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**STATE FORMATION IN COMMUNITY SPACES:
CONTROL OVER FORESTS IN THE KUMAON HIMALAYA, INDIA**

by

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To reflect upon history is also, inextricably, to reflect upon power.
-Guy Debord, [1967] 1994.

In the early part of this century, 1916 and 1921 were especially dry years in the Kumaon region of the Indian Himalaya. In each of these years, forest fires racked the countryside, burning beyond the power of the colonial British government to control or extinguish. It was not just the dry weather that was to blame. Villagers in Kumaon set the forest on fire; the dry weather merely helped their efforts along. The containment of this "planned incendiaryism" was one of the main planks of the scientific forestry that the colonial state¹ had begun to introduce in the hills in the last quarter of the 19th century, and especially from around 1910.²

For the hill residents who relied on a mixture of livestock rearing and agriculture, and for many of whom fire encouraged the production of fresh grasses, government attempts to prevent firing were always to remain a "source of complaint" (Smythies 1911: 59).³ In 1916, close to 200,000 acres of forest were burnt in 441 separate attempts to set fires and 282 of these attempts were counted as being intentional.⁴ Villagers set fire again and again in some places. In Airadeo, for example, fires continued for three days and two nights, and "new fires were started time after time, directly a counter-firing line was successfully completed" (Champion 1919: 358). For 1921, the relevant figures are even higher. The area of forests that was fired rose to 272,000 acres. Of the 819 offences that were detected, 395 were known to be incendiary (Guha 1989: 52, 107,116).⁵

These were just the fire-related offences. The total number of forest-related infractions in Kumaon were far higher. The new regulations introduced under the auspices of the colonial government, and designed and implemented by its Forest Department, made illegal a range of what might be called customary uses of forests.⁶ The role of forests in the hill economy continues even today to be significant. Despite better transport, high levels of emigration, and increasing market pressures, a significant proportion of villagers' needs for fodder, fuel wood, subsistence timber and some medicines is met from surrounding forests.⁷ In the early part of the century, villagers must have depended on forests to an even greater extent. When some of these everyday livelihood activities were rendered illegal as a result of new laws, it is not surprising that the enforcement machinery of the state detected a huge number of breaches of forest law. Figure 1 graphically depicts the information for some of the early years of the century.⁸ In this same period, the number of people employed by the forest department also rose dramatically: Between 1911 and 1921, permanent employees in the forest department increased from 35 to nearly

100.⁹ The growth in the number of Forest Department rule violations and convictions between 1911 and 1933 can be seen, thus, at least in part as a result of the higher levels of enforcement made possible by a larger workforce.

But even more striking than the relatively small rise overall in cases and convictions from 1911 to 1931 is the conspicuous increase in forest-related convictions between 1911 and 1921, and then the equally rapid fall by 1933. Even with missing information for some of the intervening years, this rise and fall is visible in figure 1 as a rough, inverted "bowl." By 1926-27, it is evident that the number of cases and convictions had come down to more or less their pre-1912-13 levels.¹⁰

(Figure 1 here)

Although there are some variations in the level of rule-infractions as indexed in the available records, the exact number of cases and convictions, or the variations across different cases in a given year is not where I want to focus attention at the moment. Rather, I want to use the provisional explanation of this rise and fall as the point of departure for my paper.

This decline in the cases and convictions, beginning roughly from 1922, signals a profound shift in the character of control over forests in Kumaon.¹¹ It is a continuing shift, fueled by the resources contained in close on 4,000 sq. kilometers of forest resources that villagers control in limited measures. The transfer of potential control over these forests to villagers in 1931 was an act that served the interests of the state as well as those of rural Kumaoni residents. Few fires devastate Kumaon forests today. The idiom of participatory management that today animates much academic discourse on environment and development (and some state policy making) came partially to inform the use and management of forests in Kumaon.¹² Along the way, Kumaon villagers' collective identities, the infusion of power into the procedures of forest use, and the nature of state authority have registered their own transformations.

For these reasons the 1920s constitute an important decade in the history of forest use in Kumaon. The government appointed the Kumaon Forest Grievances Committee (KFGC) in 1921 to examine the continuing protests of villagers against new regulations. Some of its recommendations to change the relations of forest management in Kumaon took into account the most pressing demands posed through the protests. It is not a coincidence that 1921-1922, the years that saw the appointment of the KFGC and the implementation of some of its recommendations, are also the years that mark a reduction in the levels of violence. The relaxation of state control over forests occurred together with the diminution of infractions related to forest laws.

The processes of forest use and management that began in the early 1920s in Kumaon and continue today have allowed villagers to gain some control over forests contiguous to their settlements. The main concern of the paper is to trace how some of the imperatives of forest management by the state in the early 20th century have wormed their way into the local management of forests by communities.¹³ The landscape and discourse of resource management in Kumaon prefigures, admittedly in an illustrative rather than a causal sense,

many recent idioms of community-based conservation. the seventy-year history of decentralized forest management in Kumaon, where everyday practices around forest use bear the mark of state-facilitated local institutions, intersects unexpectedly with more contemporary efforts to bring community to the fore of conservation efforts.¹⁴ In describing and thinking through some of the practices of forest use in Kumaon, I aim also to provide a means to reflect on some of these more recent efforts.

The description of how villagers manage forests in Kumaon through the constitution of forest councils will be incomplete if it were to remain occupied only with a consideration of efficiency and equity,¹⁵ or an enumeration of rules and infractions,¹⁶ or attention to compliance and resistance.¹⁷ An attention to these, to the decentralization and bureaucratization of resource use, is crucial to understand changes in the nature of control. State formation in this context can be seen to correspond to activities that contribute to the formalization and systematization of social action and in so doing consolidate or complicate the division between states and societies.¹⁸ It would include a) the creation of new rules to define the limits of what is permissible, and b) the institution of organizational structures to enforce such rules, and c) the incorporation, and thereby undermining, of alternative loci for the exercise of power. State officials, in consequence, increasingly become the interpreters and enforcers of what is permissible as state making proceeds apace.¹⁹

But such a Weberian perspective on the systematization of forest use practices must be supplemented. State formation proceeds in part by coercion but in at least equal measure by local initiative, by the willing participation of those over whom new forms of state power comes to hold sway (Corrigan and Sayer 1985). The supplement in this paper takes the form of speculations about how the changing nature of control depends on changing forms of power and different constructions of personhood in relation to the state and the community.²⁰ I suggest that an understanding of the reciprocal reconstructions of state authority in new domains, and the willingness of rural subjects to redefine their identities in relation to state projects can fruitfully be elaborated by looking at something that can be seen as rather mundane: how problems of local implementation are solved.

A Background: The History of Changing Forest Regulations in Kumaon

The causes for the increasing number of infractions of forest laws after 1911, even if they are not specifically demonstrated, have been reasonably well established by Guha (1989) Between 1911 and 1917, the British transferred more than 3,000 sq. miles of forests to the Imperial Forest Department (KFGC 1921) in greater Kumaon (which included the districts of Garhwal), of which nearly 1,000 sq. miles were located in the three present day districts of Kumaon: Nainital, Almora, and Pithoragarh. The colonial state had made a number of inroads between 1815 and 1910 to curtail progressively the area of forests under the control of local communities and use forests to extract timber for revenue.²¹ But its latest incursions raised the special ire of the villagers. Their grievances were particularly acute because of the elaborate new rules that specified strict restrictions on lopping and grazing rights, restricted use of non-timber forest

products, prohibited the extension of cultivation, enhanced the labor extracted from the villagers, and increased the number of forest guards. The last raised the level and nature of friction between village women and children who harvested products from the forest, and forest guards.

Although government officials asserted that the new laws were never strictly enforced, they goaded villagers into widespread protest. Villagers simply refused to accept the rules, and the fundamental assumption undergirding them: the state has a monopoly over all natural resources it deems significant.²² The best efforts of government officials failed to convince the villagers that the forests belonged to the government.²³ The officers who had designed the new land settlement had hoped that the residents of the hills "would gradually become accustomed to the rules as gazetted and that control may be tightened as years go on"(KFGC 1921:2). But hill dwellers dashed these sanguine hopes. Many of their actions were at an individual level, oriented to extracting forest products like fodder and fuel wood, and grazing livestock. But the infractions also reveal an interesting pattern overall. Between 1917 and 1921, the number of individuals convicted for each detected infraction hovered between 5 and 6. After 1926, the average dropped down to less than 2. Collectively organized breaches of forest law, thus, occurred far more often in the earlier period. Although I do not have access to testimony from villagers, it seems they felt dissatisfied and responded to this dissatisfaction in a far more collective fashion in the earlier period than after 1926. In light of this it is hard to accept the official suggestions that Kumaon villagers broke rules initially because they did not really understand them.²⁴ They not only understood the rules and the implications of the new rules, but acted collectively against the rules (with all that such actions imply in terms of joint discussion and understanding, or different personal interests and the reimagining of personal interest).

The incessant, often violent, protests forced the government to appoint the Kumaon Forest Grievances Committee to look into the local "disaffection." Comprising government officials and local political leaders,²⁵ the Committee examined more than 5,000 witnesses from all parts of Kumaon. It used the resulting evidence to make nearly 30 recommendations. The Committee felt that many of the protests that villagers had made were simply a result of unenforceable rules that interfered directly with actions of villagers aimed at securing a livelihood. It advocated the repeal of all restrictions on lopping of fodder from oak trees that were the main source of food for livestock in the winter season, and on grazing of livestock in the forest. These two set of restrictions were responsible for most of the breaches of forest laws, and gained the government little that was commercially valuable.

The Committee also recognized the social power dynamics surrounding the enforcement of the new laws when an agent of the state such as a forest guard was empowered to cite villagers for actions that constituted for them no more than everyday use of the forests, but were seen as infractions under the law. Under such a situation, not only would a large number of guards be needed to enforce the law, but the enforcement itself promoted dissatisfaction among those being cited, and created opportunities for guards to extract bribes for minor infractions.²⁶ The giving and taking of bribes simultaneously

demonstrated the coercive power of the state, and exposed its limits (Agrawal 1999: 64). The new laws were an expression of power in the sense that their effects on the lives of the hill residents could be shifted only by resorting to another source of power--money. But bribes also create the possibility of circumventing the intent of the exercise of power as expressed in the new laws. The Committee suggested that Forest Department employees would be prevented from harassing villagers, especially where women and children were involved, if they guarded only a smaller area of forest, and if they were kept busy in other departmental work.²⁷

The most significant concrete suggestions of the Committee were twofold: 1) dereserve the larger part of the newly created Reserved Forests between 1911 and 1917, and 2) lay the foundations for creating community forests that would be managed under a broad set of rules framed by the government, but for which villagers themselves would craft the specific rules for everyday use to fit local conditions. The government took both these recommendations seriously. At first, it reclassified Reserved Forests that had been taken over by the Forest Department between 1911 and 1917 into Class I and Class II forests. Class I Reserved Forests were of little commercial value. They contained broad-leaved tree species used primarily for fodder and fuel by villagers. Class I forests also comprised smaller patches of forests (less than one or two square miles) located close to the village. All these forests were transferred to the revenue department and, in time, could come to be controlled by villagers by following a specific procedure as described in the 1931 Forest Panchayat Rules. Class II Reserved Forests were those stocked with commercially valuable species. These included Chir (*Pinus longifolia*), Sal (*Shorea robusta*), Deodar (*Cedrus deodara*), and Cypress (*Cupressus torulosa*). They were to be retained under the control of the Forest Department.

The government also passed the Forest Council Rules of 1931. These rules permitted village residents to create forest councils and bring under their own control forest lands that had been transferred to the Revenue Department as Class I Reserved Forests and Civil Forests.²⁸ This step can be seen, in some cases, as the formalization of institutions called *Lattha Panchayats* that had influenced the use of many forests in the Kumaon Hills before 1910.²⁹ Where these informal local institutions had existed, they had been critical in influencing how villagers used forests. Institutional limits on harvesting from the forest were enforced without much help from the state, by villagers themselves. The Forest Council Rules have been modified twice since their formation, once in 1971, and the other time in 1976. Appendix 1 presents a summary comparison of the provisions of the 1931 and the 1976 codes. The provisions of the Rules are currently under consideration for revision.

The actions of the British colonial state fly against the grain of claims that assert an steady atomization of village communities under the impact of scientific forestry and capitalist development led by the colonial state (Guha 1989: 55).³⁰ The actual process is somewhat more complex. At least in Kumaon, state officials redefined the forms of intervention and renegotiated the terms of their interactions with villagers by taking into account the context of interventions.³¹ States may, in general, be oriented to systematize and mold the

world according to principles that simplify social organization and make it more predictable (Scott 1998). But where state actions run into unexpected obstacles, or where subject populations respond vociferously against cumbersome legal encroachments, the state can also create innovative new forms of control through decentralized enforcement. Even if decentralized forms of control do not rely on coercive enforcement and systematic simplification, the effects may match state objectives of greater order and predictability.

In the case of the forest management in Kumaon, the colonial state seems to have retreated, but only to jump better. It redefined its intervention by refining the terms of control. The division of forests into two categories--Class I/Civil Forests under the control of the Revenue Department and Class II Forests under the control of the Forest Department—should be interpreted to signify the outcome of two processes. The first is the departmental rivalry that was sparked into being by the creation of the Imperial Forest Department in 1878, and by the passing of a huge swathe of territory under its control in the name of the protection of forests.³² The increasing control of the Forest Department on vast stretches of land, and the revenues it generated by auctioning timber from the lands under its control rivaled and outgrew the revenues from land.³³ The transfer of all the Class I forests to the Revenue Department was the outcome of a bureaucratic struggle that was in part resolved against the interests of the Forest Department. It was only partially a victory for the Revenue Department because the Forest Department still kept the more densely wooded tracts under its own purview as Class II Reserved Forests.

The second aspect of the redefinition of land rights is that over time a significant proportion of the forested land in Kumaon has come to be managed by villagers but in ways that matched the objectives of state officials. The passing of managerial control into the hands of village residents has had a number of related effects. Many of the types of regulations that the colonial state had wanted to enforce are now crafted and implemented by villagers. This new way of administering forest regulations is not only far more effective, but has also simultaneously led to a tremendous reduction in the expenses incurred by the Forest Department on enforcement of forest laws. A large number of forest management organizations at the village level--forest councils--have come into being over the last 70 years to help state officials protect forests. But at the same time, village authority over local forests is only a corollary of state claims on land. The village-based forest management processes that exist in Kumaon are not just a product of villager interactions with state authority, they may even be seen as expressions of state authority. To evaluate this claim, consider how consider how forest councils in Kumaon manage forests.

Institutional Landscapes of Collective Forest Management in Kumaon

Nearly 3,000 forest councils today formally manage and control about a quarter of the forests in the three districts of Kumaon (Nainital, Almora, and Pithoragarh). Most of these councils are single village councils, and thus, a significant proportion of Kumaon villages³⁴ have chosen to create forest councils. Table 1 presents information on the forest area under different forms of institutional arrangements for forests in Almora and Pithoragarh.³⁵

(Table 1 here)

The broad parameters that define the formal management practices of the forest councils are laid out in the Forest Council Rules of 1931, as amended in 1976 (see Appendix 1). These Rules form the state-defined limits to local autonomy. Villagers cannot clear fell the forest, they cannot impose fines beyond a specified amount (and then only with the consent of the person being fined), they can raise revenues only through certain limited sources, they must take recourse to established legal procedures to resolve conflicts, and so on. Where conflicts over interpretation and application of rules spill over into formal channels of dispute resolution underwritten by the Indian state (district and provincial revenue/judicial authorities), serious losses become unavoidable. For example, if parties to a dispute take their quarrel to district or state courts, the case may drag on for decades without being resolved.

These Rules, like all rules, are interpreted diversely by those they are supposed to govern, the varying interpretations forming the foundations for many different actions. Consider one example. The modified Rules of 1976 sought to restrict the ability of villagers to harvest live trees for timber. Where the 1931 Rules permitted villagers to cut trees, the 1976 rules explicitly forbade anyone from cutting more than one tree without prior permission from three different government officials: the District Collector, the Conservator of Forests, and the Divisional Forest Officer.³⁶ In 1978, the villagers in Majhkhali began to seek permission from the District Collector to cut 14 Chir (*Pinus roxburghii*) trees for timber to repair homes in the village. Council records indicate that for nearly three years the villagers continued to pursue the matter formally. Their repeated applications to the Revenue and Forest Department officials received no response. Ultimately, the villagers gave up. In the minutes of council meetings for 1982, two entries attract notice. The first indicates that a winter ice storm felled 14 Chir trees. The second was a resolution by the council members to use the 14 fallen and "dead" trees to repair dwellings in the village!

Collectively the Rules constitute more a framework for the management of forests rather than a straitjacket that defines local forest management practices. Rural residents, through their elected forest councils, possess substantial powers to create concrete restrictions to prevent certain types of forest use and facilitate others. Villagers vote to elect between 5 and 9 council members and the council leader (from among village residents). The council in many of the villages meets frequently, its members discuss, craft, and modify specific rules that will govern withdrawal of forest products, and creates monitoring and sanctioning mechanisms in an effort to enforce the rules it has crafted as well as the Forest Council Rules framed by the government. The allocative effects of rules range from more or less equitable to extreme inequality in the distribution of forest products. The council selects guards, fines rule breakers, manages finances, and maintains a record of its meetings, accounts, and local rule infractions. In many of the cases, the guard selected by the council is paid by contributions from the village households. The council has other sources of income as well, and usually deploys its net earnings toward

public activities such as construction of school buildings, religious celebrations, or purchase of collectively used utensils.³⁷

There is thus substantial leeway that councils enjoy in defining how they will manage local forests. The limits of this range, however, are often brought into display. These limits are exposed both in the normalized means of control through which the revenue and the forest departments articulate with the councils. But they are also more strikingly visible when recalcitrant villagers do not observe some of the more basic principles upon which the councils are founded: the authority of the councils to impose fines, or the demarcation of the land on which council forests are located.

The Forest Council Rules provide for support to the councils from the revenue and the forest departments to facilitate rule enforcement and the maintenance of vegetation in the forests. The asymmetric authoritative exchanges within villages and between village residents and government officials are at once overlaid by informal relations of power and influence that written statements delineating the bounds of authority describe only imperfectly at best. Over the past sixty years the relationship that has evolved between village uses and the forest and the revenue departments has been one in which villagers and their councils have increasingly come to depend on government departments for activities related to the management of their forests.

The formation of the forest councils requires the presence of government officials from the Revenue Department, and the formal transfer of land management rights to the village council. The forest over which rights and capacities to manage are to be transferred is mapped and registered with the patwari (the village level revenue department official). Elections to the forest council are held under the supervision of the forest council inspector. The council is expected to meet regularly, keep records of meetings and maintain accounts. The forest council inspector, who is under the control of the office of the District Magistrate, is empowered to inspect all records maintained by the councils under his control.

Civil administration at the local level in the districts of Kumaon hinges around the District Magistrate--an office that melds together tasks such as collection of revenue, administration of justice, and the delivery of development. With the reorganization of the New Reserved Forests into Class I and Class II forests in 1931, and the transfer of all Class I forests to the revenue department, the District Magistrate³⁸ emerged as the most crucial official in the management of the forest councils, especially after the 1976 modifications in the Rules of 1931. The District Magistrate is responsible for ensuring that the forest councils function in accordance with the provisions of the Rules. In Almora district, for example, the District Magistrate is supposed to supervise the working of nearly 2,000 forest councils. A number of officials assist him: the Forest Council Officer (usually the Sub-divisional Magistrate, or the SDM) at the tehsil/sub-division level, and two to three Forest Council Inspectors in each subdivision. Sub-Divisional Magistrates supervises the activities of a number of Forest Council Inspectors who perform the nitty-gritty tasks of supervising elections to the forest Council, and the maintenance of registers, accounts, and minutes of meetings. Given the enormous burden such supervisory tasks impose

on the inspector (about 400 councils fall under the domain of each forest council inspector), and their limited resources, the inspections are perfunctory and spotty affairs. Forest council inspectors seldom manage to inspect more than fifty forest councils in a year. The ones inspected are usually the ones more accessible by road.

The forest councils do not possess the authority to enforce the rules they create except by moving the judiciary. In cases of disputes with users they must depend significantly, even exclusively, on prompt response from the officials of the Revenue Department such as the patwari, or the forest council inspector. Thus if a user refuses to pay the imposed fines, or continues to harvest benefits in infringement of existing rules, or encroaches upon the land demarcated as council forest, the councils do not possess the coercive powers necessary to bring such a recalcitrant user to book. Without quick and adequate support from the revenue officials, rule-breakers often continue using the forest in defiance of the forest councils' attempts to enforce. Officials in the Revenue Department who are supposed to help the councils must perform a host of other duties that most of them believe have priority over the tasks related to forest councils. For most forest councils then, one of the most severe problems is inadequate levels of enforcement they generate to administer the rules they create.

Whereas the revenue department officials underwrite the enforcement of rules, the forest department coordinates the commercial harvest of forest products from community forests and provides technical assistance in developing them. Although the Forest Council Rules stipulate that the forest department should prepare comprehensive working plans for all the forest councils, in practice this rule has seldom been observed. As a result it has been under the impetus of the recent emphasis of the Indian government on tree plantation that the Civil & Soyam, and the Soil Conservation Wings of the forest department have undertaken some plantation on forest council land. Except for some very recent cases, in most instances the forest department has planted exotic species on community forest lands which have little subsistence value for the villagers. Further, before the council can sell any of its timber or resin, it must seek approval from the relevant authorities in the forest department. Like the interactions with the revenue department officials, these can take a long time because of other duties which receive greater priority. A request to cut even a few trees from the council forest can take up to two years before it is finally processed in the forest department and the Revenue Department offices.

This description of the institutional arrangements situates the forest councils as locally fixed partners in the management of forests, subordinate to the employees of the forest and the revenue department. Their asymmetric relations with government officials cast the officials into the role of arbiters in case of disputes between villagers and forest council office holders. Their ability to exercise control over the use of forests, in the absence of authority to impose sanctions on rule-breakers, depends in large measure on the willingness of villagers to accord authority to councils. But forest users can also question and undermine the capacity of the councils. They do so by showing an unwillingness

to limit their harvests of forest resources. They also do so more explicitly by contesting the fines imposed by the councils. In each of these situations, the councils need to invoke the cooperation of government officials, simultaneously demonstrating their links to the state and their weaker position in this managerial relationship.

Forest Protection by Community Managers

In most of the forest councils, the basic rules for managing the forest and restricting villagers from using forest products are drafted within the first year or two of the formation of the panchayat and the election of the council. After that, the key activity of the council is the enforcement of rules to restrict the levels of forest products that are harvested. Many villagers also agree that protection is necessary. In Dhanachuli, a village on the border of Almora and Nainital district, a villager used the heavy monsoons to make the point. "Do you see this rain? Do you see the crops in the fields? The rain can destroy the standing crop. But even if the weather were good, the crop can still get destroyed by thieves if there are no guards. It is the same with the forest. You plant a shrub, you give it water, you take care of it. But if you don't protect it, cattle can eat it. The forest is for us, but we have to take care of it, if we want it to be there for us"³⁹ Another villager, from Guniyalekh located near Dhanachuli, pointed to the difficulties of enforcement. "Until we get the maps, legal recognition, marked boundaries (of the local forest), council cannot work properly. The people from Dhar (a neighboring village) tell us that the forest is theirs. We should not enter it. So we can guard part of the forest, and we don't know which part (to guard). Since 1984 when the panchayat was formed, we have been requesting the papers that show the proper limits so we can manage properly, protect our forest. But what can one do if the government does not even provide the papers."⁴⁰ Another villager in the same meeting added, "Mister, this is Kaljug."⁴¹ Noone listens to authority. So we must get support from the government to make sure that village residents don't just chop down whatever they want."

Other villagers had different stories to tell. When asked how council rules could be enforced more effectively, he said, "Why should council make rules to stop us from using grasses and wood from the forest? The forest is necessary for agriculture, for livestock, for home, for manure. Why should we not be able to use it?"⁴² One of the women from Dhanachuli complained about the guards that the forest councils hire, "The wretched guard is always after us. He is worse than the forest guard. At least the forest guard doesn't stop us from getting fuel wood, even from the Reserved Forest."⁴³ The views of the members of the forest councils are more uniformly in favor of protection than those of the ordinary villagers. This should not surprise. Not only do the council members and leaders organize protection, they are chiefly men, and belong to the upper castes.⁴⁴

The expressions of concern by some villagers and most of the officials of the forest councils are reflected in the different means councils have devised to protect their forests. In some of the villages the duty of guarding the panchayat forest rotates from one household to another. Ghurkuna, a village

with only lower-caste residents, followed this strategy of protection. Because it is a small village with relatively poor households, the council could not raise the necessary contributions from village households to hire a guard. But many of the villagers expressed an interest in protecting the forest from residents of other nearby villages. The duration of guard duty for each household can vary from a day to a week over a year and depends in large part on the size of the forest, and the number of households in the village. Villages whose forests are large in relation to their households may allocate guard duty for only part of the year. In general, maintaining guard duty for at least for the four winter months is essential. The frequency of rule infractions increases significantly in winter because the forest is often the most convenient or the only source of fodder and fuelwood in this period.

Although some councils rotate protection responsibilities among village households, this is not the most common option. Some households are chronically deficient in undertaking the patrols necessary to protect the forest, and it is easy for the more infrequent free riders not to contribute their labor toward protection and not to be detected. There are two alternative options. Both involve hiring one or more guards. In the first of the alternative options, the council hires a guard and village households contribute a monthly or annual sum to defray the guard's salary. Direct payment from the households toward the guard's salary is usual when the council does not have independent sources of income, or when its cash income is relatively low. Where councils earn an income from the sale of forest products (fodder, epiphytes, grazing passes, or fuelwood bundles),⁴⁵ as membership fees from villagers, or through a share of the sale of commercial products that the forest department harvests from village forests, they often hire a guard directly. In these cases, the guards' salary is paid from the general funds of the council.

The sentiments in favor of forest protection that some villagers expressed, and the means of protection that many of the councils have devised, in one sense only indicate the ubiquity of the actions that make forest protection a necessity as far as councils are concerned. The records maintained by the councils indicate that villagers break rules, often in large numbers. Conversations in the villages tell a similar story, even permitting the inference that actual levels of the violations of rules prescribing forest use must be far higher than those detected by the council guards. Since the council seeks to restrict the use of the same products whose use the Forest Department was trying to regulate earlier in the century, rule infractions are inevitable. Table 2 presents the information on eight villages, based on the written records maintained by the village forest councils. The information in the table can be used to make several points, but I want to draw attention to two. One, there is a close relationship between a forest council's expenditure on hiring a guard, and the number of rule infractions listed in council records. Two, the level of rule violations seems to be very high.

(Table 2 here)

The figures in the table make it obvious that village residents routinely break rules created by the forest councils. The above information is from a subset of all the forest councils that maintained records from among the 28 villages I studied. Several (about 10) councils did not maintain regular records. Nor did they hold meetings often. But where records were kept, and where councils tried to enforce their rules, rule-breaking seemed endemic.⁴⁶ Minor infractions occurred almost daily. Villagers entered the forest when it was closed to them, cut grasses and leaf fodder in excess of what was permitted, gathered fuelwood, grazed animals, collected stones and slate for house construction, and sometimes felled trees.⁴⁷ The seeming paradox of "higher the protection effort, higher the rule violations" is easily explained. Villagers also break rules in the villages where guards do not report rule violations (and as a result, the council records do not contain information about rule violations). What happens is quite the reverse. Either the forest councils in such villages makes little effort to protect the forest or enforce the rules, or they have few resources at their disposal to enforce rules. Thus, it is not surprising that the councils that spend the higher amounts on protection seem also to have higher instances of villagers illegally using products from the forest

In the eight villages for which I studied local records, the average number of rule violations is nearly 90 per year. This is almost certainly a gross underestimate. None of the village forest councils perfectly detects residents' actions in the forests. Whether the councils attempt to deploy mutual monitoring, or hire guards, most of the actions of villagers in the forest remain hidden from the view of the council (even if many are visible to villagers). In Bhagartola, the teashop owner, who himself relies on firewood from the forest to keep his stove going, said as much when he described what how the world works, "Arunji, to what extent can you keep watch over the forest Nowadays even your own property is not safe if your eyes are not on it 24 hours. The forest is big, and there is just one guard.. How far can he make rounds of the forest?"⁴⁸ Although there is no way to know for sure, conversations with the villagers left a general impression that the councils detect no more than 10 to 20 percent of all rule-violating behavior.

The eight villages in the table vary in their size, in the amount of forest they manage, in their proximity to markets, and in their levels of out migration. As a group, thus, they are not visibly different from other villages in the hills. If the figures for these eight villages resemble what happens in villages in Kumaon in general, the total number of infractions in a year is striking. For the 12,000 or so villages in the three districts of Kumaon, even the detected rule violations will add up to nearly 1,080,000 instances of rule breaking. And this may be only 10 to 20 percent of all rule violations!

Compare this figure with the performance of the Forest Department that Guha reports from the earlier part of the century. The Forest Department detected around 2,500 rule violations and convicted about 10,000 persons each year at the peak of protests against its attempts to take over Kumaon forests.⁴⁹ To achieve even this imperfect regulation of village life, the forest department had to increase its size and expenses significantly. The effect of this drastic increase in department efforts to protect police forests were widespread protests

throughout the region. The policy of indirect policing, even internal policing, emerged from that failed experience of trying to extend direct control. By dividing its forest holdings into two different groups (Class I and Class II forests), and creating the possibility that villagers can take over the holdings that are scattered, and commercially less valuable, but necessary for daily acts of cooking, livestock raising, and agriculture, the forest department enabled the emergence of a new form of systematic regulation. The costs of controlling and managing these scattered pieces of nearly 3000 patches of vegetation were, are, and will be prohibitive for the forest department. The attenuation of what property rights theorists would call ownership has, however, allowed protection of trees at an enormously reduced costs because the costs have been displaced onto the villagers themselves.

In conjoining policy with policing, I refer explicitly to Foucault's suggestive observations that see policy as "the set of means necessary to make the state increase from within." Political economy itself develops when it becomes clear that the resources-population problem can no longer be fully managed through a coercive regulatory system..." (Foucault [1994] 1997) 1997 #29:69-70]. It was precisely this realization that led to the appointment of the Kumaon Forest Grievances Committee in 1921, and the passing of the Forest Council Rules in 1931. In contrast to the earlier efforts of the state to exclude villagers from forests—deemed state property and monopoly--the new regulations mark a somewhat different strategy to deploy power to manage resources. They penetrate deeper into the existing social relations in villages. They create more numerous points of engagement between state officials and village residents, but these engagements are no longer insistently conflictual. Instead, some villagers (those who are officials in the forest councils) come to redefine their interests as consonant with those of the forest and the revenue departments. Even while they and their families remain forest users, they become the agents of state-facilitated protection within the village. Another group of villagers (forest users) continue to be defined as the opponents of protection. The locus of the conflict between use and management shifts. It is no longer between formally employed state officials and village residents. Instead, it comes to reside within the village, even if its life depends ultimately on the sanctions available from the state. Its principal feature becomes consent, even if this consent is ultimately founded on the threat of coercion. Its chief instrument remains power, but it is power exercised in a different form. The new forest regulations make Kumaon villagers accomplices in their own control.

Allocation Regimes and their Effects

State control over forests creates typical inequalities in the allocation of forest products, and asymmetries in the definitions of subjectivities. These inequalities and asymmetries hinge upon how particular peoples and groups connect with state managers. Some groups and peoples are better able to traverse the lines of state authority that permit the conversion of public resources into private profits. The management of forests by the Kumaon councils follows similar patterns. Asymmetric distribution of benefits under council management occurs both as a result of the type of rules some councils

create, and from the unequal enforcement of seemingly equal rules. If villagers are accomplices in their own control, they are unequal accomplices.

Over the past 70 years, forest councils have created an enormous range of rules. These rules define who can take what from where at what time for what purpose. The "who" refers to "right holders in the forest" who may be defined by gender, residency status, or access to monetary power. The "what" includes fodder, livestock grazing, fuel wood of different sizes, timber, medicinal plants, and stones among other products. Similar diversity characterizes the referents of "where," "when," and the uses to which harvested products are put. This tremendous variation in rules notwithstanding, we must also acknowledge that the very creation of rules aim at regulating and giving shape to an even greater diversity of forest use patterns and everyday practices. This regulation and systematization through rules is accompanied by new distributive effects. To illustrate the stark variations in how rules influence the levels of benefits villagers can gather from the forest, I use the contrasting examples of two forest councils in Almora district. The two councils are similar in size (population and forest area) and distance from roads. But they differ in the composition of the households and the amounts they spend on a guard. The first, Majethi comprises mainly brahman (upper caste) and harijan (scheduled castes or untouchable) households, with the harijans outnumbered and a long history of simmering hostility between the two groups. The council in this village was formed at the initiative of the brahman leaders (1961), has only brahman members, and spends little on a guard. The second, Bhagartola, contains households belonging to three different castes: brahmins, thakurs, and harijans. There are no obvious group conflicts in the village, and its council came into being in 1937. It spends 3,100 rupees a year on guard salary.

The two councils have created very different rules to allocate benefits from their forests. The institutions in each are a reflection of the salience of group conflicts within the villages. In Majethi, fodder from the forest is auctioned to the highest bidder. The forest is divided into four sections, and the grass from each section is auctioned separately. Between 1961 and 1991, brahmins bid successfully for the right to harvest fodder from every section of the council forest. The harijans in the village, if they wanted fodder, had to buy it from the individual who won the auction. Although the Majethi council reduces its enforcement problem by auctioning the rights to the different sections of the forest to specific bidders (who then must protect their sections of the forest), the distribution of the benefits is grossly unequal. Harijans in the village have recently tried to form coalitions to bid in the auctions, but none has been successful yet.

In contrast, the Bhagartola council allocates fodder equally among its members. Its forests are divided into three sections, and these sections are opened to fodder harvests in turn. Animals are not allowed to graze in the forest, but over the course of the year the council permits the villagers to enter the forest and harvest bundles of fodder for six to twelve weeks. Council officials survey the different sections of the forest at the beginning of each harvesting season (soon after the monsoons) to assess the total amount of fodder available. They use this estimate to decide on the duration for which villagers can be

permitted to cut fodder. Villagers have equal rights to fodder bundles. Each household sends one person to harvest fodder on a given day. Villagers congregate near the forest in the morning, and one of the council officials declares the forest open to harvesting. Each villager brings a uniform length of rope to tie the fodder into bundles. All users must use the same length of rope. Villagers thus harvest specified levels and equal amounts of fodder from the forest.

Majethi and Bhagartola represent empirical instances of analytically distinct rule formations. Of the 28 villages I studied, four had adopted auction of fodder as the principal mechanism to distribute grazing benefits from the council forests among the village right-holders. Typically, these villages had prominent conflicts and dominant caste groupings that prevented the adoption of equitable rules of allocation. In the other 24 villages, rules were more or less equitable. But the presence of equitable rules should be seen as no more than a provisional and contested effort to shape equitably the outcomes related to the use of forests. In part, this effort is facilitated by the absence of any clearly dominant social group. But the absence of a clearly dominant social group does not mean that resource use related outcomes are always equal. Although the rules are equitable, their effects inevitably mirror the hierarchies within the villages.

Bhagartola lies in Almora district in the Middle Himalaya. It is located at an altitude of 1900 meters, and is just about one kilometer from a paved road. Its forest council was formed in 1937. With seventy households and a forest that is sixty-three hectares, Bhagartola residents have just about a hectare of forest per household on the average. The village population has not changed much over the past 40 years: from 1951 to 1991 it has grown from 297 to 328 individuals. The same is true of the goat and cattle population: between 1961 and 1991, the population of goats has remained around 150, and that of cattle has gone down from 279 to 206. Table 3 provides some basic information on the village forest.

(Tables 3 here)

The forest is densely vegetated with mixed hardwoods and broadleaved species such as Ainyar (*Andromeda ovalifolia*), Kaifal (*Myrica sapida*), Rhodendron (*Rhododendron arboreum*), Totmila (*Ficus oppositifolia*) several species of oak (*Quercus sp.*). Villagers depend on the forest and its vegetation for close to 40 percent of their fuelwood needs and 20 percent of their fodder needs. Because these products are in short supply, the Bhagartola forest council has enacted a clear set of rules to limit extraction.

The forest council meets regularly, holding ten meetings a year on the average. In some years, this number goes up to fifteen when council members find more meetings necessary. The minutes of all meetings are recorded and are available to villagers. They are also available to outsiders who can get authorization from revenue department authorities at the district level. Meetings are devoted to discussions about the state of the forest, level of rule-following, and other details connected with the management of the village forest. Two

perennial topics of interest are the raising of revenues and the enforcement of rules. The council is always short of funds and the guard detects villagers breaking rules constantly.

The council has several sources of revenues. The chief are payments by villagers for the fodder and fuelwood they harvest, the auction of minor forest products such as fungi and moss, and the sale of pine resin to the Uttar Pradesh Forest Corporation. The revenues from all these sources except the last is readily available to the council to meet its everyday expenses, especially those related to monitoring and protection of the forest. To ensure that rule-breaking and illegal harvesting does not reach epidemic proportions, the council tries in almost all its meetings to summon specific individuals to its meetings, to strategize about how to recover fines, and to refine the application of rules about extraction of benefits from the forest.

Rules differ by products. In regard to fodder harvesting, the existing rules limit grazing in the forest to no more than four weeks in the year and the cutting of fodder for storage to another two weeks. The forest council officials inspect the forest at the beginning of each season to determine when villagers can begin to graze their animals in the forest. With the help of a guard, they maintain a watch over the rate of biomass depletion and "close" the forest for grazing when they determine that the forest cannot support further grazing. The forest is opened for grazing during monsoon months. Fodder is in especially short supply in the winter months, and in this time the council allows villagers to harvest leaf fodder from oak trees. The amounts to be extracted are limited by specifying the technology and characteristics of the product. Villagers cannot use ropes greater than a certain length to tie fodder in a bundle, cannot cut with any implement other than a sickle, and cannot cut branches thicker than a certain girth, usually the thickness of an adult finger. For fuelwood, rules are less strict. Villagers are allowed to harvest fuelwood for two months in the year, but no more than a bundle a day. This provides them sufficient amounts for nearly three months of the year.

The council selects a guard to monitor the extraction of forest products during the year. The guard who is paid out of the general funds raised by the council. Typically, monitoring involves the patrolling of the forest by the guard. During these monitoring rounds, the guard takes note of any villagers harvesting products from the forest during periods that prohibitions are in place, or of fresh instances of product harvesting even if no violator is in evidence. Such instances may involve the presence of an animal in the forest, or the visual evidence of freshly cut trees, lopped branches, grazed grass, or abandoned cutting tools. The guard makes note of all such instances. When he observes an actual incident of illegal harvesting taking place, he has one of two options. He can either apprehend the culprit, confiscate their cutting implements, and report their infraction at the meeting of the council. Or, if in doubt, he can simply report the culprit to the council. He maintains a diary in which the names and other particulars of offenders, their specific transgressions, and the details of the event are noted. This information is made available to the council in its meeting. He also informs the rule-breaker(s) of the date of the next council meeting at which they must appear to recover their implements and pay the fine.

Upon being informed, the council decides upon the nature of the punishment that is to be imposed on the offender. Depending on the nature of the offence, these can vary from a mild reprimand to a small fine, to suspension of harvesting privileges from the forest. Unless a particular transgressor habitually is in violation of rules and seldom pays the imposed fines, the council is content to impose a small fine.

When an individual is particularly defiant, the council may have to take extraordinary measures to enforce rules. The problem that confronts all forest councils is the limited variety of instruments they possess to enforce their will. If a villager is unwilling to conform and insists on not heeding the authority of the council, enforcement runs into problems. The council does not have sufficiently strict punitive powers that would deter such challenges to its authority. It can impose only small cash fines, and if a villager proves unwilling to pay the fine, the only option the council has is to appeal to the local revenue department official, the patwari, to recover the fines. In extreme cases, the council can take the villager to court.

Either options is less than satisfactory. Revenue officials are loaded with other tasks from their own departments that make them less willing to pursue an additional chore. Trying to use the overburdened and cumbersome formal judicial system to recover the small sums that an offender typically owes the council is tantamount to spending a fortune to get back a nickel. In Patawal, fortunately, the council has not had to appeal to the courts to chastise a villager although it has often sought the services of the village patwari to recover fines. In most instances the patwari has, after some importuning, proved amenable to appeals for help. Sometimes council members have tried to secure the support of the patwari's superiors so that they could instruct the patwari to help the council.

There is thus, an escalating series of steps through which the council must travel if it is to secure compliance with its rules from increasingly obdurate rule breakers. At each step, the stakes get higher and the number of individuals who need disciplining becomes smaller. Most individuals follow rules. Of the ones whose names are reported by the guard to the council, most pay the fines that the council imposes within a short period of time. Of those who do not pay the fines initially, many so after the council threatens them with action for recovery of dues. But there are some villagers that simply do not pay the fines even after repeated reminders. There is little that the council can do to those who simply refuse to pay the fine.

The successive stages in the enforcement of rules, and the composition of the group of rule-violators at each stage is instructive (See tables 4 and 5 for 1951,1971, and 1991)

(Tables 4 and 5 about here)

The two tables above contains data for only three years out of a forty-year time span. This renders statements about trends hazardous. Nonetheless, some important inferences can be made with respect to both tables. In each of the years, monitoring leads to the detection of a certain number of rule violations. That number seems more or less constant. Assuming a rough proportionality

over the years between the number of times villagers break rules and the number of violations the guard detects, it would be fair perhaps to suggest that there is a "normal" level of rule violations that cannot be reduced much with existing monitoring technologies and subsistence needs. This level of rule violations arises because there is a mismatch between the significant dependence of the villagers on the forest, and the desire of the council to prevent forest products from being extracted. But it should be kept in mind that although villagers break existing rules constantly, the forest is not in a "degraded" condition. That the forest has a reasonably dense vegetation cover was evident in personal observations during the field research, and also in the measurements of vegetation reported in Table 3.

Two, the social identity of the offenders is not in proportion to their population in the village. Consider column II in table 4, for instance. The figures in brackets reveal the proportions of total rule violations committed by men and women. The proportion of violations by women that are detected by the guard are far more than their proportion in the population. This might, in part, reflect the fact that it is women who are primarily responsible for collecting fodder and fuelwood for the household. One may expect therefore that they are the ones who are caught breaking rules far more often than are men.

Come now to table 4. Brahmins enjoy a higher ritual status than thakurs. The thakurs, or the rajputs, are possibly stronger politically than the other two castes, but the harijans are socially inferior to both brahmins and thakurs. In the absence of data on land holding and wealth, caste can be taken as a proxy for social inferiority and lack of power. In table 5 there is a similar disproportionality for caste as exists for gender in table 2. The number and proportion of detected offences by harijans are far higher than those for brahmins and thakurs. The higher proportion can be explained by the common observation that poorer villagers are often more dependent on common property resources than are those with higher levels of private assets. It may be argued that in the Indian Middle hills, social stratification is less striking than in the plains. Nonetheless, it is entirely possible that harijans rely more on forests for their daily needs of fodder and fuelwood than do brahmins or thakurs. Therefore, the guard detects them breaking rules more often.

Come now to columns III and IV in tables 4 and 5. The proportion of those who pay their fines is far higher for women and harijans than for men and upper caste individuals. It seems that the council is less able to enforce its writ among upper caste individuals and men than it is over women and the harijans. Far more of the women pay up the fines imposed on them than do men. And the proportion of brahmins who conform to the sanctions that are imposed on them is far smaller than for the harijans. Although the rules of the forest council apply to all village residents equally, it would seem that not all villagers follow them equally. Some of them, such as women, who have a higher dependence on the forest because they are the ones responsible for household chores, feel compelled to a greater degree to pay up the fines. The point here is not necessarily that guards are more strict in enforcing rules against women, although that may also be taking place.⁵⁰ Others, who have an inferior status in

the village and who are not as strong politically or socially, such as the harijans, also feel forced to follow the rules crafted by the forest council.

The forest council in Bhagartola creates new institutional arrangements to restrict harvest of fuelwood and fodder from the forest. The formal rules that the council is empowered to create by the state, treat all village residents equally. But that does not lead to equal treatment of all villagers. Some villagers are more equal, and pay more as the cost of their social inequality or dependence. This social asymmetry is revealed in their everyday relations with the forest and other villagers. Women are more dependent on forests. They feel more threatened by the rules that the council has created to protect the forest. Harijans are less powerful than the brahmins or the thakurs. They also feel they must conform to council rules to ensure continued access to forest products.

If institutions are seen as rules that are created to prompt particular patterns of behavior, then perhaps it is also important to pay attention to those unwritten norms that influence behavior implicitly and perhaps as systematically as the rules that are written and explicit. The character of enforcement is determined by the prevailing social norms. If we see norms themselves also as an index to power, the unwritten rules of the game allow upper caste villagers to get away with far higher levels of non conformity in comparison to the lower caste members. These unwritten rules are neither explicitly negotiated, nor equitable. They are, rather, the reflection of the structured deprivation from power to which some of the villagers are subject. At least for Bhagartola, it is clear that lapses in rule enforcement have a particular bias against women and lower caste members. There is little reason to believe that Bhagartola is an exceptional case in Kumaon. The community that exists treats some of its members more equally than others, even as it claims to formally cast them as equals. This is not of course to suggest that it is only the current, state-facilitated communities that create unequal rules or unequal enforcement patterns. The lattha panchayats that predate the forest councils of today depended on more locally defined sources of power for their existence, but their power was exercised, it can be conceded, unequally as well where resources are concerned.

In the context of state-formation, the more important question about is not whether power is exercised unequally now, and was more equal in a distant past when the state had not intruded into local affairs. The more pressing question is *how* unequal power unfolds today in comparison to how it was exercised prior to the passage of the Forest Rules of 1931.

State Formation in Community Spaces

In a very real sense, the recently discovered centrality of community in various narratives of progress constitutes the resurgence of an older metanarrative.⁵¹ Fueled by the perceived failures of centralized development and resource management regimes, the advocacy of community is strengthened by appeals to local knowledge, functional integration, and fiscal conservatism.⁵² The standard form of arguments that offer community as an alternative to state or market failures is to conceptualize it as something distinct, with a set of alternative attributes that appeal positively: homogeneity, internal equality, stability, and multiplexity of interactions among members.⁵³ There are few

alternatives as appealing as the Utopia of community (Williams 1976). Indeed, other Utopian visions draw heavily on such attributes of community.

The faith in community comes to be validated in its own right because of what community stands for.⁵⁴ But as importantly, community is seen as the building block of civil society, the concept most widely picked and relied upon in the last decade by those concerned with social organization at the end of the millennium. Visualized as something distinct from the state, even in opposition to what states signify, civil society is acceptable both to those who suspect an enlarged role for states, and those who believe strongly in free markets.⁵⁵ Whatever the general attractions of this diffuse, vague, and underspecified third option against states and markets,⁵⁶ its specific implications for those interested in the environment or conservation remain fraught with unresolved tensions. The distinctions between states and community, or states and civil society depend on the drawing of "shadow lines."⁵⁷ The description of how communities around forest use came into being in Kumaon adds to a growing chorus that describes how state-society distinctions become untenable in close-grained studies.⁵⁸ The prominent features of the Kumaoni forest councils and their attempts to shape resource use in village communities bear the strong impress of state efforts. In showing how the intersection of state authority and community management produces and reinforces differences among village groups, and creates state authority in new places, however, the objective of the paper is only in part to examine the state-society distinction whose study Mitchell 1991 advocates. It is more to understand the relationship between incentives posed by state policy and changes such policies introduce in relations of power and subject formation in relation to forest use.

More specifically, I have focused on how the idea and structure of community undergoes a transformation in Kumaon with an increasing level of engagement and interest of state actors in the disposition of resources. Such an engagement may have its origins in something similar to what Foucault chose to call "reason of state" (Foucault [1994] 1997) 1997 #29: 68]. The discovery of the hill forests was certainly crucial for the emergence of a different "order of reasons" (Deleuze and Guattari 1988:362-64), prompting state efforts to control larger areas of forests that contain timber useful for shipbuilding and railway sleepers.⁵⁹ Thus, in pointing to the unwillingness of villagers in the early part of the century to accede to state demands for new territory my aim is less to reinforce narratives that map domination to state structures, and communities as the locus of resistance. These terms describing two of the multiple aspects of power are surely far more inclusive than such a mapping can suggest. The focus is instead on how the process of struggles and negotiations around the use of forests created an arena of forest management in which different interests represented by the "state" and "villagers" came to be played out.

Categories of forest management--whether they are christened scientific forestry or participatory forestry--signify particular alignments of power and allocation regimes. In one sense, these static categories also simultaneously correspond to the dynamic of centralization and localization upon which scholars of south Asia have recently remarked.⁶⁰ In the Kumaoni context, the move toward allowing villagers control over some forested areas

can be seen as the move from scientific to participatory forestry, although it occurs nearly a half century before the rhetoric of participatory forest management makes a comeback in the 1980s and the 1990s. The move shows how the changing nature of the relationship between states and communities simultaneously marks changes in the exercise of power and imaginings of personhood. The allocation of new responsibilities to village level institutional regimes is also an effort to carefully and more manageably craft how forests can be used. But state formation in community spaces is not just about the reproduction of state structures and logics through acts initiated by states, or through coercion. It is as much about how this reproduction relies on the willingness of locally situated actors to use new laws to extend state control over themselves. Many villagers in Kumaon, and not all of them in positions of authority in the councils, argue for a more strict enforcement of rules. Lefort has argued that "institutions and laws are the outcome of struggles rooted in an *awareness of rights*" (Thompson 1986: 23), and this is certainly true of the forest councils as well. We also see, however, that the specific forms of laws and institutions in Kumaon are powerfully shaped by state interests related to systematization and regulation.

The participatory forestry that Kumaon's councils signify relies crucially on the ability of villagers to craft themselves into communities recognizable by state authority. The constitution of forest councils depends on active collaboration between government officials from the revenue and the forest departments, and interested parties within the village who can summon the support of at least one third of the village. Such collaboration starts from the very initiation of the councils: the delineation and measurement of the boundaries of the council forest, the enumeration and counting of the residents who support the formation of the council, the handing over and validation of the books and registers in which council officials are supposed to record significant events related to forest use and management. Each of these steps is aimed at the instantiation of a new social space (Lefebvre 1991) whose chief characteristics can be summarized and presented by a new organization of information (Ronsbo 1997: 57).

These beginnings create institutional regimes that already potentially divide villagers into distinct groups. For example, the forest council institutions are headed by men belonging to upper castes. Typically these officials have already some contacts with government officials. Existing divisions among villagers, whether along the lines of wealth and power, caste and gender, are reinforced by the rules that the councils create, the mechanisms of enforcement, and the actions of villagers as they attempt to get around rules and enforcement. The strategies of compliance or evasion that villagers adopt depend on their already existing status, but they also consolidate such status.

The creation of the Forest Council Rules of 1931 was an implicit admission by the colonial state of its inability to control forest use by villagers, or directly supervise their actions in the forests, or even collect information on the strategies of use and management they followed. The Forest Councils and their leadership together with state officials such as the Forest Panchayat Officer and the Forest Panchayat Inspector, the Forest Guard and the Divisional Forest

Officer can be seen as the mediating layer between villagers who interact with state officials relatively infrequently, and other state officials who visit villages rarely if at all. But the presence of this mediating layer makes it possible for other villagers, and other state officials to make their presence felt to each other in the forms their demands and actions are refracted through the interactions within this mediating group of individuals. The forest councils thus form the vanguard of state-formation⁶¹ into those locations that previously were not available to state efforts.

In this sense, state formation is about creation of institutions, knowledges, and authority to systematize practices in ways that are recognizable and manipulable by existing state authority.⁶² Forest councils actively craft new rules and enforce them. Their enforcement of rules on village residents depends on some combination of their ability to draw on idioms of environmental protection and management, the threat of recourse to coercion backed by instruments of normal state repression such as the police and the judiciary, and the willingness of villagers to see their authority as legitimate. But the rules and directives to systematize local practice is only one aspect of state-making in Kumaon. The councils also contribute to the erasure of the lines that one may use to separate state and/or scientific knowledge from local and/or indigenous knowledge. Their voluminous records on incomes and expenses, minutes of meetings, visits of the Forest Panchayat Inspectors, means employed to protect forests and monitor use, identities of those who break rules, seasonal variations in rule-infractions, and sanctions imposed on villagers are powerful mechanisms to make local practices visible to visitors, whether government officials or aspiring ethnographers. Once brought into existence these means of uncovering and exposing actions to the eye, even by themselves, check forest users from harvesting items like fodder or fuel wood. In this sense they contribute to the transformations of subjectivities that always remains a critical part of state formation.⁶³ Coupled with the legitimate authority of the councils to regulate forest use they become powerful instruments that help match state objectives of control over resources with local capacities to do so. The legitimation of authority occurs not through collective visions of dazzling development projects, but by the promise of meeting local needs indefinitely into the future if current consumption is restrained.⁶⁴ Rural residents of Kumaon have come a fair distance from the portrayal that saw them as hillmen "impatient of control." Renan's insight about the nation, "...forgetting is a crucial factor in the formation of a nation," is equally relevant to state formation (Renan 1990:11).⁶⁵

Bibliography

- Abrams, P. 1988. Notes on the difficulty of studying the state. *The Journal of Historical Sociology* 1:58-89.
- Agarwal, B. 1992. The gender and environment debate: Lessons from India. *Feminist Studies* 18:119-58.
- Agarwal, B. 1994. *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge: Cambridge University Press.
- Agrawal, A. 1997. Followers and leaders among raika shepherds in Western India: A principal-agent perspective. *Journal of Theoretical Politics* 9:235-63.
- Agrawal, A. 1997a. *Community in conservation: Beyond enchantment and disenchantment*. Discussion Paper #1, Gainesville, FL: Conservation and Development Forum.
- Agrawal, A. 1999. *Greener Pastures: Politics, Markets, and Community among a Migrant Pastoral People*. Durham, NC: Duke University Press.
- Appadurai, A. 1996. *Modernity at Large: Cultural Dimensions of Globalization*. Minneapolis: University of Minnesota Press.
- Ballabh, V., and K. Singh. 1988. Van (forest) panchayats in Uttar Pradesh hills: A critical analysis. *Research Paper 2*, Anand, India: Institute of Rural Management.
- Barbesino, P. 1997. Towards a post-foundational understanding of community. *Kybernetics* 26:689-704.
- Borges, J. L. 1967. "The other tiger," in *Jorge Luis Borges: A Personal Anthology*. Edited by A. Kerrigan, pp. 81-82. New York: Grove Press.
- Bose, S., and A. Jalal. 1998. *Modern South Asia: History, Culture, Political Economy*. London: Routledge.
- Braganza, G. C. 1996. "Philippine community-based forest management: Options for sustainable development," in *Environmental Change in Southeast Asia: People, Politics, and Sustainable Development*. Edited by M. J. G. Parnwell and R. L. Bryant, pp. 311-329. London: Routledge.
- Brenner, N. 1998. Between fixity and motion: Accumulation, territorial organization, and historical geography of spatial scales. *Environment and Planning D-Society and Space* 16:459-81.
- Brow, J. 1996. *Demons and Development: The Struggle for Community in a Sri Lankan Village. Hegemony and Experience: Critical Studies in Anthropology and History*. Tucson: University of Arizona Press.
- Bryant, R. L., and S. Bailey. 1997. *Third World Political Ecology*. London: Routledge.
- Carter, E., J. Donald, and J. Squires. Editors. 1993. *Space and Place: Theories of Identity and Location*. London: Lawrence and Wishart.
- Champion, H. G. 1919. Observations on some effects of fires in the Chir (*Pinus Longifolia*) forests of the West Almora Division. *Indian Forester* 45:353-63.
- Chatterjee, P. 1997. *A Possible India: Essays in Political Criticism*. Delhi: Oxford University Press.

- Cheung, S. N. S. 1970. The structure of a contract and the theory of non-exclusive resources. *Journal of Law and Economics* 13:49-70.
- Ciriacy-Wantrup, S. V., and R. Bishop. 1975. Common property as a concept in natural resource policy. *Natural Resources Journal* 15:713-27.
- Clough, M. 1999. Reflections on civil society. *The Nation* 268:16-19.
- Coronil, F. 1997. *The Magical State: Nature, Money, and Modernity in Venezuela*. Chicago: The University of Chicago Press.
- Corrigan, P. [1986] 1994. "State formation," in *Everyday Forms of State Formation*. Edited by G. M. Joseph and D. Nugent, pp. xvii-xix. Durham, NC: Duke University Press.
- Corrigan, P., and D. Sayer. 1985. *The Great Arch: English State Formation as Cultural Revolution*. London: Basil Blackwell.
- Crook, R. C., and J. Manor. 1998. *Democracy and Decentralization in South Asia and West Africa: Participation, Accountability, and Performance*. London: Cambridge University Press.
- Dasgupta, P., and G. Heal. 1979. *Economic Theory and Exhaustible Resources*. Cambridge: Cambridge University Press.
- Deleuze, G., and F. Guattari. 1988. *A Thousand Plateaus: Capitalism and Schizophrenia*. London: Athlone Press.
- Evans, P., D. Rueschemeyer, and T. Skocpol. Editors. 1985. *Bringing the State Back In*. Cambridge: Cambridge University Press.
- Foucault, M. [1994] 1997. "Security, territory, and population," in *Michel Foucault: Ethics: Subjectivity and Truth. The Essential Works of Michel Foucault, 1954-1984, Vol. 1, The Essential Works of Michel Foucault, 1954-1984, Vol. 1*. Edited by P. Rabinow. New York: The New Press.
- Gibson, C., and S. Marks. 1995. Transforming rural hunters in conservationists: an assessment of community-based wildlife management programs in Africa. *World Development* 23:941-57.
- Giddens, A. 1999. *The Third Way: The Renewal of Social Democracy*. Maiden, Mass: Polity Press.
- Gordon, S. H. 1954. The economic theory of a common property resource: The fishery. *Journal of Political Economy* 62:124-42.
- Grove, R. 1994. A historical review of early institutional and conservationist responses to fears of artificially induced global climate change: The deforestation-desiccation discourse, 1500-1860. *Chemosphere* 29:1001-13.
- Grove, R. 1995. *Green Imperialism*. Cambridge: Cambridge University Press.
- Guha, r. 1989. *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya*. New Delhi: Oxford University Press.
- Gupta, A. 1995. Blurred boundaries: The discourse of corruption, the culture of politics, and the imagined state. *American Ehtnologist* 22:375-402.
- Gusfield, J. 1975. *Community: A Critical Response*. New York: Harper and Row Publications.
- Hall, J. Editor. 1986. *States in History*. Oxford: Basil Blackwell.
- Hillery, G. A., Jr. 1955. Definitions of community: Areas of agreement. *Rural Sociology* 20:111-23.

- Jessop, B. 1990. *State Theory: Putting the Capitalist State in its Place*. Cambridge: Polity Press.
- Joseph, G. M., and D. Nugent. Editors. 1994. *Everyday Forms of State Formation*. Durham, NC: Duke University Press.
- KFGC. 1921. *Report of the Forest Grievances Committee for Kumaon*. Government of Uttar Pradesh.
- Kothari, A., N. Pathak, R. V. Anuradha, and B. Taneja. Editors. 1998. *Communities and Conservation: Natural Resource Management in South and Central Asia*. New Delhi: Sage Publications.
- Kumar, D. 1995. *Science and the Raj, 1857-1905*. Delhi: Oxford University Press.
- Lefebvre, H. 1991. *The Production of Space*. London: Basil Blackwell.
- Lehmkuhl, J. F., R. K. Upreti, and U. R. Sharma. 1988. National parks and local development: grasses and people in Royal Chitwan National Park, Nepal. *Environmental Conservation* 15:143-8.
- Lele, S. M. 1993. Degradation, Sustainability, or Transformation? A Case Study of Villagers' Use of Forest Lands in the Malnaad Region of Uttara Kannada District, India. PhD, University of California.
- Li, T. M. 1996. Images of community: Discourse and strategy in property relations. *Development and Change* 27:501-27.
- Lloyd, D., and P. Thomas. 1998. *Culture and the State*. New York: Routledge.
- Lynch, O. J., and K. Talbott. 1995. *Balancing Acts: Community-based Forest Management and National Law in Asia and the Pacific*. Washington DC: World Resources Institute.
- Mallon, F. E. 1995. *Peasant and Nation: The Making of Postcolonial Mexico and Peru*. Berkeley: University of California Press.
- Mamdani, M. 1996. From conquest to consent as the basis of state formation: Reflections on Rwanda. *New Left Review* :3-36.
- Massey, D. 1994. *Space, Place, and Gender*. Minneapolis: University of Minnesota Press.
- Migdal, J. 1988. *Strong Societies, Weak States: State-Society Relations and State Capacity in the Third World*. Princeton: Princeton University Press.
- Migdal, J., A. Kohli, and V. Shue. Editors. 1994. *State Power and Social Forces: Domination and Transformation in the Third World*. Cambridge: Cambridge University Press.
- Mitchell, T. 1991. The limits of the state: Beyond statist approaches and their critics. *American Political Science Review* 85:77-96.
- Moore, D. 1996. A river runs through it: Environmental history and the politics of community in Zimbabwe's Eastern Highlands. *Journal of Southern African Studies*.
- Nugent, D. 1997. *Modernity at the Edge of Empire: State, Individual, and Nation in the Northern Peruvian Andes, 1885-1935*. Stanford: Stanford University Press.
- Ostrom, E. 1990. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.

- Peluso, N. 1992. *Rich Forests, Poor People: Resource Control and Resistance in Java*. Berkeley: University of California Press.
- Poffenberger, M., and B. McGean. Editors. 1996. *Village Voices, Forest Choices: Joint Forest Management in India*. Delhi: Oxford University Press.
- Raffles, H. 1998. On the Nature of the Amazon: The Politics and Imagination of an Anthropogenic Landscape. Ph.D. thesis, Yale University.
- Rangan, H. Forthcoming. "State economic policies and changing regional landscapes in the Uttarakhand Himalaya," in *Agrarian Environmenta: Resources, Representations, and Rule in India*. Edited by A. Agrawal and K. Sivaramakrishnan. Durham, NC: Duke University Press.
- Redclift, M. 1987. *Sustainable Development: Exploring the Contradictions*. London: Methuen.
- Renan, E. 1990. "What is a nation?," in *Nation and Narration*. Edited by H. Bhabha, pp. 8-22. New York: Routledge.
- Rieff, D. 1999. "The false dawn of civil society," in *The Nation*, vol. 268, pp. 11-16.
- Ronsbo, H. 1997. State formation and property: Reflections on the political technologies of space in Central America. *Journal of Historical Sociology* 10:56-73.
- Rose, G. 1997. Spatialities of 'community,' power, and change: The imagined geographies of community arts projects. *Cultural Studies* 11:1-16.
- Saberwal, V. 1997. Bureaucratic agendas and conservation policy in Himachal Pradesh. *Indian Economic and Social History Review* 34:465-98.
- Saberwal, V. Forthcoming. "Environmental alarm and institutionalized conservation in Himachal Pradesh, 1865-1994," in *Agrarian Environments: Resources, Representations, and Rule in India*. Edited by A. Agrawal and K. Sivaramakrishnan. Durham, NC: Duke University Press.
- Sarin, M. 1995. Joint Forest Management: Achievements and unaddressed challenges. *Unasylva* 46:30-36.
- Schmidt, E. [1991] 1995. "Patriarchy, capitalism, and the colonial state in Zimbabwe," in *Rethinking the Political: Gender, Resistance, and the State*. Edited by B. Laslett, J. Brenner, and Y. Arat, pp. 389-413. Chicago: University of Chicago Press.
- Scott, J. C. 1985. *Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven: Yale University Press.
- Scott, J. G. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition have Failed*. New Haven, CT: Yale University Press.
- Sivaramakrishnan, K. 1996. Forests, Politics, and Governance in Bengal: 1794-1994, Vols. 1&2. PhD, Yale University.
- Sivaramakrishnan, K., and A. Agrawal. 1998. *Regional modernities in stories and practices of development*. YCIAS, Yale University RED #1.
- Skaria, A. 1999. *Hybrid Histories: Forests, Frontiers, and Wildness in Western India*. Delhi: Oxford University Press.
- Smythies, E. A. 1911. Some aspects of fire protection in chir forests. *Indian Forester* 37:55-68.

- Somanathan, E. 1990. "Public forests and private interests," Mimeo. New Delhi: Indian Statistical Institute.
- Somanathan, E. 1991. Deforestation, property rights, and incentives in Central Himalaya. *Economic and Political Weekly* 26:PE37-46.
- Taylor, M. 1982. *Community, Anarchy, and Liberty*. Cambridge: Cambridge University Press.
- Thompson, J. B. 1986. "Editor's Introduction," in *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism: Claude Lefort*. Edited by J. B. Thompson, pp. 1-28. Cambridge: Polity.
- Western, D., and R. M. Wright. Editors. 1994. *Natural Connections: Perspectives in Community-based Conservation*. Washington DC: Island Press.
- Williams, R. 1976. *Keywords: A Vocabulary of Culture and Society*. London: Fontana.
- Zerner, C. 1994. Through a green lens: The construction of customary environmental law and community in Indonesia's maluku Islands. *Law and Society Review* 28:1079-1122.

Endnotes

1. Later in the paper, I will find reason to examine briefly the notion of "the colonial state," at least in relation to interdepartmental rivalries within the state, but for the moment I use the phrase without an indication of its fraught nature. Some recent writings have also examined issues of periodization and internal divisions in relation to the colonial state in the Indian Himalaya (Rangan Forthcoming, Saberwal Forthcoming).

2. Two other elements that the forest department saw as crucial in its attempts to inscribe scientific forestry in Kumaon were a) prevention of grazing b) stopping villagers from lopping trees for fodder or fuelwood.

3. Even today, firing continues to be an important means to encourage fodder production in parts of South Asia, used for example in several of the protected areas in the Nepal Terai (Lehmkuhl, Upreti, and Sharma 1988).

4. "Intentional" refers simply to the perception of forest officials that the fire in question was set not just to promote fodder production, but was set as a protest against the new forest-related regulations.

5. The figures for fires are for the entire Kumaon Circle.

6. I use "custom" and "customary" loosely, but with some sense of their complex history, and awareness that the deployment of such terms in the wake of arguments about "inventions of traditions" is fraught with ambiguity. All I wish to signal is the sense that the new laws paid little attention to how forests were connected to rural livelihoods. Their passage, motivated mainly by a concern to raise revenues for the state, created a legal framework that sought to restrict and restructure prevailing livelihood practices.

7. For what they are worth, I provide the average figures for a (near) randomly selected set of 28 villages in the Kumaon Himalaya in which I carried out field work in 1989-90, 1992, and 1993. Local forest patches provided villagers with approximately 28% of their fodder requirements, 62% of needed fuelwood, and 39% of construction timber.

8. The figure is based on Tables 5.1 and 5.3 in Guha 1989.

9. See the report of the Kumaon Forest Grievances Committee, 1921.

10. Guha (1989: 123-25) also describes some of the means villagers used in the later years of the first half of the 20th century to engage, resist, and struggle with the state, but many of these incidents were related more directly to the mainstream of the Indian National Movement in comparison to the early years of the century.

11. If the modern state is to be seen as a "principle of *organization*" (Lloyd and Thomas 1998: 3) the means of implementing this principle was what registered a shift from the 1920s in Kumaon.

12. For a discussion of some of the recognition by colonial states to strike a balance between conservation and other aspirations of state-formation, see Bryant and Bailey 1997, Peluso 1992.

13. Although I sprinkle terms such as "local" and "community" liberally throughout the paper, without an insistent attention initially to their problematic status, it should be evident that the tone of the paper is oriented to recognizing their fraught status. In examining the multiple interconnections of the putatively local community with "states" and "markets," and "external" forces, the arguments in the paper contribute to highlighting the complex sociality and strategies of territorialization that go into the construction of the local (Appadurai 1996, Barbesino 1997, Brenner 1998, Raffles 1998). See also Sivaramakrishnan and Agrawal 1998 for an effort to move away from the local/global dichotomy in relation to strategies of spatialization.

14. For a sympathetic review of the role of community in conservation, see Agrawal 1997a.

15. It is precisely these considerations that occupy much of the valuable work of resource economists writing about different institutional forms for managing common resources (Cheung 1970, Ciriacy-Wantrup and Bishop 1975, Dasgupta and Heal 1979, Gordon 1954). In recent years, of course, "sustainability" has emerged as a third goal to the existing ones of equity and efficiency (Redclift 1987).

16. The literature from scholars of common property has been perhaps the most careful in examining property as rules and rights, and showing how human actions are shaped by the creation of new rules of resource management. Ostrom 1990 remains the seminal text on the subject.

17. The magisterial treatment of the subject is available in Scott 1985.

18. I do not enter into a discussion of the vast literature that engages the issue of state autonomy and state-society relations. Some representative accounts are available in Evans, Rueschemeyer, and Skocpol 1985, Hall 1986, Jessop 1990, Migdal 1988, Migdal, Kohli, and Shue 1994.

19. The extension of rules, or the incorporation of territories through such rules into state formations is not necessarily a threat. But see Brow 1996 who argues that development in Sri Lanka incorporates villages into regional and national circuits of power and exchange: "Various social practices that had served to mark the inhabitants of the same village as members of a distinct community were under threat while others had already been abandoned" (p.6).

20. An important aspect of the changes in the forms of power and identity is related to the strategies of spatialization that have been worked out in Kumaon over the course of the eight decades following the appointment of the KFGC. Observations on place-related identities that insist upon questioning the ideas of stability and harmony often associated with community are especially valuable in this regard (Carter, Donald, and Squires 1993: xiv, Massey 1994, Rose 1997).

21. See Guha (1989: 44-5).

22. Peluso and Vandergeest discuss the emergence and acceptance as normal the claims of the state on natural resources such as forests, parks, and wastelands (1998). Although their discussion is for Southeast Asia, the processes they outline resemble the ones that occurred in Northwest India.

23. Nelson, quoted in Ballabh and Singh 1988.

24. The Report of the Kumaon Forest Grievances Committee observes, "It is clear to this Committee that these hill men never half understood the rules that were made and often had vague ideas of the entries within their rights lists" (KFGC 1921:2).

25. Initially, the Committee had three members: The District Commissioner of Kumaon, the Member of the Legislative Council from Garhwal, and a Conservator from the Forest Service. An additional member, the chairman of the Municipal Board from Almora, was also appointed as a representative of the region (KFGC 1921).

26. As the Committee observed in its report, "the hill man is impatient of control, and we have it on record from the Deputy Commissioner and sub-divisional officers that any attempt to strictly enforce these (rules) would lead to riot and bloodshed" (KFGC, 1921: 3).

27. That rules and new programs can often be the stage where corrupt practices are enacted behind the curtain is thoughtfully described for a plains village in India (Gupta 1995). Although Gupta is less interested in providing a causal analysis of corruption, his arguments throw significant light on the relationship between a discursively produced state, discussions of corruption as they become current in the public sphere, and the effects on the lives of villagers.

28. These steps of the colonial government parallel recent environment-related efforts in a large number of countries to draw localities into networks of power originating from the state. The ostensible reasons for such incorporation is greater participation and involvement of communities into the management of resources (Gibson and Marks 1995, Kothari et al. 1998, Poffenberger and McGean 1996, Western and Wright 1994). Although resources such as fisheries and irrigation waters are included in efforts to involve communities in conservation, forests constitute the most prominent instances of conservation through communities.

29. There is some evidence that these institutions continue to exist in some hill villages (Somanathan 1990, Somanathan 1991). *Lattha* means "stick" and the name refers to the power the local community holds over members.

30. But see also Grove 1995, who has done much to dispel the idea that imperialism, where its relation to the environment is concerned, was purely destructive.

31. For another instance where the British colonial state involved villagers in management of forests, see Lele 1993. A similar system had also existed in Tamilnadu (Madras state) but was dismantled with Indian independence (K. Sivaramakrishnan, personal communication).

32. The history of this struggle in Kumaon is yet to be written, but an examination of such conflicts in neighboring Himachal Pradesh (Saberwal 1997) and in the more distant Bengal (Sivaramakrishnan 1996) is available. Some of the ideas that provided forest department personnel the founding logic of arguments against deforestation are carefully and persuasively historicized in Richard Grove's work (1994, 1995).

33. While doing field work in 1990-91, and then again in 1993, I stayed often in Forest Rest Houses, constructed in the earlier years of the 20th century. In the more remote locations, these were the among the only marks of state authority, located some of the most striking landscapes and providing unparalleled views of the Himalaya peaks. Architecturally distinct from more recent government constructions, these earlier buildings with their fireplaces, high ceilings, rugs, and leaky roofs, recalled a period when the Forest Department enjoyed greater relative significance than today in the administration of Kumaon's land-based resources.

34. The proportion is approximately 20% since there are nearly 15,000 villages in Kumaon.

35. Although Nainital is one of the three districts in Kumaon, it has only a few forest councils (approximately 200 in comparison to nearly 3000 in Almora and Pithoragarh). Only a small proportion of Nainital is hilly, and the forest councils exist only in the hilly parts of Kumaon.

36. The more stringent regulation of the forest councils clearly shows that the post-independence Indian state was not "*their* state" (Chatterjee 1997: 10).

37. Thus they seem to meet many of the design principles that are characteristic of successful common property management institutions as discussed by Ostrom 1990.

38. The District Magistrate is the same as the Deputy Commissioner of the British period.

39. Interview #2 with Shankar Ram, Tape 1, translated by Kiran Asher.

40. Interview #13 with Bachi Singh, tape 5, translated by Kiran Asher.

41. In Indian mythology, Kaljug is the fourth and the final era before time resumes again to proceed through the same sequence of eras: Satjug, Treta, Dwapar, and then Kaljug. It is the time when "dharma" gives way to "adharma" and established authority fails.

42. Interview #14 with Gauri Shankar, tape 5, translated by Kiran Asher.

43. Interview #3 with Gauri Devi, Tape 1, translated by Kiran Asher.

44. Of the 28 cases I studied, only one council had a woman as a member. In multi-caste villages, brahmins and rajputs constituted the majority of the membership: 92%.

45. In almost all the cases, forest councils sell forest products only to village residents. The practice is formalized even in the term used to describe those who can buy forest products: "*haqdar*," an *Urdu* word meaning "rightholder."

46. It is for 8 out of the 18 such cases (where the council kept records, and tried to enforce rules for forest protection to at least some degree) that I present the data in table 2.

47. Again, these "offences" are very similar to those Guha 1989 describes for the period 1917-33. The main difference is in the extent to which villagers used fire to protest against the regulations imposed by the colonial state. In present-day Kumaon, few villagers resort to this means of regulating fodder production or protesting against the regulations imposed by the forest councils.

48. Such sentiments stand in sharp contrast, of course, to other expressed idioms where villagers indicate that everyone knows what happens in a village. The point is that it is almost impossible to catch someone in the act as they are taking out fodder or firewood, even if there is a general awareness of how specific individuals act. In other studies of village life or life in small groups, it is a commonplace that members know a great deal about those with whom they interact frequently (Agrawal 1997).

49. The increase in Kumaon's population is insufficient to account for this heightened level of rule-violations since the population has multiplied by a factor of three, and the instances of detected rule-violations have increased by a factor of more than ten.

50. Women's subordination is thus not simply the result of policies imposed by the state (Schmidt [1991] 1995:391). For excellent analyses of women's subordination through different strategies of control over property see Agarwal 1992, Agarwal 1994.

51. The hope and ease with which community is today invoked alike by communitarians and free market liberals, by policy makers and policy analysts, by donors and NGOs resembles nostalgia on the behalf of community at the turn of an earlier century. The coining of such analytical categories such as "status" and "contract," "mechanical" and "organic" solidarity, or "traditional" and "rational-legal" authority depended on the beliefs that a particular way of life was being destroyed, never to return, and that the future state of humanity was at least uncertain (Gusfield 1975).

52. For some representative writings, see Braganza 1996, Lynch and Talbott 1995, Western and Wright 1994. For a critical take, see Moore 1996).

53. The demarcation of the conceptual boundaries around community depends, as does the construction of all "types," on showing its specific distinctive features (Hillery 1955, Taylor 1982). A number of scholars writing about the forest councils in Kumaon have relied on such attributes of community to advocate a greater measure of control over local forests for communities (Ballabh and Singh 1988, Somanathan 1991). A similar case has been made more recently for the communities engendered by Joint Forest Management legislation (Poffenberger and McGean 1996, Sarin 1995).

54. The emergence of community as a concept with political valence is itself an outcome of specific struggles as Mallon points out in her thoughtful discussion, albeit in another context (Mallon 1995: 65). For discussions that show this process in contexts more closely related to the environment, see Li 1996, Zerner 1994

55. Essays in a recent issue of *The Nation* debate the relevance of civil society to emergent forms of social organization (Clough 1999, Rieff 1999).

56. Recall the recently pronounced "Third Way" of Anthony Giddens that has found a substantial champion in Tony Blair (Giddens 1999). Think as well of the Third Tiger that so attracted Borges (Borges 1967: 82), or the "Third alternative" that Mamdani imagines after visiting Rwanda (Mamdani 1996: 35).

57. Ghosh 1988, cited in (Sivaramakrishnan 1996).

58. By close-grained I refer not to ethnographic detail, but to the degree of attention paid to the distinction itself. Thus Gupta 1995 examines the distinction in a concrete context of a north Indian village, while Mitchell 1991 looks at the state through examples that are more sketched out rather than fleshed out.

59. See especially the excellent discussion of the emergence of state conservationism in Grove (1995: 380-486). His discussion makes it clear that commercial exploitation was not the only factor motivating colonial state policy regarding natural resources such as forests. Kumar 1995 discusses the role of science in early colonial policy in India.

60. The precise terms of the dichotomy may vary so that localization is replaced by "regionalism" or "decentralization." In their recent text on south Asian history, for example, Bose and Jalal suggest, "A meaningful framework for conceiving the history of modern South Asia on a subcontinental scale may be provided by the twin dialectics of centralism and regionalism, and of nationalism and communalism..." (1998: 6). A recent discussion of decentralization in a comparative context is available in Crook and Manor 1998.

61. I do not insist here on the distinction between state-making and state formation. Rather, I take them both to be about similar processes of extension of formalized control, but always through partial willingness and acceptance of those subject to the extension of such control. Sivaramakrishnan (1996: 3) differentiates state-making from state formation on the grounds that the former has a less teleological and more negotiated character. But other scholars who have used the concept of state formation (Corrigan [1986] 1994) also would insist on its contingent nature. See also the contributions in Joseph and Nugent 1994.

62. Corrigan and Sayer 1985. Abrams (1988: 82) shows that understanding state-making is not just about defining the state but also about how the "political institutionalization of power is legitimated.

63. As Coronil remarks about the Venezuelan petro-state, "As a 'magnanimous sorcerer,' the state seizes its subjects by inducing a condition or state of being receptive to its illusions—a magical state" (1997: 5).

64. Thus it is only partially true that the regional state depends primarily on the elites in the councils for extending control into new spaces (cf Nugent 1997: 15). The interactions between state officials and villagers, and within what I term the mediating layer of state authority make the relationship with villagers far more directed, even if it remains indirect.

65. For a provocative discussion around the evocation of memory and its relations with history see Skaria (1999: 10-15).

**Figure 1:
Infractions of Forest Laws and Convictions,
Kumaon, 1911-33**

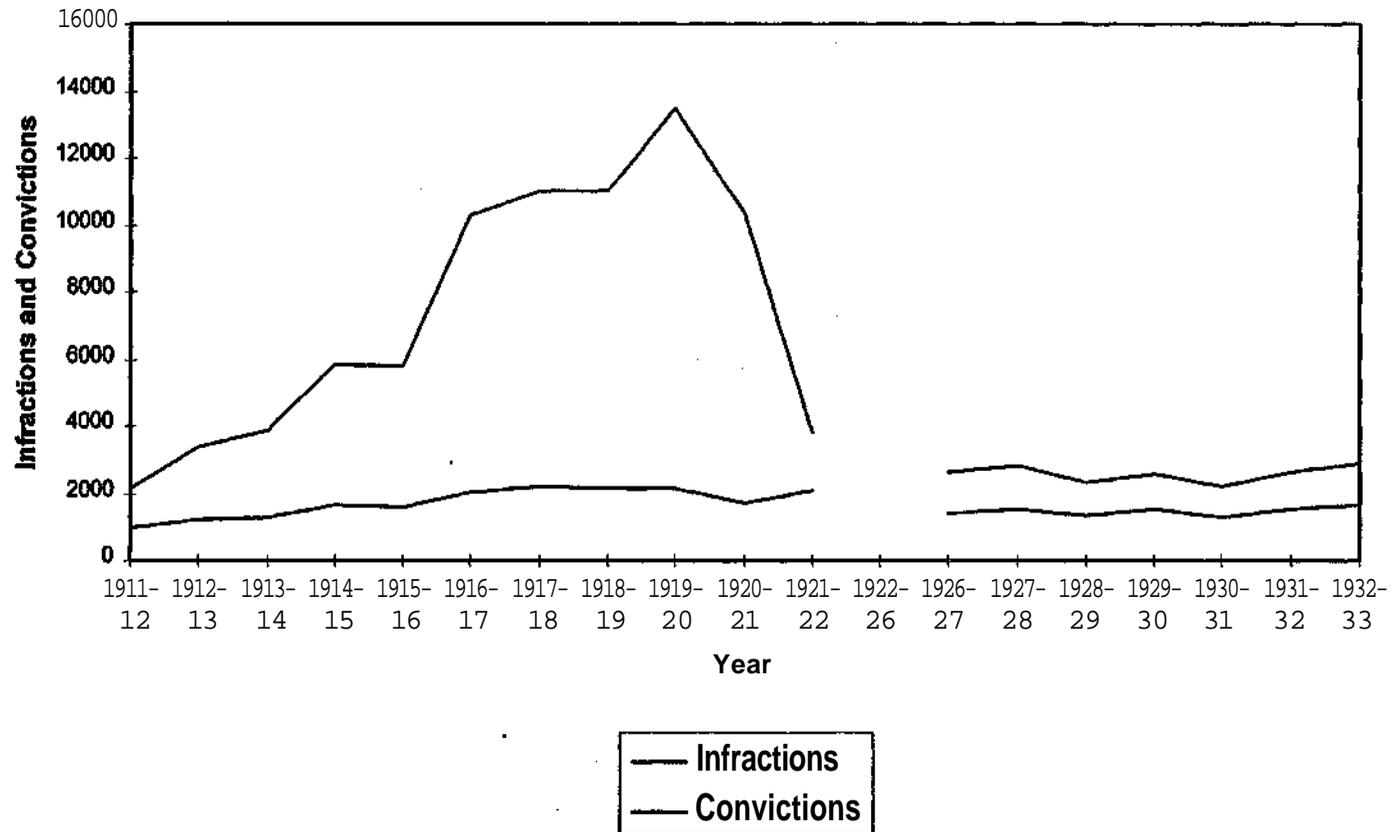


TABLE 1
Forests in Kumaon

<i>Institutional Arrangement</i>	<u>Name of District</u>			
	<i>Almora</i>		<i>Pithoragarh</i>	
	Area	Percent of Total Forest	Area	Percent of Total Forest
Forest Department	550	13	1401	42
Revenue Department	423	10	534	16
Village Control	2959	70	1001	30
Private	296	7	400	12

Note: Figures for area are in sq. kms.

Source: District Collectorate in Almora and Pithoragarh.

TABLE 2
Detection of Rule Infractions by Forest Council Guards in Kumaon: 1977-1992

Name of village	Number of meetings held per year	Average annual amount spent on protection (In Rs.)	Average annual number of detected rule infractions
Airadi	3	790	32
Banua	6	2835	156
Bhagartola	10	3100	192
Ladfoda	3	2840	121
Miraini	8	832	62
Lohathal	4	1850	109
Nagilagaon	5	2500	89
Tangnua	4	175	8

Source: Forest Council records, data collected through fieldwork between 1990-1993

¹The figures are for seven years selected at random from the records maintained by the forest councils.

TABLE 3
Basic Statistics on Bhagartola Council Forest

Indicator

Trees per Hectare	1826.00
Mean Tree DBH (M)	0.1572
Mean tree height (M)	6.3
Total Tree Biomass (CuM per Hectare)	205.00
Number of major tree species	11

Source: Field Survey, 1993.

TABLE 4
Gender Composition of Village Population and Rule Violations²

	<i>I</i> <i>Number of adult</i> <i>individuals in</i> <i>the village</i>	<i>II</i> <i>Offences</i> <i>reported to</i> <i>Council</i>	<i>III</i> <i>Cases where</i> <i>finer not</i> <i>paid initially</i>	<i>IV</i> <i>Cases where</i> <i>finer not paid</i> <i>for at least a year</i>
1951				
Men	33 (49)	38 (19)	20 (36)	08 (58)
Women	35 (51)	163 (81)	38 (64)	06 (42)
Total	68	201	59	14
1971				
Men	30 (48)	37 (17)	23 (47)	6 (67)
Women	33 (52)	181 (83)	25 (53)	3 (33)
Total	63	220	48	09
1991				
Men	38 (47)	50 (27)	39 (65)	18 (78)
Women	41 (53)	135 (73)	21 (35)	5 (22)
Total	79	185	60	23

Source: Bhagartola forest council meeting records, for 1951, 1971, and 1991.

²Figures in brackets are proportions of the total (population/rule-violations).

TABLE 5
Caste Composition of Village Population and Rule Violations³

	<i>I</i> <i>Number of adult</i> <i>individuals in</i> <i>the village</i>	<i>II</i> <i>Offences</i> <i>reported to</i> <i>Council</i>	<i>III</i> <i>Cases where</i> <i>finer not</i> <i>paid initially</i>	<i>IV</i> <i>Cases where</i> <i>finer not paid</i> <i>for at least a year</i>
1951				
Brahmins	45 (66)	71 (35)	28 (49)	8 (57)
Thakur	05 (7)	10 (5)	11 (19)	4 (28)
Harijan	18 (27)	120 (60)	19 (32)	2 (15)
Total	68	201	58	14
1971				
Brahmins	43 (68)	88 (40)	25 (52)	5 (55)
Thakur	05 (8)	16 (7)	14 (29)	3 (33)
Harijan	15 (24)	116 (53)	09 (19)	1 (11)
Total	63	220	48	09
1991				
Brahmins	49 (60)	55 (30)	42 (71)	17 (73)
Thakur	06 (8)	16 (9)	10 (16)	05 (22)
Harijan	25 (32)	114 (62)	08 (13)	01 (5)
Total	79	185	60	23

Source: Bhagartola forest council meeting records for 1951, 1971, and 1991.

³Figures in brackets are proportions of the total (population/rule-violations).

APPENDIX 1

Subject	1931	1976
Formation/ Dissolution	<ol style="list-style-type: none"> 1. Two or more residents could propose the formation of the Forest Council for a village. 2. The Deputy Commissioner in the District could dissolve a Council in case of repeated mismanagement or rule infractions. 	<p>Rule 2 remains the same</p> <p><i>Modifications:</i></p> <ol style="list-style-type: none"> 1. One third of the villagers must propose the formation of the forest Council.
Membership	<ol style="list-style-type: none"> 1. At least three, and at most nine members elected to the Forest Council. 2. Council members select their leader as <i>Sarpanch</i>. 3. Council Members could force resignation of individual members by a majority—the position could be filled from among other villagers by a majority decision of the Council. 4. All village residents, and others who possessed rights in the forest, could be rightholders in the forest. 	<p>Rules 2, 3, and 4 remain the same.</p> <p><i>Modifications:</i></p> <ol style="list-style-type: none"> 1. Five to nine members to be elected to the Forest Council. 2. The Deputy Commissioner could nominate one member to the council. 3. The Sarpanch could be removed from office by one third of the members, provided this step is approved by two thirds of the members in a subsequent meeting.
Rules regarding Resin Extraction	<ol style="list-style-type: none"> 1. The Forest Department responsible for harvesting resin. 2. Profits to be shared between the Forest Department and the Council in proportions determined by the Forest Conservator. 3. Council could harvest resin in accordance with the rules laid down by the Forest Department. 4. Council members could harvest resin for domestic use. 	<p>Rule 1, 3, and 4 remain the same.</p> <p><i>Further Restrictions:</i></p> <ol style="list-style-type: none"> a. See modification b, c, and d under the subject "Allocation of Income".

<p>Rules laid down by Govt.</p>	<ol style="list-style-type: none"> 1. Forest land could not be sold, mortgaged or subdivided. 2. The proceeds from the sale of forest products is to be used for the benefit of the community. 3. Council to protect the forest and its trees. (But no explicit restriction on commercial sale of trees or timber). 4. Council to prevent villagers from cultivating the forest land. 5. Council responsible for demarcating the forest area. 6. Council to maintain minutes of meetings and records of accounts. 7. Council to follow the instructions of higher revenue officials. 8. Two thirds of the members required to be present as the quorum for Council meetings. 9. All decisions of the Council made by simple majority. 	<p>Rules 1, 2, 4, 5, 6, 7 and 8 remain the same.</p> <p><i>Further Restrictions:</i></p> <ol style="list-style-type: none"> a. All decisions of the Council must be made by a two-third majority. b. Council to meet at least once every three months; proceedings of the meeting to be recorded and copy submitted to the Deputy Commissioner. c. All extraction of timber beyond one tree requires permission from the Deputy Commissioner, Divisional Forest Officer (DFO) and the Conservator of Forests (CF). Any sales of forest produce must be in accordance to the Working Plans prepared for the Forest Council by the Forest Department. d. For commercial sale of forest products the permission of the DFO is necessary. If the value of the auctioned products exceeds Rs. 5,000, the DFO must be present. All auctions above Rs. 5000 to be approved by the Conservator of Forests. e. The Council must prepare annual budgets and submit an annual report to the DFO each year. f. Special officers appointed to supervise Forest Council must oversee at least a third of the Councils each year. g. The accounts maintained by the Forest Council to be audited.
<p>Elections</p>	<p>Forest Council officials elected for three years. New elections to be held every three years.</p>	<p>Council officials elected for five years. New elections to be held every five years.</p>

<p>Rights and Powers of Forest Councils</p>	<p>In general similar to forest officials:</p> <ol style="list-style-type: none"> 1. Fine rule-breakers up to Rupees 5. 2. For offences where the fine should be higher, the Council could file court cases against rule-breakers. 3. Levy fees from users for fodder, grazing, fuelwood, or construction stones. 4. Regulate grazing and impound animals who are in the forest against rules. 5. Confiscate cutting implements used in contravention of rules. 6. Restrict/ suspend rights of users who break rules regularly. 7. Appoint guards to monitor and enforce rules. 	<p>In general similar to forest officials: Rules 3,4, 5, and 6 remain the same.</p> <p>Further Restrictions:</p> <ol style="list-style-type: none"> a. All appointments by the Forest Council require approval of the Deputy Commissioner b. At least 20 percent of the area of the Forest to be set aside from grazing; Land can be leased for commercial use. c. Fines could be up to Rs. 50 with the permission of the person against whom fines are imposed, and up to Rs. 500 with the permission of the Deputy Commissioner, d. Could grant than one tree to a village resident--written consent of more than half the Council members and stamp of Sarpanch necessary
<p>Rule Enforcement</p>	<p>All fines imposed by the Council treated as government dues and recoverable using similar procedures</p>	<p>Same as before.</p>
<p>Allocation of Income</p>	<ol style="list-style-type: none"> 1. All income from sale of forest products is assigned to the Forest Council. 2. All income from sale of resin to be allocated in accordance with proportions determined by the Conservator of forests (in practice it went to Forest Council). 	<p>Rule 1 remains the same.</p> <p><i>Modifications:</i></p> <ol style="list-style-type: none"> a. Forest Department to deduct 10 percent of Council revenues. b. Net income from commercial sale and auctions to be deposited in a Fund managed by the Deputy Commissioner. b. 20 percent of the net income allocated to District Council; 40 percent allocated to the Forest Department to maintain and develop Forests; and 40 percent allocated to the Council—to be spent on works of public utility as approved by the Deputy Commissioner.

Source: Forest council rules of 1931 and 1976.