common property resources.

Factorise the demographic explosion on the sub-continent and we set the stage for putting India under a scanner here to examine enclosures of other kinds – forest enclosure, national parks, dams and Special Economic Zones, urbanisation, land banks etc and remembering that developing economies have to solve poverty *in situ* - no global solutions here.

Key words: Historic enclosure 19<sup>th</sup> century, Argyllshire deer parks, displaced people, local problem and emigration as global solution, enclosures of another kind in the 21<sup>st</sup> century, north India, displaced people and poverty in local economies.

### The significance of historic enclosure for a global world today

#### An Introduction

There would be no better way to support why I bring upstage here 'clearances' in 19<sup>th</sup> century Argyllshire, west Scotland, than to quote the opening lines from Prof. Erwin Nasse's book published in 1871 : *On the Agricultural Community of the Middle Ages and Inclosures of the Sixteenth Century*.

"In the agrarian history of the nations of middle Europe there is no event of greater weight, or which has led to more important consequences, than the dissolution of the ancient community in the use and culture of land which was then in vogue, and the establishment of a complete independence, and separation of one property from another. But this development had a more especial importance in England, inasmuch as it greatly contributed to dispossess the small proprietor of the soil, and to lay the foundations of that preponderance of large landed possessions which has had such an immense influence on the constitutional history of that country." [Nasse, 1871 : 1]

An echo of the clearances in Scotland may be found in contemporary acquisitions of land by the government of India, where large numbers of people are being displaced. As of today no one in India has challenged the Land Acquisition Act of 1894 by which the Government of India acquires land even today for 'public good' and The Colonisation Act of 1912 by which re-settlement of the displaced is carried out. Any displacement is deplorable particularly if no honest attempt is made to relieve and rehabilitate. Such unfortunately is the case of India's track record ever since the first gigantic enclosure was carried out for a project which the first Prime Minister of independent India had described as the 'modern temple of resurgent India'. India owes a debt to those thousands displaced for a 'public good' but why does a government of India persist in using colonial enactments?

A clue perhaps is embedded in the passage quoted from Erwin Nasse's examination of historic enclosure of the sixteenth century. It provides us a window to re-examine historic enclosure of the village commons and communities in the light of later enclosures or 'clearances' of the nineteenth century in Scotland. In its turn this helps us to move forward in comparison as well. The displacement that took place in 19<sup>th</sup> century Argyllshire, Scotland, when compared to colonial experiences of enclosure in India later in the same century reveals what we do not get from recorded history. Mainstream history books on historic enclosure and village communities focused on the manor not so much on systems of land-use both agricultural and pastoral nor about layers of people – small people - who may or may not have held any land to their name but who gave support and were supported in turn by a complementary set of institutions both economic and social. A change in this was in the offing however with Henry Sumner Maine and his comparison of village communities of the east and west.

All this is brought to our notice through the 'clearances' in Scotland and de-population which were the subject of a debate between Prof. Leone Levi and the George Campbell the 8<sup>th</sup> Duke of Argyll who was not only the lord of his estate in Argyllshire among three other Highland counties of Scotland, where the clearances took place, but was also the Secretary of State for India between 1868-1874. The two-sides of the debate in 1865 and 1866 give us the details of displacement from the commons of the Scottish Highlands in the nineteenth century with which we begin to realise how concerns of the manor in the agrarian history of England served to overshadow the wider and deeper consequences of historic enclosure on • first, **the systems of fallows** used in rotation and held in common within agricultural production or 'infield' in conjunction with those fallows or waste lands or 'outfield' which were grazed by livestock held by peasants and by professional herders ; and • second the **informal customary system of mutual obligations** governing complementary expectations of those who held together as it were, a 'village system' of mutuality among rural inhabitants.

The debate throws into relief the central aspect of the village system - common lands - which were enclosed by the clearances in the 19<sup>th</sup> and earlier centuries. In the process such details reveal how mainstream recording of history or the lack of it had almost obviated the need to study common property resources in history both for Britain and later for the countries she colonised like India.

- First, it drew in theories of demographic growth as central to the phenomenon of well being. It also brought in questions of 'utilitarian' philosophy in dealing with pauperism consequent to displacement from off the commons.
- Second, it revealed that enclosures did not merely displace people physically from the village common lands and the waste outside them but signified the end of 'moral trusteeship' which was embedded in institutions of property relations and patterns of natural resource-use in the country-side.
- Third, the debate elucidated that enclosures did not weigh the gain from new technology of large scale consolidation as against the damage to older forms of risk aversion strategies which combined sedentary and transhuming forms of land-use which were not only ecologically prudent but were also transaction-cost

effective in access and use of shared long fallows and which served to insure against risk in uncertain times. [Dahlman, 1980] The importance of such strategies is apparent given that uncertainty remains as important a feature today as it was in the middle ages in periods of famine, political and economic turbulence. • Fourth, it raises the question of who pays for the cost of settling displaced persons? Can they resuscitate traditions of collective action to handle problems in new situations?

We will elucidate these in the •*first part* of the paper and compare enclosure in the nineteenth century through an unequal sample from two very different locations - Argyllshire in western Scotland and the Siwalik foothills of the Himalayas in northern India. In Argyllshire enclosure led to the setting up of deer parks and sheep walks and finally emigration to America whereas in northern India the character of enclosure manifested itself through vast social engineering of population unique in history which was marked by an internal colonisation of the vast areas of steppe-like wastes in the inter-riverine areas of six rivers on the one hand and increasing pressure on land-use pattern both in the riverain and in the Siwalik foothills.

This sets the stage for the •*second part* of the paper where we will shift the focus to India in the last three decades of the twentieth century when a new surge of globalisation began with increasing liberalisation of market pressure on natural resources which manifested in deepening and widening forms of enclosures in developing countries. The scale of enclosure and consequent displacement of communities forecloses any option of out-migration. This time round enclosures began with the scramble for natural resources world-wide in the name of development and whenever measurable depletion like decline in forested land occurs or a flood or land slide occurs then more resources are enclosed to form national parks for wilderness and wild life conservation. The result of both may be the same – i.e. more excluded people and livestock from shared resources - but there is no account of the loss of social capital which occurs in the process. .

### Part One

#### Historic Enclosures Compared Argyllshire and the Siwalik foothills of the Himalayas

Both these areas were tenuously 'linked' so to say in history – i.e. through imperialism in the first period of globalisation. Clearances in Scotland into the 19<sup>th</sup> century coincided with an era of imperialistic search for global resources albeit through private chartered companies like the East India Company. It was also an age when attention was drawn to the fact of population increase in Europe lending credence to Malthusian<sup>8</sup> predictions of diminishing returns in cultivation of land in local situations adding more urgency to the search for natural resources elsewhere in the world. Consequently the impact of enclosure

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<sup>8</sup> Interestingly enough Malthus taught statistics in Haileybury College which trained young officers of the East India Company to man the administration of the colony.

in England can be said to have had a two-fold ramification. One was the perception of poverty and exodus of people, particularly those who were displaced by enclosure in rural areas and the possibility of migration to areas which were 'empty' whether it be to the Americas and Oceania from England or to the vast steppes of northern India from congested parts of the foothills of the Siwaliks. The second, was the extension of indirect parliamentary governance to colonies with formal structures of law governing property rights which enabled enclosure of the village waste or the waste in the open as it happened in rural India after 1857 when it became a formal part of the British Empire.

*\*Argyllshire*

Our story begins in the June of 1865 when Professor Leone Levi of King's College, London, also a Barrister at law, read out his paper on the 'economic condition of the Highlands and Islands of Scotland' before the Royal Statistical Society, London. [Levi, 1865] He drew attention to the phenomenon of emigration from Scotland between 1851-1861 "as many as 113,000 Scotch have emigrated, a great proportion of whom were Highlanders" [Ibid : 377] and pointed out that one of the main reasons was "revolution in agriculture, which has greatly diminished employment of labour." [Ibid] Levi explained this correlation of enclosure and displacement by drawing on the history of land ownership in earlier times when land was valued for the number of men an estate could raise and therefore there were chieftains or overlords who "possessed a territory greater far than is (was) owned by many European sovereigns and princes" [Ibid] as in the case of Argyll, one of the four Highland counties of Scotland which in 1861 had 180 proprietors with as much as 11,570 acres each. At the ground level however, the arrangements of land use, as Levi explained from a report on the Highlands<sup>9</sup> of 1851, was a system of village communities comprising "tacksmen mostly all related to the proprietor, and these held it in common, in alternate ridges or rigs forming a sub-tenancy among themselves... Besides the croft land, each crofter had a right to a common on which his stock was grazed, each having a right to send a certain number of cattle, horses, or sheep." [Mc Neill, 1851 : ix] There were three other layers of tenants and sub-tenants apart from professional people. The system Mc Neill described was similar to the 'open field system' [Dahlman, 1980] in existence elsewhere in England and in Europe where the division of land in 'run rigs' or scattered holdings enabled each to get "a portion of the better and the worse land, but no one had two contiguous ridges or the same ridge for two successive years ... Since the beginning of the present century, the arable land has, in most cases been divided into separate portions, of which one was assigned to each of the joint holders or crofters, the grazing as formerly, remaining in common." [Ibid]

After 1745, with the subsequent Act for disarming the Highlands led to "the abolition of the hereditary right of clanship, the existing relation between chieftains and dependents was broken asunder". [Levi, 1865 : 378] Thus it is that

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<sup>9</sup> Levi, 1865. Appendix. Sir John Mc Neill's Report on the Western Highlands and Islands, 1851, pp viii to x.

the clearances in 1820 in Sutherland, according to the Times correspondent ignored “the ancient ties which bound clansmen to their chiefs” and such incidents were repeated as the one in Glen Calvie in 1845 where there were 18 families and one of whom was a 82 year old man “who has served in India, is now dying in one of these cottages where he was born.” [The Times, may 20, 1845] In Sutherland, in nine years 15,000 persons were removed from the centre to the sea coast [The Times, 20/5/45] but the land which were far too limited and since the Highlanders did not take kindly to fishing and kelp making was receding there was overcrowding. This explains why clearances inflicted so much hardship. It gave a kind of leverage to the landlords which Levi described as “purely economic question of how to extract the greatest amount of produce with the least amount of labour and capital.” [Levi, 1865] Further, The Times conjectured that “no doubt there is an object in driving off the people – namely, fear of the New Scotch Poor Law compelling the heritors to pay towards the support of those who cannot support themselves.” So they turned to “converting the small holdings into extensive sheepwalks many of the proprietors, setting aside all considerations of duty towards their tenants ... removed from such land their tenants and their families, destroyed their houses, and turned their fields into pasturage. ... Again and again these clearances have been continued, down to even the present times”<sup>10</sup> [Ibid] Some emigrated , but “many more remained at home”. [Ibid]

As a part of this debate Levi brought upfront a moral issue – that of trusteeship in the context of natural resource-use. Thus he drew attention to what he considered an even more important issue than the sheep walks – namely the extensive areas of waste lands kept in the form of deer forests. According to Levi “some 2 million acres of land are so used. In Argyll itself there were 11 acres of sheepwalks to one acre of tillage.” [Levi, 1865 : 381] He therefore drew attention to a significant moral issue here “Are not, moreover the landowners bound by natural laws to keep their land in trust for the people for public uses, and for public benefit. “ According to him deer forests were for private pleasure as opposed to deer parks and he contested the representation “that deer forests employ as many persons as foresters, as sheep walks employ shepherds. But are foresters producers?” [Ibid : footnote 381] In support of his contention he quoted from J.S. Mill that “The community has too much at stake in the proper cultivation of the land, and in the conditions annexed to the occupancy of it, to leave these things to the discretion of a class of persons called landlord, when they have shown themselves unfit for the trust.” [Mill, 1848 : 282.] A further disparaging indictment came from the Times which called it “monstrous exercise of landlordism” [The Times, 26<sup>th</sup> may 1845]

The reply to Levi came from George Campbell, the 8<sup>th</sup> Duke of Argyll was among the audience of the lecture by Prof. Levi, by the invitation of the Society. He chose to refute the findings through a counter lecture in 1866 which the Royal Statistical Society duly organised and published.[Campbell, 1866] Argyll chose to say that even if Levi got his statistics right he still did not get the connections right. Therefore instead of statistics he brought in works of literature, poetry like

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<sup>10</sup> Reports of these clearances were in the “Times” for May, 1845.

Alexander Campbell's 'The Grampian's Desolate' written in 1804 and a report of a professor of Natural History Dr John Walker of 1808. Through this report Argyll attempted to pick up descriptions of the system of infield and outfield which Walker described as "deplorable, especially as it is carried on by a sensible, frugal and laborious set of people; but unfortunately they have no knowledge of anything better...." And a system of herding which was very akin to Switzerland but equally disparaging comments came forth from the pen of Walker. And skirting the issue of the clearance the Duke contended that "the decrease of population which lived in hovels and fed upon potatoes, and were incapable of producing any surplus from their labour, may be the very first condition of agricultural improvement." In support Argyll relied on Malthusian law being 'universal' "to prove that emigration to have nothing but the natural and legitimate results of great natural economic laws." [Campbell, 1866 : 518.]

Interestingly enough Argyll's challenge revealed albeit inadvertently more than he intended to. In the first place his criticism of Levi not paying enough attention to history only helped to draw attention to Argyll's own myopia of the clearances of 1815 and 1820 which had been published by the Times which had in fact also been picked up from the horrific descriptions of the inquests published in the *Annual Register*. In the second place, in trying to correct Levi's impression of the poor emigrating, Argyll let fall the most vital clue to clearances "the first movement of immigration came from gentlemen tacksmen..." [Campbell, 1866 : 520] Tacksmen were members related to chiefs of clans. So when the tacksmen migrated as Argyll pointed out it meant **the tacksmen got no recognition from the communal system of land holding of which they were a part as clansmen of the chief**. By the same token it would mean **that the chief assumed individual control over the commons**. We get the essence of this from again the Times quoting the French historian Simonde de Sismondi "Sismondi, from his retirement on the Lake of Geneva protested against the clearance saying 'It is by abuse of legal forms – it is by an unjust usurpation – that the tacksmen and tenant of Sutherland are considered as having no right to what they have occupied for so many ages.'" [The Times, 26<sup>th</sup> may, 1845]

*\*The Siwalik foot hills of the Himalayas in the nineteenth century*

When we compare the historic situations of mountainous areas of Argyllshire to those in the foothills of the Himalayas there is added interest because the region had attracted European travellers and the East India Company very early in the nineteenth century. It may very well be a matter of coincidence but no lesser import that Malthus had trained G.W. Traill in statistics in Haileybury College, before this Scottish young employee of the EIC from the Orkneys came to India and to the ranges of Kumaon to the east of the Siwaliks. Traill was sent to scout for waste lands for European settlements but he reported that the Himalayan ranges were not "howling wildernesses" and that shepherding occupied the pastures of these ranges for thousands of years.

Again this discovery and similarity with Scottish highlands come alive when the Punjab was annexed in 1849 for it led to the movement further west

along the foothills or the Siwaliks which were then part of the Sikh kingdom of the Punjab plains. Settlement of these hills among terraced villages immediately revealed a system of transhumance in place - very similar to that in the highlands of Scotland. There were seasonal shepherding and livestock movements from the upper Himalayan ranges and down through the forests of the lower Siwaliks and across the northern plains and along the rivers of the land in winter and a summer movement back again the same way.

The whole region could support such movements because there were grazing resources in communally managed pastures in the forests of the lower Siwalik hills where they met with those herders who came from further west from as far off as Afghanistan. These herders in turn had come in from the Hindu-Kush regions to share the vast steppe-like 'wastelands' of the land of the five rivers. This vast system depended on sharing access in both the open access commons of the central plains and the riverain, marshes and forests and also the boundaried common lands of settled villages of the Punjab.

This region was part of British India when George Campbell, the 8<sup>th</sup> Duke of Argyll became the Secretary of State for India in the crucial years of 1868-1874. So while clearances took place in Argyll, in north western islands and highlands of Scotland, it was in the Duke's tenure that two questions re-appeared in India which indicated first, how historic joint holding of land got attenuated through enclosure and feudal control over time, just as it had during manorial enclosures in earlier centuries in England or even during clearances in later times in Scotland. Second, with it then came up the question of beneficial occupancy in tenancy and the whole issue of joint ownership of land by families whose members once had shares in the common lands in another northern province called Oudh. At this time the issue was important for it led to the comparison with Irish tenancy questions as well. During the Duke's tenure was enacted the Punjab Laws Act in 1872 which gave official status to customary law and the village community's control over common lands in Greater Punjab. This status quo continued to be operational right till the partition of the sub-continent in 1947 when the western segment of Punjab with its capital Lahore had been transferred to Pakistan. These issues had significant ramification for common property for while on the one hand private property was recognised in law there was at the same time village administration papers recording rules of joint ownership and management of common lands in the village community of landholders. Additionally, customs of civil conditions were recorded in 31 districts of agri-pastoral people belonging to three different religions – Muslim, Sikh and Hindu. However, these sets of rules were to be adjudicated through modern courts of law both in civil and revenue matters set up by the colonial administration.

*\*Enclosures within enclosures in upper India*



Thus the stage was set for enclosure within this framework of political economy not only before 1947 but changed the circumstances for the control over the 'waste' in post-independent India.

- First, enclosure by a wasteland policy which had far-reaching consequences since it carried with it the process of institutional means by which enclosure of the waste was legalised – the Land Acquisition of 1894 and later the Colonisation Act of 1912 by which displaced people could be given legal recognition.

Contemporary land acquisition in India by the Government invokes these laws for acquiring land not just the waste. Of this in the next section. • Second, enabling partition of common lands in villages through institutions of 'majority decision-making' in village councils and cognition of 'adverse possession' on the commons and confirmation of 'precedence' as principle of judgment in modern law courts. Thus enclosure within villages occurred despite official support to the village waste being under the joint control of the village community of land holders. Further such recognition was confirmed when communal property of a village was replicated when population was shifted and settled in the canal colonies which was perhaps one of the largest actions of social engineering made possible through another technological feat – the canals.<sup>11</sup>

- And finally the setting up of the Forest Department in 1878, which took over 'supervision' of forests from local rulers and from the communal control of village communities.

*(i) A Wasteland Policy to 'Enclose' open access?:*

We will argue that pre-colonial northern plains of Punjab served as a vast **Commons**. Continuous invasion and a hostile uncertain environment involved high transaction costs for individuals to establish private property rights and to protect them. Group settlements made good economic and political sense. A communal system of land and water-use pattern was therefore an institutional response to the stark regional contrasts of the inter-riverine areas of pre-colonial Punjab. On the one hand, there were desert-like waste lands and bitter cold mountain slopes supporting in the main pastoralists who were nomadic; and, on the other, there were flood plains and the rainy foot-hills affording intense land-use by cultivators. These two classes of users had to arrange and re-arrange with each other to accommodate their demand for resources which were complementary and supplementary to their needs. Land-use pattern roughly combined long fallows held and used for common of pasture with short fallows held and cultivated in scattered strips by individual cultivators. This more or less accommodated the requirements of differential scale in the two occupations.

The 'enclosure' of the **regional commons** therefore began with three official measures: (i) colonisation of the waste with settlers from other districts beginning in the 1820s, and therefore restrictions were placed on nomadic pastoralists who had perforce to sedentarise; (ii) limitations placed on unlimited grazing grounds as part of village settlements; and (iii) division of the

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<sup>11</sup> It is interesting to note that engineers from California had been attracted to this kind of hydraulic engineering and took back the inspiration to guide water from the Colorado river to Los Angeles!

savannah-like plains into grass preserves or *khiras*. Thus, with the revenue settlement operations, the open waste described by the settlement officers as "all *shamilat* primeval waste" was internalised in demarcated villages and became '*shamilat-deh*' or village common lands.

The acquisition of land for the canals and settlement thereafter tells us the story of how a wasteland policy evolved in colonial times and is important because independent Indian governments after 1947 have followed the same measures right up to the twenty first century! The most dramatic and at the same time the most well-organised acquisition of land for the canals was executed by the Punjab Government in Dera Ismail Khan in 1898. The wastelands in this district had been for the large part granted as common lands to the villages in the Leiah and Bhakkar tehsils of the Thal, in the settlement of 1872-79 made by Tucker.<sup>12</sup> The Government of India helped the Punjab Government to legislate for the acquisition of 1-1/2 million acres of common land for the construction of the Sind Sagar Doab Canal. For the first time too the Government encouraged the villagers to vote for the acquisition and to decide on the principle of majority willingness. Colonisation of these wastes by the provision of irrigation meant **settled** cultivation; hence, for the camel graziers and other semi-nomadic users of these wastes as in Sirsa, it meant changing their entire lifestyle. The pastoralists of the canal colonies had to contend with an usurpation of their old grazing tracts too. For example, the pastoralists of the Sandal Bar, in the upland tracts of the Ravi-Chenab inter-riverine were "pushed out of their old homes, and their land was taken up by strangers, whom they regarded as usurpers."<sup>13</sup>

The Canalisation of the Punjab rivers has been perhaps one of the largest experiments of **social engineering**. A major re-distribution of population was effected **both** in a pre-planned and in a spontaneous manner. Population from the high density areas of the sub-montane districts of Hoshiarpur, Gurdaspur, Jullundur and Ambala moved to the canal colonies in the more sparsely settled areas of central Punjab.

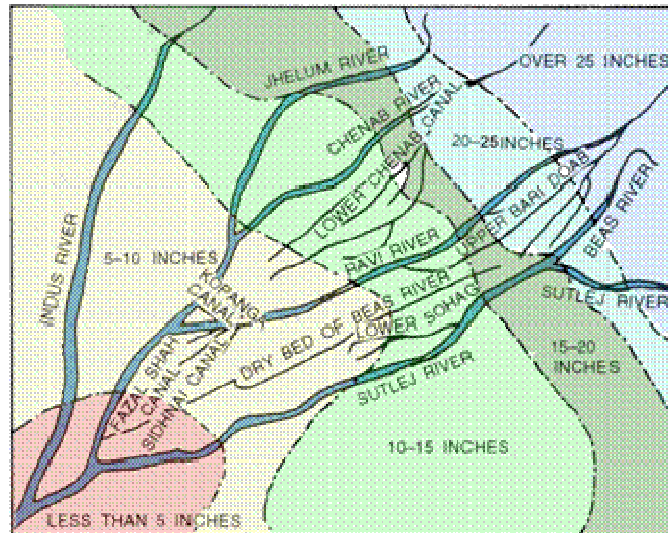
Colonial canals changed the system of rotating long and short fallows and substituted it by one of shortening fallows. Canals served to re-distribute river water which changed the geomorphology of the inter-riverine areas or the *doabs*. The Punjab was thereby transformed from a land of sharp regional climatic variations to one which was less so. It created a supply-led demand for land and water. Hence, there was a shift from one pattern of land-use mix to another. Further, the open access Commons were parcelled out into demarcated villages, thereby replacing the system of inter-user control exercised by cultivators and graziers. This led to a shift in the property rights arrangements towards more

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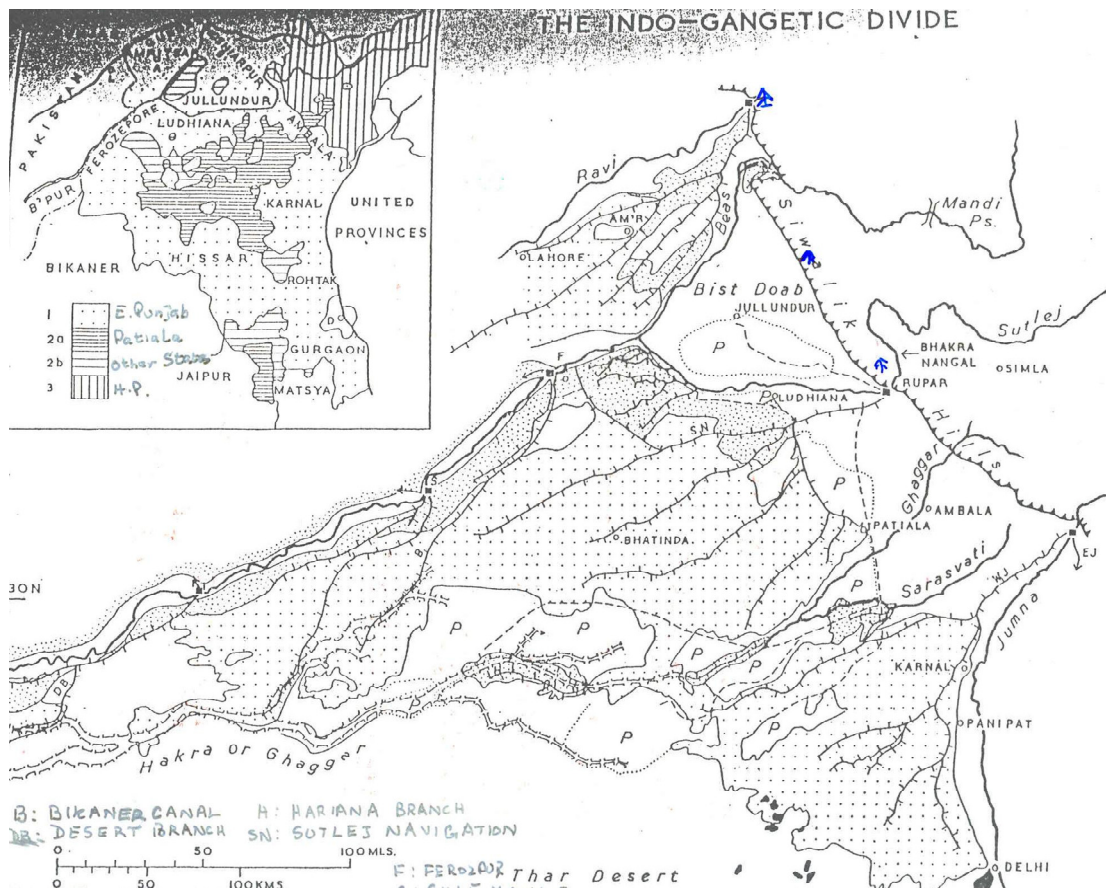
<sup>12</sup> □ From M. W. Fenton, Revenue Secretary to Government, Punjab to Secretary to the Government of India, Revenue and Agricultural Department, 4/12/1896, Revenue and Agriculture Proceedings, Proceedings 56 A, May 1897.

<sup>13</sup> □ Imran Ali, *The Punjab under Imperialism 1885-1947* (Princeton: Princeton University Press, 1988: 52).

individualistic forms, causing a breakdown in the communal modes of organisation and of self-governance.



**The Punjab – Land of the Five Rivers**



### Canals in the Punjab

#### (ii) Enclosure of the village waste :

The sub-montane or the Siwaliks was perhaps the best example of complex interaction between nomadic and sedentary users of resources in the most pressurised area of the Punjab. It acted as a buffer for the stocks of two most fragile and inhospitable area of the Punjab - the Upper Himalayas and the Dry Desert-like areas of the Central Plains. Accommodation of transhumance from two different regions over alternate seasons along with the local herds could not have been sustained without special rules to prevent free-riding. Policing costs of such rules and resources would have been very high had it not been for the institutions of communal control. Characteristically therefore co-operation was sought through a combination of property rights in scattered holdings for cultivation and compact holdings for grazing as in the common forests, in the marshes, *chhams* and the riverine grazing tracts,<sup>14</sup> or *belas* judging from the early reports of settlement officers like Richard Temple<sup>15</sup>.

<sup>14</sup> Land Revenue Administrative Report, 1859-60, shows Hoshiarpur, Jullundur and Kangra as Trans-Sutlej districts.

<sup>15</sup> Jullundur SR, 1852; Gurdaspur SR, 1849-54; Hoshiarpur SR, 1856; Ambala SR, 1855; and Kangra SR, 1850.

The Sub-Montane: Grazing Wastes		
Districts	Grazing Wastes	Season
Hoshiarpur	1. Common lands [Grass fallows] in villages.	Monsoons and post harvest
Gurdaspur	2. <i>Banjar</i> plots in Andhar <sup>a</sup> circle (Pathankot) and Bharai circle.	Winter
	3. Grazing <i>chhamb</i> s of Gurdaspur and Jullundur: Khanuwan Chamb, Magar Mudian Chamb.	Winter
	4. <i>Riverain tracts: Belas</i> <sup>b</sup> in the Ravi, Beas, Sutlej, Kurari and Nahar ki Bir in Pathankot.	Winter and Summer
	5. <i>Shamilat</i> Forest Fallows Gurdaspur: 16 village <i>shamilat</i> forest and Hoshiarpur: 17 village <i>shamilat</i> forest <sup>c</sup>	Winter Monsoon
	6. Forest fallows: (a) Lower Siwalik, Hoshiarpur, Jaswan Dun, Sola Singhi Range, <sup>d</sup> Magowal Range, Panjal and Lohara. (b) Gurdaspur: Shahpur Kandi	Summer Summer

Source:

<sup>a</sup> *Gurdaspur Gazeteer, 1914* : 10.

<sup>b</sup> Siba Jagir Settlement Report , 1881-82 : 23.

<sup>c</sup> Una Tehsil, Hoshiarpur SR, 1914 : 27.

<sup>d</sup> P.S. Melville, Commissioner and Superintendent., Trans-Sutlej to D.C. Hoshiarpur, Revenue. & Agriculture, Forests, Proceedings. 3-5B, Oct. 1887 : 3.

Pressure for partition of the village commons in the Siwalik foothills came from several directions not the least from demographic factors within villages and growth of urban centres in close proximity. It was vulnerable to changes in the other two regions. Its resources were increasingly getting hemmed in by government control over the forest tract not only within the district but also in the montane. A large amount of forests was demarcated between 1848 and 1870-72 and reserved in 1879 by the Government.<sup>16</sup> It also saw subsequently the management of the communal, *shamilat* forests in Shahpur Kandi Gurdaspur<sup>17</sup> taken up by the Government in 1910.

Consequently land prices rose and the market for land led to increasing fragmentation and privatisation of holdings which had been held communally. Urbanisation provided markets for livestock product and hence more pressure both on the residential and on the grazing commons of the village. Lesser pastures and more cattle meant that common lands started to deteriorate hence commercial grazing through village servants over-used the pastures on the one hand and created demand for fodder on the other. This invariably meant that the

<sup>16</sup> *Hoshiarpur Gazeteer, 1904* : 129.

<sup>17</sup> *Gurdaspur Settlement Report, 1912*. 53. R. Temple, Secy. Chief Comm. Punjab to D.F. McLeod F.C. for Punjab, *Hoshiarpur Settlement Report*, 1856, p 77.

*malikan-deh* found it difficult to manage access to the commons through squatting and free-riding. If such instances were taken to court then matters were decided on what is known as **adverse possession**. Such a phenomenon was possibly a warning bell to communities to partition and enclose commons.

The process was conspicuously noticeable in Hoshiarpur district which drew considerable attention from the Government as it paid the highest revenue and also <sup>18</sup>became one of the most litigious districts of Punjab even in the middle of the nineteenth century.<sup>19</sup> As communal action became weakened, free-riding surfaced. It impacted on the forests of the lower slopes of the Siwaliks and led to the tremendous problem of hill torrents, *chos* which caused soil erosion all along the foot hills of the Siwaliks. The extent of the damage that the *chos* caused can be gauged from the fact that the Punjab Government had to enact The Chos Act in the early part of the twentieth century.<sup>20</sup> **Legislation was no substitute for collective action.** The absence of joint action went hand in hand with the privatisation of the commons. This could also be evidenced by the increasing number of land disputes which came into the courts. However there was a counter movement towards co-operation in matters like co-operative credit societies like the Panjaur Co-operative Society. This could in its turn be related to the increasing indebtedness of a district which was also becoming agriculturally prosperous.<sup>21</sup> This was a puzzle whose roots lay in the various responses of the community of resource users to the changing conditions of risk and uncertainty.

(iii) *Initiation of Forest Enclosure in the Siwaliks – imperial*

With the colonial forest department set up in 1878 started the 'enclosure' of mountain forests which then formed the foundation of the forest policies of the Government of India after independence. It is curious that forest boundaries provided no resistance to begin with as it meant income to all those who were leasing their private forests to the forest department for management. It thus began with first leases from 25 hill rulers. These were valuable mountain forests in which rules, usually a continuation of what was known as 'bartan' rights, were made for grazing of cattle belonging to both the transhumant shepherd and hill hamlets. Then they tried to create common property in the hills where none had existed by joining the intervening waste or uncultivated slopes to a group of villages otherwise scattered and giving them a sort of common property. However the communities in the hills not having property in grazing before soon partitioned these slopes for growing hay. Next the forest department bestowed attention to the communal, *shamilat* forests which were cultivated in patches and the grazing both on the crop stubbles and the grass fallows was shared by the villages with the Gujars and the Gaddis. Here settlement was made with cultivators so that in effect boundaries were created within the forests and the

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<sup>18</sup> R. Temple, Secy. Chief Comm. Punjab to D.F. McLeod F.C. for Punjab, *Hoshiarpur Settlement Report, 1856* : 77.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Hoshiarpur Settlement Report, 1885* : 18; *Census of India, 1901*, Vol. XVII, Part I : 62.

<sup>21</sup> Malcolm Darling, *The Punjab Peasant in Prosperity and Debt*, (Henceforward Punjab Peasant), 1925 : 25.

rights to the forests were supervised. We can give 3 examples. The Panjal Tappa of Hoshiarpur had 11 villages<sup>22</sup> which had communal, *shamilat* grazing area and the Gaddis were using the forest along with the villagers; again, the Lohara forests of Hoshiarpur<sup>23</sup> had scattered village habitation and the uncultivated forest areas were shared with migrant cattle from as far off as Chamba, Lahul and the Dhaura Dhar in winter. Apart from transhumance the tract also received distress movements from as far afield as Hissar and Karnal, the main cattle breeding tracts of the plains.<sup>24</sup> In periods of famine, cattle were sent up from the breeding tracts of Karnal and Sirsa, and so also during the season when the water holes and the grass dried up; finally, the Shahpur Kandi tract of Gurdaspur virtually "belonged to the zamindars"<sup>25</sup> by long usage of grazing and fallow cultivation. Even where the forest area was extensive in the proximity of the village there were patches of cultivation scattered throughout the forest. There were 16 villages which held forests in common, *shamilat*.<sup>26</sup>

## Part Two

### ENCLOSURES OF ANOTHER KIND

Linking historic enclosures to contemporary times

\* *The Malthus-Hardin connection* :

Curiously enough perception of demographic transition seems to recur in the discourse on enclosure and displacement which links the historical phenomenon to the contemporary one. Malthus and diminishing returns occupied a prominent place in the 19<sup>th</sup> century situation of clearances in Scotland with pauperism and emigration linked to the confidence in the 'invisible hand' to make it right. It did not work, hence we are back to square one. Garrett Hardin's tragedy of the commons once again mounts an attack on population being central to explaining poverty not only in human population but in the erosion of nature. However there the comparison ends. Enclosures of contemporary times have a massive signature of the 'visible hand' of governments which enclose on behalf of global corporations. Thus the main perpetrator is no longer the land lord enclosing but rather the agents of the global corporations which now obviates even the formality of 'fencing the commons' to exclude the commoners. Those displaced as a result of such enclosures far from having any global option do not have even a right to follow their inherited ways of life.

Thus it is that three dams like those in the Siwalik foothills have displaced people by submerging village lands and forests, and dessicated river-beds by changing their direction which then desertified regions dependent on

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<sup>22</sup> *Una, Hoshiarpur Settlement Report, 1876* : para 103.

<sup>23</sup> *Ibid* : para 108.

<sup>24</sup> Lewis' reply to questions asked by Rai Bahadur Shyam Sunder Lal, *Famine Rep., 1901* : 306.

<sup>25</sup> *Shahpur Kandi Tract, Gurdaspur Settlement Report, 1877* : 15. [Zamindar here refers to land-holding cultivators].

<sup>26</sup> *Gurdaspur Settlement Report, 1912* : 100.

underground recharge. The reservoirs in the meanwhile drowned the grazing tracts of the nomadic herders. The Forest Department in India 'enclosed' communally held forest resources which the sedentary villages within them had historically shared the grazing in the forest with nomadic herders who having been pushed from the banks of two dams before on the banks of the Sutlej and Beas and now the third on the Ravi which borders on Jammu and Kashmir in the west but now they have nowhere else to go in the foothills of the Siwaliks but push up higher to the upper ranges which are fragile. The policy turned out akin to letting in a fox into a hen coop! National Parks can be kept out of bounds for forest dwellers who have lived in them for centuries and cattle herders who have grazed in them by a policy to conserve wild life while rare species of indigenous cattle disappear for the lack of grazing. Rivers in other parts of India can be dammed in the name of conservation and flood relief as in the plains of central India only to reveal that this could help divert water supplies to private capitalist industrial demand for water who then pollute the river and the soil thus excluding people from drinking water. Mountain forests which were sources of rivers and wild life and the common property of indigenous communities in eastern India can be de-forested and mined and the whole process described as steps towards bio-diversity!!! Open grazing fallows and even cultivated land can be fenced off to create SEZs or special economic zones in several parts of northern India and fracture the rights of passage to large herds of transhumant livestock systems. Seashores can be privatised by boundaries of private property as in Chennai and close access to ordinary citizens. If this is not enough there are always institutional means available to independent India to enclose – land reforms has been used to distribute common lands of villages to the landless of the village and then since the commons belong to the whole village only a 'majority decision' is needed to partition the rest; and if this is not enough slap the Land Acquisition Act of 1894 to acquire land and the Colonisation Act of 1912 if needed to re-settle those who are displaced. It is of little consequence that these are the laws enacted in imperial times!

*\* Of Dams, Displacement and Externalities*

The real significance of enclosure by dams can scarcely be measured by the number of people who are officially displaced in the immediate vicinity of the reservoir. Right from 1900 when the Bhakra project was planned the "villagers never believed that a river could be dammed ... [they] did not know what the damming of a river entailed." [Dharmadhikary, 2005 : 2010]. Ironically, in a newly 'ressurgent' democracy there was no formality of even recourse to a 'majority' decision of the villagers to be displaced. The sheer scale was tragic. The 36,000 people who lost their land in the villages of Bhakra and 370 others in the Siwalik foothills were just those enumerated, it did not include the number of landless and the transhumant herders who depended on the 17,876 hectares of land which were submerged! Then came the Pong in the 1970's on the Beas which submerged an even larger area 29,000 hectares and displaced 150,000 people



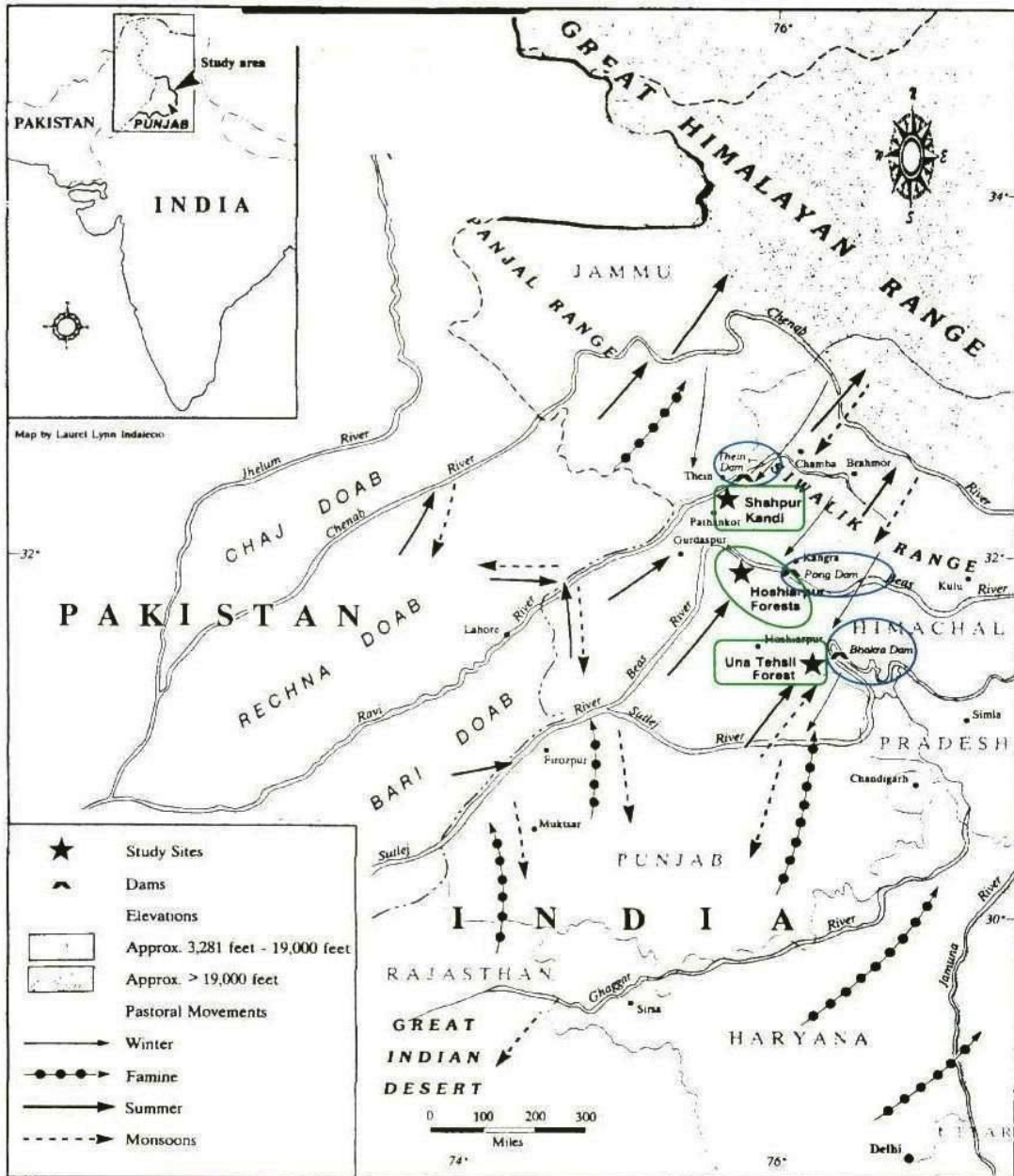
and then the Thein on the river Ravi which has submerged 83,000 hectares. There is no firm figure of those displaced.

Numbers alone cannot measure **the wider and deeper** impact of each successive enclosure. First, the cumulative effect grew from one dam to the next for at least one category of people who do not find a mention among the officially displaced people - the transhuming shepherds. They lost their customary grazing in the valley of the Bilaspur region when the first reservoir started to fill up and had to move on to the other grazing tracts of the Siwaliks further west. Second, each successive submergence of villages has served to add to the volume of displaced shepherds adding pressure on the communally managed forests situated near the dams - forests of Una near the Bhakra, Karanpur and Brindaban forests of Hoshiarpur near the next dam Pong which was to come up in the 1970s and finally on to the Shahpur Kandi forest which was on the banks of the Thein dam. Third, a major part of the loss of natural resources is borne by the local cultivators as in the case of the 30 villages of Shahpur Kandi who lost their land to the Ranjit Sagar reservoir on the one hand and increasing pressure from the other two dams from the east.

Fourth, ultimately either annihilate or alter the natural pastures and forests in the Siwalik ranges leaving only the option for herders of both nomadic and sedentary graziers to move vertically up the mountains which are fragile. This has been a dangerous diversion.

Fifth, as escalation of cultivable land values attract more affluent buyers, a large part of the herding community tends to expand their flocks to cover up the high opportunity cost of sedentarisation. Land prices now are a hurdle for any conversion of nomadic activity and having pushed them to the margins of fragile areas there is increasing erosion in lower ranges in winter and even in the alpine meadows of Himachal Pradesh during summer.

Finally, the damming of rivers reduces the volume of water available downstream and reduces the spread of alluvium as for example the areas of the Bawalpur region in Pakistan which is a desert at the tail-end of the Sutlej river and which depended on "flooding of the Sutlej river as a natural fertilising process" but lost it because of the Bhakra dam; similarly the Cholistan desert used the Sutlej riverine areas as alternative pasture during droughts but this is no longer possible.[Dharmadhikary, 2005 : 206]



### Dams and Communal Forests

#### *Case study :*

General demographic factors can only substantiate the fact of increasing pressure on natural resources without assigning any specific reasons for their degradation. It does not tell us the unique story of the Gaddis with their homeland in Gadderan and other pastoral people like the Gujars which is increasingly tied up with the exploitation of natural resources in the foothills of the Himalayas. Nor does it tell us of the thirty odd villages of common forest - the Shahpur Kandi - which have been precariously balanced between the upper ranges of the

Himalayas and the lower plains. The Thein Dam in Gurdaspur district illuminates. It has been constructed at a point on the Ravi where it pierces through the Siwaliks on its way to the plains. Just at this point on the left bank of the river lies the Shahpur Kandi Forest. The reservoir - Ranjit Sagar has consequently submerged parts of it and serve as a catchment for all the small hill rivulets like the Karnal which runs through the forest tract. In the process it has drowned not only valuable croplands of sedentary cultivators in large sections of some thirty odd villages in the tract, but has disrupted the grazing resources of a transhumancing people - the Gaddis.

This forested tract complements resources of two pastoral regions at two different times of the year. This is because the tract gets sufficient rainfall to support agriculture and yet is comparatively frost free and dry in winter. Therefore the tract can give refuge to herds of sheep and goats in winter which cannot survive the frozen alpine regions in the Upper Himalayas; while it can take on the heavier cattle after the rains. Both these features contribute towards relieving pressure on the more fragile eco-systems of the Upper Himalayas. Thus are preserved the lush pastures above the tree line and on the steep slopes which only nimble-footed animals and their equally agile shepherds can tackle. The access to these are guarded by snow cover on the passes and the treacherous storms which blow over them for greater parts of the year. Such conditions enforce nomadism on pastoralists as a rational response to uncertainty. Gaddis for instance have chosen transhumance to alternate their use of these pastures in the upper regions with those in the Siwalik forests below. This indicates the importance of the Siwaliks in general and Shahpur Kandi tract in particular within the ecology of the Himalayas.

Their use of the Himalayan pastures has been treated as a "tolerated" customary usage with no existing "legal" record. Hence no court need take cognisance of these customs, leave alone compel a Government to compensate the Gaddis for their loss of grazing resources in the forest.

Therefore one of the main actors in this institutional set-up - the Gaddis – have lost out more, because they trusted the political system in post-independent India would honour transhumancing as their way of life. With the situation as it is today, the shepherds realise that they are but naive pawns in power struggles inherent in a democracy; and that majority votes can "drown" minorities even before the waters of Ranjit Sagar threatens them. Presently, a hydro-electric project which on the face of it is intended to empower people will actually strip the nomads of even their basic right to choose a way of life.[See Chakravarty-Kaul, 2002.]

*\* Joint Forest Management or enclosure of the forest commons?*

The Shahpur Kandi forest on the banks of the Thein dam on the Ravi river not only lost out to increasing pressure of graziers displaced by the earlier two dams but became increasingly hemmed in by the Punjab department of forests closing in on the use rights of the villagers whose common forests it is. The 30 odd villages within the forest admitted customary graziers like the Gaddis and Gujjars as they transhumed through their forests between the plains and the upper ranges of the Himalayas. The graziers brought in 30,000 heads of cattle into the region which added to the 81,000 belonging to the sedentary villages which caused friction in the forest. This situation was used by the Forest Department of the Punjab to get rid of grazing altogether from the forest. Such a moment arrived just as the third dam on the Ravi started to submerge the catchment areas of rivulet in the lower parts of the forest.

The Joint Forest Management announcement in 1993<sup>27</sup> enabled the Forest Department to enter into an agreement to with the villagers to jointly manage the forest of Shahpur Kandi without mentioning the gaddi shepherds as partners even though they had historically used the grazing resources of the tract. While the new resolution recognised that 83 percent of the forest in the Kandi tract (constituting 52 percent of all Punjab forests), were communally or privately owned, but then it proceeded to state that the Forest Department exercised full control over these areas under the Land Preservation Act of 1900! Such a declaration was a contradiction but actually reflected the historical tensions between communities and the state over rights to the *shamilat* or communal forests! Thus the policy enabled the Forest Department to co-opt the villagers to exclude the gaddi shepherds in the first instance and now after the dam submerged parts of the 30 odd villages of the Shahpur Kandi forest it has succeeded in keeping out even the villages from taking decisions regarding the forests. In the process has eroded the institutional framework of collective net-working.

Further with the completion of the dam in 2001, landless "oustees" frequently migrate to the forested areas to seek a livelihood as fuelwood headloaders and graziers. The shepherds gain entry into the forest tract by increasing cost of fees and free labour. Within the Shahpur Kandi communities, too, villagers have developed growing dependencies on government projects. Rather than taking control of their local environment and economy, they await employment through government projects. The Forest Department's encroachment on traditional forest management systems is thus a reflection of the larger loss of control which communities are experiencing over their livelihoods and self-reliant institutions.

The issue here is not just the material loss to people but the ruination of a form of joint governance - a political system. The dam engulfs the pastoral resources and joint forest management terminates a long-standing relationship between those who can best be described by a term - which Gandhi used - "trustees" of the Himalayan environment. How else can one define a group of people who have in the past jointly battled with natural disasters like flood, famine, earthquakes and plague? [Chakravarty-Kaul, 2002]

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Government of Punjab "Joint Forest Management: Resolution No. 46/27/93-FT-III/8284," Chandigarh, Department of Forests, 14 Sept., 1993.

\* *Enclosing Rivers – by corporatisation of a common property resource?*

Corporatisation of common property is the newest form of enclosure. Thus it is that the newly formed state of Chhattisgarh signed away to a private company what was common property but not for sale! What is more, while the state did not have to compensate the people for the enclosure of the river it will have to pay compensation to the private company in case of withdrawal from the sale. The three authors of an article wrote that the supply of water from a 22.7 km stretch of the semi-perennial river Sheonath “was handed over to a local entrepreneur Radius Water Limited (RWL) under a BOOT (Build-Operate-Own-Transfer) agreement to supply water to the Borai Industrial Growth Centre in Durg district. The 1998 project, the first case of river privatisation in India, which gave RWL a 22-year (renewable) ‘concession’, was signed when Chhattisgarh was a part of Madhya Pradesh.” [Mumtaz et al] It excluded the 15 villages who depended on the water from the river for their very livelihoods. The “RWL had constructed an ‘anicut’ across the river and the stored water was meant for distribution to units in the Borai industrial area, during the lean summer season.” [Ibid] There were major protests against this but however “Even if the move to privatise is cancelled, according to an MoU between the state and RWL, the state government will have to pay the company around Rs 100 crore as compensation.” [Mumtaz et al]

Amazingly enough globalisation does not transmit the message of developing agriculture as it does industrialisation. The present food crisis in the world is a direct consequence of this demonstration effect. Similarly a backward state in India also gets this message from the federal government policy. Again the article notes that the Chhattisgarh government “leased out rivers to industries for their private use. These include the Kharun river (Nico Jaiswal Group), the Sagari river (S R Group), Indravati river (Tata Group) and Kelu river (Jindal Group) <sup>28</sup>” [Ibid].

The appropriation of the Kelu river “is a classic example of a private party usurping common property resources, including waterbodies, on a massive scale without any checks and balance.” The JSPL, started began in Raigarh in the early-1990s with the construction of a 500,000 TPA steel plant. The company gradually acquired several resources but the power plant was dependent on groundwater extraction through reservoir tanks and borewells. It proposed to draw water from the river Kelu and was allowed by the Government in Madhya Pradesh granted permission to the company “to build intake wells and a stop dam for consumption of 35,400 cubic metres of water per day.” [Ibid] The authors point out that apart from the river Kelu being the only source of water for over 100,000 residents of Raigarh town and numerous villages spread along its banks the dam also destroyed the livelihood of 250 families dependent on fishing in the Kelu and severely affected irrigation to a village Gudgahan which had mortgaged their lands for the purpose. What is perhaps unbelievable is that the company has been allowed to expand their projects in the state and now encroach on the river Mahanadi itself. According to the Environment Impact Assessment Report

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<sup>28</sup> Singh A, Privatisation of Rivers in India. Footnote 1 from article by Mumtaz et al 2005.

of the project it is estimated that in proportion to the employment generated and water extracted “The ratio works out to 1:124. That is, for every one person getting employment there will be 124 who will lose their drinking water supply.”<sup>29</sup> [Ibid]

The company has on its agenda the setting up of a dam on the Kurkut, a perennial river and tributary of the river Mand, to meet the water requirements of its upcoming thermal power plant in Tamnar, and a 300-hectare industrial park. This will, in effect, make the river ‘private property’, captive for the power plant and the industrial park. The externalities if unchecked will have, in addition to severe shortages for human consumption of water, serious environmental impact like de-forestation and pollution of rivers and ground water with industrial effluence. However protests so far from the villages and their supporters have stemmed the project from proceeding but for how long?

*\*Special Economic Zones a new form of enclosure and multiple externalities*

The creation of SEZs by the Act of 2005 enacted by the Government of India is the newest proposal to acquire an estimated amount of 41,700 hectares of land. [Thakkar, 2007] This massive acquisition will not mean acquiring common lands of villages but diversion of land in use. Perhaps of greater consequence will be the externalities on water and environment. First would be due to the diversion of water for use within the SEZ. Second impact would be the impact of release of effluents from the SEZ. At locations like Ankleshwar in Gujarat and Patancheru in Andhra Pradesh, among scores of “the release of untreated effluents from the industrial estates has created a hell for the residents of the area. Thirdly, “the conversion of land to SEZ would mean destruction of groundwater recharge systems. It should be remembered here that in India, right to extract groundwater continues to be connected with the ownership of land. Hence SEZs even in a relatively small area can pump out huge quantity of water, drying up the wells of the surrounding area. ... as could be seen at Plachimeda in Kerala, as also in Varanasi and Jaipur.”[Thakkar, 2007]

## **Conclusion**

We have taken up a few examples of enclosures of other kinds that have taken place, not only in the Siwalik ranges but in other parts of the country in India. These demonstrate how enclosures of common property resources have been initiated at the instance of Government through institutional means, and then control has been gradually handed over to the corporate sector as the country opened up to global influences. Since the 1990s, slowly but surely, there has been a State retreat from even what used to be called the ‘commanding heights’ of the country.

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<sup>29</sup> Ghotge Sanjeev, 2005. ‘Technical Critique of EIA report’, NCAS. Footnote 4 from article by Mumtaz et al 2005.

The process of large-scale enclosure and consequent displacement has weakened the self-governing systems in existence and even broken down both the micro-units of the village community and the support it gave to the systems of collective net-working between agrarian and pastoral societies. This is particularly true of the collective net-working between complementary production systems of agriculture and livestock. The impact of contradictory moves of government initiative has heightened the pressures just where the situation is particularly fragile. The High Himalayas has certainly been exposed to externalities by the negative influences of enclosure in the Siwaliks. Take for example the take over of forests by the Forest Department in Shahpur Kandi in the Siwalik ranges in the name of Joint Forest Management which, far from conserving forests in general, only helped to create externalities. This is because the Forest Department has started to exclude both the right holders in villages within the forest and pastoral people at a time when portions of large grazing tracts have been submerged by the dams, which far from conservation then only served to add pressure on the mountain ranges above the Siwaliks. The exclusion of indigenous people from within large forested tracts in what are national parks has only removed the policing of the high ranges by the indigenous people who depended on them, consequently one hears of poaching within national parks, hungry tigers becoming man-eaters, lions dying of disease. Rhinos killed and the disappearance of wild animals from highly conserved areas.

The situation is no better on the plains. The break down of community control over their common lands has occurred again and again with the Government as in the case of the State of Delhi encroaching on village common lands of surrounding villages. Trouble for the villages began in 1978 when common land was acquired from village Kanjhawala to re-distribute among the landless, and now again is set to build multi-storeyed buildings on the commons of Sowda-Gheora, the twin villages in the Kanjhawala cluster to house all those small traders from off urban Delhi's shanty towns. It has no qualms in setting up the offices of Delhi Administration on Kanjhawala's common lands for instance. Common lands were acquired to set up the Asiad village in Shahpur Jat, then allowed encroachment on their residential site, thus hemming in the whole village; Such a breakdown of village communities only reduces their capacity to prevent the inevitable free-riding on their commons and finally leads to their absorption in the faceless urban fringe.

All this has meant a breakdown of the rural safety net-work. Thousands of landless farmers marched hundreds of miles into Delhi in 2007 to protest against their landless condition; large number of suicides occurred among farmers in several states of western India; protest by tribal people from being disinherited from their livelihood in forests in Orissa led to 17 people being shot down two years ago; protests against the take-over of rivers in central India and the firing and killing of protesters in Nandi Gram against SEZ in West Bengal and the protest over urban encroachment on rural communities in major metropolitan centres like the capital city of the country, all speak of heightened insecurity from displacement off common property.

**It is in the face of these kinds of enclosure that we need to re-instate the togetherness and moral responsibilities of the term “common property”, where it rightly belongs.**

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