Place and Agency: Landscape narratives of Singhbhum and the colonial discourse of tribal protection in Eastern India, 1830-1950

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Introduction

The theme of this conference is a very important one. It aims to examine the interaction between concepts of nature and practices concerning the environment in South and South East Asia and to put Asian environments in relation to the rest of the world. The environmental history of South Asia arose from an ecological questioning of conventional agrarian history that developed among historians of South Asia in the early 1980s, and particularly in the minds of Richard Tucker and John Richards, the latter being a specialist in the monetary and agrarian history of Mughal India. Both men were convinced that ecological changes accompanying economic transition in the 17th to 19th centuries, while clearly large-scale, had never been properly quantified. Almost immediately Richards and Tucker, working in tandem, realised that their questioning could not be confined to South Asia but was equally requiring of answers researched in terms of global economic history in general, particularly with the advent of an era in which the connections between deforestation, carbon dioxide production and global warming were becoming major popular anxieties.[1] Nevertheless, in making the quick and logical intellectual leap from South Asia to world history, Richards and Tucker had ironically left the environmental history of South Asia itself largely undone with the exception of some very limited essays, regional studies and essay collections.[2] This is a lacunae that has been addressed more recently by developments in South Asian environmental history. In particular, the work of K.Sivaramakrishnan, Mahesh Rangarajan, Ravi Rajan, Rohan D'Souza, Vasant Saberwal among others[3] These works have made their presence felt in mainstream South Asian history writing and in terms of an institutional advance, South Asian environmental history is becoming well entrenched.

My own work, has been concerned with globalisation and the environmental history of Eastern India. In particular, I have examined the interconnections between religions and cosmology of local communities and the mountain and forested landscape, and have researched the way in which rapid transformation in these tropes is creating an existential as well as a livelihood crisis. In doing so I have attempted to challenge the current revisionist position in history and anthropology that has been focussed on dismantling terms such as 'tribe', 'forest' and 'indigenous' used extensively in the past. As notions of 'indigeniety' and 'customary rights' come in for revisionist attack the marginalisation and proletarianisation of many forest

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[1] R.P. Tucker and John F. Richards' ed., *Global deforestation in the nineteenth century world economy.* Durham, 1983. *World deforestation in the twentieth century,* Durham, 1988.

[2] R. Guha and M. Gadgil, *This fissured earth; towards an ecological history of India*, Oxford, India, 1992. For a review of other work in the field see introduction, R. Grove, V. Damodaran and S. Sangwan, Nature *and the Orient; the environmental history of South and Southeast Asia*, Oxford 1998. See also R. D'Souza, 'Nature, conservation and environmental history: a review of some recent environmental writings on South Asia' *Conservation and society*, 1, 2 (2003)

[3] K. Sivaramakrishnan, *Modern Forests, state making and environmental change in eastern India,* Delhi, 1999, Vasant Saberwal *Pastoral politics shepherds bureaucrats and conservation in the western Himalaya,* Delhi, *1999*, Mahesh Rangarajan, *Fencing the forest,* Delhi, 1999,Rohan D'souza, *The drowned and the dammed*, *colonial capitalism and flood control in eastern India,* Delhi, 2006, Ravi Rajan, *Modernising nature, Forestry and imperial eco-development*, Oxford, 2008

based communities and their traditional livelihoods gains pace all over the world.[4] I also ask whether indigenous communities and their landscapes have a future and the strategies they are adopting to ensure survival in the face of globalisation. The greatest physical impact of globalisation today on people and landscape in South Asia is being exerted in the mountainous parts of Orissa, Chhattisgarh and Jharkhand, coincidentally among the poorest states of India.[5] This is because they possess the bulk of previously untapped iron, bauxite and hydrological reserves all vital constituents for the spiralling Asian demand for minerals and metals. A high proportion of the rural population of these heavily forested regions are indigenous or *adivasi* people; groups that are highly vulnerable to the processes of modernisation and land alienation that accompany the huge pressures for mineral extraction and dam building. As the forces of globalisation accelerated, since the onset of colonisation, increasingly vigorous contestations for space and resources have taken place between *adivasis*, peasants, the state and mining and other commercial companies. The environmental benefits of contemporary eastern Indian states such as Orissa and Jharkhand can be captured in opposed dualities: tribal versus caste Hindus; hill versus plain, mining versus displacement, submergence versus flood control. The history of this polarisation lies in the chequered set of developments following colonial rule but which was vastly accelerated following independence. More recently since 1991, as the last pretence of tribal protection has been given up Eastern India has become subject to new kinds of internal and external colonisation, far more traumatic in impact than pre-1947 colonisation. I have documented the history of globalisation and colonial intervention and its impact in Jharkhand elsewhere and will not repeat it here.[6] In this paper, I document the colonial response to indigenous resistance and the emergence of a protectionist discourse in tribal areas from about the 1830s that put a partial break on the wholesale exploitation of the tribes and their forested landscapes.

Colonial narratives of tribe and landscape

This paper attempts to understand the colonial narratives of tribe and landscape in Chotanagpur with particular reference to Singhbhum. Located in the eastern part of the Gondwana mountain range, it was in the periphery of the Mughal empire and regarded as a frontier in British colonial reports. Open to Maratha incursions and tribal depredations this plateau region was seen as area to be gradually pacified and brought under British control. Nineteenth and twentieth century historiography and anthropology described the region as covered with ‘primeval forests’ and peopled with ‘ungovernable tribes’. A closer look at the record reveals that we may be too hasty in dismissing colonial narratives as one that consistently tends to misread people and places. Indeed I argue, that, earlier generations of ethnographers and landscape surveyors especially in the period 1800-1850 did actually very often understand the complexities of landscape difference, ethnic identity and cultural dynamics. Colonial discourse did not just conjure up an imaginary landscape, but analysed real landscape differences In fact, it can be said that the material and the imaginary landscape constituted one another in complex ways. Colonial administrators did participate and engage with the land and the people and were forced to contend with indigenous knowledge and ideas of place. The narratives of

[4] V. Damodaran, ‘The politics of marginality and the construction of indigeniety in Chotanagpur’, *Post colonial studies*, Vol. 9,2, 2006, pp. 179-196

[5] See F. Padel and S. Das, *The anthropology of a genocide, tribal movements against industrialisation in central India*, SAAG, 2006. See also, C. Ballard and G. Banks, Resource wars, the anthropology of mining, *Annual review of anthropology*, 32 (2003), 287-313

[6] V. Damodaran, Globalisation and mining in eastern India’ in J. Mcneill et.al. ed., *Environmental History and ecological economics*, (In press)

travellers, surveyors and officials of the East India Company *raj* were not merely a 'representation of place' that could be used to root colonial claims to possession, but a far more ambiguous relationship with the place and its native inhabitants.[7] The ambiguities, contradictions and often acute observations of company officials go unrecognized in such a post-modern reading. It is against this background that colonial representations of customary rights and constructions of indigeneity need to be seen. In a recent article, Nancy Lee Peluso has criticised colonial constructions of customary rights as having little basis in reality and leading in the Indonesian context to the 'racialisation' of the landscape with 'ethnic access' to resource use.[8] This is a problematic position, for the history of debates on customary rights in the Indian context reveals quite clear colonial preoccupations with the detail of local rights and their practice, especially in the context of forest lands. Given the nature of the state and the dominance of the property interest, these rights proved difficult to recover and to legislate in favour of, because they belonged only to practise and to oral tradition. Despite this, genuine attempts were frequently made in the beginning and latter half of the nineteenth century to document local rights and land-use customs and to protect some customary practises. In the context of the discourse of indigeneity, these attempts are of enormous importance, although they are rarely given adequate attention.

It has been argued by historians that notwithstanding the rich and complex histories of acculturation and settlement of communities in Chotanagpur, colonial discourse tended to perpetuate stereotyped images of the tribe and the landscape on the Chotanagpur plateau which had important implications for future settlement. Naturalists surveyors and occasionally commercial travellers had begun to document the landscape of eastern India from the early part of the nineteenth century. As has been noted, colonial south west Bengal had two traditions of governance, the Bengal tradition which emphasised elaborate regulation based on British home models of due process and the Punjab tradition of large non-regulation provinces in which political agents and district officers governed paternalistically. Under an administrator such as Thomas Wilkinson in the Kolhan, who was affected by ideas of social reform and aligned himself to the Munro tradition, a paternalist non-regulation system of government was founded in Chotanagpur.[9]

The region was gradually accorded different treatment from the rest of the Bengal presidency and from 1833 legislation was introduced to protect its special status. The history of tribal unrest from about the 1800 resulted in a new legislative enactment of 1833 when Palamau, Kurukdeha, Ramgarh and Korunda were

[7] Such a post modern reading of colonial narratives of a place and its people tends to establish an easy coincidence between an aesthetic appreciation of the landscape, geographical science and colonial appropriation. That maps were a fundamental tool of colonial conquest cannot be denied but that the trope of conquest was wholly accepted by natural historians, scientists, artists and other imperial agents is more difficult to establish. To see all colonial images as constitutive of the colonial identity of India and as part of the regime of colonial control does not allow for individual agency to emerge and tends as Dane Kennedy notes to 'essentialise the west as an undifferentiated, omnipotent entity… imposing its totalising discourse on the rest of the world without check or interruption… a discursive practice no less distorting than the west's tendency to essentialise the orient'. See Dane Kennedy, 'Imperial history and post colonial history' *Journal of Imperial and commonwealth History, 24,* 1996, p. 3

[8] Nancy Lee Peluso, 'Fruit trees and family trees in an anthropogenic forest: ethics of access, property zones and environmental change in Indonesia, *Comparative studies in society and history*, 1996 and 'Genealogies of the political forest and customary rights in Indonesia, Malaysia and Thailand' *Journal of Asian Studies*, 60, 3, 2001, 761-812

[9] A.K. Sen, *Wilkinson's rules, context, content and ramifications*, Chaibasa, 1996, Introduction.

separated from the old district of Ramgarh and these together with the Jungle Mahals were formed into a non-regulation province called the South Western Frontier Agency. The protection of the tribes and their forest rights and colonial narratives with regard to these is the focus of this paper which argues that that despite the often racial, evolutionary ideas vis-à-vis tribes British attitudes towards indigenous peoples in India in the nineteenth century were not unchanging or homogenous. While it is difficult to completely unravel the multifarious skeins that made up British policy in the period, some main strands in the thinking of officials, administrators and anthropologists need to be identified in order to assess the overall impact of colonial interventions on the landscape and the lifestyles of the 'tribes'.

The nineteenth century had seen the emergence of humanitarian sentiments about the future of aboriginal peoples. This trend in Victorian thinking developed in the 1830s with the Parliamentary Select Committee on Aborigines which was set up to inquire into 'the measures ... to be adopted with respect to the native inhabitants of countries where British settlements are made, and to the neighbouring tribes, in order to secure them the due observation of justice and the protection of their rights, to promote the spread of civilisation among them, and to lead them to the peaceful and voluntary reception of the Christian religion.' [10]Among nineteenth century writers such as W.W. Hunter the ethnological vision of partnership between the colonial state and non-Aryan groups is evident. Through out East Bengal, he noted 'Santhals and other hill men may be found living apart from the Hindu's and preserving their national customs....patient of labour, at home with nature, as pioneer cultivators, seasonal indigo workers such people furnish the sinews by which English enterprise is carried on in Bengal'.[11] The Santhal in much of colonial ethnology functions as a sort of 'noble savage' with all its associated stereotypes. This paper focuses on the fact that these ideas developed from about 1800, in the context of the pacification of the tribes of eastern India among early colonial administrators such as Major Roughsedge, Thomas Wilkinson, J.C.Hannyngton and Davidson. It is important to note, in this context, that the idealised concept of the noble savage was a counter to the most pejorative characterisations of foreign peoples as barbaric and fundamentally inferior. As David Brion Davis, has plausibly speculated, the celebration of so called primitives may well have partially weakened Europe's arrogant ethnocentrism and created at least a momentary imbalance about the human cost of civilisation. Yet, as Shankar Muthu notes, as much as this may have helped to elicit the intellectual groundwork for the humanitarianism of anti slavery thinking, a rejection of noble savagery was necessary, before a more meaningful and substantive moral commiseration with non-Europeans could develop. The peculiar understanding of the relationship between human nature and culture in noble savage writings yielded a virtually dehumanising exoticism despite the best intention of thinkers who chose to celebrate what they saw as the 'purely natural' specimens of humanity in the new world. Despite this criticism, it was these ideas that allowed a nascent humanitarian discourse to develop in India about the position of tribes in the mid nineteenth century which we will discuss in a later section of the paper. In order to understand this complex colonial discourse on tribes we will have to take into account indigenous agency and ideas of place.

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[10]Stocking, p. 241

[11] Shankar Muthu, *Enlightenment against Empire*, Princeton, 2003

Continuities with the Past

In Chotanagpur it is possible to argue that the categorising of the indigenous inhabitants of Chotanagpur as barbarous and in need of civilisation has a longer history than the colonial period. The idea of the Aryan invasion of India was an important premise in colonial writings which recorded the negative images of non-Aryan people that could be seen to date back to the first contacts of the non-Aryan peoples with the Sanskrit speaking Arya peoples in the first century. [12] Evidence for this was recorded by eighteenth century British orientalists and later by nineteenth century colonial and Indian ethnographers. Clearly, the idea of the Aryan invasion of India is much disputed. The literature relies, as Trautmann notes, on an over reading of the Vedic texts. However it is less easy to dispute the fact that, an analysis of these texts make it is possible to say there were clear markers of difference between the Aryans and the non-Aryans. Religion and language were seen as marking difference between the Aryas and the Dasyus. [13] The historian Romilla Thapar cautions us to stay strictly within the definition of Arya from Sanskrit texts where it 'is a linguistic and social qualifier without the overlay of nineteenth century theories'. It is true that nineteenth century colonial ethnographers including SC Roy, the Indian ethnographer drew heavily on these texts while recording the oral traditions of the Oraon and Mundas in the late nineteenth century.[14] Some of this evidence can be relied on though as Thapar argues the reconstruction of societies of an earlier period needs to rely also on archaeological data. Such a change of focus she notes would require a search for a graduated interaction over many centuries between various settlements and cultures and where large scale violent conflict was not the norm. She agrees that the Rgveda refers to relations between the Arya-varna and the dasa varna who were identified as distinct peoples. The later Vedic texts also referred frequently to differences between Aryas and dasas in worship and rituals.[15] Thus while recent research shows that the relationship between aryas and non-aryas was more ambivalent than has been recognised so far there is no disputing the idea of difference in early times. S.C. Roy noted that the Oraons community in Chotanagpur called themselves Kurukhs, a term which can be traced to their mythical hero king Karakh. In Hindu tradition the Kurukhs were compared to the legendary monster king Ravana of Ramayan fame. The Kurukhs with what appeared to the Hindu to be their 'monstrously impure habits' came to be called *Raona put* or the progeny of Ravana. [16]

Colonial epistemology thus built both on Brahamanical notions of caste and drew on eighteenth and nineteenth century ideas of race. In the eighteenth century, 'savages' had been generally assumed to share essentially the same psychic nature as Europeans. In the first half of the nineteenth, this essential unity was eroded by a

[12] Notions of cultural primitivism in Europe can be traced back to classical Greece and Rome. Similarly it can be seen that Brahmanical attitudes towards the other were constructed over time. However, this is not to say that the images were unchanging. See G.Boas and A. Lovejoy, *Essays on primitivism and related ideas< Baltimore,* 1948

[13] T. Trautmann, *The Aryans in British India*, California, 1997, p. 214

[14] Roy analysis of the Mundas is based on the premise of the Aryan invasion of India a topic that is still debated. He notes for example, that in the course of their migration across India, the Mundas and the Oraons along with other non Aryan tribes encountered the wave of Aryan immigration. Accounts of this encounter between the advancing Aryan races and the retreating non Aryan tribes abound in ancient Sanskrit literature. See S.C.Roy , *Mundas and their country*, Calcutta, 1912

[15] Romila Thapar, 'The theory of Aryan race and India: History and Politics' in Cultural Pasts, pp. 1134-1135

[16] S.C. Roy records that in 1915 Oraons still remembered being called Raona put by their Hindu neighbours. S.C. Roy, *the Mundas and their country*.

hereditary racialism. [17] Early ethnologists of the company period many of them administrators like SRTickell in the 1840s meticulously recorded the ethnology and languages of the different tribes. By 1865, in India, ethnology was the most popular and rising science of the day - so much so that one commentator noted, that;

I soon expect to find that, instead of collecting postage stamps, young ladies of an intellectual turn will collect nice little cabinets of Crania for the inspection of their friends.

Views of comparative types, with a measuring pole diligently but uselessly placed in the background, demonstrate the approach of many of the soldiers and residents who utilised their photographic skills in the cause of ethnology.[18] Later ethnologists viewed tribes in the north-eastern parts of India such as the Nagas and the Mizos as the 'true wild tribes of India' and `unlike the broken tribes found in Chotanagpur.' For these colonial administrators the 'tribal' model with its essential unity, clear body of customary law and unambiguous legitimacies was better suited to the task of maintaining public tranquillity.[19] Victorian anthropology in this period was dominated by ideas of socio cultural evolution. Indeed as Stocking notes by the time of the great Crystal Palace exhibition of 1851 a considerable body of British writing including utilitarianism had been concerned with the progress of civilisation. [20] As he notes, 'within the British tradition and Continental tradition civilisation was conceived: ideas about non-European "savages" who defined "civilisation" by contrast; ideas about the physical nature and differentiation of man, which raised the problem of its universality; ideas about the nature of social order, which defined the specific context of civilisation; and ideas about the methods appropriate to the study of human life and history, which defined the extent to which it might be subsumed within the rubric of natural science.' [21]

These constructions of difference and the rigid drawing of boundaries had important implications for the discourse on tribes. In the context, of the increasing migration of Hindus into remote *adivasi* areas and, as Brahmanical values acquired a legitimacy as a strategy for the exclusion and subordination of tribals, British racial ideas acquired a new meaning. The British aided and abetted the process of subordination, as Chotanagpur was brought under administrative control in the late eighteenth and early nineteenth century, accompanied by projects for the classification of castes and tribes, the production of new regional histories and the *de facto* enshrining of Brahmanical law within the Anglo-Indian judicial system. The early ethnographic surveys of the 'tribes' were thus concerned with assigning them a

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[17] G. Stocking, *Victorian Anthropology* p. 142

[18] J. Falconer, *Ethnographical Photography in India 1850-1900, Photographic Collector* 5(1):16-46.

[19]Kopytoff, *The African Frontier: The Reproduction of Traditional African Societies*, Indiana,1987

[20] George W. Stocking Jr., *Victorian Anthropology*, New York, 1987, p. 9

[21] George Stocking, Ibid.

social position in a Hindu social hierarchy with, as we shall see, important qualifications. [22]

The complex history of migration into Chotanagpur from a very early period rendered the whole idea of 'isolated' tribes questionable, though at the time of the Company, records reveal, that the *Khuntkhatti* (original land tenures) system of the Munda tribes was still vigorous. However it is important to note, that while inward migration did lead to a complex acculturation process, it gradually resulted in the spread of hierarchy and differentiation and the increasing loss of status of these communities. Increasing inroads by a money lending, landlord class gradually intensified the decline of these groups. The increasing marginalisation started in the pre colonial period and was aided and abetted by the British in the eighteenth century. In the Ranchi region, by 1585, the Mughal empire succeeded in making inroads into the region and imposing revenue demands for the first time on Munda and Oraon village communities. On their failure to oblige, the king Durjan Sal was imprisoned by Jahangir in 1616 for twelve years. On his return to Chotanagpur, Durjan Sal became progressively Hinduised and acquired a retinue of Brahmin priests and Rajput courtiers. These outsiders gradually attacked the Munda and Oraon communities imposing *rakumats* and cesses as they acquired *jagirdari* rights. The introduction of hordes of strangers into the country and the creation by the raja of a class of middlemen brought changes in the communal system of the majority of Mundari villages.[23] The system of service grants was an exotic idea introducing a class of jagirdars into the villages under various denominations such as *Bhaiyes, Baraik, Pandey, Jamadars*, *Ohdars* and so on. Gradually, some Munda and Oraon settlements came under the onslaught of these new class of exploiters. [24]In Ranchi, the *Khuntkatti* nature of a number of villages hitherto held by the descendants of the original settlers in common ownership was beginning to be impaired and in some villages the tribesmen were reduced to the ranks of an agricultural labourer. In the *rajhas* lands the *jagirdars* and later the *thikadar* laid hold of some of the finest plots in the village and began to cultivate it through farm servants. Some of the Mundas appear to have retreated to the jungles further south rather than submit to such ruthless exploitation. Thus we hear, of Gaasi Munda of the Purthu Kili then living in Hasa village not far from Khunti emigrating to the mountainous and jungly tract further to the south east and his descendants founded villages all around them, where the *Khuntkatti* system was still in full vigour at the time of the East India Company. It is clear that the social downgrading of these communities quickly followed military marginalisation by the Mughals in the seventeenth century. In the region of Singhbhum, the advent of outsiders had

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[22] By the nineteenth century developments in thinking in Europe gave further impetus to these ideas. Human diversity was beginning to be conceptualised in rigidly hierarchical and physical terms due to new ideas in comparative physical anatomy and physical anthropology. The implications of all this for scientific conceptions of the mental characteristics of non-European peoples was profound. In the eighteenth century, 'savages' had been generally assumed to share essentially the same psychic nature as Europeans. In the first half of the nineteenth, this essential unity was eroded by a hereditary racialism. [22] European ideas on race were to change with the impact of Darwin's ideas which, while challenging polygenetic ideas, actually strengthened racial attitudes.

[23] See J.A. Reid, *Final report on the survey and settlement operations in Ranchi,* 1902-1910, Calcutta, 1912, p. 129

[24] It needs to be pointed out that the incursions by an outsider class were made possible in a context where older images of the Mundas, Oraons and Hos as inferior received a new lease of life. These formed the basis of increased interventions into tribal society. See S.C. Roy, *the Mundas and their country.*

resulted in a growing unrest among the surrounding Ho population. Here, the interventions of East India Company in the eighteenth century unleashed other forces of change. [25]As the Company got a foothold in Dhalbhum and started interfering in the affairs of the local zamindars with an eye to subduing them, local government in the region was severely weakened, though overall control of areas of areas such as Kuchang was given up as it was seen as encroaching on the rights of the independent raja of Mayurbanj.[26] However, in the following seventy years increasing inroads by an 'outsider class' resulted in growing unrest. The Kol rebellion of 1830 was the culmination of the period of change.

The period of the eighteenth century and certainly the early nineteenth century had seen an invasive colonial policy in Chotanagpur in the interests of 'good rule and government' by the East India Company. The early incursions into the region had resulted in the formation of a district in about 1780, known as the Ramgarh Hill Tract, and magisterial courts were held first at Shergati to the north west of Hazaribagh. At Hazaribagh, was stationed the local force of infantry under a European commander. At first, there was only one officer who performed the duties of judge, magistrate and collector and the region was only gradually brought under the control of the British. The British had tried to enforce control through the local chief but by 1800 this policy was abandoned in favour of more direct control which was implemented militarily and the whole region was placed under the magistrate of Ramgarh in 1816 and the district was governed in accordance with ordinary regulations in force in Bengal. The effects were immediate and most visible in Tamar where the exploitation of Hindu moneylenders, whose activities were bolstered by colonial courts, resulted in widespread protests which continued unabated until the 1830s. [27]As the tribes were introduced to the idea of 'good government', they had to wend their way long distances to Shergati in land disputes which resulted from the seizure of Munda lands by Pathan money lenders. [28]

When the courts failed to redress their grievances protest seemed the only answer. British administrative reports in the early nineteenth century show bewilderment at the hostility of the tribes to 'good government'. The commissioner of Circuit in 1830 reported colourfully on the Munda rebellions of 1830. They were he noted;

Restless, wild and furious... they rushed into an insurrection scarcely paralleled for ferocity. Eager for plunder and universally prone to inebriation and infuriated by real or imaginary wrongs, the whole population yielded to the unobstructed tide of rebellion- fire, rapine and murder marked their paths; nor was their vindictive spirit confined to those to whom their injuries were ascribed. [29]

This was the language of savagery and rebellion that it has been argued helped in the 'production of primitive places through their influence on images, ethnology and administrative policy'.[30] Elsewhere the language was subtly different as in this oft

[25] See, *Final report on the survey and settlement operation in Singhbhum district.*
[26] LSS O'Malley, p. 29
[27] See file on Tamar disturbances, *Hazaribagh District Collectorate Records*, 1819

[28] Report of the Munda rebellions in the 1830s in Dalton's, *Ethnology of Bengal*, op.cit.

[29] F.B. Bradley-Birt, *Chota Nagpur : A Little Known Province of the Empire***,** Reprint. First Published in 1903**.** p. 21

[30] Sivaramakrishnan, *Modern Forests.*

quoted statement of Bindrai Manki that figures in several reports on the 1830 rebellion;

'We complained to the raja of the munshi having sided with his father-in-law and deprived my wife of her chastity and of the Singh having forcibly taken and kept my sister. When we told the Raja our grievances we returned home. We four were subsequently sent four by Krishna Dewan who told us that as we were Kols we might do as we pleased, but be careful not to involve Raja Achet Singh in any difficulties in our conduct. We returned home, invited all the kols our brethren and caste to assemble at the village inn where we had a consultation. The Pathans had taken our honour and the Singh our sisters and the Kuar Harnath Sahi had forcibly deprived us of our estate of twelve villages which he had given to the Singh. Our lives we considered of no value and being of one caste and brethren it was agreed that we should commence to cut, plunder, murder and eat. We said if any were hanged it would be us four. If any put in irons it would be we should be the four. We four should be answerable and if the gentleman sent for any it would be us, who were ready to submit to whatever might be the sentence. it is with this resolution that we have been murdering and plundering those who have deprived us of both honour and homes that committing such outrages our grievances would come to light and that if we had any master notice would be taken of them and justice rendered'.[31]

That these rebellions forced colonial policy to contend with 'indigenous' ideas of place and being is not in doubt. Native resistance to European land claims forced a recognition of Munda rights and highlighted the limits of colonial power. The process revealed the ambivalence of the colonial state and the 'interaction of indigenous narratives of resistance with narratives of power' [32]. Some representations of rebellions also make the case for indigenous agency quite strongly. Here, we see a doctrine of human nature where the savages are bestowed with moral judgement, and a sharp sense of injustice which stands in contrast to ideas of the 'noble' or 'ignoble' savage. Through the conscious use of their will to transform their unhappy circumstances into a better social condition the tribes are seen as active agents of their own future. In these accounts which sees 'tribes' as cultural beings, they are afforded more genuine respect as human beings, resulting in a critique of British imperial policy from within the system which is brutalising fellow human beings and destroying their culture.

Blunt a member of the governor general's council who had been located in Chotanagpur noted in 1832;

'I think a serious error was committed in introducing our regulations into Chotanagpur, or in attempting to create a revenue from taxes to be levied from subjects so uncivilised and so poor. It is worthy of remark that the insurrection which occurred in Palamau in 1817-18 was produced by the illegal or fraudulent dispossession of the hereditary proprietors of some of the *jagir* lands in that Pergunnah, combined with other local causes. It now appears that in Pergunnahs Sonepur, Tamar, Silee, Baranda and Boondooo, in which quarter the insurrection in Chotanagpur commenced, most of the hereditary proprietors the Mundas and *mankis* have been dispossessed of their lands which have been transferred in farm to foreigners whose expulsion and destruction appears to have been a primary object of insurgents. It further appears that the most grievous opposition and exactions have long been practiced by the native officers of government, especially the police *darogas* which alone, amidst a people so poor, might well account for any general

[31] Cited in S.C. Roy, *The Mundas and their country*, p. 201
[32] ibid

feeling of discontent.'[33] It is important to note, that this was the period when William Bentinck's concept of reform was being worked out by Charles Metcalf, vice president of the council, Blunt the third member of the council and James Thomason.

In the context of the Munda and Santhal rebellions in Chotanagpur in the 1830s and 1850s these humanitarian sentiments found expression in the writing of other administrators, missionaries and ethnologists of the time. One report in the aftermath of the Santhal rebellion of 1851 noted that 'the Santhals were excessively simple and quite unacquainted with or unable to comprehend the most simple accounts and the *mahajans* and *zamindars*.... take advantage of their defects of character in this respect by cheating them both in money transactions and arrangements for holding their land.' [34] While the repression of the rebellion was extreme, a growing perception of the plight of the 'indigenous' inhabitants who were threatened by the ruthless interventions of moneylenders from the plains and colonial institutions begins to become more evident in the writings of administrators from about the 1850s. It was reported that the 'keen-eyed Hindu merchants from the north were quick to gauge the simple character of the primitive peoples.' [35] H.Ricketts a member of the board of Revenue noted in 1854 that 'there seems reason to apprehend that the people of the district, the *coles* suffer much injustice at the hands of the foreign middleman introduced by the *raja*, their *zamindar*',[36] while Davidson who studied the condition of the province in 1839 noted 'In point of fact there is no regular police or administration of justice in Nagpur till the present agency was established in 1834, that the coles are frequently imposed on by their landholders is not for want of comprehension, but they have been so long completely left to their mercies and so entirely deprived of any protection from them that it is difficult to resist.' He further stated; 'efficient administration in this part of the country will be impracticable until the rights of the people have been authoritatively recorded and steps been taken to secure them in the enjoyment of their rights by comprehensive legislative enhancement'. [37]

The suppression of the *kol* insurrection in 1832 ushered in a new epoch in the administration of the country. Captain Wilkinson was appointed the first agent to the governor-general in 1834 and by way of conciliating the Mundas and *mankis* of the Panch parganas and with the *manki* patties he granted them confirmatory *pattas*, confirming their titles and fixing the rent forever. Hazaribagh, Manbhum and later on Singhbhum, formed subordinate districts of the agency and were each administered by a principal assistant to the agent to he governor-general.[38] In 1854 another fair minded official Major Hannyngton agent to the governor general in 1849 and the first district commissioner of Chotanagpur in 1850 noted the ways in which *dikus* had tried to rob tribals of land, 'in Chotanagpur, the *bhooi* has lands which exist in every village

[33] S.C.Roy, *The Mundas and their country*, 121
[34] Letter 184 of 1857 *Hazaribagh District Collectorate Records*, 1856-57

[35] Bradley Birt, *A little known province of the British Empire*, p. 5

[36] In 1855 Henry Ricketts noted thus, 'I have not before me any protection of the indigenous occupants as would warrant my recommending such an undertaking as the immediate extension of the provisions of Regulation V11 of 1822 to the whole of the Chotanagpur zamindary composing 2/3 of the Lohardagga district. *Selections from the records of the Bengal government,* no XX, pp. 14-15
p. 6

[37] Ibid.
[38] The agent was the divisional commissioner. Captain J.C. Hannyngton appears to have been the first deputy commissioner of Chotanagpur from 1850-1856. He was succeeded as DC by captain W.H. Oakes, who acted as deputy commissioner of Chotanagpur up to 30th April, 1861.

have been exposed to the rapacity of the middlemen, aliens who are hated by the people and who to obtain these lands, spare no species of force or fraud'.[39] This perspective of fair minded officers and commentators was to continue until the late nineteenth century when Bradley Birt noted that 'the new-comers had under-rated the risk. The Kols and Oraons they so much despised were dangerous foes when pushed too far. Fire and sword struck terror into the hearts of *zamindars* and interlopers and taught the British government that special cases needed special laws and that a backward people at the mercy of unscrupulous adventurers called for timely assistance and protection.' [40]

Environmental tropes of otherness

In colonial discourse images of the tribes are replete with references to the forest environment. The notion that the tribes of Chotanagpur were different because they inhabited a forested landscape is an important feature of much of the writing. This no doubt, bolsters the claim of ideas of environmental determinism. However, one needs to examine the complexity of these ideas and to note that the term jungle was not an unchanging one even in the Indian context. [41] Ideas of savagery were associated with an inhospitable forest environment. Sivaramakrishnan has argued that these tropes resulted in the production of 'primitive places'. [42] However, the argument that colonial discourse tended to overemphasise the relationship of local communities with forests and tended to misread the landscape has to be examined more carefully. It is true, that some colonial representations of a remote wooded landscape are in keeping with what Sivaramakrishnan has called 'enduring tropes of wilderness' and one can argue that, this idea of a pristine landscape is not borne out by the evidence. Indeed it is clear, that the landscape in Chotanagpur, even in the thickest jungles, was an anthropogenic one. This is in keeping with the numerous studies elsewhere that have argued that 'there is no such thing as virgin forest' .[43] The forests that ecologists have assumed to be unchanged for centuries are being found to reveal, pot shards, charcoal and the remains of ancient crop fields.[44] One can safely conclude that the forests of Chotanagpur constituted an anthropogenic landscape. [45]Neither is the argument for isolation is borne out by much of the

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[39] Report cited by Ricketts in *Selections from the records of the Bengal government,* no XX, pp. 14-15

[40] Ibid., p. 6

[41] As F. Zimmerman notes, the use of the term *jungle jangala* in Sanskrit is interesting. The Sanskrit Jangala (as a mental image) corresponds in many respects to the frontier. It was a land wild but fertile, good for hunting and fighting, 'where the brave devour the cowardly'. More importantly it was a land where noble kings and conquerors would expand their domains. Subtly he notes the value of the jangala to Indians themselves changed over time. Jangala lands were created, in reality, by a process of progressive deforestation, partial cultivation and abandonment of deforested territory. The non-Aryans practising slash and burn were driven back into the less inhabitable mountains and marshes. F.Zimmermann, *The jungle and the aroma of meats, the ecological theme in Hindu medicine,* Delhi, 1999

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[42] Sivaramakrishnan*, Modern Forests*, p. 35

[43] There are of course important qualifications to be made, which many revisionists ignore. As Leslie Sponsel argues, the speculation that humans have had an impact on the ecosystem for millenia must be tempered by other considerations. For example, 1/3 of the land of the planet is may be termed 'wilderness', and while 12% of the interior forest of the Brazilian Amazon is anthropogenic, 88% is certainly not by any definition. Quoted in Headland, Revisionism in ecological anthropology*, Current Anthropology*, vol. 18, no. 4 August-October, 1997, p.621

[44] Yoon, 'Rain forests seen as shaped by human hand' in Thomas Headland, p. 608

[45] However, to my mind, what is important is not whether ecosystems are untouched or unchanged by humans but whether there exist serious 'quantitative and qualitative differences in human impact over time in relation to cultural, species and ecosystem diversity'.[45] The more serious threshold of human

nineteenth century colonial literature despite there being little doubt that distinctive cultures and ontologies were practised on the plateau. One needs to emphasise that many of the colonial writings showed evidence of complex cultural exchanges from an early historical period distinguished by reciprocity not easily categorisable as Hinduisation or tribalisation. Valentine Ball the geologist in 1868 recorded ancient excavations, indicating human activity at the tops of the hills, in valleys, in the middle of cultivation and even in the thickest jungles of Chotanagpur. In Singhbhum, Colonel Tickell in 1840 noted the complex political economy of the region in the earlier periods and the fact that Singhbhum was in the hands of the Surawaks or Jains whose oppressions ended in their expulsion from the Kolhan. [46] L.S.S.O'Malley noted that in the ancient period the Sravakas or lay Jains penetrated the jungles, where they were rewarded with the discovery of copper. [47] Edward Dalton recorded, that in the thirteenth century that the north of the district came under the rule of the Singh family of Porahat, who claimed to be Rathor rajputs, whose ancestors were three brothers in the body guard of Akbar's general Man Singh who took the part of the Bhuiyas against the Hos and ended up conquering the country for themselves. At one time, the Singh rajas also ruled over the country now included in the states of Seraikela and Kharsawan and claimed suzereignity over the Kolhan, a claim which the Hos denied. According to Dalton, old Hos told him that they honoured and respected the Singh chiefs, but regarded them, until they quarrelled rather as friends and allies than as rulers. Even if they ever were subjects they had achieved their liberty in various hard fought fields. [48]

What is clear from these colonial histories of the region many of them conjectural is that the communities in Singhbhum and elsewhere were not in any sense ‘isolated’ but were constantly interacting with other groups from the north. Furthermore, they contain interesting qualitative information about the landscape and the changes in the land. SRTickell in the 1840s waxed eloquent about the flora and fauna of Hodesum in the Kolhan, ‘the westerly Peers are situated among hills and vast jungles, and Saranda in the far south is one mass of mountains, clothed in forests, where the inhabitants… can scarcely struggle for mastery with the tiger… an entomologist would find an exhaustive field of research and discovery in the jungles of the country, the decayed *saul* trees are tenanted by species of Prionus and Cerambyx; the rocks contain endless beautiful varieties of Coleoptera…… wild tribes of ants, bees and wasps’.[49] In the 1860s Valentine Ball recorded his experience of Chaibasa in Kolhan thus; ‘the station is a small one consisting of the public offices, a few private bungalows and a small native bazaar. It is not altogether unpicturesquely situated, but there is an appearance of desolation in the surroundings, and one cannot experience of being at the very outskirts of civilisation when in Chaibasa. To the west and south west one might travel through the widest of jungle for several hundreds of miles, without coming upon a single sign of any kind that the people have in any way, been brought into contact with the British power save, perhaps that afforded by their quiet and undisturbed condition.’ Ball a geologist, toured extensively through the remotest part of India between the years 1864 and 1878 and noted that in the area of Ghatshila and Ramchundpur there were numerous pot stone quarries and mines. Only five of these were open they belonged to the same number of Bengali Mahajans. While much of his information can be seen as feeding the need for commerce and trade it also provided useful information. In 1855 Henry Ricketts

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activity is the point when the natural regenerative capacity of the ecosystem is exceeded and ecological succession is halted as was beginning to happen by the late nineteenth century in Chotanagpur.[45]

[46] SR Tickell, 'The hodesum' *The Journal of the Asiatic society of Bengal,* 1840, pp 690

[47] LSS O'Malley, *Bengal district gazetteers,* p.25

[48] LSS O'Malley, *Bengal district Gazetteers,* Vol XX, p. 26

[49] SR Tickell, ‘The hodesum’ *The journal of the Asiatic society of Bengal*, 1840, p. 705

recorded his concerns at the growing deforestation in Purulia 'The surgeon represents that the almost total absence of trees acts injuriously to the health of the inhabitants of Purulia and if some stringent measures be not taken to prevent the people from cutting down the few remaining --- a greater part of the district will remain uninhabitable. He further states that it is a remarkable but undoubted fact, that only a few miles from the station where there are extensive jungles, the rains commence nearly a month earlier than at the station of Purulia and that it is at this season the inhabitants of Purulia suffer greatly from Cholera, while there is not a case in the *jungly purgunnah* alluded to. The same great mistake has been committed at Chybasa 17 or 18 years ago. The *coles* sheltered by the jungle used to try to pick off the sepoys when they went to the river to drink, now all around us is as bare as Purulia, but the soil not being quite as hard and arid the want of trees is not so severely felt.'[50] JC Hannyngton the first commissioner of Chotanagpur noted thus; 'The mischief done in Manbhum is irreparable that all improvement has utterly ceased, the ancient groves are fast disappearing, the wastes remain unreclaimed for no one would undertake the labour, the fruits of which would be wrested from him.' He was referring here to the growing unrest among the Mundas and Hos whose lands and forests were being appropriated by outsiders. Narratives of deforestation were thus in keeping with real landscape changes in these accounts. What many of these descriptions of the landscape and the people were aimed at was to understand the local ecological historical setting and life styles of communities. It is also important to note as Sivaramakrishnan does that it was these perceptions of ecological differences between the moist *sal* forests of north Bengal, the dry deciduous forests of Chotanagpur and the mangrove swamps of the Sundarbans coupled with the differing lifestyle of communities inhabiting these regions that resulted in different regimes of colonial governance.[51]

In a refreshing new study, on forest rights and new forms of forest governance in colonial Kumaon, Agarwal has emphasised the importance of understanding colonial interpretations of rights. Using Foucauldian ideas of governmentality he talks of governmentalised local communities or governmentalised localities as part of the new regime of control that creates fresh political and economic relationships between centre, localities and subjects. Governmentality for him thus does not signify the proliferation of oppressive state institutions, rather developments in Kumaon in the 1920s saw the increased role of communities in environmental control and a redefinition of state-locality relations resulting in the production of environmental subjects and new regulatory communities. In the context, of increasing market pressures, Agarwal persuasively tries to argue that these new regulatory arrangements are able to soften and attenuate results perhaps even withstand market pressures. In Chotanagpur similarly in the nineteenth century the colonial state both in the company period and after and officials on the ground made attempts to understand and legislate in favour of local rights in the context of forest reservation and while one may not be able to talk of decentralisation of forest governance as in Kumaon in the 1920s, these attempts need to be understood and analysed by examining particular contexts.

It is important to note, in this context, that while there has been an abundance of literature on the history of colonial forestry much of it is written from the angle of scientific forestry and the developmentalist agendas of the state there is less concern with understanding the local ecological-historical settings of these projects. Even

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[50] Henry Ricketts, p. 5

[51] K. Sivaramakrishnan, ' A limited forest conservancy in south west Bengal, 1864-1917, Journal of Asian studies, vol 56 (1), 1997, pp. 75-112

Sivaramakrishnan who is concerned with colonial foresters 'intimate acquaintance with the locality, its landscape and the social relations of production, the special knowledge of a place and its spatial history by those who traversed it intensively' is less concerned with understanding forestry as a matter of governance. It is here as a matter of governance that we can see the concern with the colonial discourse of rights. In his study of Kumaon, Agarwal by focusing on the idea of governmentality emphasises the move away by the colonial state from methods of coercion to other ways of shaping behaviour in the context of environmental resource use. This latter approach could be a more useful one in order to understand the colonial discourse on rights as it came to be believed that rights, in this case, rights of indigenous communities needed to be settled and preserved in order to facilitate governance. That this realisation came gradually is not in doubt. This paper argues that by the 1860s serious attempts were being made to engage and understand the local historical ecological setting and the rights of local communities.

It is clear that when the forest department was constituted in the 1860s the state of the forests in much of India was extremely poor and chaotic and the ideas for their administration extremely vague. In certain areas the progress of the department was also slow. However, the establishment of the forest department gradually brought the steady of erosion of forest area in India to an end, a process that was reversed once again only during the Depression of the 1930s and, on a much larger scale, after 1947. The drafting of proper forest laws for the different provinces in the period 1869-1878 was related therefore, to what extent the long continued right of the user to the free collection of small produce, fuel, grass, bamboos grazing and shifting cultivation in the wastelands should be regarded as a prescriptive right. On the other hand government as guardian of all public interests insisted on the regulation of these rights so as to render possible a good management of the reserved forests in the interests of the country.

Local regimes of governance and forest rights

After the Munda rebellion of 1830, the government put the entire province of Chotanagpur under the charge of an officer, designated 'Agent to the Governor-General'. The first legislation implemented for Chotanagpur was the introduction of the 'Wilkinson rules' under regulation 13 of 1833 which made Chotanagpur a non- regulation province of the South-West Frontier Agency after abolishing the military collectorship of Ramgarh Hill Tract.[52] In the context of the Hos of Singhbhum the discourse of difference and indigenious resistance had by the 1850s brought into being a regime of governance that aimed to be paternalistic and suited to the needs of the local communities.

In Singhbhum, the Munda rebellions helped the company in their 'expansionist goals' and a major portion of the territories of Porahat, Seraikela, Mayurbanj and Kharsawan were put together under the charge of a British officer and given the name Kolhan, 1955 sq miles in all.[53] Major Wilkinson, the Governor General's Agent of the South West Frontier Agency recorded the reason for taking over these areas owing 'to the inability of the chiefs of the estates to keep control of the Lurkas…..the strength and resources of the Kuar of Seraikella (being) exhausted by the constant

[52] Regulation xiii of 1833 exempted certain areas, among them Chotanagpur from the regulations and placed them under special new rules for the administration of civil and criminal justice and for the superintendence of police, land revenue etc.

[53] TNN Singh Deo, op.cit. p. 47

necessity…to repel the attacks of the *coles*, that our Dak runners on the Bombay road throughout Baumghatty and from thence to Kutkurinjhea, will always be liable to interruption; and that many murders will be annually committed on suspicion of witchcraft'.[54] In Kolhan, therefore the Kol rebellion had made it possible to render Ho exclusiveness a fact with the 'amputation of the Ho tracts of the Kolhan' from Seraikella, Kharsawan and other Oriya states.[55] For the administration of justice, the district of Lohardugga was constituted as a centre for dispensing justice over 12,500 sq. miles. Wilkinson tried to pacify the tribes by granting the village headmen or Mundas and *mankis* of certain areas official documents confirming their title to the land and fixing the rent in perpetuity. But this did not always work in practice. His reforms were based on a fundamental misunderstanding. As a result of the granting of land titles to village headmen, several villages fell into the hands of *diku* landlords for arrears of rent. British courts participated in this dispossession as Mundas of villages had no title deeds to their land and could not prove ownership in British courts.[56] As there was no proper record of rights, land grabbing by *dikus* in cahoots with the courts continued to an unparalleled degree. E. Dalton was to note in 1860s that 'it was during the administration of the south western agency that the greatest disturbance of peasant proprietary tenure occurred'.[57]

The Kolhan was the south western portion of the district of Singhbhum. Occupied by the community of the Hos. It included a total of 622 villages and 26 pirs. The most important hills in the south western part of the estate were the hills that occupied the greater part of Saranda pir. The Singh family of Porahat whose head was formerly known as the Raja of Singhbhum and who claimed to rule over the north of Singhbhum claimed suzereignity over Kolhan a claim which the Hos denied to Edward Dalton. The Hos seemed to have owed only a nominal allegiance to the Rajas of Singhbhum. The Raja of Porahat, the Kunwar of Seraikella and the Thakur of Kharsawan each claimed suzereignity over the Hos of their areas but were thwarted. British reports recorded that the Hos were determined to keep outsiders away from the Kolhan region. Between 1816 and 1820 they carried out several raids in neighbouring areas and earned a reputation for themselves as being an intractable people. However as increasing inroads were made into the area under the aegis of the company resistance flared up in 1821 against local chiefs. The fort at Chakradhrapur was burned down and the Porahat residence of the raja attacked. Under Major Roughsedge in the 1820s the Ho offensive was ruthlessly suppressed but not for long. In 1830 there was an uprising of the Kols in south Kolhan. The Hos of Lallgarh, Aula and Jayantgarh pirs refused to pay *malguzari,* fixed at the rate of 8 annas per working plough, but also helped their betheren plundering and burning Jayantgarh and driving Raghunath Bisee, the chief of Jayantgarh pir from the house. Raghunath Bisee was an extremely unpopular landlord. For instance while paying only one pie of salt (equivalent of ½ seer) he took two khandees of Dhan forcibly. (a *khandee* being equivalent of 20 seers or half a mound). The *mankis* and mundas entered into a written engagement with Ragunath Bisee agreeing to pay 8 annas per

[54] Major TS Wilkinson, no 36 to RD Mangles, ESQ Secretary to Government, Fort William, 22 August 1836

[55] See Criticism of this position , TNN Singh Deo, op.cit According to one historian K. Sahu, the British introduced a system of administration that consolidated its grip over the Kolhan. In this way, the Kolhan became politically and administratively part of the Indian empire. He notes that the attempt of the British to prevent land alienation was caused by the growing problem of *dikku* penetration. 'The policy was praise worthy inasmuch as without this the entire tribal community would have been swept away by the Diku influx'. See K. Sahu, *The Kolhan under British rule*,

[56] J.B. Hoffmann, *Encyclopaedia Mundarica*, vol Viii, Calcutta, 1906, p. 2400

[57] K. Sahu, op.cit.

plough for the land they cultivated to prevent plunder and pillage by the kols of their villages and obey all orders of their chief.[58]

The *Kol* rebellion of Chotanagpur in 1831-32 followed the oppressions by outsider landlord groups. The Mundas of Ranchi were joined by the Larka kols of singhbhum. The 'plundering incursions' of the Hos resulted in the ravaging of several dikku villages of Seraikella and many *dikku* raiyats of Keonjhar and Mayurbanj were also plundered by these 'tribal depredations.' This provided the Company with the opportunity for further armed intervention and the swallowing up the whole area of the Kolhan. Wilkinson acting political agent to the governor general marched to the region and sought to quell the insurrection. Regulation xiii of 1833 created the South West Frontier Agency. Seraikella, Kharsawan and other political areas of Chotanagpur were included in the south west frontier agency and Captain Wilkinson was appointed principal agent to the governor general to head this administrative unit. He had gained his experience as an administrator among the Konds. The succeeding couple of years was taken with the subjugation of the Hos in neighbouring areas of Singhbhum, Seraikella and Kharsawan where local rajas were unable to maintain control. Person carrying dak (mail) were attacked by Hos in Lalgarh and Aula pirs. By February 1837 the Kol pirs which formerly belonged to Singhbhum and Bhamangatty had been brought under the direct management of the Company government. Lieutanant Tickell was appointed as assistant agent to the political department of the south-west frontier agency for the purpose of taking charge these kol *pirs*. This administrative unit was named as Kolhan. Under Tickell a large number of insurgents were captured. Two villages Rooya and Najumlohur were wholly destroyed. In Buludia some women were captured and 150 head of cattle including shepards, goats and a large quantity of rice were recovered. The *pirs* of the northern and western part of the Kolhan assisted the British troops and the leaders Bora, Berrai, Narra and Pandwa were apprehended through the aid of friendly Hos.

The tone of the official reports as those by Tickell highlighted the extraordinary love of homeland and forests among the Hos. One motive for the subjugation of Kolhan and its being brought directly under British administration was because the government feared that the Hos were being provoked by *zamindars*. The government therefore intended setting up an institution for the administration of justice in the Kolhan. Wilkinson was of the view that if it was not done the Hos would continue to settle their disputes in the same 'barbarous' manner. While an additional motive was the collection of revenue from the Kolhan area. Wilkinson believed that by organising the Hos into an ordered society the company would be able to generate more revenue from the area.[59] By orders of the 6th June 1837 some rules for the criminal justice in the Kolhan under the political agent were approved and sanctioned by the government of Bengal. The assistant to the agent in Kolhan was empowered to receive and investigate all complaints, information and charges brought before him with regard to crimes committed and to proceed with conviction. Wilkinson required Tickell to go through the *mankis* or their assistants and to have direct contact with the people. This was a very important admission. The undefined claims of the local chief's supremacy over the *larkas* Hos was disallowed. Wilkinson directed Tickell to preserve and strengthen the *manki* munda system for fiscal and police purposes. The large *pirs* were subdivided and the small *pirs* were placed under the superintendence of the *manki*. In effect Wilkinson was attempting to preserve the indigenous village system in the Kolhan. *The manki* munda system continued to have a life in the region well into the twentieth century. In the 1850s, with regard to the successor to the office

[58] M. Sahu, *The Kolhan under british rule*, Jamshedpur, 1985.
[59] Ibid, p.71

of the *manki,* the governor general's agent, J.M. Crawford ruled in 1851 that the office of the *manki* was neither purely elective nor strictly hereditary. On the death or dismissal of the *manki* the individual who exercised the greatest degree of local influence was ordinarily concerned as best qualified for the office. But when a *manki* had discharged the duties of the office creditably, then after his death his heir or if he had no direct heir a member of his family, holding the necessary qualifications, was given the preference. However, the *manki munda* system failed to prevent the infiltration of outsiders who came in ever more numbers, for example the number of foreign cultivators was 1, 579 in 1867 increasing to 15,755 in 1897. In 1897 J.A. Craven the settlement officer in 1897 sought to stem the rising tide by strengthening the hands of the district commissioner and instituted;

1. that a provision be inserted in the record of rights and in *patta* declaring that holdings were not transferable by gift sale or mortgage without the permission of the Deputy commissioner
2. That the headmen should be required under the penalty of fine and possibly after repeated neglect to report such transfers immediately when they did occur to the DC.

Forest rights also increasingly occupied the minds of the colonial administration. With forests increasingly being recognised as a revenue resource by the district administration the clash between foresters and administrators became more apparent. Often while forest conservancy was taking on a tone that urged the need to directly control, systematise and regulate the extraction of timber from what was perceived to be a dwindling resource of tropical timber, local administrators urged caution in overriding local rights to forests. This discourse on forestry has been seen to form part of the development discourse of the colonial state, the focus of efficient and systematic production of timber for public interest enunciated 'the productionist agendas that we take as characterizing developmental policies in the twentieth century.' [60] However, the issue of rights continued to be an important one for the district administration. By the 1880s forests in Chotanagpur were organised under a variety of arrangements, reserved, protected, private and leased from the political states. It was generally argued that the interests of the agriculturists were amply safeguarded during the creation of the reserved forest (since in the hilly regions 50% of the forest area was generally excluded from reservation while in the plains the non-reserved area set aside as village commons were three times as large as the reservation). But the history of forest reservation and the evidence of unrest indicates that the interests of small farmers living adjacent to forests were far from secure. The differing outcomes of forest policy can be examined by looking at the ways in which these differing pressures, the protection of forest for a variety of reasons, [61] the revenue generating possibilities of timber produce and the issue of local rights were played out in the context of different contexts in Chotanagpur. While in the Saranda region, the productionist agendas of the forest department were clearly emphasised in the way in which Saranda was administered, in Porahat on the other hand local rights were protected given the context of conflict with local communities.

Using Porahat estate in Singhbhum as a case study we can note, that the creation of the protected forests was to cause much unrest. JS Macpherson the survey and settlement officer reported in 1905, that 'the reservation was one great encroachment on *khuntkatti* rights of the Mundas. 'But when the reservation came and with it the evictions, the infringement of their ancient customary rights was obvious and was immediately resented. They made light of the *pattas* from the rent receiver and to use

[60] Sivaramakrishnan, *Modern Forests, state making and environmental change in colonial eastern India*.
[61] Throughout the colonial period, officials debated the links between the forests and local water supply

the words of the joint forest settlement report, protested that the memorial stones of their ancestors were their pattas.'[62] Moberly who was in charge of the operation to demarcate 25 large blocs of protected forest in Porahat recorded extensive resistance from Munda and Mankis. 'The Mundaris of Karla, Sankai and Todanghatu and Kundruguttu pir obstructed the *amins* and when sent for persisted in their obstructive attitude and informed me that they would not permit the lines to be cut, although I warned them that I should be compelled to send for the police unless they promised to assist. An armed force camped in these villages until the lines had been cut and were inspected by me and a certain amount of new cultivation was included in the protected blocs as a punishment.' He went on to note that, 'I strongly suspect that the *manki* had organised opposition throughout the *pir*, but I could not get sufficient evidence by which to proceed against him.'[63]

Macpherson continued that, 'the reservation had created a general feeling of dissatisfaction and distrust of the government which it will take long to live down. The tenants evicted from a number of villages lost their *khuntkhatti* status for which no grant of *raiyati* lands elsewhere could compensate them. Now when the law recognizes their *khuntkhatti* status they clamour that something should be done for them. The opposition to the demarcation of protected forests is due to the fear that eventually the tenants will be excluded from them, and I strongly urge here that no restrictions should be placed on the use of the jungle at least by the residents of the village where it lies, except such as are necessary to prevent its total destruction.'[64] That the government had absolutely no right in the Mundari *khuntkhatti* villages was apparent to Macpherson who stated that 'the government cannot conceivably have any rights in the waste or forest land in these villages, unless as in some *khuntkhatti* villages in Ranchi, he has forcibly acquired them by seizure, followed by a long period of peaceful possession.' That the question of jungle rights was important to local people and was a significant factor in the Birsa Munda rebellion of the 1890s was also recognised in Macpherson's comment that 'with aboriginals jungle rights are ever of supreme importance and in Porahat they are not disposed to accept curtailment of rights or fresh impositions. Birsaism in Singhbhum is due chiefly to interference with jungle rights in Bandgaon and Khas Porahat, and if not vigorous is by no means suppressed.'[65] The fact emphasised in most reports was that the Mundaris evicted from villages or whose village life was circumscribed were later the most active of the sardars and Birsaites. These comments reveal the discordant voices within colonial policy and the recognition of the necessity to work with local communities.

For Macpherson then, the customs of Chotanagpur were radically different from other parts of Bengal. As he noted, 'to comprehend rights and customs in Chotanagpur and particularly in Pargana Porahat the most important requisite is to discard completely all ideas of land tenure acquired in other parts of Bengal. The relationship of landlord to tenant in extensive tracts of Chotanagpur is radically different from the same relation in Bengal and Bihar, the unit of Chotanagpur not being the individual tenant, but a community and the landlord being not the owner of the soil but merely receiver of a charge called rent and having no direct relation with the cultivators.'[66] In

[62] J.S. Macpherson's *Final report on the operations for the preparations of a record of rights in pargana Porahat, district Singhbhum,* 1905-1907, Calcutta, 1908 (hereafter Macpherson's report)
[63] Ibid
[64] Ibid
[65]ibid, p. 5 For a list of jungle produce used by groups in Chotanagpur see, V. Damodaran, 'Famine in a forest tract' in Richard Grove, V. Damodaran and S. Sangwan ed., *Nature and the orient, essays in the environmental history of south and south east Asia,* Delhi, 1998
[66] Macpherson's report, p. 5-6

his report therefore Macpherson set out to systematically protect customary rights of local communities against the onslaught of the proprietor. This attempt to settle customary rights especially with regard to forests was a result of the impact of the Birsa movement on government opinion. The role of the district administration in recording and emphasising the importance of local rights against the productionist agendas of the foresters is important to note here.

The recognition of the links between the Birsa movement and forest rights by colonial officials is important in this context. The main focus of Birsa's discontent were the restrictions regarding the protected forests of Piring in the Porahat area. The measures taken to mark off village forests and to prepare a record of forest rights caused much unrest in the region. Petitions were submitted by various *mankis*, Jeta Manki of Gudri, Rasha Manki, Mona Manki of Durkapir 'claiming resumption' of their old rights for free fuel wood, grazing etc. Birsa himself led a number of raiyats from Sigrida village to Chaibasa to petition for remission of forest dues. Men from six other villages had preceded him but nothing came of it.[67] The strength of the Birsa movement and the recognition of Mundari *Khuntkhatti* tenure did result in the preservation of some forest rights in the protected forest areas. An effort was therefore made to draw up a record of rights as can be noted in the case of the Porahat settlement.

The Porahat settlement

J.H.Taylor's settlement was conducted under the provisions of the Bengal Act 5 of 1875 and the Bengal Act 1 of 1879. In the course of his operations Taylor drew up a record of rights and duties. It was objected to by the Raja of Porahat with regard to its description of headman's rights, its prohibition of certain illegal exactions and its definition of forest rights. For each village a separate record of rights was prepared. 1559 objections were received. J.S.Macpherson has given us a detailed account of the history of the pargana. Porahat was confiscated in 1858 on account of the rebellion of raja Arjun Singh. Its revenue administration was made over to the board of revenue and it continued in other respects to be managed as a tributary state. It was incorporated in Bengal by a proclamation of 1892. Raja Arjun Singh died in 1890. By indenture dated 10th October 1895, Porahat was restored to his son Raja Narpat Singh. It was restored with full proprietory rights subject and without prejudice.

In Porahat, 195 square miles of forest were marked off between 1880 and 1882 and constituted reserved forest under the forest act of 1890. Four years later the rest of the forest and wasteland of the estate was declared protected forest under the Act, not as the forest settlement report noted 'with the object of excluding or diminishing the rights of the tenantry, but with the object of regulating the exercise of these rights and preventing their wanton abuse by individuals to the prejudice of the community'. When Porahat was restored to the raja in 1895, the management of the forest was reserved by government. The report went on to note 'in order that the management of the forest department within the protected area should not unduly limit the extension of cultivation or interfere with the privileges of *raiyats* it was resolved that certain blocs of protected forest should be blocked off for permanent maintenance by the department and that the remainder of jungle and wasteland be let uncontrolled.'[68]

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[67] See KS Singh, *Dust storm and hanging mist, a study of Birsa Munda and his movement in Chotanagpur, 1874-1901,* , p. 37

[68] J.H. Taylor, *Final report on the survey and settlement operations in the Porahat estate*, Calcutta, 1904, p. 33

25 blocs covering 37 sq. miles and subsequently 10 blocs covering 5 square miles were demarcated by Mr Moberly in accordance with these proposals. The original proposal regarding the undemarcated area was that it should be left to the unrestrained control of the *zamindar* and obvious confounding of the proprietor with the estate and tenantry. J.H. Taylor and J.S.Mcpherson both advanced unanswerable arguments that the undemarcated portions of the protected forest should be left to the management of the village headman and *mankis* under the nominal supervision of the forest department and that all claims of the proprietor over this area should be disallowed.[69] Taylor reported that 'unless the village forests were left under the control of the headman, the management of the forests by the raja, or rather by his subordinates would be very detrimental to the interests of the tenants.'.[70] The protected forest was to be managed on behalf of the village communities, the *zamindar* already having received his share of the forest in the shape of reserves. Clearly here one can see a move by Macpherson and Taylor to establish and protect certain customary rights. In fact one can argue that the settlement aimed to limit the rights of the proprietor and to protect the rights of the *manki*.

It was reported after enquiry in Porahat that though sufficient jungle had been excluded from the reserves, headmen of villages of that neighbourhood which contained jungle now objected to it being taken by outsiders. In 1889 the advent of the railway produced a demand for fuel and timber and unauthorised sales from the unreserved forests of Porahat and Kolhan began to take place, consequently the Deputy Commissioner arranged that the unreserved forest should be managed informally by the forest department for the good of government and of the villages in which they were situated.

The *mankis* were military chiefs or original settlers under whom groups of villages were reclaimed. They survived in only 8 Kolhan *pirs* and in the subdivision of Bandgaon. Succession to the office of *manki* was by primogeniture. The *manki* was entitled to a *nala* or commission of 6 *pice* per rupee of the rental payable through him by his headman to the proprietor. The proprietor by refusing to pay some *mankis* their commission had been known to intimidate the others and was known to use them as instruments of oppression.[71] The rights of the headmen were protected by hereditary tenure for which he could not normally be ejected. Macpherson criticised the decision of the subordinate judge at Chaibasa who held that the two headmen in the Sadant *pirs* whom the *zamindar* sued for *khas* possession of their villages had failed to prove and permanent right in the villages and that the *kabuliats* showed that 'permanent rights were never given to the defendant's ancestors and that they were merely *ijaradars* who collected rent on receiving a certain amount for commission. He argued that a casual decision of this kind, in which the defendants were too poor even to carry the question to the appellate court, being ruined by the costs in the lower court could not operate as a precedent for other cases even of the same character. The great majority of headmen in the estate were direct descendants of the original founders of their respective villages.[72] Regarding *raiyati* rights it was settled that the proprietor had no right to interfere in the internal economy of the

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[69] DC' report sept 15th 1905, Chaibasa Record Room

[70] Quoted in Macpherson's Report, p. 142

[71]The duties of the headman were to collect and pay to the proprietor the rent due from the village according to his lease, to arrange for the provision of supplies, on payment to government officials on tour, to supervise the work of chaukidars; to look after bad characters, preserve village boundaries, regulate the reclamation of waste lands and protect village forest.

[72]'Macpherson's, *report*, p. 123

village neither did the village headman have exclusive rights over this. Vacant holdings were to be settled with villagers. The headman was not entitled to take *salami* (forced financial exactions) on a resettlement in any case it was noted that 'salami as a matter of fact is rarely taken in aboriginal villages'. Homesteads, fruit groves, water reservoirs, threshing floors and manure pits as well as burial grounds, burning grounds and *saran* or *Jahiras* were not assessed on rent. Macpherson concluded that the villages were founded on the understanding that the cultivated lands alone would be assessed and an attempt to assess anything else would be an inexcusable breach of custom.[73]

In Porahat then the jungle and wasteland were protected forest in charge of the forest department. The right of all cultivators to a supply of forest produce was for their own requirements were deemed to beyond discussion. The constitution of the protected forest in the region was subject to rights of the community. The *zamindar* had rights in the reserved jungle but no right of sale in the unreserved forest or right to take any produce from it.[74] As noted, detailed enquiries from village to village had prove conclusively that not only those rights which were admitted have been exercised by the tenants from time immemorial, but also, in many villages other rights connected with the sale from a date long antecedent to 1894 of minor forest produce. In some *pirs* and in the Ho villages of the Kolhan *pirs,* there was no such custom of sale and the residents of the estate uninterruptedly used the produce of the jungle without restriction.

Macpherson also elaborated on the custom of the sacred grove and the strict custom that prevented any cutting in the grove. He recorded the general custom as one where no one may cut down trees here whether green or dry and that not even the dry wood may be taken out of the grove. In Ranchi new landlords unaware of prevailing custom cut trees in the *sarna* until they were convicted. The proprietors were disqualified and the commissioner stigmatised it as sacrilege. The *zamindar* of Porahat also claimed the right to cut trees in the sacred grove being a new proprietor which was also deemed sacrilegious. In Porahat in particular as Macpherson noted the *zamindar* was expressly precluded by terms of his indenture from interfering with the wasteland.[75] This legal enforcement of the status of scared groves was a very important recognition of local rights and cosmologies.

It was therefore concluded that all unreserved jungle and wasteland and the produce of it must be that government and its successor-interest possess no right of sale from it, no right of the *zamindar* to take for personal use, nor any right of interference save to regulate the enjoyment of their rights by members of the village communities, whereas the tenants have unrestricted right to deal with such land and the produce of it in accordance with the customs of the village without any liability to render payment, or to take any permission from the *zamindar*. Residents of the estate could take free without permission for their own use all uncultivated forest produce from the waste or jungle of villages except from trees of certain species in some villages where they have been apportioned by the villagers amongst themselves. By custom then all residents of the village had reciprocal rights in the jungles of other villages in the estate.[76] To prevent misconception he hammered home the point that the *zamindar* was not the owner of trees in cultivated land, village sites or *jahiras* nor entitled to any produce or revenue from them and that he had no right to cut them down or sell them under any circumstances.

[73] Macpherson's report, p 52
[74] Macpherson's *report*, p. 63
[75] Macpherson's Report, p. 70
[76] Macpherson's Report, 147

Regarding other rights, the villagers had the right to graze their cattle free of cost in all the jungles and waste lands of their village and on cultivated lands of the village when these were temporarily fallow. All the *zamindars* except the *zamindar* of khas Porahat freely admitted the right. Macpherson recorded that these objections were spurious as the tenants had enjoyed an even greater rights as recorded by Slacke in Chainpur where the grazing area 'included all orchards where the trees were too big for the cattle to injure and all fallow and waste lands of neighbouring villages'. [77] This custom was recorded as universal in all village communities in the Porahat Raj including the neighbouring political states. Even when the zamindar of Anandpur decided to set aside certain portions of the jungle as his own reserved forest the grazing there was expressly conserved for the tenants. The attempt by the Porahat *zamindar* to challenge these rights was therefore frowned upon. It was recorded that the *raiyats* of each estate had the right to take free of charge and without the permission of the proprietor the less valuable minerals such as stone, iron-ore, clay, gravel and lime stone so far as these were required for their own domestic and agricultural purposes while artisans had the right to sell articles manufactured from such products. All other mineral rights were deemed as belonging to the proprietor. Homestead lands of cultivators were everywhere recorded as rent free and in some areas while it was noted that artisans paid trade taxes their homesteads were rent free. Trade taxes were not realisable in *khas* Porahat and Bandgaon where they were abolished during the era of state management, nor in Chainpur where they were commuted in 1886 but they were leviable in Kera and Anandpur where each headman had to pay the proprietor a salami of one rupee at the Dasahara festival and in Anandpur a goat was given to the proprietor by each village community. It was noted that these customs did not occur in other estates of the pargana and the illegal attempts of the raja of Porahat to revive or reintroduce them were to be characterised as acts of oppression.

In order to give practical force to these record of rights Macpherson required that certified copies of the record be made available to local headmen and in their absence to influential tenants.He also made extensive recommendations with regard to the control of ejectment of headmen and appointment of new headmen which he wished to place in the hands of the district commissioner. Such arrangements he noted were essential if the record of rights was to have practical value, [78] 'of all the tenants who have been placed in difficulties by the change of Porahat from a political state to a *zamindari* in British India, the aboriginals of these *pirs* most require and merit the protection of government by legislation.'[79]

It is important to note in this context that customary rights were some times misused by the local communities themselves fearing the imminent seizure of the forests by the state. In Ranchi district, it was reported that since the beginning of the forest settlement, local communities fearing that the settlement would reduce their forest rights, had used their customary rights to sell wood in large quantities denuding the forests in their locality. Interestingly, when the situation proved to have a marked effect on the community and its fuel resources, some local attempts at conservation were recorded. These involved rigid prescriptions against cutting down certain trees. Unfortunately, the settlement report recorded, these local conservation attempts were few and far between and varied enormously.

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[77] Macpherson's Report, p. 74
[78] Macpherson's report, p. 13

[79] Ibid., p. 123

The debates on customary rights in the protected forests were important, for they revealed colonial concerns with local rights while at the same time designing the most sweeping legislation allocating nearly 1/6th of India's land as forest reserve. While the motives behind this forest legislation has been a subject of much debate, mainly by environmental historians, much less has been written about the discourse of customary rights. Recently the notion of customary rights and the protected forest has come in for some scrutiny, in another colonial context, by Nancy Lee Peluso. Peluso makes the important point that customary rights were constructed from the recognition of some customary practices and from the non-recognition of others and these varied widely in different contexts. She goes on to argue that a recognition of these rights, for example among the Orang asli by the colonial state, permitted a privileged ethnic access to resources and that 'a racialisation of the landscape' that followed facilitated the development of the politics of cultural autonomy in South East Asia.

While it can be argued that forest rights in the Chotanagpur context became an important part of the discourse of Ho and Munda exclusiveness both by the state and the indigenous peoples themselves. One can take the point too far, as when Peluso argues, that 'the creation of customary rights followed in the presumption of the arriving European's views of the landscapes they found' and that they rarely fitted in with prevailing local ideas about nature and 'were but constructions' with little basis in reality.[80] Interestingly, in an argument that works counter to this, Ann Tsing has noted in the context of Indonesia that the Dutch codification of Adat law has been used in more recent times to establish property rights for marginalised forest peoples threatened by forest clearing for transmigration settlement schemes and plantation agriculture.[81]

In Chotanagpur customary rights, while open to misinterpretation, misrecognition and sustained erosion did indeed have a basis in the lived environment which in E.P. Thompson's terms 'comprised of practices, inherited expectations, rules, norms and sanctions both of law and neighbourhood pressures'. Their recognition by the colonial state has to do with the contradictory nature of political power. Thompson goes on to note that 'unequal as were the terms of power in this conflict, yet power must submit to some constraints because power might bring itself into danger if abuse of customary rights outraged the populace.'[82] The fact of the reality of customary rights is not in question here.

One recent book which examines the links between myths of land relatedness and regimes of property in land shows the different ways in which 'mythical land relations' are reproduced through the courts. In Australia, for example, contemporary Australian aboriginal groups are obliged to approach the courts to establish land rights. As Abramson and Theodossopoulos point out 'the dominance of the courts in matters relating to the ratification of land relatedness, means that often with anthropological aid, clans folk are both able and obliged to translate mythical categories into legal terms. Ancestral tracks and ritual sites become the basis for drawing up boundaries, whilst spiritual guardianship transposes as legal ownership'.[83] In the Chotanagpuri case similarly one can see that brute facts of

[80] Nancy Lee Peluso and Peter Vandergeest, 'Genealogies of the political forest and customary rights in Indonesia, Malaysia and Thailand, *Journal of Asian Studies,* 60, no 3 (August 2001) p.801

[81] See introduction, John F. Richards, *Land Property and the environment* ,p. 6

[82] E.P.Thompson, *Customs in common,* p. 110

[83] Allen Abramson, Dimitrios Theodossopoulos, *Land, law and the environment*, p. 18. It has been argued that this relates to rights as legal process and the proclivities of law to essentilise

colonialism were sometimes reversed by recognition of a limited number of customary practises and local land myths. The entangling of colonial narratives with indigenous narratives is all too apparent here. Nevertheless the concessions made to indigeniety and locality by the colonial state was insufficient ultimately to stem a rising tide of turbulent protest in Chotanagpur. Indeed, the concessions probably encouraged the Ho and Munda along a path eventually leading to claims for autonomy. In the process a minority culture was creatively reworked during struggles to actualise rights.[84]

Not all colonial officials followed Macpherson's line. It is interesting to note that, the partial legislative attempts to check obvious exploitation by outsiders developed alongside the notion of 'civilising' the tribes. This was made most clear in the debate on shifting cultivation in the latter half of the nineteenth century. Richard Temple, for example, argued strongly in favour of ending the practice of shifting cultivation. *Jhuming* was said to be wasteful and to threaten the jungles in the remoter parts. It was reported that the Kharia tribe of Dhalbhum who lived on fruits available from trees and jungle produce, raised a few precarious crops on patches of jungle which they cleared for the purpose by burning the trees. After reaping their harvest, they shifted to another area of jungle and returned to the same patch after 8-9 years. The language of settling and improving these groups was always in evidence.[85]

It is also important to note that, the legislative exercise of the latter half of the nineteenth century which was aimed to redress the most pressing grievances of the tribes in Chotanagpur did not fail to rouse debate on the merits of a policy that provided for an 'excluded' or 'partially excluded area'. Forsyth the administrator of the Central Provinces was vociferous in his criticism of colonial policy regarding these tracts. He proposed that the Mandla plateau, or *savannahs* as he called it should be opened up for permanent cultivation. 'We have here a tract eminently fitted to yield results from the application of European energy, intelligence, and capital to the supervision and direction of native labour... none but a capitalist can now practically occupy the waste lands so as to secure a legal proprietary title; and

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social categories and identities. In some senses then the process of law might compel collectivities to define themselves in culturally essetialist terms. See J.K. Cowan, M.B. Dembour, and R.A.Wilson ed., *Culture and rights anthropological perspectives,* p. 11, James Clifford*, Identity in Mashpe, the predicament of culture*, Berkeley, University of California press, 1988

[84] In a recent article Dipesh Chakravarty has noted that in the post colonial period, 'the struggle for recognition of rights in India has remained a more important struggle to produce post-colonial national subjects as envisaged in the liberal constitution. Marginal groups have found themselves pitted against resource strapped central or provincial governments and have used all available means at their disposal including the tactic of globalising their issues in order to achieve their rights. See Dipesh Chakravarty, 'politics unlimited: the global *adivasi* and debates about the political' in B. Karrlson ed., *Indigenous peoples movements in India.*

[85] In the Central Provinces the activities of the shifting cultivators was criticized with vigour. Forsyth reported 'the Byga (Baiga) is the most terrible enemy to the forests we have anywhere in these hills. Thousands of square miles of sal (shorea robusta) forest have been clean destroyed by them in the progress of their cultivation.... in addition to this, the largest trees have everywhere been girdled by them to allow the gum resin of the sal to exude...the improvident wild man will cut down the whole tree to save himself the trouble of climbing.' The fact that much of the destruction of the forest resulted from the activities of merchant capital and the opening up of the region by railways was mentioned by many of the settlement officers only in passing. See Forsyth, *The highlands of central India,* pp. 96,364,367.

the aborigine never has such capital as would enable him to do so'. [86] Edward Dalton, the former commissioner of Chotanagpur, was of the opinion that the complicated machinery of civilised laws was unsuited to the backward tribes and that the government was 'inclined to treat them with favour bordering on partiality'. [87] But the debate was won by those who believed in some form of protection for the tribes.

In the early part of the twentieth century the Chotanagpur Tenancy Act of 1908 attempted further to define and record tenures and to 'register….rights, privileges, immunities and liabilities affecting holders'. This legislation, the reasons for which were given in a Bengal government resolution in 1880, aimed to put an end to disputes which had assumed 'so chronic a character in connection with these special tenures'. It is important to note that while the act recognized *Khuntkhattidar* rights it gave no privilege to *khuntkhattidars* to entitle them to retain possession against the wishes of the landlord. The limitations of the act could be clearly seen.[88]

All this, this does not detract from the fact that some effort was made to record and protect customary rights by the colonial state. Often misjudged, but sometimes appropriate, the protection of these customary rights helped to institutionalise the fact of tribal autonomy. The move to protect these rights was fuelled by resistance movements of the nineteenth century, and by the fact that colonial administrators were forced to contend with indigenous knowledge and ideas of place. As I have noted, we thus need a more sophisticated understanding of colonial ethnography that takes into account various strands of thinking and the great variety of imperial agents involved in the process of colonisation. A whole generation of ethnologists and administrators in the nineteenth and early twentieth century had systematically studied 'tribal culture'. Starting with the work of Colonel Tickell and H. Ricketts in the 1840s and 50s to W.W. Hunter and E. Dalton in the late nineteenth century to the Indian ethnographer SC Roy in 1910 the idea of a distinct tribal Munda, Ho or Oraon culture had been given textual force and meaning which was to be translated to legislative protection of sorts. It came to be believed that rights in this case rights of indigenous communities needed to be settled and preserved in order to facilitate governance.

We also need to locate the work of administrators like Davidson, Hannyngton and Ricketts in the 1850s to ethnologist like SC Roy in 1900 and others within a broader framework of nineteenth century humanitarianism. In an important article, Alan Lester has argued that humanitarian ideology can be traced to the late eighteenth early nineteenth century when a sense of responsibility for distant human suffering was created in Western Europe when these societies became entwined within global networks of exchange and exploitation. He challenges the notion of a singular metropolitan centred colonial discourse and suggests instead a complex network of discursive exchanges in a globalised field.[89] In fact, the young science of ethnology owed its institutional origins to the humanitarian impulses embodied in the Aborigines Protection Society, founded in 1833 'to promote the spread of civilization and the protection of their rights'. The nineteenth century, had seen the emergence of

[86] ibid p. 163

[87] E. Dalton, *Descriptive ethnology of Bengal* p.3

[88] *The Chotanagpur Tenancy Act*, 1908

[89] Alan Lester, 'Observing the due observance of justice': the geographies of colonial humanitarianism' *Environment and planning: society and space 2002, vol. 20,* p. 277

humanitarian sentiments about the future of aboriginal peoples. Stocking argues that in the period 1830-1870, the organisation and the ideology of empire were in a state of irresolution as humanitarians, colonists, colonial reformers and free traders pushed their respective concerns in the metropolitan political arena. This trend in Victorian thinking manifested itself in the 1830s with the Parliamentary Select Committee on Aborigines which was set up to inquire into 'the measures ... to be adopted with respect to the native inhabitants of countries where British settlements are made, and to the neighbouring tribes, in order to secure them the due observation of justice and the protection of their rights, to promote the spread of civilisation among them, and to lead them to the peaceful and voluntary reception of the Christian religion.' [90] The story of missionaries such as Hoffman and Leivens is important in this context though they come later for our period.

Important new work on missionaries is allowing us to reassess the work of missionaries. While it has been argued that from the start missionaries provided a more authoritarian instrument for the attempted control of indigenous communities in India and Africa, it is recently been argued that missionaries played an ambivalent role both in Britain's imperial expansion and in local power struggles. In a recent important work E. Elborne has shown that the religious "conversation" between the missionary and his parishioners resembled more the ministrations of the Good Samaritan than a dichotomous clash of cultures. According to her, the LMS missionaries in South Africa were not simply cogs in the imperial wheel. She emphasizes the poverty, eccentricity, and alienation of the missionaries from their own European background. One lived in a windowless "straw hut ... about 9 feet square," which the people had helped him build. Another frequently went shoeless for want of money to afford a new pair.[91] Many of them married Khoe women and these interracial marriages scandalized white settlers for many generations to come.

Similarly in India, missionaries were sometimes, an important critic of colonial policy and attacked an indifferent or even greedy administration. In Chotanagpur, four missionaries of the Gossner Mission came to Ranchi in 1845. They were Germans who had been invited to preach in Chotanagpur by the first commissioner of Chotanagpur, J.C. Hannyngton. They had become acquainted with the 'kols' while in Calcutta where they came across 'black children engaged in mean works like sweeping the roads and carrying the goods….the young missionaries were at once struck by these dark skinned, bright merry faced people, who presented in every way a marked contrast to the decidedly handsome, fair skinned indolent Bengalees and the rather martial looking up country men.'[92] They settled in Ranchi in 1845 where progress was slow and 'at the close of day of weary, fruitless toil they might have been seen again digging on their own little garden plots, to raise up a few vegetables for the supply of their common table or working with hatchet and plane squaring timber for their dwelling houses and schools with their own hands raising the walls, or laying on the roof of their godly church'.[93]As a result of their work, four Oraons were baptized in 1850 and the first church was founded; and two Mundas were baptized in 1851. The Anglican Mission established its work in Ranchi in 1869 and the Roman Catholic mission started work in Chotanagpur soon after. I will concentrate here on

[90] G. Stocking, p. 241

[91] E. Elbourne, *Blood ground, colonialism, missions and the contest for Christianity, 1799-1853*, Montreal, 2002, p. 214

[92] See Nottrott, *the Gossner mission under the kols* and Chatterton, *the story of fifty years mission in Chotanagpur* cited in S. Mahato, *A hundred years of Christian missions in Chotanagpur, since 1845*, p.21

[93] Ibid. p. 29

the work of the Jesuit mission which has a long and rich tradition of involving themselves in tribal land struggles. It would be interesting to compare the work of the protestant with the Catholic missions though this is outside the scope of this paper. Work on protestant missionaries elsewhere has argued for the close association of Protestantism with empire and the fact that Protestantism was an important element of the constitution of 'British' identity in the nineteenth century and as such helped to unify diverse communities. Jesuit radicalism on the other hand developed in Chotanagpur as an important critic of colonial state policy a tradition that continues to this day.

Missionaries and the discourse of tribal protection

It was in this sense that Missionary discourses can be seen to feed into counter imperial networks of communication and agitation of the Mundas and the Hos. One such missionary was, John Baptist Hoffmann a German Jesuit who became a strident critic of colonial policy towards tribes. Hoffmann was perturbed by the anger and the hostility of the Mundas who were preparing under Birsa to launch their attack on the government and the missionaries by secretly plotting their rebellion in the hills and the forests. His writing clearly ascribe more agency to the communities whose unhappiness was fuelled by the neglect of grievances by the state. Birsa persuaded his followers that god had given him the task of liberating the tribals and instituting a new religion. Hoffman noted that the religious gatherings, 'gave a harmless appearance to the numerous *sardar* meetings in which the intended rising was settled without arousing any serious suspicions in either government or missions. It facilitated the gathering of about 6,000 armed men around Birsa in Chalkad in August 1895, after which it was announced that he would call fire from heaven to destroy the aliens…then a few young men who were still wavering between Christianity and the new religion came in and begged Hoffmann to leave immediately for Ranchi, because the very next morning the armed men with Birsa would start to massacre all the foreigners, adding that I as the nearest European to Chalkad was already designated as the first victim. Since I refused to move, they gave me up for lost and went away.'

The Birsa movement forced missionaries such as Hoffmann to recognise the strength of local grievances and the inability of the colonial state to deal with the grievances of the communities. For tribal converts like Birsa then the reimagination of community through the use of invented and traditional symbols became more potent weapons than loyalist Christian discourse. It was in this context that the missionaries also came under attack because they were no longer 'vectors of contact' with the British imperial centre. In this past these connections with the missionaries had helped to challenge in a limited the overwhelming incursions of the colonial state and the *zamindars*. Hoffmann was deeply aware of the social and economic problems in Chotanagpur and gradually evolved a strategy to legally rectify through the laws the injustice done to the Mundas by *zamindars*, *thikadars* and moneylenders. His years in the Serwada mission were to make him a great missionary, a philologist, anthropologist and social reformer.[94] Hoffmann seized the opportunity to propose to the government, through the commissioner, a scheme for amending the laws, because as he had said so often concerning the rebellion, many of the complaints of the tribals were just. Hoffmann's detailed research into the Munda land system was consulted by Lister during the survey and settlement operations in 1902.

[94] P. Tete, *A missionary social worker in India*, p. 46

In August 1899 when Sir John Woodburn the Lieutenant-Governor of Bengal visited Ranchi, the question of the settlement operations came up again. As J. Reid noted, 'the discussions regarding the bill to consolidate the law of landlord and tenant in 1899 showed clearly that there was a considerable divergence of opinion regarding local customary agrarian rights and customs and a record of these rights and customs was evidently necessary to supply the data for agrarian legislation. The Lieutenant Governor, in the first place, considered it inadvisable to proceed with the bill, because after the Birsa movement, the Mundas were seen as still being very disturbed; secondly he thought that until the record of rights for the whole district was prepared, it was difficult to say what provisions of law were suitable for Chotanagpur.

The Lieutenant-Governor had sought advice of the local officials, *zamindars* and missionaries. He was afraid that the proposed law would give rise to quarrels between the *zamindars* and the tribals and rebellion. Hoffmann tried to argue that codification and land measurement were the only way of preventing a rebellion. Streatfield the judicial commissioner and Taylor were of the opinion that until a survey and a record of rights were undertaken, at least in Munda country, disaffection and discontent will continue. On February 2nd 1902, the government of India sanctioned the inception of the survey and settlement operations, beginning with the Munda country and eventually extending to the whole of the district. The government of India undertook to bear 1/4th of the cost and the remaining 3/4th was supposed to be borne by *zamindars* and tenants. The correspondence and control with regard to the survey and settlement operations were referred to Lister the settlement officer and John Reid director of land record.

The survey operations began on March 8th 1902 in the police stations of Khunti and Tamar under Lister. When it was carried out Hoffmann was at Sarwada. He was closely associated with Lister in this important work, so that many provisions in the Act that relate to the aborigines were the draft of father Hoffmann himself. It is recorded that Lister and Hoffmann talked far into the night with Hoffmann rendering valuable assistance to Lister with regard to the Munda land system and local customs. Tete notes that it was Hoffmann who drafted the special laws in connection with Mundari *Khuntkhatti* which appeared in appendix one of the Chotanagpur Tenancy Act of 1908. As Hoffmann noted, 'It is no exaggeration to say that the state of insecurity of nearly all kinds of tenures and titles to possession was so universal as to seriously depreciate the value of lands and cripple agriculture. This insecurity was not limited to the *raiyats* holdings, but extended to the *zamindar'*s as well. So much so that it was common belief that any man with a little audacity and a little audacity and a little money might take possession of what lands he pleased. The courts, having little or noting to go upon but oral evidence were in practice not merely powerless, but were in a way bound to assist rather than to check spoliation. This I know is a startling statement…consider how legal records of tribal rights and customs in the absence of all legally fixed and demarcated boundaries of villages as well as fields, among an ignorant people, who could neither understand the court language, nor make themselves understood except through interpreters, how easy it was I say in these circumstances for them to prove in court any claim they might choose to make. In their bewilderment and despair, the aborigines were driven to attempts at risings and in fact always lived in a state of disaffection. In such a state of affairs, a general settlement was a necessity. Now that it has been completed, it has, in the course of years furnished the plainest proof of its importance and utility'.[95]

In 1908 the Chotanagpur Tenancy Act was passed with the aim to 'supersede and consolidate the Act in force in Chotanagpur….to improve the procedure….to

[95] J.B.Hoffmann, cited by J. Reid, *Survey and settlement operations in Ranchi*, |Calcutta, 1912

complete and improve substantive law, by embodying in it certain necessary provisions borrowed from the Bengal Tenancy Act of 1897 in connection with praedial dues and services. The government had been forced to make a survey of *khuntkhatti* in order to bring out peace and tranquillity among the Mundas in particular and in Chotanagpur in general. But it was felt that the survey was not enough to secure this finality; it was also necessary to protect the Mundas in their possession of the land. Hence the restrictions that were embodied in the Chotanagpur Tenancy Act. Legal provisions were made within the act to protect Mundari *khuntkhatti*. It could not be transferred by sale except in special circumstances. In other words, where the record of rights had been prepared, a suit for the recovery of rent was not maintainable in any court unless it was sanctioned by the *zamindar*. If he refused the sale he had the right to liquidate the arrears of rents. A mortgage of any Mundari *khuntkhatti* was prohibited. Bhugut bhanda was allowed but was not supposed to exceed seven years. [96]No transfer of a Mundari *Khuntkhatti* was valid unless in accordance with the provisions of the Act

The Chotanagpur Tenancy Act aimed to amend the laws and codify them according to custom and usage. However, when the act came into force there were only 156 villages registered as having full Mundari *khuntkhatti* rights and 203 sq. miles as *bhuinhari* fields. It was found that out of 3614 sq miles of cultivated land only 405 sq.miles were registered as ancestral property. From this we can say that the Act came too late. However, it had great significance for the Mundas as it recognised the Munda land system itself, for which they had been struggling for more than a 100 years. Hoffmann himself was optimistic about the impact of the Act; 'for more than a hundred years the Mundas were calumniated as savages or semi-savages, whose claims were too exorbitant and absurd to be listened to as stubborn rebels whom nobody could satisfy and therefore justly subjected to severe military reprisals as the Kols who were fit for nothing, but carrying burdens and being serfs. And now after a cruel martyrdom that has lasted all too long, their claims have been recognised officially as having been perfectly right and their land system appears as one of the wisest creations of pre-historic times. So after all they are neither savages nor semi-savages, but a race of martyrs most deserving of the sympathy and respect of all right minded men. Therefore the Act is a justification and a rehabilitation of the highest moral value.'[97]

Hoffmann clearly followed the tradition of Lievens who preceded him. But he also promoted a method of dialogue with the government officials and persuaded them to protect the rights of the tribals. For him personally this was a rewarding exercise for as he noted;

'Thus the settlement literally resembled a calm sunny morning after a long destructive hurricane, which had reduced all the Mundas to extreme poverty and had thrown hundreds of thousands far away from their own dear country. For those remaining it brought peace and security. To me, who had been forced to witness and feel horrid sufferings of the Mundas for many years, it afforded one of the greatest joys of my life'[98]

[96] This was the transfer of interest of tenancy for the purpose of securing payment of money advanced or to be advanced by way of loan, upon the condition that the loan with all interest thereon shall be deemed to be extinguished by the profits arising from the tenancy during the period of the mortgage., J. Reid, *The Chotanagpur Tenancy Act,*(1910)
[97] Hoffmann, *Encyclopaedia Mundarica*,(1933), viii, 2402
[98] Ibíd., p. 2403-2404

The discourse of tribal protection was to come to full term in the debates around the statutory commission in the 1920s. When the Indian Statutory Commission visited India in 1928, the various provincial governments submitted their memoranda and their proposal for further changes. The Bihar government, reporting on the Backward Tracts, agreed that protection for the tribes was still needed. However, as the Statutory Commission noted some members were anxious that careful enquiries should be undertaken to determine whether it was 'possible to make some further advance in dispensing with special forms of protection then in force'. [99] The commissioners, therefore, concluded that the Backward Tracts, with one or two exceptions, must be excluded from the general constitutional arrangements and that 'special provision must be made for their administration'. They also suggested that the Backward Tracts were to be called 'excluded areas'. Their grounds for the exclusion of these territories were that 'the stage of development reached by the inhabitants prevented the possibility of applying to them methods of representation adopted elsewhere' and that the people wanted freedom for the 'reasonable exercise of their ancestral customs, freedom in the pursuit of their traditional methods of livelihood and security of land tenure... Their contentment does not depend so much on rapid political advance as on experienced and sympathetic handling, and on protection from economic subjugation by their neighbours'. For financial reasons and the nature of the suggested provincial government, they came to the conclusion that the responsibility for the administration of these tracts should rest on the central government. [100]

In the succeeding decades, the debate on these issues was to grow stronger. Under Gandhi the movement for the true political representation for Indians had reached new heights. The 1920s and 1930s had seen a sharpening of the national struggle and in Bihar the Congress succeeded in mobilising large sections of the population to the movement. In Chotanagpur, Congress activities had resulted in popularising the name of the party in an area which was hitherto quite remote. In the neighbouring Central Provinces the Congress by taking up issues relevant to the Gonds, such as, the movement against forest laws enabled the civil disobedience movement in the region to achieve substantial success. There was a growing perception among the nationalist intelligentsia that the British policy of exclusion was intended to render these areas immune to the political activities of the Congress. In the discussion in the House of Commons on the provisions of the Government of India Bill of 1935 these issues came to a head. In the discussion on section 92 of the act which provided for the governor's special powers Wedgewood pointed out that more tribes should be protected. He noted that 'all that was required was that for another twenty or thirty years we should have an administration by anthropologists and people whose whole trend is to preserve and develop all that is best in these native tribes.' He was against any policy that would allow them to be governed by educated Indians who merely wanted to exploit them and 'get them as cheap labour'. [101] Clement Atlee who was another signatory to the report of the Indian Statutory Commission supported the amendment for enlarging the schedule. The people in these areas needed to be specially treated or they would be exploited. He also pointed out that these

[99] *Report of the Indian Statutory Commission*, vol. xii, p. 361

[100] ibid

[101] Parliamentary Debates, 5th series, vol. 299, cols. 1550, 1548, 1549; vol. 301, col. 1418

backward areas should be directly administered by Europeans or by Indians only under European vision.

The parliamentary debate on the excluded areas highlighted the levels of the colonial discourse on tribes in the 1930s. At one level, was the perception that the influx of outsiders into the hitherto remote regions inhabited by the indigenous people had led to serious exploitation and alienation of tribal lands. Colonial institutions had aided and abetted this exploitation and the legislative measures that were introduced in the nineteenth century to slow the pace of change had addressed the problem only partially. These measures were given constitutional status under the 1919 act and the 1935 Government of India Act. The Government of India (Excluded and partially excluded areas) Order, 1936 stated that as regards these areas the Governor 'shall exercise his functions at his discretion'. Under section 92 of the Government of India Act, no act of the federal or the provincial legislature applied to the excluded or to a partially excluded area unless the governor directed its application by notification. At another level there was recognition that the creation of these excluded and partially excluded areas strengthened the powers of the British crown as these areas were directly administered by the centre. [102]In the context of the devolution of power to Indians under the 1935 Government of India act, the benefits of such an exclusion for colonial policy were enormous. The policy of exclusion in effect meant excluding Indians from administering these areas which could be administered in the 'interests of the indigenous inhabitants only by Europeans'. [103] An examination of the colonial discourse on tribes thus reveal several views from that of assimilation and civilisation of 'backward peoples' which was most vehemently expressed in the early and mid-nineteenth century giving way to more humanistic considerations which were expressed in the latter half of the nineteenth century through special legislation. However notions of progress and development of the tribes continued to be held and the belief that the best hope 'for backward tribes every where lay with Christian missionaries' was enshrined in policy which permitted all kinds of Christian missionary work even in the context of the debates on exclusion and protection of the tribal way of life. By the 1930s these debates had culminated in the Excluded Areas order which went some way in protecting the tribes.

[102] The excluded areas proposed were (i) the north east frontier (Sadiya, Balipara, and Lakhimpur) (ii) the Naga hill districts (iii) the Lushai hills and (iv) the Chittagong Hill tracts. The partially excluded areas included (i) the North Cachar Hills (ii) the Mikir hills (in Nowgong and Sibsagar districts) (iii) the British portion of the Khasi and Jaintia Hills District (v) the district of Angul (vi) the Chotanagpur division (vii) the district of Sambalpur (viii) the Santhal Parganas district (ix) the Darjeeling district (x) the Lacadive Islands including Minicoy and (xi) the Ganjam, Vizagapatnam and Godavari Agencies.

[103] Samuel Hoare's intervention in the parliamentary debate in answer to Wedgewood's assertion that only Europeans could administer these areas was to argue that there were among Indians a school of administrators sensitive to the problems of the tribes. However this was disregarded.

The nationalist discourse on tribes

The policy of protecting the tribes through the constitutional expedient of an excluded area or partially excluded area evoked strong protest from nationalist Indians and was strongly resented as being a devise by the colonial authorities to prevent the dissemination of nationalist ideas in these areas. A counter discourse emerged as a direct result of this perceived need to assimilate all indigenous cultures into a broad national culture. These ideas of assimilation were not new and had been expressed earlier by Indians. S.C. Roy the first Indian anthropologist of some note in writing about the Kharias observed that the improvement and progressive tendency in the life of the Kharias was the result of their contact with a higher culture, both Hindu and Christian and the betterment of their social environment as well as of the consequent widened opportunities. These ideas were voiced more strongly by A.V.Thakkar of the Servants of India Society who argued that the tribes had been neglected by all the rulers in India hitherto who had left them in almost 'pre-historic' civilisation. While discussing the poverty of the *adivasis* he noted that they were proverbially lazy and that their interest in plough cultivation needed to be aroused. He advocated the spread of education to bring these backward people into the mainstream. he also thought that that tribal areas which were generally rich in minerals should be opened up to trade and industry and contact with the advanced people of the plains would profit him. The drinking of alcohol by the *adivasis* came in for special criticism. Thakkar and Ghurye observed that heavy drinking was common to men, women and children and was an unmitigated evil. [104]

The growing din among some nationalist Indians to assimilate the tribes was challenged by others. D. N. Majumdar argued that Korwas whom he specially studied had declined under the imact of British adminstration. Excise laws had hit the group hard and led to an increase in drunkeness. The prohibition of shifting cultivation in many areas had forced the people to take to a kind of agriculture unsuited to them. Education which was being imparted to them he regarded as 'being more harmful than otherwise'. [105] Majumdar was not alone in holding these views. Around the same time a British anthropologist who strongly supported the idea of Indian nationalism, Verrier Elwin and who had worked extensively in the Central Provinces argued in his monograph, *The baigas and their future* that the baigas could still be saved from the fate of the aboriginal peoples in other parts of India, which was brought about by an 'over-hasty and unregulated process of uplift and civilisation'. He quoted Hutton comment about 'emasculated tribal life' in the census report of 1931 and J.P. Mills discussion about the evil effects of missionary activity in Assam. About Gond villages he wrote, 'The life has gone from many villages. Child marriages have started, untouchables are despised, in some villages the women have lost much of their freedom.... so far, nothing of this kind has happened to the Baiga.' He contrasted life in jungle villages where the Baigas still practised shifting cultivation with villages where they were in contact with people from the plains. Whereas in the former the people were happy and vigorous in the latter they were timid and of poor physique. The remedy he suggested was this. 'The first necessity is the establishment of a sort of national park,

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[104] G.S.Ghurye, *The scheduled tribes* p. 166

[105] D.N. Majumdar, 'Primitive society and its discomforts' G.S. Ghurye, *Indian population problems* p. 64

in which not only the Baiga, but thousands of simple gonds in their neighbourhood can take refuge. A fairly large area was to be marked out for this purpose. he had no use for the provision, made in the government of India act of 1935, for excluding wholly or partially certain areas from the direct operation of legislative control. He wanted the area to be under the direct control of a Tribes Commissioner who in all probabibility was to be an expert standing between them and the legislature. The form of internal government was to be the same as was resorted to in the case of the Hos and the Santhals, namely, through the leaders or the headmen of the tribe. The usual other steps, like licensing all other non-aboriginals, were to be taken to safeguard the tribes from being exploited by outsiders. In short the administration was to be so adjusted as to allow the tribes to live with utmost happiness and freedom. No missionaries of any religion were to be allowed to break up tribal life. 'If education is introduced, it should be on the lines of what is known at present as the 'Wardha scheme' simplified and adapted to the use of primitive people...the old type of literary education its regimentation, its exams, is useless to a tribe that will never be able to buy books or subscribe to newspapers.' The greatest need of the Baiga was the restoration of the freedom of the forest, which 'after all did originally belong to him' and permission for the annual hunt should be restored to him. The most urgent, need of the Baigas was a more liberal policy with regard to Bewar or shifting cultivation. 'Wherever bewar is permitted you will find the old culture vital and energetic; where it had been stopped, the Baigas have sunk down to the dead level of futility, mediocrity and apathy with the rest of India.' [106] In his later writings as the pace of change in India increased and the transfer of power became a reality Elwin became more pessimistic. In 1942, writing about the need of the application of a specialist's knowledge to measures of development intended for tribals he observed, 'But will the new Government of India be willing to do this? The attitude of Indian chiefly Hindu leaders and politicians is frankly hostile to any attempt by science to inspire or control administrative or legal measures. The policy of protection is probably dead'.

Elwin's views came in for a lot of criticism notably by the Indian anthropologist Ghurye, who in a book entitled, *The aborigines so called and their future,* published in 1943 argued that the isolationist views propagated by Elwin along the lines of British policy makers was misguided. Ghurye argued that Elwin's vision of the Baigas was romantic. It was wrong of him to think that 'the Baigas and the Murias could be kept in innocence and happiness for a while till civilisation is more worthy to instruct them and until a scientific age has learnt how to bring development and change without causing despair.' [107] He argued instead that it was foolish to preserve the tribes from Hindu culture. 'Most of the tribes have a Hinduised section, small or large, that they have been in fairly intimate contact with the Hindus for a long time, and they have common interests with the Hindus in matters of religion and gainful occupation. They have shown a tendency to look upon themselves as Hindus or as people closely connected with the Hindus. They seek to improve their social position by asserting themselves to be Hindus and then establishing a claim for a status higher than that of the lowest or even lower castes.' He continued in a similar vein that 'only very small sections, living in

[106] Verrier Elwin, The Baiga, See also Ram Guha's biography of Elwin, *Savaging the civilised, Verrier Elvin, his tribals and India,* Oxford, 1999. See also Archana Prasad, *Against ecological romanticism,* Three essays, 2003

[107]G.S.Ghurye quoting Elwin in *The scheduled tribes*, p. 164

the recesses of hills and the depths of the forest, have not been more than touched by Hinduism. Under the circumstances, the only proper description of these people is that they are the imperfectly integrated classes of Hindu society and.... in reality were backward Hindus.' [108] Ghurye accused Elwin of being a revivalist in the sense that in the case of the Hinduised Gonds he was attempting to revive their 'tribal culture' where it had long ceased to exist. [109]

Post- Independence policy of the tribes

The debate on the excluded and partially excluded areas was carried on with even greater fervour in the Constituent Assembly debates in 1946. It seemed given the strength of the assimilationist view that it would prevail above all others. However, the policy that finally emerged was the result of compromise. The Congress was clearly aware that an all out policy of assimilation would meet with stiff opposition from the tribes. [110] Once it became apparent that the Congress would soon take over at the centre the discretionary powers of the governor were no longer looked upon with such disfavour. B.N. Rao a jurist who was associated with the drafting of the constitution favoured retaining the powers of the governor. The Constituent Assembly therefore tacitly accepted the concepts of 'excluded' and 'partially excluded areas though under different nomenclatures. [111] Special treatment was accorded to the following under the new constitution: (a) The Scheduled Areas (b) Tribal Areas in Assam (c) The Union Territories.

In the designated Scheduled Areas, as in the Chotanagpur region in the state of Bihar, the state was given full administrative powers. However, the centre was to keep a careful watch in all matters through the agency of the governor. The fifth schedule noted, 'subject to the provisions of this schedule, the executive power of the state extends to the scheduled areas therein.' Paragraph three made it incumbent on the governor of a state in which there are scheduled areas to make an annual report to the president regarding the administration of scheduled areas in that state. An alternative provision 'whenever so required by the president' required the governor to make more frequent reports if the president so desires; but the annual report was a statutory duty. The fifth schedule further makes it clear that the union in its executive capacity is empowered to give 'directions to the state', whose executive power extends to the scheduled areas. Article 164

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[108] G.S.Ghurye, p. 19

[109] ibid., p. 173

[110] In Bihar Jaipal Singh had met the sub-committee of the Constituent Assembly which was to report on the future administration of the excluded and partially excluded areas and submitted a formidable list of demands for the separation of Chotanagpur from the rest of Bihar and for the formation of Jharkhand. See Dr Rajendra Prasad, Correspondence and select documents, vol. 7, p. 186.

[111] In the case of the plain's tribals these sections were to be treated as a minority. However, the governor's discretionary powers in relation to part two of the sixth schedule were retained.

enjoined upon the states of Bihar, Madhya Pradesh and Orissa, to include in their council of ministers a minister 'in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.' Thus the administration of the scheduled areas in a state was the joint responsibility of the governor of the state and the Union government.

The 1950 constitution thus continued the British policy of protection of the tribes. However, it is quite clear from the Constituent Assembly debates that what underlay the discourse was the strong perception among many of the need to assimilate the tribes at some stage and this need was enshrined in the constitution, in the procedure to review the protection given to tribes after a ten year period. As Dr Ambedkar who was actively involved in framing the new constitution noted, 'It is no use creating a sort of state within a state and it is not desirable that this kind of special provision under which certain tribes would be excluded from the general operation of the law made by the legislature as well as parliament and the provision contained in sub-paragraph (2) of paragraph (5)....should not be stereotyped for all time and that it should be open to parliament to make such changes as times and circumstances may require'. These ideas were expressed more strongly by anthropologists like Ghurye and nationalist leaders like Patel. When Jaipal Singh expressed his apprehension about the future of the tribes, Vallabhai Patel replied on 30th April, 1947:'Mr Jaipal Singh has expressed apprehensions that the present laws which afford protection and security to the tribal people will be removed. I do not see why there should be any such apprehension....I think it should be our endeavour to bring the tribal people to the level of Mr Jaipal Singh and not keep them as tribes, so that, 10 years hence, when, the Fundamental Rights are reconsidered, the word 'tribes', may be removed altogether when they should have come up to our level. It is not befitting India's civilisation to provide for tribes.... therefore, ten years hence, when we reconsider the position, we hope to be in a position to replace the word.' [112]

Thus despite the laws protecting tribal lands and the centre overseeing policy in these areas, the attitude of the Bihar state government to the needs of the indigenous people is at best ambivalent and coloured by notions of 'progress' and 'development'. For example, the Scheduled Areas and Scheduled Tribes Commission set up by the government of India in 1960 under Article 339 of the Constitution severely criticised the reluctance of state governments to satisfy the tribal's demands for primary education in their own languages even in the case of such large tribal groups as the Santhals and Hos, who speak Munda languages not even remotely related to Hindi, the dominant language in Bihar. This attitude towards the indigenous peoples is also reflected in Census reports where tribal religions are not separately listed and there is a widespread tendency to classify them as Hindus. The fact that school teachers and minor government officials in Chotanagpur are almost invariably non-tribal, they tend to discourage tribal customs and there have been instances of official interference with some religious practices as animal sacrifices. A problem even more important is the impact of industrialisation which has led to wide-spread displacement of the indigenous peoples. The Scheduled Areas and Scheduled Tribes commission, reporting an incident of land alienation in Ranchi in the 1950s and 1960s, recorded that out of 14,461 tribal families displaced from an area of 62,494 acres, only 3,479 were allotted alternative land. The report went on 'the tribals were dislodged from their traditional sources of livelihood and places of habitation. Not conversant with

[112] *Constituent Assembly Debates*

the details of acquisition proceedings they accepted whatever cash compensation was given to them and became emigrants. With cash in hand and many attractions in the nearby industrial towns, their funds were rapidly depleted and in course of time they were without money as well as without land. They joined the ranks of landless labourers but without any training equipment or aptitude for any skilled or semi-skilled job. [113]

The establishment of industrial enterprises in tribal areas have put the way of life of these people in jeopardy. The architects of the Indian constitution had resolved that the policy to save tribal lands from exploitation and protect their ancestral rights should continue. Thus, special legislation to ensue this had been passed. However, it remained only on paper and its implementation has left much to be desired.

By way of a conclusion

This paper has argued for a re assessment of colonial discourses vis-à-vis' the tribes of Eastern India. The discourse of tribal protection was encapsulated in the debate on the 1935 Act and in the creation of the protected areas and scheduled tribes and areas act after independence. Post independence Eastern India has become subject to new kinds of both internal and external economic colonisation, far more traumatic in impact than pre-1947 colonisation. The environmental impacts of such globalisation are being exerted in the mountainous parts of Orissa, Chattisgarh and Jharkhand. This is because they possess the bulk of previously untapped iron, bauxite and hydrological reserves in the sub-continent all vital constituent the spiralling Asian demand for minerals and metals. The most urgent threat to *adivasi* communities and their landscapes has emerged since 1991 as large scale FDI has been allowed into India for mining projects.[114] The region possesses among the world's best deposits of the bauxite used in aluminium production. This wealth was first recognised in the 1920s by Cyril Fox a British geologist who first planned a scheme integrating bauxite mining and dam building to produce the electricity required in aluminium production, a colonial template which has proved highly resilient. Since 1945, and much more since 1990, contestations for space and resources have intensified in the context of very weak central and state governance involving a steadily increasing level of state and corporate violence (including extra judicial killings) against *adivasis* and other peasants, coupled with a rising tide of violent and non-violent resistance against a background of low-level armed Naxalite insurgency throughout the central spine of India. The Kalinganagar massacre in Jajpur district in 2006 may mark a turning point in the breakdown of governance.[115] Arguably, the Indian central government is ceasing altogether to be able to effectively control or disentangle itself from the activities of multi-national companies and their agents intent on alienating indigenous land, irrespective of the legal protection conferred in 1950 by Schedule 5 of the Indian constitution whose origins I have tried to delineate. It is arguable that the current trends in globalisation might actually be creating a new post-colonial imperialism even less accountable than its predecessor, and one characterised by ecological inequity, growing environmental injustice,

[113] Report of the Commission for Scheduled Castes and Scheduled Tribes for the year 1962-63, p. 271.

[114] F.Padel and S.Das, *Anthropology of a genocide, tribal movements in central India against over industrialisation*, SAAG, 2006. See also Kaplinsky, R., *Globalisation, poverty and inequality: between a rock and a hard place*, Polity Press, Cambridge, 2005

[115] Ibid.

human rights abuses and a consequent rising tide of state violence and counter-violence. The impact of the inherently violent, environmentally destructive and effectively lawless conditions of the expanding corporate frontier is contributing to a fundamental undermining in the nature of the state in India, in which all pretensions to notions of judicial credentials, already febrile, might be soon abandoned.