

TRIBAL STUDIES IN INDIA: INTERDISCIPLINARY PERSPECTIVES AND APPROACHES

Lecture24

Lecture 24: Tribes During Colonial Rule: Administration of Tribal Areas: Laws and Legislations II

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Good afternoon, everyone. Today, we will continue with our MOOC course, Tribal Studies in India: Interdisciplinary Perspectives and Approaches. The title of our lecture for today is Tribes During Colonial Rule: Administration of Tribal Areas, Laws, and Legislations. Now, in the last class, we talked about the different kinds of laws and legislations that were introduced by the British.

One of the important reasons why it is important to go back to the colonial period is that many of the laws and regulations introduced by the British continue to be in use today, particularly in the context of tribal communities. The other reason why it is important to have a proper or clear understanding of these laws and regulations is that it was the first time different kinds of laws were introduced in tribal societies, and the impact of these laws and legislations is still strongly felt in the communities. Now, in the last class, we particularly emphasized the issue of administration. For example, the Government of India act 1919 and 1935, and why the British introduced those kinds of laws and how they continue to resonate in contemporary India. Now, today we will take one step forward in the sense that we will try to understand the laws and regulations pertaining to forests and forest resources.

And when we talk about tribes, the issue of resource rights is something that is very pivotal, very central to the understanding of tribal communities. Now, if you

look at the broader context in which tribal communities are located or situated in India, you will see that many tribal communities are totally dependent on forest resources. And many times, we associate tribal communities with forests, right? If I ask anyone what is the first thing that comes to your mind when I use the term tribe, people will say geographical isolation, forests, they live in the forest. But

You know, that is definitely true in the sense that many communities are dependent on forests. But then there are also many tribal communities who are not dependent on forests, right, who practice different kinds of economic activity, maybe settled agriculture, maybe shifting cultivation. Or there can also be many tribal communities who do not live in any kind of geographical isolation, who may live in urban areas. However, in the context of forests specifically, this is important because if you look at much of the issue around forests today, it mostly revolves around tribal communities. The debate and the discourse are strongly centered around tribal communities.

But at the same time, it is also important to know that there are many non-tribal communities who are also very much dependent on forests. What makes the tribal communities central to the discourse of forest rights in the context of India is that almost 75 percent of the tribal population in India is dependent on forests and their resources. It is important to really have a closer look at the way in which the legal regimes were introduced by the British, the way in which forest resources began to be governed, and what their impact is on tribal communities. Now, like I said, tribal communities rely heavily on forests for their sustenance, for different reasons, like sourcing food, fuel, medicine, and building materials, primarily for their homes, while also preserving deep cultural and spiritual ties to these environments. At the same time, many tribal groups engage in traditional farming techniques such as shifting cultivation or foraging, or sometimes use forest resources for trade to support their livelihood.

More or less, one can also say that there was a harmonious kind of relationship between nature and people that existed long before the advent of the colonial state in the Indian subcontinent. People had unrestricted access to the forests. Now, this idea of people living in a harmonious relationship with forests can be, you know, sometimes called ecological romanticism. Definitely, there is a lot of validity in that kind of argument, in the sense that communities who are dependent on forests can also be equally exploitative. Now, while this

understanding is important, what I also wanted to do through this lecture is to really show why we are making the argument that there are communities who have a close relationship with nature, such as forests.

Now, in the context of tribal societies, forests are not only forests; they are also culturally and symbolically very important. So, therefore, many times you will continue to see that many forests are associated with nature. The ethnic life world or the life world of the people encompasses their culture, their traditions, their belief systems, and so on. So, it was the British who created a kind of rupture in this harmonious relationship between nature and social life through the introduction of colonial forest policies. Now, with the coming of the British, what we began to see is that they introduced new laws and new legislation to govern forests.

The introduction of new laws and regulations was essentially to regulate, control, or claim that forest resources belonged to them. So, basically, it gradually began to deny customary ownership of forest resources by claiming that only the state could access or use the forests. Therefore, it began to gradually exclude people's access to their rights to forest resources. Now, this relationship between tribes and forests went through a fundamental change. Before colonial rule, they enjoyed free access and had their own laws.

Now, over time, with the introduction of new legislation and laws, tribes became subordinate to colonial laws, and many times, despite having lived in forest areas and accessed forest resources, they suddenly became encroachers. Now, let us go into the details of the kind of laws that were introduced. Forests had always been one of the primary interests of the colonial administration. Now, all of us know why the British landed in India, right? Later on, they began to govern and annex territories.

They began to subdue princely states. They began to subdue tribal territories. But we know that one of the first reasons they landed in India was essentially for commerce, for trade, right? Therefore, even during the colonial period, the primary interest of exploiting and extracting resources never ended. India, being a country with large forest resources, was seen by the colonial state as an opportunity to exploit these resources.

Particularly during the colonial period, forest timber was very important as it was used as a primary raw material for different purposes, such as shipbuilding or making train sleepers. The excessive use of timber during industrialization, which also accelerated during World War I and World War II, had almost deforested the entire Western Europe and Ireland. As such, the British had to look for new avenues and places to get these resources. The loss of timber exporters added the pursuit of finding a regular source of timber as one of the primary agendas of continued colonial expansion. Now, India, as I said, with its abundant natural resources, was one of the potential exporters.

The forest resources in Europe were exploited heavily. Therefore, they needed to look for a new outlet. India was one of the prime targets because it had many natural resources, including forests. So, the forest exploitation began with unregulated felling of trees for railway sleepers and shipbuilding. Now, you see that railways were also introduced by the British.

And if you travel in India, around India by train, you will see that many times they use those sleepers, right? So, to make that, with the establishment of the railway system, the British needed proper, unrestricted access to forest resources for making train sleepers. The first instance of plantation was traced to the teak forests of Malabar in southern India, which were transported to the Bombay Dockyard Forestry Building since the late 18th century. This unsustainable misuse of forests necessitated forest policies, which resulted in the curtailment of rights of forest dwellers. Now, for the British, it became very problematic that there were certain communities living in forests, accessing forests, and sometimes even resisting the use of forest resources by the British, particularly when they were engaged in unregulated felling of forest resources.

Trees such as timber or teak. Now, over a period of time, the introduction of forest laws therefore meant that the people who were actually living in the forests and utilizing the resources saw their access to forest resources gradually controlled and curtailed. Now, let us look at the kind of legislation that was introduced. The genesis or the history of colonial intervention in forest regulation can be traced back to the Charter of Indian Forests memorandum issued in 1885, which was issued by Lord Dalhousie, the Governor General of India. He recognized forests as a very valuable economic resource for the British, and that led to the creation of the Indian Forest Department in 1864.

Now, all of us know that we have a forest department, right, all over India, who are actually responsible for forest governance, right, from top to bottom. Now, later, the Indian Forest Act of 1865 was passed with the primary aim to preserve forests and prevent violations. Now, one of the terms that has been used consistently even till today is that we see these laws and regulations as actually protecting the exploitation of forest resources, preventing deforestation, and preventing any kind of unwanted access or use of forest resources. For exploitation or, you know, for mere commercial use. So, laws are presented in such a manner that they were actually meant to protect and preserve forest resources.

Now, one of the most important acts when it comes to forests in India is the Indian Forest Act of 1865. Now, for the first time, the British took over control of forests in India with the Indian Forest Act of 1865. Now, the forests became the property of the state. It allowed the government to declare certain lands as forested areas, and the British began to regulate the collection of timber and other forest products. So, therefore, people who were actually dependent on forests had to be removed; they had to be kept out of forests.

Secondly, their access to forests began to be curtailed and controlled. This helped ensure a steady supply of timber for railways, ships, and industries. Now, for a colonial state, it was a very profitable venture because it provided the much-needed resources for making train sleepers. For shipyards, you know, as well as for industries. However, on the contrary, what happened to the local people or the traditional forest dwellers and tribal communities is that they began to be restricted from using forest resources freely.

So, coming to the Indian Forest Act of 1878. Now, this Indian Forest Act of 1878 is very important because many of the things that are being laid down or the forest policies in India today continue to be based on the Indian Forest Act of 1878. Under this act, forests are divided into three categories. One is the reserve forest; the second is the protected forest; and the third is the village forest. Now, I remember that in my own village, we used to have a reserve forest.

Now, I don't really know the significance of it. But now, after reading and going back to the Indian Forest Act, I realized that the reserve forest was probably declared under the Indian Forest Act. Villagers or the community have no right to

access the forest. And if you disobey the law—basically, if you go and try to cut trees from the reserve or from areas declared as reserve forests—then you can be punished by the law. Now, the reserve forests were completely under the control of the government.

The protected forest was partially governed. The village forest, on the other hand, was managed by nearby villagers, who could enjoy some freedom within the broad contours of the act. Now, what this introduction of forest laws and legislation essentially means is that, over time, these resources began to be in the hands of the state. The state is gradually claiming that these forests belong to it and, therefore, it can define who will use the forest, in what ways forests should be used, and which areas need to be declared as reserve forests. Which areas need to be declared as protected forests?

Now, the act required the government to issue notifications allowing tribal communities to assert their claims over land and forest resources in designated preserved forests. Now, so in sum, what the Indian Forest Act did was that there was a total centralization of forest governance in India. Decentralization of forest governance essentially means that the British were taking control of India's forests through the Indian Forest Act of 1878. Now, it resulted in massive discontent. It disrupted, you know, the people who are actually dependent on forests.

People who have been freely accessing forest resources overnight, you know, with the passing of this, they became illegal. They become encroachers, right? So they were no longer allowed, you know, to access forest resources. They were no longer allowed, you know, to freely move around the forest. There were people who were actually guarding the forest.

Now, on the other hand, this is happening despite the fact that the colonial state was incessantly exploiting forest resources for its own commercial interests. So, under this act, different kinds of agents were established, particularly the forest settlement officers who were tasked with documenting the rights of forest dwellers regarding forest land. Additionally, the act also mandated the claimants to document the claimants' rights within certain sections of the proposed reserve forest. The act also included provisions for allocating specific forest areas for grazing and the collection of forest resources, as well as modifying the

boundaries of proposed reserve forests. As a result, some forest land was excluded to accommodate the rights of claimants.

Now, over a period of time, despite the fact that the British did recognize that they cannot entirely take away the rights of the people to access forests, there was also some effort. In terms of trying to provide continued access to forest resources for the people. Now, how far this was happening in reality is a different matter. But then what we see is that people who have customarily utilized and had access to forest resources were gradually denied access. And even if they had access, it needed to be within the purview of the law established by the colonial state.

Then came a very, very important act in the form of the Indian Forest Act of 1927. Now, this act is very, very important because it significantly affected forest-dependent communities. Now, as I said, as we speak today, more than 70% of the tribal population in India is dependent on forests. And out of this, many people continue to live in forest areas. Many times, you will see that there are a lot of contestations and conflicts between the government and the tribal populace, particularly because they were continually being removed from these areas.

So, the Indian Forest Act of 1927, when it was introduced, also had a significant impact because it greatly affected forest-dependent communities by imposing restrictions on their traditional rights over forest resources. Now, in many tribal societies, particularly in Northeast India, you will see that there is this strong notion of community forests or lands, as in many communities, lands are still owned by the community. There is no notion of private property. Now, customary rules and norms govern the way in which resources and their utilization are distributed within the community. But with the coming of laws like the Indian Forest Act of 1927, these things started changing.

And under the Act, it introduced penalties and legal procedures that aim at increasing state control over forests while reducing the rights of local people. As I said, all of these laws have one primary objective: to centralize forest control. Decentralization of forest control essentially means that the state is taking over the rights of utilizing and extracting forest resources. The state is basically claiming that these resources belong to the state, and any kind of access without

the permission of the state will be punished. Subsequent amendments further restricted the customary use of forests by local communities, limiting their access to resources.

The law was enacted essentially to strengthen and improve the effectiveness of previous forest regulations. By the time the Indian Forest Act of 1927 came into being, several laws and legislations were already in place. These laws and legislations gradually enabled the state to claim forest resources. But on the other hand, it gradually or continually denied people access to forest resources. The Indian Forest Act only came to bolster existing laws and regulations, but at the same time, it significantly affected the people who were actually dependent on forest resources for their livelihood.

Under this Act, forest officers carried out routine inspections to assess forest conditions, identify unlawful activities, and ensure adherence to legal regulations. For instance, as per Section 27 of the Act, the state government has the authority to grant forest officers specific powers, such as entering land, conducting surveys and demarcations, summoning witnesses, requesting documents, issuing search warrants, investigating forest-related offenses, and documenting evidence. Specific agents, such as forest officers, are recruited to ensure that the laws are implemented on the ground. These forest officers are endowed with certain powers and responsibilities. The Act designated forest settlement officers to handle claims regarding rights over forest land, with the authority to either approve or dismiss such claims.

This is a chronology of how different kinds of laws and legislations were introduced. It will clearly help us understand that, over a period of time, close to 100 years during the colonial period, different ways in which the colonial state tried to impose itself in terms of accessing forest resources were employed. In 1864, the Indian Forest Department was established, introducing the concept of scientific forestry, which was very popular during the 19th century. The Indian Forest Act of 1878 raised conflicts, over forest land ownership, distinguishing between rights and privileges, which led to resistance from forest-dependent communities. Then came 1927, which we just discussed—the Indian Forest Act, which categorized forests into three types: reserve forest, protected forest, and village forest.

1864	The Indian Forest Department was established, introducing the concept of scientific forestry.
1878	The Indian Forest Act 1878 raised conflicts over forestland ownership, distinguishing between rights and privileges, which led to resistance from forest-dependent communities.
1927	The Indian Forest Act 1927 categorized forests into three types: reserved forests, protected forests, and village forests.
1930s	State-level Forest Departments were created to oversee forest management and regulation.



You might have seen that in your own community, in your own state that you come from, there are certain areas designated as protected forests. There are certain areas designated as reserved forests. Now, it only means that, you know, most of the laws introduced by the colonial state continue to be in use even today. In the 1930s, state-level forest departments were created to oversee forest management and regulation. So, it is not that these laws were introduced without purpose; they definitely gave a lot of upper hand to the state or the colonial state.

But then, these were not without resistance. It created havoc in the lives of many tribal communities, and this resistance, you know, resulted in widespread anger, with a lot of protests by tribal communities—in the form of rebellions, attacking the British establishment. Now, what we see is that, you know, many of the discontents we see, many of the tribal social movements during the colonial period, were essentially directed at the colonial state, particularly because tribal communities were gradually being dispossessed of their land and resources, which they had accessed for a long period of time. Now, some of the well-known revolts, well-known movements are the Kol Rebellion, 1831-1832, which protested against land dispossession, increased rent, and forced labour imposed by British authorities. The Santhal Rebellion is something that is still being talked about today, led by Sidhu and Kanu Murmu.

It was a mass movement against exploitation by landlords, moneylenders, and British officials. The Bastar Uprising of 1911 was a tribal resistance against British interference in local governance and forest policies; the Kondh and Tana Bhagat movements, the Kondh Maliahs and the Tana Bhagats engaged in civil

disobedience, opposing taxation and oppressive laws imposed by the British. Now, these are not the exclusive list. There are a lot of rebellions and revolts that took place during the colonial period. Particularly when tribal face a lot of economic deprivation, essentially because of the disposition that they experience under the hands of the colonial rule.

Now, even until today, you will see that we have come far ahead in terms of providing forest rights to tribal communities. But what I wanted to say was that the foundation of the forest laws in India was not to grant. Or legally recognize the rights of forest dwellers, but rather it was all about centralizing the state, the power of the state to dictate, to rule, and to declare areas as forests, and over a period of time, continually deprive people who are dependent on forests. So in the future classes, we will be talking in more extensive detail about how these contemporary laws and legislations continue to impact tribal society and the kind of discontents and resentments that we see in many parts of tribal regions in india continue to have a deep impact. These colonial laws and legislations continue to have a deep impact even in contemporary tribal society today.

So I'll stop here. Thank you so much.