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'Inventing the Colonial Commons'
Forest Lands and Enclosures
in Central India, 1860-1935

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INVENTING THE COLONIAL COMMONS

Forest lands and Enclosures in Colonial Central India, 1860-1935:

This paper describes the process by which forest lands were enclosed into grazing commons by the colonial authorities between 1860-1935 in the Central Provinces of India. The process of the demarcation of lands for pastures has been adequately described in the case of the European agricultural revolutions by historians of that period. One of the most noticeable of these efforts has been that of Georges Duby in his seminal work, *Rural Economies in Western Europe, 1650-1850*, where he argued that the expansion of cultivation, the development of a rentier class and the enclosing of fields led to the demarcation of common pasture lands and the legalisation of collective peasant rights in forests. A similar argument is made by Marc Bloch in *French Rural History*, where he links the process of the enclosing of fields with the standardisation of common usufruct rights of the peasants in *mistar* lands. This legalising process, J. A. D. Pocock held, was more an incorporation of customary rights in the English Constitution rather than a new proclamations of peasant rights by the government. A recent book by Pauline Peters, *Dividing the Commons*, suggests that the colonial regime standardised communal tenures, substantially reordering them from their pre-colonial past.

This paper argues that though the enclosing of forest lands for grazing was inspired, to some extent, by the European experience, the nature of these enclosures was radically different from the fifteenth and sixteenth century European enclosures. The forest enclosures were means to systematise the

local use of forests as well as control the life of peasant, forest and grazier communities. Nor were the enclosed forest lands for pastures similar to the enclosure of common field lands. But as in England the reservation and enclosure of pasture and forest lands led to the scrutinisation of customary common rights for the first time. (Dalhman, 1980 : 230) Thus the reordering of the village system to manage its waste also required the colonial regime to reconstruct and reinterpret pre-colonial history in a certain way.

Private property, sedentary cultivation and village wastes:

Writing a history of the forest laws in India, Baden Powell suggested that the origins of the term 'wastelands' lay in the birth of private property and asserted that 'wastelands' were state property, not communally owned property resources.¹ The 'commons' denoted not community pastures and forests but pastures and forests that the village community was allotted by the state for common village use. Members of the community had usufruct rights and coequal access to such resources.² Baden Powell's analysis of village rights in pre-colonial India showed that the government control of village pasture and waste lands was actually embedded in the debate over the system of land tenure itself. The 1830s proved an important period in this respect. The Indian

¹ Baden Powell, *Forest Laws*, p.212

² The idea of 'wastelands' as state property was emphasised by colonial writers like Baden-Powell, Ribbentrop and Stebbing. Later it was emphasised by government sponsored research and the legitimacy of Post-Colonial organisations such as National Wasteland Development Council was derived from the notion that the government was responsible for development and management of wastelands. Thus the relationship between the state and wastelands has been an intimate one since the early 19th century

village was often portrayed as an all encompassing 'self-sufficient' unit.³

This perception of the 'village community' in the pre-British era is important, because its 'preservation' became the central issue of debate on the introduction of settlements in these Provinces. In 1830 Metcalf noted with scepticism that ryotwari tenures were politically viable only if the ryotwari settlements did not impede the "preservation of village institutions." According to Metcalf the 'preservation' of village institutions was only possible if joint settlements were made.⁴

Metcalf criticised the utilitarian model as one that concentrated on appropriating the differential rent without establishing control over production. He argued that Munro's settlements had alienated the government from the production system in agrarian societies. The Board members noted that Metcalf insisted on a joint settlement because he admired the structure of the Indian 'village community' which he saw as a "static self-sufficient republic" contributing to the "preservation of the Indian people". The main fault of the ryotwari system was that it established a contract between the individual and the state thereby destroying the cohesion of the 'village community'.

³ For this see Karl Marx's *On Colonialism* (1959, Moscow) and R.P. Dutt's *India Today* (1944, London). Several British administrators like Baden Powell (*Land Systems in India*, 1892, London), Henry Maine (*Indian Village Community*, 1876, London.) and others also have similar perceptions of the Indian village. However the perspective is slightly different. While Marx and Dutt consider the opening up of the village as one of the best unintended consequences of colonial rule, some colonial administrators lament the destruction of its 'self-sufficiency'. The colonialist is faced with the problem of how to preserve this self-sufficient unit within a colonial structure whose key mechanism (in this agrarian context) is settlements.

⁴ SBRNWP Progs. No:1-3 of 7 December 1830

As far as 'wastelands' are concerned, there is little evidence of the status of these lands in pre-British Central Provinces. The early 19th century official construction of this period shows that the patel or the village headman had acquired control over wastelands. As early as 1832 Crawford, a member of the Sadar Board of Revenue, recognised the patel's rights to collect forest and grazing dues from wastelands. He also pointed out that the patel had no legal rights over such land, but had acquired these rights through custom. The British government wanted to continue this 'custom'.⁵ In the case of zamindari areas it was easier to argue for the possibility of communally controlled wastelands because of the inaccessibility of these areas. The difficulties in administering zamindari lands ensured that the actual control over resources by forest dwellers in wastelands of these areas. Numerous recorded instances show that the forest dwellers had the freedom of movement and free access to resources in these lands. In lieu of these rights they gave the zamindar some produce and labour.⁶

The revenue settlements of the 1830s took place in areas that were under direct British control. These areas, namely the Sagar and Narmada Territories, included the Jabalpur, Sagar, Damoh, Betul and Nimar districts. Through these settlements the British wanted to accumulate knowledge about and create

⁵ SBRNWP, 23 October 1834

⁶ The Records of the Bastar State show that in return for access to forests, the *adivasis* had to put in *Bhet begar* of 3 days a week. Sometimes they also had to give some *chironji* and other produce as tribute. At first the British tried to extract *begar* like the previous rulers, but they failed because the people did not accept them as their legitimate rulers. The next chapter elaborates this point. As a consequence of this *begar* was abolished by law. However this does not mean that the extraction of *begar* stopped totally. In fact instances of these were recorded in later years, but as offences. *Begar* was prevalent, not only in Bastar but also in other zamindars and princely states of the Central Provinces.

contractual property rights over land that they were to rule for the next 117 years. These settlements gave revenue collecting rights were to be given to the *patel*. In the 1830s and 40s the control over wastelands was exercised through the modification of the *patels* powers. The government sought to protect the ryots occupancy vis-à-vis the power of the patel to evict them if they failed to pay their arrears. The protection of the ryot in this arrangement showed Munro's influence on the settlements. Moreover the intended integration of the patel into a larger administrative structure was quite apparent. The patel was to be at the lowest rung of the district administration. Above him came the tehsildar.⁷ Thereafter came the collector, the highest revenue collecting authority in the district.

The erosion of the patels power showed that Metcalf's dream of the preservation of the village community had fallen apart and that the privatisation of land rights had won the day. Though the patels lost some of their power through integration into the wider state structure, they acquired limited property rights over uncultivated land. Till their leases expired, they were granted control over all unoccupied lands in the village. The government hoped that through their customary authority, the patels would be able to persuade cultivators to expand cultivation. The reproduction of a sedentary cultivation economy necessitated and accentuated the contradiction between these

⁷ Sadr Board of Revenue on Deputation, Uttar Pradesh Regional Archives Lucknow, (hereafter SBRD), Progs No-5-6 of 31 January 1835. The tehsildars functions were : a) settlement of all boundary disputes; b) settlement of accounting disputes between patels and *assamis*; c) measurement of land, d) record of land improvements and extension of cultivation, e) registration of sale of grains and f) to see that no assets like cattle, gold and silver are sold

economies and the forest economy. Under permanent cultivation, fallow cycles were short and the sowing was done twice a year. Consequently there was no time for the forest to regenerate. Instead manure was used to enrich the soil. The use of the plough also implied the uprooting of trees from their roots. But the policy of excision also necessitated an equal allocation of pasture and forest land for peasant use.

The main objectives of deforestation of forest tracts were described in 1892 :

From every point of view it is clearly advisable to not throw any hindrance in the way of permanent and self-supporting cultivation in the Central Provinces where there is scope for it. In a majority of the instances such cultivation is most profitable use to which land can be put, and even if exclusive regard be had for forest revenue the proximity of settled and cultivated areas will provide a market for the adjacent forests.⁸

While reservations of forests by the department were justified on the grounds that a 'destruction of forests' was taking place, now the deforestation itself was justified as a means to expand cultivation. This reversal of agrarian strategy emphasised the importance of revenue forests. Two main issues needed to be resolved before the process of deforestation took place : the nature of forest to be deforested; and the nature of authority that was to be exercised over newly deforested tracts. The pre-1892 experiences had already proved that setting up

⁸ CPSR Forest Department, Case File Progs 'A' No 11-12, 5-7 & 34-43 of January 1893, p.3.

new villages was administratively and economically unviable. At the same time he also felt that the proceeds of the revenue department would be adversely affected if local people were separated from their markets. He therefore suggested that it was simpler to encourage new settlements in existing villages. If the population of the village expanded or expansion of cultivation took place within village boundaries, additional *nistar* land was to be provided for the use of the villagers.

The period between 1860 and 1930 resulted in the changes in grazing and *nistar* laws. They resulted in the enclosure of forest lands and the regulation of villagers rights in forests. But these rights differed from common and co-equal rights in forests. Nor did the villagers have the management of their own commons. Instead, the commons were often enclosed and reorganised to suit colonial objectives. The case of enclosure of forests and the demarcation of *nistar* rights shows this.

The forest enclosures and *nistar* rights, 1860-1930:

Reflecting on the nature of common lands in England in the early 20th century, Gonner wrote in *Common Lands and Inclosures* that the purpose of the commons was to regularise the rights of villagers in enclosed lands. The purpose of the common lands was to support and supplement agricultural activities. Clearly after the formation of the Central Provinces in 1861, the expansion of cultivation at various points in time was accompanied by the enclosure and demarcation of *nistar* lands. The analysis in this section will show that the management of these commons can be broadly divided into two

periods - 1860-90, and 1890-1930 - the difference being in the progressive individualisation of the administration process. The system of management followed by the colonial regime between 1860-90 there were four ways of administering *nistar* rights: the *kham* system; the system of leasing forests for *nistar*; the system of summary settlements, and the commutation system. While the first two were systems of indirect management, the last two were considered more important for administrative purposes as they involved a system of direct control.⁹

In 1866 the *kham* system was considered an important mechanism through which *nistar* dues were collected. Under this system all villagers of a particular village were jointly assessed, and they collectively paid a lump sum to the revenue collector. In the villages of the Central Provinces the patel was to be the revenue collector. After paying these dues all villagers were to have a coequal access to forest produce. The patel was elected by the villagers and was a direct link between them and the government. Due to this the patel attained a considerable importance in village life and the *kham* management system reinforced his status. Since the community was jointly assessed, the successful implementation of this system depended on the customary relations between the villagers and the patel.¹⁰ This implied that revenue would be moderate as revenue collecting was only one of the functions of the patel. In order to maintain his position and get the support of the villages, some revenue

⁹ FRCP 1868-69, p.5 & pp 29-30

¹⁰ For this point see N.B. Basu, 'Tribal village headman' in TRI, 1962.

was likely to be sacrificed. In return for this the patel possibly received a tribute of forest produce and *begar* from the villagers. Thus the loss in revenue would be made good in kind, the government being the only loser.

The system of leasing forests attempted to correct the shortcomings of the *kham* system by giving the government a greater commercial advantage. The contractor (to whom the forest was leased) extracted the forest produce and sold it to the peasants. The government was paid a fixed sum annually. The lease was generally granted from three to ten years. Under this system the peasants were at the mercy of the contractor who often employed them as labourers. In Chhindwara it was noted that this system had evoked considerable opposition amongst the local people.¹¹ This opposition arose because the tendency of the contractors to monopolise the sale of produce led to inflationary trends in the prices of forest products. The contractors were the sole beneficiaries of this price-rise and the peasants the single bearers of its burden.¹²

Unlike the case of the two above systems, the state was to be an active participant in the management of minor forest produce under the commutation system. The system of commutation was first introduced by Col. Lucie Smith in Chanda. Under this system the unit of assessment would be the household. Each household was to make a small annual contribution to the government

¹¹ CPSR Forest Department, Compilation No 667 of 1874, p 39

¹² These forests though privately owned, were administered by the court of wards without whose recommendation nothing could be done. Some of these forests like Ahuri and Panbaras were leased by the State themselves

and in return earned the right to pick firewood and grass, but purely for household needs. Of course, the officials termed even this as a privilege, thus denying the household all its customary rights.¹³ The next question related to the definition of 'household needs'. In Chanda the district administration held that every village would be assessed at two annas per household. This fixed rate would apply to the extraction of firewood and charcoal. In other words the people were allowed to take firewood, fuel and charcoal worth two annas. Other produce like *mahua*, lac and *harra* were fixed at a rate of three annas and an equivalent amount of this produce could be collected by households who chose to pay this sum.¹⁴ Though there is no evidence to show what criteria was employed to make the distinction between 2 anna and 3 anna produce, only firewood and fuel were essential for household needs and therefore a fixed rate was applicable only to them. This meant that other produce such as ritual food as liquor, *harra* and *mahua* was considered a luxury. Within this limited view, the official assumed that the 'needs' of every household were similar and that the consumption followed a uniform pattern - both in terms of quantity and the kind of produce consumed. Whether the household contained 4 or 8 people, they were only entitled to 2 annas worth of fuel and firewood. The quantity taken out of the forest would be checked by a *chaukidar* or a *nakadar*.

¹³ CPSR Forest Department, Compilation No 416 of 1872, p 30

¹⁴ CPSR Forest Department, Compilation No 229 of 1878, pp 1-2.

Nistar rights were regularised and codified in a uniform system by the settlements of 1930-33. Before this there was a constant debate about how *nistar* should be managed. In 1925 rules for *nistar* were formulated. Under these rules each village was to be allotted a certain amount of 'waste' where the ryots had exclusive rights and all valuable trees were termed *minhai darkhtan*. The trees were to be reserved according to the malguzari forest rules. Every 'waste' would be allotted a survey number and the responsibility of ensuring that community rights were not abused would rest with the patel. But these rights would be only confined to the use of grass, fuel and thorns. There would be no users rights in produce such as *mahua*, *harra*, lac, *rusa* oil and gums. These would be leased out separately to the patel, raiyat or the community.¹⁵ The last provision was important as it came on the heels of investment in lac and tan production by European managing agencies. In this way the distinction between commercial and subsistence produce was made quite clear. These measures also laid the basis of further differentiation between forest communities and village elites. The lease was a mechanism of division from the point of view of the community. But for the individual it presented a prospect of future prosperity.

Though the management of minor forest produce resulted in the enclosure of village wastes and forests, the process of defining these rights also involved the incorporation of the household in the colonial power structure. Due to this the

¹⁵ Madhya Pradesh Secretariat Records, Bhopal Archives, (hereafter MPSR), Forest Department, Prog 'A' No-7-14 of August 1925, pp 9-21.

relationships between the State, the patel and the village community were radically altered. Though a system of taxation existed in the pre-British times, the pattern of resource management was centred around local choices and options. Through the incorporation of the household into the colonial structure, a centralisation of these choices took place. Now the British government determined how much and the method by which the forest produce was to be extracted. The ritual food, the diet supplements and the support that the forest provided in famine time was all dependent on how the colonial regime defined 'household needs'

In the same period grazing rights were also specified in forests. For the lack of time and space it is difficult to outline their exact nature. Here, it is sufficient to point out that the nature of these rights was quite different from *nistar* rights and resulted in the disruption of the graziers movement, thus isolating them from their own social world.

The convergence of political and subsistence interests:

The settlements created new conflicts in subsistence societies. The intensity of the conflict over the access to resources was dependent upon the severity with which the effects of these laws are felt in different areas. There was considerable discontent over the commutation and settlement rates imposed on the local population by the colonial administration. Though the review of grazing laws in 1930 sparked of widespread organised protest, this protest turned into a protest against forest laws by September 1930. At this point it is important to point out that issues concerning forest rights had not entered

dominant nationalist discourse till the second quarter of the 20th century. Despite this the Congress Party organised a forest *satyagraha* in 1930. Its main objective was to expand its mass base for the civil disobedience movement. The Congress base in the Central Provinces was limited to the middle classes.

The turn of events between 1930-32 was to show that this was absolutely true. The 1930 *satyagraha* was one of the first attempts by the Congress to make contact with forest dwellers like the Baigas and the Gonds. This effort was marred by the divisions within the Congress about the nature of the movement. In the Central Provinces the Congress was divided on a linguistic basis : Hindi Congress and the Marathi Congress.¹⁶ The forest *satyagraha* was initiated by the Hindi Congress and found half-hearted support with the Marathi Congressmen who were called the 'responsivists' during this period.¹⁷

The main issues picked up by the Hindi faction were temperance and grazing. The 'responsivist' concern over the limited impact of the grazing rules was born out of their desire for a mass-based movement that incorporated the whole population of this region. The leadership of the Marathi Congress asserted that the aim of expanding the mass-base of the Congress could not be fulfilled by the 'breach of grazing laws'. They argued that if the forest *satyagraha* was to have a wide appeal, the 'breach of laws' should also include

¹⁶ For further details see Baker, *Changing Political Leadership in an Indian Province: The Central Provinces 1919-1939*, 1979, Delhi. Also see Home Political Fortnightly Reports, Central Provinces and Berar, National Archives of India, (hereafter FRCPB), 18/V, 1st April 1930, p 72

¹⁷ *Hitavada* 24 April 1930, Nagpur

taking other kinds of the produce from the forest ¹⁸ The Hindi Congress, which initiated the forest *satyagraha* resolution, ruled out protest against gathering laws in forests. This reluctance was born out of the leadership's acceptance of the aims of conservation. They assumed that the ideals the forest department stood for justified its policies. This showed that the Congress's ideas of conservation were not so different from that of the colonial government. In keeping with this the leaders of the Hindi Congress appealed to the people to confine themselves to the cutting of grass. A leader of the Hindi Congress, D.K. Mehta, is reported to have said that the forest was natural wealth and destroying it would be like "cutting your nose to spite your faces".¹⁹

In 1930 the varied and widespread protest in forested areas showed the intensity of the discontent against the forest laws. Some were protests that were confined to the cutting of grass in the forests as token of resistance against the forest laws. These were a result of sustained Congress propaganda and were considered part of civil disobedience. But by August 1930 the Congress had lost the leadership over the protest in the northern parts of the Province. Here the forest communities protest against forest laws did not require Congress leadership. In Berar too, the forest communities started a series of protest actions against the forest department. The first incident occurred in Mandla where forest officials were assaulted and the Gonds at

¹⁸ Baker has shown the influence of Tilakite politics on the Marathi section of the Congress party. He has also shown the successful attempts by the Tilakites to marginalize the Gandhians within this politics. See Baker, *Changing Political Leadership in Central Provinces*, pp 75-79

¹⁹ *Ibid.*, 24 August 1930. The Congress Chief Minister of Bihar echoed the same views on the necessity of conservation of forests nine years later. For this see R P Papers 1-M/1939, p 17

Mukas Chapra took from the forest what they considered was 'rightfully theirs'. Thereafter a chain of incidents occurred, the most famous and serious one being in Betul on the 28. August 1930 At Banjridhal, Betul district, about a 100 Gonds marched to the police station to protest against the arrest of their leaders. The demonstration resulted in a confrontation between the Gonds and the police One constable was killed and two forest guards injured.²⁰

Though the Congress and the forest communities differed in their conception of protest, the oppression of the forest laws and the loss of subsistence caused by the enclosure of forests had become an important issue in the provincial nationalist discourse. The 'breach of grazing laws' was seen as an important mechanism for mobilising the rural population of the Provinces in order to achieve the Congress aim of *swaraj*. But as far as forest communities like the Korkus and the Gonds were concerned, the 'breach of forest laws' was just an excuse to protest against the colonist's encroachment of legitimate community rights in forests. Thus the enclosure of forests in Central India facilitated new political and subsistence alliances. These, in turn, reflected the marginalisation of certain subsistence forms and the political potency of others.

Conclusion:

This paper has shown the process by which the forests of Central India were enclosed for *nistar* and grazing rights. It has argued that the enclosure of

²⁰ FRCPB 18/IX Second half of August 1930 Also see Home Political, File No 253 of 1930 (National Archives of India) and *Hitavada* 28 August 1930 Other incidents reported between the period of July and October 1930 were at Raipur, Seoni, Betul, and Jabalpur The Betul incident of July became noticeable because it involved the greatest number of people

forests was necessitated by the expansion of cultivation into forested areas and the creation of new private ownership rights under the ryotwari system. Though many monographs on the enclosure movement in the late 18th and 19th centuries have traced the origins of the enclosures to the birth of private property. This was perhaps true of the way the British read and interpreted pre-colonial Central Indian history also. But the nature of the enclosures was decidedly different. The English enclosures were a result of population growth and technological developments in English agriculture between the 16th and the 17th centuries. But in the Central Provinces the enclosure of forest lands was a result of the historical contingency of the colonial rule. While on the one hand these enclosures led to the limited access of graziers, peasants and forest dwellers to forest resources, on the other hand they also led to the firming of peasant households by the colonial regime between 1860-1890. Thereafter there was a progressive individualisation of the control of minor forest products. The leasing and the commutation system were evidence of this. One of the main effects of the enclosure of forest lands was the alliance between dominant political and subsistence groups of the region. This was seen in the forest *satyagraha* of 1930. But this alliance was short lived. The main reason for this was the difference in perception of the enclosed lands by the Congress, by the peasants and by the forest dwellers. This short lived alliance showed that the Congress, in part, had shared the British perception of conservation laws.