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Historical Evidence on the Incidence and Role of Common Property Regimes in the Indian Himalayas

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SUMMARY

Historical evidence is often used in contemporary debates about future policy to promote particular ideological positions on the role that common property regimes should play. This paper examines these positions and argues that common property regimes in the Indian Himalayas historically provided only one of an interdependent set of production strategies.

INTRODUCTION

Historical evidence offering generalisations of the Indian village community and the property arrangements and social structures which are seen to have shaped resource use in the past are often cited both in support of and against common property management. For historical evidence to be of any practical contemporary use, analysis must be directed towards understanding what factors contribute towards collective action to conserve resources and what economic and social role common property resources had in the wider system of production. I will argue that evidence on common property management has frequently been taken out of this general context and therefore presents only a partial picture. I will explore these issues through a consideration of the historical incidence and role of common property management in the Uttarakhand Himalayas, located in Northern India. The intention is not to present a 'correct' version of history but to point to the uncertainties of the past and the variety in resource use and management institutions which defy a simplistic generalisation about whether forests were managed sustainably by village communities or not. Some generalisation is inevitable, but this should be more about the factors that contribute to community organisation – ecology, markets, external influences – and less about the essential nature of peasant community, which is here taken to be contingent on these factors.

The first section of this paper will outline two narratives which have dominated academic and policy debates about the role that common property resources had in the past. The second part of the paper will use historical evidence to suggest that these narratives present a partial picture. The third section will attempt to isolate the factors which contributed to collective action in the management of common property. I will conclude by considering what lessons can be drawn from the historical evidence for common property regimes as a contemporary policy option for the management of forests.

THE POPULIST AND CONVENTIONALIST INTERPRETATION OF THE PAST

Reference to the past has taken on almost routine symbolism in making policy prescriptions for future forest policy. As Cotgrove has commented 'visionary blueprints of the future may be as much an expression of interests as are ideological justifications of the past' (1978:21). Thus 'the Prime Minister, Narashima Rao, said the need of the hour was to revive the ancient tradition of protecting the forest wealth with a sense of reverence' (*Times of India*, 4.9.1993). What particular historical tradition of forest use he was drawing on is unclear. There are two narratives which have come to dominate discussion on forest policy which I will term the conventionalist and the populist positions. The conventionalist approach to the analysis of environmental problems is frequently taken by government officials, especially from the Forest Department. The populist interpretation of environmental problems has been widely adopted by Southern and Northern NGOs, academics and rural activists.

Conventionalists regard past patterns of forest consumption as subsistence use characterised by open access conditions, and attribute the forest cover when the colonial government took over as due merely to the low population densities existing in relation to forests. This view is summarised by the present Inspector General of Forests: 'common use of the forest resource by the community has often been interpreted as common management of the resources by the community. Such an interpretation appears to be unrealistic; because abundance of forests, over large areas, for the benefit of relatively small population, had given a wrong impression of forests being an inexhaustible resource and consequently the urgency and need to manage forests was not felt' (Mukerji 1992). The consequences of this lack of tradition and knowledge of forest management for the present is summed up by a former Chief Conservator 'the evil effect of plenty is even now persisting in the psyche of the inhabitants of the areas adjoining our forests' (Joshi 1991:105).

Officers of the Indian Forest Department point to the forest destruction under Ashoka, who decentralised forest control to local villages, as evidence that strong state control is desirable. To support the prudence of central control they

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draw on the classic of statecraft: the *Arathasastra* of Kautilya which contains passages on how the forests should be managed (UPFD 1961). A.N. Chaturvedi, a retired officer of the Indian Forest Service, pointed out that Chandra Gupta Maurya had a forest department whose duty it was to increase the productivity of forests and set up factories for the manufacture of forest based goods needed for domestic and defence purposes. Whilst the fulfilment of local subsistence needs is also important, he argued that state control over this was important to maintain environmental stability.

A return to past traditions of forest use is an integral part of the populist argument. I quote at length from Shiva as the following extract summarises the essence of the tradition:

This basic dependence on the existence of forests for human survival was the reason for the worship of trees in almost all human societies. In each region in India, special attention was devoted to the growth of village forests that contained multi-purpose tree species providing fuel, fodder, fruits, fiber, green manure etc. The ecological role of forests in soil and water conservation was widely recognised, and the social control of felling of trees in ecologically sensitive areas such as riverbanks was strictly enforced. This principle of civilisation became the foundation of forest conservation as a social ethic through the millennia. However, the spread of colonial methods of management to the forests of India caused the ethic to erode.... The result was not merely the destruction of forests but the destruction of a culture that conserved forests (1991:74).

The basis of this harmony between humans and nature is exemplified in common property regimes, in which the self-sufficiency of the community both promoted biodiversity and the sustainable use of resources. It is argued that in Uttarakhand, ecological constraints on agricultural extension and intensification had limited the development of large inequalities in landholdings and fostered a common dependency on forests (Pathak 1991). The complex system of forest conservation which developed is the main reason that forests were so well conserved until the British came. Guha in his pioneering work on Uttarakhand notes that 'tailored to the characteristics of the community's own environment and population the detailed rules for the management and utilization of forests and pasture account in large part for the stability and persistence of many mountain communities' (1989:33) and further that 'this dependence of the hill peasant on forest resources was institutionalised through a variety of social and cultural mechanisms. Through religion, folklore and tradition the village communities had drawn a protective ring around forests' (1989:29).

The notion that common property regimes constituted a basic productive unit of society and were efficient in the management of resources is widely held amongst commentators who do not necessarily concur with the whole picture of social and cultural harmony with resources (Bromley 1989, Quiggin 1993, McGransham 1991). Chambers states that 'as opposed to trees for timber, Indian

villagers for centuries have depended on trees for livelihood ... to the extent that trees provided subsistence goods with little market value, and trees were abundant, questions of share or ownership hardly arose. Trees were valued for the diversity of their products and the many ways in which they helped to sustain and secure the livelihoods of people' (1989:211).

To establish that forests were plentiful and a vital part of subsistence production is unhelpful in the consideration of common property regimes as a contemporary policy option. The value of the historical evidence for common property has rested on the notion that it was an efficient adaptation to ecological constraints, and that it contributed to the welfare of a society whose priorities were sustainable subsistence production. In the following section I will consider the evidence which exists to support the claims above.

FOREST USE IN UTTARAKHAND BEFORE THE BRITISH

Uttarakhand had remained peripheral to major medieval political entities, such as the Delhi Sultanate and the Mughal empire, which stretched across large parts of the Indian subcontinent. Until 1790 when the Gurkhas invaded, Uttarakhand was virtually unaffected by external political forces (Tucker 1989). Direct and specific reference to the relation between people and forests in Uttarakhand are therefore sparse as compared to that available for the Indo-Gangetic plain. The notion of a Golden Age in the Plains has been challenged, notably by Grove (1990). Resource use in Uttarakhand is still upheld as a symbol of what well functioning common property regimes can achieve.

A distinguishing feature of the Himalayas is their topographical and ecological diversity, which is reflected in the variety of historical accounts on both the nature and the people of Uttarakhand. Thus British travellers recorded in poetic language the abundance of forests with enormous trees, and the beauty and wealth of Uttarakhand. 'The lofty hill of Dhankuri is covered with forests of oak, cypress, and rhododendron, and carpeted with every variety of flowers, ferns, and mosses, and abounding with wild strawberries, of which we have lately eaten gallons' (Oakley 1905:70). In contrast Bishop Heber travelling in North India in 1824 remarked that 'great devastations are generally made in these woods... Unless some precautions are taken, the inhabited parts of Kemaon will soon be wretchedly bare of wood, and the country, already too arid, will not only lose its beauty, but its small space of fertility' (Laird 1971: 221).

It is remarkable that the Bishop was actually travelling in Kumaun eighty years before Oakley, and therefore at least one cannot say that 'everything is worse everywhere'. However beyond establishing this, the quotes serve to illustrate only that there is great diversity in Uttarakhand. To draw general examples; the slopes are steeper in Garhwal than in Kumaun and so harder to terrace, the *bugyals* (pastures) of the Himalayas are uninhabitable in the winter

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so Bhotiyas have to migrate, in the Bageshwar valley people grow mangoes whilst three kilometres further up the hill they grow hardy winter crops such as barley. Forest use and the social relations of production can be better understood by attempting to understand human adaptations to this diversity, than through an imposition of single explanations onto it.

Property Rights in Pre-British Kumaun

Three questions arose in the colonial discussion over land rights: what was the system of land tenure for private property? what were the nature of the rights that existed over land within village boundaries? and what rights existed over remaining forest land? Related to this was the further question of the definition of 'rights' and 'property' and how to codify rights that were not written.

There is little conclusive evidence on common property rights in pre-British Uttarakhand, and even less about Uttarakhand before the Gurkhas. Baden-Powell, the British civil servant who classified property rights, very broadly linked access to common lands to the prevailing system of land tenure. He established two main categories, those in which cultivated land was held separately by each peasant household and those where a founding family or clan claimed proprietorship of the village land. In the first case all uncultivated land in the village could be used by the villagers for grazing and the gathering of minor forest products as well as the extension of cultivation with the permission of the headman. In the second case the founding family claimed uncultivated village land in which the male members of the family held ancestral shares and which could be partitioned, but which was often left undivided for family use as well as use by their tenants and servants (Baden-Powell 1896). Both types of land tenure were represented in the hills, although the literature usually only discusses the first, which was dominant by the nineteenth century for reasons which I will explore.

Colonial officials argued that all land that was not actually under cultivation belonged to the state and that customary use had since time immemorial been at the mercy of the monarch. Baden-Powell commented that 'the right of the state to dispose of or retain for public use the waste and forest area is among the most ancient and undisputed rights features in oriental sovereignty' (1899:358). However it was acknowledged that villages had rights in the uncultivated land within their boundaries; 'under the old Hindu constitution of society, while no landholder claimed a heritable right in any soil beyond his own holding, rights of user, or what were practically such, existed to grazing and wood cutting in the neighbouring waste' (1892:311). These were recognised in the first settlement of Kumaun in 1823 by G.W. Traill as *san assi* boundaries.¹ The evidence suggests that communities had rights over uncultivated land within their village boundaries and that apart from these, the ruling power had rights over the vast area of forests from which they could extract revenue. However, although the

ruling power had ownership rights, it is evident that the *paharis*, apart from some minimal taxes on export of forest products, enjoyed virtually unrestricted rights of use, not only over their common lands but in the whole forest area.

Social and Political Structure of Resource Use

As peasants do not record changing institutional and ideological norms for the management of resources, their historical experience remains somewhat of an enigma and analysis has to rely on official documents. However, even if they did actively manage common property resources, the 'detailed rules for the management and utilisation of forests and pasture' have to be seen in the context of very low population densities. The first settlement report of Kumaun drawn up by Traill in 1821 found an average of five houses to every village, only 23 villages with more than 50 households and many hamlets with only one (Traill 1821). Baden-Powell found most of these to be 'detached hamlets scattered along the sides and bases of mountains wherever facilities for cultivation are afforded' and notes the absence of village communities in the hill districts: 'all families are separate and independent' (1892:130).

The defining characteristic of resource use before the British was adaptability and diversity, a vital part of which was based on transhumance and trade in forest products. Common property resources were just one of an interdependent set of production strategies; the kind of sedentary, self sufficient reliance on common property as an input into small holder subsistence agriculture that is suggested in the populist version of the past was not a pre-British historic reality. The scarcities that arose through restrictions on forest use, as well as population growth under British rule, actually led to active management of village forests for the first time in many villages, and a change in local norms and values relating to forests.

Agricultural production in the hills was, and still is, characterised by high labour intensity and low productivity. These constraints to extensive cultivation prevented the emergence of big landlords; at the time of the first settlement average landholdings were only about two acres and cultivated mainly with family labour (Traill 1821). Compared to the stratified society of the plains, this lack of differentiation is seen to characterise the autonomous and socially homogenous hill communities. 'The absence of sharp class cleavages within village society, however, clearly owes its origins to the ecological characteristics of the mountain society' and as a political system, 'the absence of a class of "feudal" intermediaries further reinforces the image of an independent peasantry firmly in command of its resources' (Guha 1989:27).

A closer look at pre-British Kumauni society disturbs the conclusiveness of this picture and hence its explanatory power. The interaction between people and forests and the existence of local institutions must be considered in the context

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of the agrarian economy of the Rajas. Unlike the relatively autonomous forest based tribal communities with which Kumauni society is compared, or the shifting cultivators of the Eastern Himalayas, Kumauni society was feudal in structure. Every *patti* was governed by a chief of its own who owed allegiance to the Raja. The feudal structure in the hill region depended on bonded labour. Local space had thus been 'deconstructed' to a certain extent. The artificiality of these boundaries was in fact noted by Traill who drew up the first land settlement of Kumaun. It is worth quoting at some length because the following summarises the administrative and political structure of the Rajas:

The intersection of the country in every point by rivers, would have afforded prominent boundaries for local division, had the state of government been originally such as to admit of the establishment or continuance of a regular arrangement of that nature, but the existence of numerous petty principalities, the chiefs of which were engaged in constant aggressions on each other, necessarily led to frequent changes in the division of the country, as the conquered villages, in receiving a new master, were incorporated in his own district, or formed into a separate pergunna, under some new name. The ultimate union of the country under one monarch, produced no remedy, as the distribution which took place among the feudal tenants of the crown led only to the multiplication of subdivisions, without producing order in their demarcation.... Various services of the state, which were provided for by allotments of the country, gave their names to such districts. Thus, two lots of villages dispersed over the whole province appropriated to the gun-powder manufactory and magazine, formed the pergunnas of Silkhana and Mahruri; while a line of villages, extending from the snowy mountains of Almora, was known as a separate division, under the designation of Hiun Pal, being appointed for the supply of snow to the Raja's court (1821:177).

Whilst British rule was unprecedented in scale, it did not represent, at least in the century before the forest settlements of 1911, a fundamental departure *in principle* from earlier periods. Traill illustrates the existence of distinct social classes, of a system of government that drew 'non-ecological' boundaries and of production that was not subsistence oriented. Further he affirms the right of the sovereign to profit. 'The full property of the soil has here invariably formed an undisputed part of the royal prerogative, and on this right was founded the claim of the sovereign, either in person or through his assignees, to a large fixed portion of the produce, both of agriculture and mines. The power in the crown, of disposing of such property at its will, has never been questioned, but has been constantly enforced, without consideration to any length of occupancy or other claims in individual holders' (Traill 1821:175).

Guha has claimed that Uttarakhand comes close to realising the peasant political ideal of a popular monarchy, in which the only social forces are the king and the peasantry (Guha 1989:26). It is not difficult to reach this conclusion as the British were themselves confused about the nature of the political system that

operated under the Rajas; they made no distinction between the role of the Thokdar and that of the Sayanas and Burhas of the Northern *pattis* of Kumaun and Garhwal and the Kumeens of Southern Garhwal. During the Raja's time Thokdars were merely public officials, whilst the Sayanas, Burhas and Kumeens were heads of proprietary families who possessed much greater influence and had the power to oust tenants from their land. Tholia, who has researched this issue in detail, has commented that 'obviously while the distinction was clear to the villagers and Traill, it was not to Batten and a host of others' (1990:28). Thus, feudal lords were subsumed into the class of Thokdars, who saw a great ascendancy under British rule as public servants. The British also employed former Padhans in their village settlements. These had been village members who were appointed by former landlords to levy and account directly to them for the collection of tax.

The exercise of this political power varied in different regions and time periods. Land in the interior seldom changed proprietors; 'the greater part of the present occupants there, derive their claims to the soil solely from the prescription of long established and undisturbed possession' (Traill 1821:175). However in more central and populated areas transfers of land were not infrequent; 'no one knew when he might be reduced to the position of tenant in the land that he or his ancestors had wrested from the forest (Ramsay quoted in Atkinson 1882:493). Although the influence of landlords varied, it was such that Traill reported in 1823 that 'the emancipation of the petty landholders from the thralldom in which they were held by the Kumeens and Sayana, has invariably formed a most particular object of my attention. In the greater part of the province this measure has, through the medium of village settlements been entirely effected' (cited in Tholia 1990:30).

The popular image of peasantry in Uttarakhand thus appears to be a recent creation. Apart from the distinction between the 'rural aristocracy' and their subjects there are social divisions based on caste. The largest social group are the Khasiyas who comprise the bulk of the peasantry, the smallest group is Brahmin, and at the bottom of the social hierarchy there are two distinct groups. Backward castes, known in the hills as Doms, served the cultivating body as artisans and farm servants and were paid for their services either in kind or through donations. In the 1921 census they comprised 12 percent of the population in Nainital and 20 percent in Almora. Under the Rajas there was even a tax (*mijhari*) on Doms. Walton comments of their status that 'they are found wherever the Khasiyas are found, living in a state which is even now in some remote villages not far removed from serfdom. The Doms are village menials. They rarely cultivate, and practically never hold land as zamindars' (1911:96).

The second group were Chyora or domestic slaves who 'lived on their masters meals and had to obey every order and eat leavings of their masters enclosures. They could be given away without any reason assigned' (Atkinson 1882:446). Walton commented that 'slavery in Kumaon appears to be heredi-

tary. The classes of slaves are distinguishable into household slaves and slaves kept for the cultivation of the land.... This state of bondage would seem to have existed from a remote period. The slaves are dependant upon their owners for food, lodging and clothing, and for the discharge of marriage expenses' (Walton 1911:133). In the harsh descriptions of the life of Doms and Chyora, there is little to confirm claims that hill society was egalitarian or even that it had a 'just' moral economy.

The status of women in Kumaun also does not correspond with populist commentaries which claim that women had a privileged role within the subsistence economy. Women did much of the field work except ploughing, as well as gathering the fuel and fodder for the household and the domestic work. Atkinson found that most men take 'as many wives as they can procure for the purpose of transferring to them the drudgery of the field' (1882:453). Polygamy was widespread amongst those who could afford it; 'thus a cultivator may have pieces of land in two or three different villages, and such a man will sometimes have a wife at each place to cultivate the ground for him – the chief work of the Kumauni country-woman' (Oakley 1905:245). Traill (1821) noted that the custom of bride price paid from the groom to the parents of the women, customarily established a claim of the husband on the wife as if she were property.

At the committee proceedings of the Assistants of the Commissioner in 1829, it was found that 'the crimes and the meanness of the crimes committed against women especially, equalled or perhaps even surpassed those committed anywhere.... one half of the Kumaun population viz., women, received no better treatment than mere chattels and they were bought and sold like any property' (in Tholia 1990:54). The frequent desperation of their circumstances is evident in the high rate of female suicide, including the collective suicide of groups of women. 'Suicide is very prevalent among females of the lower classes. The commission of this act is rarely found to have arisen from any immediate quarrel, but is commonly ascribable solely to the disgust of life generally prevalent among these persons. The hardships and neglect to which the females in this province are subjected, will sufficiently account for this distaste of life...' (Traill 1981:197).²

Patterns of Resource Use

Ecological constraints, as well as ecological variety, led to diversity in production of which agriculture and common property were only one component. The influence of cattle, transhumance and trade has been grossly underestimated in populist accounts of subsistence agriculture. Although the mean range of size of landholding, between one quarter acre and four acres in 1882 (Atkinson 1882), gives an impression of relative equality, the difference between two acres of arable land in the valley and one acre on a ridge is the difference between self sufficiency and bare subsistence. For this reason land had traditionally been

measured in seed rather than area; the amount of *muthis* (a handful), *man* (a small pot) and *nalis* (a larger pot), that could be sown on a plot of land. Under the Rajas, charges on forest use, usually in the form of a grazing tax *gaichari* were relatively low, but the 68 other items of revenue charged were, as Walton has commented, 'sufficiently onerous to leave the peasant little beyond the means of subsistence' (1911:136). Many of these were levied on agriculture, 'every bit of land was assessed and taxed, so that a custom grew up, and still prevails in many villages of growing fruit and vegetables on the housetops, those being the only places left untaxed' (Oakley 1905:109). The heavy tax burden and the ecological constraints on production meant that only those who had arable land in the valley were fairly self-sufficient. Even then a heavy input of biomass was needed either directly, in the form of leaf litter, or indirectly as manure to sustain the productivity of the land.

The importance of transhumance is evident from historical accounts of production. For Bhotiyas who inhabited the high valleys above 3000 metres, pastoralism and trade was the mainstay of their economy, and agriculture a subsidiary occupation practised for five months a year. The thin soils of the high valleys and the risk of avalanche only supported one harvest a year, usually barley, so the land remained fallow from October to April. The Bhotiyas migrated twice a year; in the summer they took their herds up to the *bugyals* which lie at 10,000 feet and above at the edge of the permanent snow line. These served as the base for trade with Tibet from May to September (Pant 1935). In the winters, Bhotiyas traded in herbs, borax and wildlife, woollen products and wooden vessels from bases in the Lower Himalayas. The trans-Himalayan trade was given a great boost by the abolition of custom duties *sayer* in 1818, and played a large part in the economy of Uttarakhand (Atkinson 1882).

In the Northern *pargannas* of the middle hills where distances to thick forests were less, village men took the livestock up to pastures or *kharaks* (clearings), in the forest from March to October, often clearing forest for *katil* (temporary cultivation) and making *ghee* for sale in the plains. In the Southern and midland districts of Kumaun, the migration was to the Bhabhars at the edge of the plains, where they either worked as agricultural labourers or cleared spaces in the jungle for grazing and cultivation. In this type of migration the entire village population left the hills and the land was either left fallow or given to tenants to cultivate in their absence (Pant 1935).

The historic importance of transhumance to the Terai is illustrated by Oakley. 'Kumaon having lost by Mohammedan invasions the tract at the foot of the hills, which is so indispensable to the hill-people for pasturage and cultivation in the winter, the Chand raja, Gyan Chand (1374-1419), made a journey to Delhi to petition the Moghul emperor for its restoration' (1905:105). Traill reinforces the importance of this even in 1821, when forests were still abundant. 'In the late winter and summer months, the pasture became very scanty from the frost and sun. During this period, therefore, the inhabitants of the southern and midland

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districts of Kamaon send their cattle down to the forests in the Tarai' (1821:186). In negotiations over the demarcation of areas of these forest tracts, Traill informed the Board of Commissioners in 1820 that forest tracts in the *taluk* of Bilheri, as well as areas of Bareilly, had once belonged to the Kumaun Raj, and that these were indispensable to production in the hills.

The problems with the notion of pure subsistence producers in the plains are legion; historical research affirms the widespread influence of trade and commerce. Chetan Singh finds the same to be true for Uttarakhand, even in the medieval period. Whilst subsistence production fulfilled a large part of the requirements, many essentials were procured from the forests and traded. 'The significance of this trade (whether within the Himalayan region or between the northern plains and the hill region) was that it apparently took the form of barter goods which procured for people in the mountains certain essentials for subsistence which were not locally available' (1991:172). A large part of the trade was in forest produce which, apart from lime, were subject to a small tax (Traill 1821, Tholia 1990).³ Much of the collection and trade went on in cold Winter months when agricultural activity was at its lowest ebb. Oakley (1905) refers to the introduction of silkworm from Tibet, the manufacture of which flourished for some centuries until it was destroyed by the Gurkhas.

Pastoralism and trade were often combined. Singh remarks that 'it is, at present, difficult to estimate how important the procurement of forest produce and its transportation to these towns was to the overall economic activity of hill-society. Some of these herbs and roots of the higher region were, probably, gathered by those sections of society which were engaged in herding the livestock during its seasonal migration to different pastures. Many of the forests other products must have been obtained by the hill peasantry from forests located nearer home at a time when they were relatively free from agricultural work' (1991:171). Kumaun was also well known for the quality of its *ghee* which was made whilst the livestock were in their summer pastures in the North of the district and sold in the plains (Pant 1935).

Past patterns of production were further distinguished by a rigid hierarchy. Doms did not own land, and were either tenants or worked as labourers on the land of Khasiyas and Brahmins. Farming was often a subsidiary occupation to their traditional artisanal occupations, for example carpenters, masons, miners, blacksmiths, tailors, wandering musicians or prostitutes (Atkinson 1882). As an example of their deprivation, Tholia notes that 'the sale of children originated from the overall poverty of the lower classes who had no other assets under the former governments to satisfy the never ending revenue demands' (1990: 50). Both the trade and the use of forest products were often specific not only to locality but to social group; thus trade in *bhang* (*Cannabis sativa*) and *kuth* (*Terra japonica*) was restricted to the lowest castes and looked down on as filthy by higher castes, whilst in many areas it was forbidden for Doms to use *deodar* (*Cedrus deodara*) because it was a sacred tree (Kaul Committee 1982). Artisanal

use of the forest was the basis of production for many backward castes, and whilst people from all castes gathered berries and wild plants from the forest in times of scarcity, certain foods, such as lotus, yams, mushrooms and wild millets were eaten only by the poorer classes (Atkinson 1882). This distinction and the associated specificity of knowledge is still a feature of forest use today.

There is little evidence to support the claim that prior to the British a culture existed wherein 'forest conservation was a social ethic' (Guha 1989), or indeed of any regular system of forest management in the Uttarakhand. The evidence of an ideology in Uttarakhand which holds 'forest worship' as centrally important is often gathered by citing ancient Sanskrit texts (Shiva 1991; Bahuguna 1983), and by appropriating ecological practices of tribal people as part of *pahari* practices (Guha 1989). Although forests are crucial to mountain society, *paharis* unlike tribals are agriculturalists and pastoralists are not forest dwellers. Pant comments on *pahari* forest management 'the hillman does not appear to be an efficient woodman. He does not cut trees but destroys them' (1935:31). The attachment of most Kumaunis to forests cannot be equated with that of tribals whose myths and legends all emphasise their deep sense of identity with forests.⁴

Forests and trees are central to Kumauni production, and as such feature in some rituals and customs. The most obviously conservationist of these was the practice of planting and protecting trees, especially *deodars* around temples. Dhanangare (1990) has criticised the claim that 'forests had been central to Indian civilisation', and points out that mainstream India has destroyed tribal practices of sacred groves and replaced them with temples. In Uttarakhand there are no sacred groves as such, but all temples are surrounded by trees and many hill tops are devoted to local deities, such as Patna devi, the leaf goddess. Trees have special functions, like the *pipal* which is used in religious ceremonies and the *deodar* which is considered a sacred tree. Shiva (1991) and Guha (1989) observe that some forest areas were dedicated to fairies, who it was believed came to play there at night. A complete picture should note that forests are also believed to be full of ghosts and demons, such as Masan, the ghosts of young children who roam the villages in the form of bears. Oakley finds that a sylvan god, Airi, is worshipped by 'the inhabitants of villages situated amidst forests' (1905: 220). He is believed to have a third eye, the sight of which leads to instant death, and to roam the forests at night accompanied by a pack of hounds with bells attached to their necks, who tear apart anyone who chances upon them.

Forests feature peripherally in Kumauni rituals and custom. Most resource related rituals focus on aspects of agriculture, such as *hariyala* in which seeds are compared between farmers; seasons, such as *basant panchami*, heralding the advent of spring; and livestock, such as the naming ceremony for calves. Ceremonies also reflect the hierarchical social structure and production patterns; *phool dey*, celebrated on New Year's Day, is a festival in which backward caste *hurkia* (drummers) and *badi* (singers), go around villages singing in return for

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grain. During *wallgiya*, celebrated in August, artisans give their landlords presents. Pande suggests that *wallgiya* 'stands for the protection and encouragement of local cottage industry, particularly of the artisans who offer their goods to the wealthy in order to publicise their products' (1988:197).

Forests harboured wild animals and were often cleared as a hindrance to agriculture. Traill notes that at least one hundred people a year lost their lives to wild animals in Kumaun alone; the danger of this greatly influenced perceptions of the forest. People often had an extensive knowledge of different products as illustrated by the items gathered for trade and their application as medicine, but there is no evidence to suggest that prior to the British period the biodiversity of the forests was preserved or fostered. In contrast large areas were burnt to provide pastures and undergrowth was hacked away from areas surrounding dwellings so that people would be safe from wild animals harboured there (Oakley 1905, Corbett 1942).

Summary and Discussion

The pre-British past has been explored at some length because it has featured prominently in debates over objectives in forest policy and institutions for management. Arguments for the indigenous – subsistence based common property resource management – as opposed to the western – commercial forestry under state management – has served an ideological function, in that it has prevented an examination of the material sources of oppression in either of these categories. The analysis above suggests that what we should explore is not how 'development' has disrupted the harmonious village community, but how development is affected by, and affects, pre-existing social divisions.

It was necessary to go to some lengths to consider resource use patterns because there is no explicit mention of common property resource management in pre-British Uttarakhand, nor of a system of conservation. The main role of uncultivated village land seems to have been to reserve land for agricultural extension (Pant 1935). The evidence suggests that, due to political instability, high taxation, and the labour intensity of agriculture, subsistence-based agriculture was only one of a range of livelihood strategies. Forests did play a vital and central role; access to forests, though not necessarily common property, provided a safety net for poorer families to earn a livelihood gathering forest products for trade or as food in times of scarcity. Almost all the trade was in forest products and transhumance was a central feature of life even for settled agriculturalists. To take the role that village land may have played out of this context is to empty it of all meaning.

Diversity in production and hierarchical social relations do not negate the operation of social solidarity and a moral economy. But these were based in unequal social relations and rooted in a different material reality from that

invoked by populists. Women, who had, to use Shiva's expression, a 'privileged' access to nature, because of their labour in the forest, and backward castes who traded in forest products, were not thereby accorded social status. Barrington Moore has criticised the assumption 'that culture and social continuity do not require explanation' which he notes 'obliterates the fact that both have to be recreated anew in each generation, often with great pain and suffering' (1967:486). Social solidarity, to the extent that it existed, was based on transhumance and labour exchanges in agriculture between close knit kin groups, and on a rigid social hierarchy (Berreman 1973). The maintenance of common property forests does not appear to have played a major part in determining the social and economic structure of the village.

Having established that common property regimes are neither part of an ancient custom nor an inevitable outcome of the ecological conditions of mountains, that ecological constraints in fact prevented sedentarised subsistence, and that pre-British Uttarakhand was marked by its own forms of hierarchy and oppression, I would like to explore how and why common property resource management evolved as a distinctive phenomenon.

COMMON PROPERTY UNDER BRITISH RULE FROM 1815 UNTIL THE FOREST SETTLEMENTS OF 1911

The appropriation by the British of local rights in forests, and the impact it had on local forest use and management, can be divided into two main periods, that before 1895, and especially before the forest settlements of 1911, and the period after. This paper will explore the former period and its effect on local resource management and the interaction between people and forests.

Forests were not regarded by the British as particularly valuable at the time of their take over of Kumaun. Their main concern was to collect revenue from agriculture and, as Kumaun was a border state, to establish political control.⁵ The relative unimportance of forests to the British as late as 1873 is summarised by a settlement officer: 'It is desirable to get rid of jungles as fast as possible in order that wild animals may be destroyed and the way cleared for cultivation' (Batten 1873:23). There were two related foundational components of this policy; one was the settlement of private land, the second the settlement of village land and forests. With regard to forests and wastelands the initial objective was to establish the ultimate property rights of the state whilst leaving room open for agricultural extension by not disturbing the 'proprietary sentiments' of the people with regard to the area within their village boundaries. The other policy was the settlement of private property and the extension of *nayabad*, private property rights to newly cleared agricultural land which conferred the fullest proprietary rights on the grantee. Assurance was given of rights in private property to all *hissedars* and eventually also to *khaikars* who were occupancy

tenants of the grantees of the former Rajas (Atkinson 1882).

For a short period Kumaun came closer to resembling the land of small peasant proprietors that populists envisage. Tholia notes that 'it is only fair to conclude that Traill's tenure saw a significant rise in the value of property, both in lands and other assets, and awareness among the hill-men of their rights relating to real estates, especially amongst the lower classes of zemindars' (1990:51). Slavery and the sale of wives and widows was abolished in 1824. The position of backward castes was considerably uplifted because they obtained land for cultivation, and because the expenditure on public works gave them paid employment instead of work for either doles of grain or hand-outs. The change in their status is clear in Walton's comments 'the doms as skilled smiths, masons or carpenters at once began to command what was by comparison a colossal rate of pay, and many of them have now become respectable artisans or even contractors for whom their former masters are often glad to carry stone or earth on their heads for a cooly's wage' (1911:110). Tholia comments on the sale of children that 'due to the comparative opulence of lower classes such sales were becoming extremely rare' (1990:50). This prosperity is attributed not only to the light assessment and extended cultivation, but also to the high price of grain, the abolition of all transit duties, and a 4 *lakh* investment in infrastructural improvement, which gave Uttarakhand a competitive edge despite its topographical constraints.

Effect on Patterns of Forest Use

Colonial rule in the early phase, rather than destroying indigenous systems of forest management, created the circumstances within which it was necessary for people to conserve resources in what had been the village commons. The declining death rate and British policies of extending private property rights and encouraging cultivation had the effect both of increasing the population and the percentage amongst them who were cultivators (Atkinson 1882). The resulting increase in subsistence demands on the forest, as well as the beginnings of unregulated commercial exploitation of the forests, drastically decreased the forest area available. The widespread reporting of collective action to conserve forest on village commons in the late nineteenth and early twentieth century seems to be connected to this decline.

In Kumaun the incidence of collective action was determined largely by scarcity of resources, the alternatives available, and the risk of not conserving. The ecological diversity of Kumaun and the different production strategies that these present partly explain why examples of collective action are so varied. A broad variation can be noted, for example, between Garhwal and Kumaun, which suggests a connection between scarcity and collective action. In Garhwal village boundaries are larger 'extending in many instances for miles and miles into dense jungles and to the tops of ridges' (Batten 1873) and more carefully protected

from any encroachment by outsiders. Contemporary studies (Nanda 1992) find that villagers still regard these lands as theirs by right even though some of them have for years been included within the boundaries of government forests. A likely explanation for this is that because Garhwal has less cultivable land and steeper, less accessible slopes than Kumaun, villagers are more reliant on forests. In addition the pilgrim traffic that for centuries has gone through Garhwal has in places contributed to the denudation of forests thereby prompting villagers to protect their land. Batten, a settlement officer of Garhwal notes that 'moral obstacles' separated villages more than the 'intervening precipices' (1873:11).

The importance of scarcity and risk as a motivating factor for collective action is supported by Pant. He found that in areas with thick forests there are no restrictions on forest use, whereas 'in more populous areas where no such tracts are available the villagers, pressed by hard necessity, often deliberately let a few patches of arable land lie waste for grazing. A measured plot of land, subscribed by the entire village community, is also kept as a grass preserve, and constantly watched, here the hay is cut at fixed periods by mutual arrangement. This means considerable self denial and forethought on the part of the village community' (1935:172). It is remarkable to note that collective action to ensure a sustainable supply of biomass was most notable precisely in those areas where the population pressure on resources was higher. This contradicts the conventional assumptions about population growth inevitably leading to resource degradation. One surprised civil servant on a mission to investigate the apparent degradation of wasteland, commented, 'one comes across quite considerable areas looked after as village grazing land, village fodder reserves and in some cases walled in and well looked after. But in these cases the need is immediate and the result of common action also immediate' (Jackson 1907).

Stowell found that people were not only protecting trees but planting them also. 'One man has sown the land above his village with *chir* and another has grown *chir* for the common benefit. All these cases give indications that those people in the wholly deforested parts who have great problems in obtaining fuel even from a great distance are ready and anxious to help themselves out of their difficulties if they are given the encouragement' (1909:3). Stowell noted that where land is scarce, 'a good many villages keep fuel reserves sometimes even on their own measured lands which they cut over in regular rotation by common consent although they have not yet reverted to the actual planting and growing of timber trees' (1909:5). The common motivating factor in all these examples of collective action seems to be scarcity of resources and high levels of risk. In remote areas with abundant forests that were less affected by British policies, such as Kali Kumaun, there is no evidence that villagers actively managed their forests.

Continuing Importance of Diversity

Common property management was only one of a whole range of activities with which people adapted to constraints in agricultural production. Trade continued to be important. 'In addition to the foreign trade with Central Asia there is brisk traffic going on between the outer hills and the plains and the noticeable feature of this is the extent to which all classes of people participate. It is almost possible to draw a clear line of demarcation between the purely agricultural and non-agricultural classes ... the hillmen take naturally to trade and the difficulties in their position have doubtless developed this aptitude in the them' (Nevill 1904:8).

Transhumance between the hills and the Bhabhar continued to be another important option for communities who either could not subsist on agriculture alone or had never done so. Shakespeare, attempting to draw up a population census in 1903, found it 'almost impossible to catch all the people in their houses either in early September or March. At both these seasons they are absent from their villages, in March almost to a man, and in September in large numbers attending their crops in the Bhabhar. Even in July and August, when the bulk of the people return to the hills an accurate and full enumeration is difficult because the people of certain parts are always moving, engaging in trade and the carriage of goods to the interior' (Shakespeare 1903:5).

Kumaun thus prospered not only due to the extension of agriculture but through a whole range of production strategies, many of which were supported by the unrestrained entitlements people had to use forests throughout Uttarakhand. These were crucial alternatives as agriculture in the hills was becoming increasingly unsustainable. Already in 1896 Pauw, a settlement officer, noted that 'the experiments which have of recent years been made regarding the outturn of crops appear to have established this fact, rather than any other, that in the hills, within very wide limits, the crop depends almost entirely on the amount of manure put into the ground ... native belief in the decreasing fertility of land is correct' (1896:23).

CONCLUSION

Conventionalists and populists use historical evidence to support their positions for the form that decentralised management should take, the former arguing that state co-management is necessary to ensure regulated resource use, the latter that customary use patterns provide a basis for forest management. The historical evidence in this paper suggests that diversity in resource use was the main adaptation to the ecological constraints of production, and that production was marked by distinctive forms of social coercion, which included unequal access to the commons. While the evidence suggests that communities can act collec-

tively to manage biomass resources, customary patterns of forest use cannot be assumed sufficient to ensure their equitable distribution. This also has implications for those who support common property regimes purely from grounds of equity, efficiency, and welfare, without concurring with the entire Golden Age vision. Proponents for common property regimes should consider that common property rarely supplied the entire basis of production, and the physical constraints that may exist on the potential of village commons to do so in the future.

NOTES

¹ The boundaries which mark village land.

² It is likely, that British civil servants oversimplified what may have been a more complex picture about women's social status. In particular bride price has often been noted as giving women relative freedom in choosing husbands and seeking divorce (Agarwal 1994). The general picture of women is however confirmed in a detailed anthropological study of Kumaun by Pant (1935), who notes however that the status of Bhotiya women was at sharp variance with those of women elsewhere in Kumaun.

³ Major items of trade noted are wooden vessels, *ghee*, oil, musk, hawks, walnuts and hazelnuts, frankincense, hill paper, rope and cloth from hemp, *khut* (*Terra japonica*), honey, resin, spices, a variety of dyes, roots and herbal medicines such as *chirata* (*Chiraita swertia*), wax, cinammon leaves, borax, iron and copper (Traill 1821, Singh 1991).

⁴ Gonds of Madhya Pradesh, for example, believed that breaking the land with the plough would lead to Kalyug, the age of darkness (Elwin:1968). Consequently their entire world view was devastated when the British government reserved forests.

⁵ The Uttarakhand that the British took over from the Gurkhas in 1815 was in a destitute and depopulated state; the Gurkhas' rule had been extremely severe and many communities had deserted their villages and fled. Gurkha rule was especially cruel in Garhwal where whole families were sold off as slaves and large numbers of villages were entirely deserted.

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