## Territorialization, Resistance and the Mirage of Permanent Boundaries Forests of the Western Himalayas, 1876-1897

## Ashwini Chhatre Duke University

#### **ABSTRACT**

Internal territorialization is described as the attempt to circumscribe the use of various resources, such as land and forests, within the boundaries of a nation-state. This translates into the creation of property rights for different social actors and the demarcation of a physical sphere wherein such rights could be exercised. The notion of permanent boundaries around forests, where local people lack property rights, is popular with all arms of the state, everywhere.

This paper traces the first attempts by the colonial state in the Indian Western Himalayas to draw boundaries around forests and define the rights of local populations. The process, which intensified with the publication of a Forest Department report in 1876, was fraught with obstacles at several levels throughout its course. It met sustained resistance from the peasants, who fought restrictions on their use of the forests. More importantly, horizontal tensions across different departments and vertical tensions between local knowledge professed by provincial bureaucracy on the one hand, and central direction emanating from the scientific establishment around forest management on the other, frustrated any attempt at uniformity in state responses. All these factors worked in tandem over the last quarter of the 19<sup>th</sup> century in Kulu sub-division, a site saliently embedded in the emerging political economy as seen in expanding canal irrigation in the Punjab as well as rising demand for the prized timber abundant in Kulu.

I argue that the project to create permanent boundaries around forests was never accomplished in Kulu, with the Forest Settlement Report of 1897 failing both to keep the people out of forests and to bridge intra-state divisions. This triumvirate of mutual tensions—local resistance, local knowledge, and central direction—was instrumental in constituting the 'state' and proved to be the salient feature of later state-society interactions.

## Introduction

In the summer of 1999, approximately 750 square kilometers of territory in the western Himalayas, in the district of Kullu in the northern Indian state of Himachal Pradesh, was declared closed to local populations and notified (officially designated) as the Great Himalayan National Park. Following the procedure laid down in the Indian Wildlife (Protection) Act of 1972, the rights of any claimants to the resources inside the Park were extinguished; out of the more than 15,000 users, a small compensation was ordered for those whose names appeared in the records that were consulted by the powers-that-be to determine legitimate users. Curiously, this legitimacy was derived from records more than a century old, of 1897 vintage, from the first forest settlement in the region that demarcated almost the whole area into different classes of

forests and determined and codified the nature and extent of rights in all of these forests.

The notification of the National Park appeared to culminate a 15-year struggle of the Forest Department and the conservation lobby in India to secure the area for the conservation of precious western Himalayan biological diversity in general. However, events beginning in the following summer and autumn and continuing until the autumn of 2001 illuminated the difficulty of calling an end to the problem. Immediately following the notification and the extinguishing of rights, local populations organized themselves to lobby their political representatives for redress. Through a combination of moral economy, feisty insolence, and electoral arithmetic, local populations were successful in securing access to the legally denied resources inside the Park, circumventing the restrictions and threats

posed by the Forest Department and the law.

Examples of successful resistance by local communities to state efforts at exclusion are common across the non-developed world. What this paper attempts to accomplish is to situate the events in the Great Himalayan National Park within the larger political ecology and environmental history of the region and provide a historical context to the resistance. I argue that the events of 1999 in the Great Himalayan National Park were preconfigured in significant ways by the history of territorialization through legal categories witnessed in the region and by the state-society relationship that evolved as a consequence of this history. The process in Kullu furthers our understanding of territorialization and the diverse ways in which interaction of state and social actors at the disaggregated level influences the outcomes.

# Territorialization and its troubled relationship to resistance

Ramachandra Guha has argued that the Indian colonial state, spurred by the rising demand for timber and the prospect of running out of supplies, appropriated large tracts of 'wastes' and classified these as state forests. This process, which began in the mid-nineteenth century, resulted in widespread dispossession of rural communities heavily dependent on forests for subsistence. The Indian Forest Act of 1878, the sequel to the much milder statute of 1865, provided the state with the necessary teeth to accomplish this takeover, through classification of forests into neat categories.1 The changeover to total state control of forests within a few decades has been termed a watershed in defining the state-society relationship around forests in colonial India. Elsewhere, Peter Vandergeest and Nancy Peluso have argued that such internal territorialization, understood as allocation of property rights in land and a determination of resource-use patterns set within a totalitarian bureaucratic framework and embedded in a spatial grid within the boundaries of a nation-state, has progressed linearly through three phases. In the first phase, the state asserts its ownership of all unoccupied lands, particularly forests, and codifies titles and property rights. Thereafter, it proceeds to curtail resource-use through a legal classification of forest lands, earmarked as permanent forests, unavailable for appropriation for cultivation. Finally, the forests are reclassified according to scientific categories—soils, watershed regimes, wildlife, etc.—further eroding user rights of local populations.2

State policies of exclusion have often been thwarted from within, particularly because of the conflicting and sometimes contradictory interests and responsibilities of competing arms of the state. Thus, the Revenue Department in colonial India has been characterized as resisting the predatory designs of the Forest Department. Even within the colonial Forest Department, there appear to be different positions with respect to the best course of action. Between the annexationist, pragmatic, and populist positions, the particular thrust of the Indian Forest Act of 1878 is seen as evidence of the victory of the annexationist school of thought and the end of the debate.3 Other scholars have challenged this portrayal of an unalloyed victory for the hawks. Saberwal traces the history of interdepartmental conflict and rivalry well past the colonial period and asserts that the Forest Department never succeeded in fully realizing its avowed control over territory and was successfully thwarted by the revenue department in the colonial period and by elected representatives in the post-colonial period.<sup>4</sup> Sivaramakrishnan contradicts the notion of a unified and centralized state with perfect and total command over its territories. In documenting the process in colonial eastern India, he highlights the tension between local authority and central direction and argues that the centralized body of knowledge that passed for scientific forestry was disputed by local officials in Bengal, resulting in a 'limited conservancy' within the parameters decided locally.5 Vandergeest and Peluso, speaking for Thailand, argue that the project of territorialization is ultimately unsuccessful, as a result of continued peasant resistance.6

That local populations resist the processes of territorialization is beyond qualification. In the Indian case, Gadgil and Guha have documented the numerous and continuous peasant and tribal revolts that can be traced directly to the state-sponsored curtailment of forest use consequent to appropriation.<sup>7</sup> Both Sivaramakrishnan<sup>8</sup> and Vandergeest

<sup>&</sup>lt;sup>1</sup> Ramachandra Guha, 'Forestry in British and Post British India: An Historical Analysis', Economic and Political Weekly, vol. XVII, 1983, pp 1882-96.

<sup>&</sup>lt;sup>2</sup> Peter Vandergeest and Nancy Peluso, 'Territorialization and state power in Thailand', Theory and Society, 24:3, June 1995, pp 385-426.

<sup>&</sup>lt;sup>3</sup> Ramachandra Guha, 'An early environmental debate: The making of the 1878 forest act', Indian Economic and Social History Review, vol. XXVII, 1990, pp 65-84.

<sup>&</sup>lt;sup>4</sup> Vasant Saberwal, Pastoral Politics: Bureaucrats, Shepherds and Conservation in the Western Himalaya, New Delhi: Oxford University Press, 1999.

<sup>&</sup>lt;sup>5</sup> K. Sivaramakrishnan, 'A limited forest conservancy in southwest Bengal, 1864-1912', Journal of Asian Studies, 56:1, February 1997, pp 75-112.

<sup>&</sup>lt;sup>6</sup> Vandergeest and Peluso, Op cit. pp 412

<sup>&</sup>lt;sup>7</sup> Ramachandra Guha and Madhav Gadgil, 'State Forestry and social conflict in British India', Past and Present, 123, May 1989, pp 141-177; Madhav Gadgil and Ramachandra Guha, This fissured land: An ecological history of India, Delhi, Oxford University Press, 1992.

<sup>&</sup>lt;sup>8</sup> K. Sivaramakrishnan, Modern Forests: Statemaking and Environmental change in colonial eastern India, Stanford: Stanford University Press, 1999.

and Peluso<sup>9</sup> attribute some agency to peasant and tribal populations that are affected directly, in deflecting the threat of centralized control and restrictions. All seem to be in agreement that territorialization, unsuccessful and limited as the case may be, does proceed through legal categories such as reserved and protected forests, wildlife sanctuaries, and national parks.

It is precisely at this crossroads of territorialization and resistance, as well as through interdepartmental conflicts and center/local tensions, that the issues can be probed further to get at the nuances of the project of territorialization. The history of territorialization in Kullu subdivision of Kangra district in nineteenth century Punjab provides us with such a unique glimpse of the colonial state in India at a historical moment.<sup>10</sup>

### The significance of Kullu

Kullu is comprised almost entirely of the upper catchment of the river Beas, an important tributary of the Indus in the western Himalayas. It was annexed by the British in 1849, followed by the first revenue settlement in 1852. The settlement was cursory and represented the first phase of territorialization; all unoccupied lands were declared to be state property. Forest conservancy did not begin in any seriousness until 1868 when twenty-six blocks of forest were demarcated and transferred to the newly formed and thinly manned Forest Department. The demand for timber to meet the expansion of civil and military infrastructure in Punjab was initially met from forests in the jurisdiction of local tributary states such as Chamba and Bashahar through logging leases.11 By the end of the 1870s, however, there was an acute awareness of an impending shortfall of supplies and the unreliability of tributary states in enforcing strict conservancy. It was also the time of the expansion of the expansive canal irrigation systems and the railways in the plains of Punjab, with the likely prospect of a widening gulf between the demand and supply of quality timber. 12

Kullu was the only area under British administration with large and contiguous forests of the Himalayan cedar, the timber of choice of the Forest Department, within easy

9 Vandergeest and Peluso, 1995.

reach of the substantial perennial rivers required to transport the timber. By 1870, senior bureaucrats were convinced that the forest wealth of Kullu needed to be managed scientifically to ensure sustained yields. In 1876, three forest officials—Dietrich Brandis, the Inspector General of Forests, 13 B. H. Baden Powell, Conservator of Forests, Punjab, and Lt. Col. Stenhouse, Deputy Conservator of Forests, Kangra district—surveyed the area and provided detailed suggestions for the demarcation of the best forests in Kullu. They estimated that of the total area of approximately 1,200 square miles, only about 400 could be said to be under forest.<sup>14</sup> In their report, they suggested that about 150 square miles be demarcated and subsequently managed for timber production. They also emphasized the need to separate forests to be made available for the expansion of cultivation from those to be maintained permanently as forests. The report met with universal approval within the colonial bureaucracy; revenue and forest officials alike responded enthusiastically to the proposed demarcations. Over the next two decades, however, actors at the local, provincial, and national levels interpreted the report differently in the light of the brand new Indian Forest Act of 1878. The legal categories were deliberated, interpretations were disputed, and fault lines emerged within the state apparatus as Kullu emerged as a 'zone of anomaly'; a strict application of the legal categories prescribed in the 1878 law was thwarted by the provincial Revenue Department through a characterization of Kullu as anomalous.15 Besides the Forest De-

<sup>&</sup>lt;sup>10</sup> Kullu, the territory now known as Kullu District in the state of Himachal Pradesh, was a sub-division in the district Kangra in Punjab province during the period under discussion. It was merged with Himachal Pradesh in 1966.

<sup>&</sup>lt;sup>11</sup> Mahesh Rangarajan, 'Imperial Agendas and India's Forests: The early history of Indian forestry, 1800-1878', Indian Economic and Social History Review, vol. XXXI, 1994, pp 147-167.

<sup>&</sup>lt;sup>12</sup> Indu Agnihotri, 'Ecology, Landuse and Colonization : The canal colonies of Punjab', Indian Economic and Social History Review, vol. 33:1, 1996, pp 37-58.

<sup>13</sup> The nomenclature of colonial bureaucracy is liberally sprinkled all over this paper. It will be useful at this stage to provide a brief introduction. Territories below the provincial level (e.g. Punjab) were Division (as in Jullunder Division), District (as in Kangra), and Sub-division (as in Kullu). At each level, the corresponding Revenue Department Officials were Financial Commissioner (Provincial), Commissioner and Superintendent (Divisional), Deputy Commissioner (District) and Assistant Commissioner (Sub-division). Above all these was Secretary to the Government of Punjab (usually in charge of Revenue, Agriculture and Forests) and the Secretary to the Government of India. The Forest Department was organized in parallel to this structure. The basic unit was the Forest Division (such as Beas Division, under which Kullu fell), which was much smaller than the Revenue Department Division. At the Forest Division level, was the Deputy Conservator of Forests. Above this was the Conservator of Forests at the Provincial level (Punjab). The top official in the Forest Department was the Inspector General of Forests, in charge of the whole country.

<sup>&</sup>lt;sup>14</sup> This ratio of forests to total area is not unusual in Kullu. Even in the Great Himalayan National Park, only a third of the area is under forest, the rest being equally divided between permanent snow and rocks above the line of possible life, and the expansive alpine meadows above the line of tree growth and below the permanent snow.

<sup>&</sup>lt;sup>15</sup> Sivaramakrishnan has used the term zones of anomaly in describing 'geographic spaces in the terrain targeted by the Per-

partment-Revenue Department axis, there emerged a strong local bureaucratic response to central direction, in interaction with the resistance of the local populations to the new and proposed restrictions. As the debate moved from an inter-departmental conflict, through the center-local tensions, to the formulation of a compromise, overt peasant resistance in the late 1880s once again foiled attempts to implement and enforce the new détente.

This paper argues that the debate concerning demarcation of forests in Kullu could be characterized as between intensive and extensive territorialization, rather than between annexationists and pragmatists or populists. The intensive territorialization position demanded a focus on demarcating a small area of productive forests, with 'full ownership' of the state (and management control of the Forest Department) and no meddlesome rights of local populations, leaving the rest in loose control of the Revenue Department and managed with the help of local notables. The extensive territorialization position entailed a demarcation of all forest land as state property and managed as forests with a hierarchy of rights and privileges for the local populations. Such a distinction allows us to get away from the debate amongst forest officials on the Indian Forest Act of 1878 and to bring in the perspectives and arguments of officers of the Revenue Department, which played a major role in interpreting the provisions of the Act at the provincial level.

Secondly, in the compromise that was worked out in Kullu, legal categories were re-interpreted in ways that defied and sometimes contradicted central direction as represented by the 1878 law. This compromise was necessarily a middle ground between intensive and extensive positions and resulted in what I call vertical territorialization. In the new arrangement, almost the whole territory of Kullu was demarcated, but it was also carefully classified into vertically arranged categories that progressively curtailed rights of local populations. Interestingly, these new categories were nested within the classification ordained in the central law, while deviating from its salient features in significant ways. Vertical territorialization also combined the intensive and extensive positions in imaginative dimensions by creating a supra-tenure of reserved species and temporally circumscribed rights over the whole territory, and most significantly, by creating a vertical pyramid of rightholders graded according to ownership of land.

Thirdly, sustained resistance to new regulations regarding fire, grazing, and timber for local populations thwarted state attempts at restrictions and raised question marks against the notion of permanent boundaries around state forests, a notion central to the project of territorialization and cherished by all arms of the state. Initially, the Revenue Department used this resistance to strengthen its characterization of Kullu as a zone of anomaly and to rally sup-

port across the departmental divide for the cause of local knowledge against central direction. In the end, the resistance of local populations led to a breakdown of local consensus between the Revenue and Forest Departments.

Finally, this three-way interaction, between central direction, local resistance, and claims to local knowledge, defined the contours of the nascent colonial state in Kullu and the range and domain of state-society relationships around forests, elements of which can be witnessed in the events that unfolded in the Great Himalayan National Park in 1999. Moreover, vertical territorialization had serious consequences for the process of state formation, in the form of an enduring configuration of forest rights for vertically arranged social actors in vertically organized forest classes.

### The War of Attrition

The Joint Report by Brandis, Baden-Powell, and Stenhouse<sup>16</sup> (Joint Report) on the demarcation of forests in Kullu was submitted to Government of India in late 1876 and made its way to provincial officers by the middle of 1877. It attracted praise for its balanced treatment of the subject and was welcomed by all and sundry as the correct way to proceed on the vexing forest question.17 In one of the first cautionary notes to the possible implications of the Joint Report, James Lyall, senior Revenue Department official and the last bureaucrat to have carried out a Revenue Settlement in Kullu in 1875, noted that if the provisions of the report are carried out in a "harsh and unbending" manner, there may result "much injury and annoyance" to the local population. 18 In a detailed reply, Baden-Powell, co-author of the report and Conservator of Forests, asserted that "unless the reservation . . . is undertaken it is impossible simply that this department can be responsible, either for the safety of the soil, or the continued sup-

manent Settlement (of 1793) in Bengal where its application was thwarted' (K. Sivaramakrishnan 1999 op cit.). I am deploying the term in a broader sense, signifying spaces of resistance within the state apparatus created by regional and provincial actors and deployed against central direction, by creating an identity that was essentially anomalous and therefore not amenable to universal principles.

<sup>&</sup>lt;sup>16</sup> D. Brandis, B.H. Baden-Powell and Lieut.-Col. W. Stenhouse, Suggestions regarding the Demarcation and Management of the Forests in Kullu, 11<sup>th</sup> November, 1876, Calcutta, Office of the Superintendent of Government Printing, 1877.

<sup>&</sup>lt;sup>17</sup> A. Brandreth, C&S, Jullunder Div., to Secy to FC, Punjab, No.1935, dated Jullunder, 13<sup>th</sup> August 1878, Printed Correspondence of Forests in Kullu, Basta #21, Serial #320, Kangra DC Records, Himachal Pradesh State Archives, Shimla (henceforth Kullu For Corr., HPSA, Shimla).

<sup>&</sup>lt;sup>18</sup> E.B. Francis, Offg. Secy. to FC, Punjab, to Secy. to Govt., Punjab, No.943, dated Lahore, 21<sup>st</sup> August 1879, Kullu For. Corr., HPSA, Shimla.

ply of the timber demanded locally, still less for the supply of deodar for export."19 With the Indian Forest Act's approval in 1878, GOI increased pressure on the provincial government to implement the Joint Report under the new law. The words used in the report (forest reserves) being similar to the most restrictive category of forests in the Law (Reserved Forests), it was assumed that the new demarcation would proceed under the same provisions. The 1878 Act provided for two main categories of forests, Reserved and Protected. Chapter II of the law described the provisions regarding Reserved Forests and was considered, then and now, to be severe on local rights. Only such acts were permitted as were expressly allowed in the particular forest. In contrast, Chapter IV, dealing with Protected Forests, allowed all acts that were not expressly prohibited in the forest. In spite of assurance from forest officers regarding the well-being of local populations and the exercise of their rights, the stringent provisions for Reserved Forests raised Lyall's doubts.20 The doubts remained, but the Government of Punjab went ahead and issued a notification in December 1880 to undertake the demarcation and settlement of 62 blocks of forests, as given in the Joint Report, under the provisions of Chapter II of the Indian Forest Act.21

## The issue of rights and the permanence of forests

As early as February 1881, sharp differences appeared between the Settlement Officer, Alexander Anderson, and Lt. Col. Stenhouse, Deputy Conservator of Forests, over the issue of defining rights.<sup>22</sup> In March 1881, Stenhouse wrote to his superiors, complaining of too many rights being allowed.<sup>23</sup> In a swift reply, William Schlich, the officiating Conservator of Forests, Punjab, agreed with Stenhouse that the record of rights being prepared by Anderson was inadequate to meet the demands of strict conservancy.<sup>24</sup> By May 1881, the Revenue and Forest Departments were sharply divided on the desirable course of action. Forest

<sup>19</sup> B.H. Baden-Powell, CF, Punjab, to Secy to FC, Punjab, No.115C.L., dated Simla, 3<sup>rd</sup> September 1878, Kullu For. Corr., HPSA, Shimla.

officials were adamant that only full closure of all forests suggested in the Joint report as Reserved Forests under the India Forest Act could meet the requirements of forest conservancy. Revenue officials, right up to the provincial level, were convinced that this was unnecessary and would prove to be disastrous for the local populations and harm the peace and prosperity of the region. One particular characteristic was repeatedly highlighted to indicate the anomalous nature of the tract, and hence the difficulty of a strict and full closure of the deodar forests. This was that deodar preferred the same gentle slopes that were used by the people for cultivation, leading to a patchwork-quilt of villages and precious forests. The closure of large deodar forests would necessarily inconvenience a disproportionately high number of people. It was during this deadlock that the blame was laid squarely at the altar of Chapter II of the Forest Act, pertaining to Reserved Forests and its prerequisite of full extinguishment of rights. Colonel Davies, Commissioner of the Jullunder Division, suggested that the provisions of Chapter IV of the Forest Act, pertaining to Protected Forests, would have been more than sufficient to meet the suggestions given in the Joint Report without causing undue restrictions on the local people.<sup>25</sup> Lyall, now the Financial Commissioner of Punjab, quickly put his weight behind his subordinates and supported the use of Chapter IV in dealing with the situation.<sup>26</sup>

Forest officials reacted with predictable dismay at the proposal. Major Bailey, Conservator of Forests, Punjab, asserted that one of the principal objectives of the Joint Report was to "secure for the use of the people of the country as well as for export a sufficient and *permanent* supply of timber and other forest produce" (emphasis in original).<sup>27</sup> It was argued that "Reserved Forests are the only kind of forests that can permanently exist" and that the provisions for Protected Forests were far too nebulous to ensure against the "growth of private rights" and "prevention of fire." It was precisely with a view to the well-being of local people and forests that reservation of forests and curtailment of rights was desirable.<sup>28</sup>

It was in the context of the war of the chapters that Lyall pointed out that "action taken under Chapter II would

<sup>&</sup>lt;sup>20</sup> F.C.Channing, Settlement Secy to FC, Punjab, to Offg. Secy to Govt., Punjab, No. 276S, dated Lahore, 24th March1881, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>21</sup> F.D. Cunnigham, Offg. Secy to Govt., Punjab, to Secy to FC, Punjab, No. 216F, dated Lahore, 25th April 1881, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>22</sup> A. Anderson, Asst. Comm., Kullu, to DCF, Kullu, No.43, dated camp Jagatsukh, 14<sup>th</sup> February 1881, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>23</sup> Col. W. Stenhouse, DCF, Punjab, Beas Forest Div.,to CF, Punjab, No.288C, dated 14th March 1881, Kullu For. Corr., HPSA, Shimla

<sup>&</sup>lt;sup>24</sup> W Schlich, CF, Punjab, to DCF, Beas Div., demi-official dated camp via Chakrata, 2<sup>nd</sup> May 1881, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>25</sup> Col. W.G. Davies, C&S, Jullunder Div., to Secy to FC, Punjab, No.1247, dated Jullunder, 25<sup>th</sup> May 1881, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>26</sup> F.C.Channing, Secy to FC, Punjab, to CF, Punjab, No.129C.S., dated 27th September 1881, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>27</sup> "Memorandum on the Settlement of rights in Kullu Forests, with special reference to Financial Commissioner's No.129, dated 27th September 1881", Major F. Bailey, CF, Punjab, to Secy to FC, Punjab, pp 17, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>28</sup> ibid., pp 19.

only affect the demarcated forests." The need of the hour was to cover all the forests under the demarcation, which could be done only under the provisions of Chapter IV, "giving all the power required to preserve the forests, to prevent the growth of rights, and to carry out the policy of the Joint Report". He recommended that a new notification be issued "declaring the provisions of Chapter IV applicable to all the forest and waste lands."29 This recommendation was accepted, and in April 1882 the Government of Punjab reversed its earlier decision to apply Chapter II to limited and designated forests and issued a fresh notification proclaiming the application of Chapter IV of the Indian Forest Act to all the forests and waste lands of Kullu. The project of intensive territorialization, initiated by the Forest Department, was transformed by Revenue Department officials into extensive territorialization.<sup>30</sup>

### Central Direction, Local Knowledge

Brandis, Inspector General of Forests, struck back with a detailed memo in July 1882, taking issue with Lyall that deodar groves were interlocked everywhere with cultivation and contending that this was so only in limited areas. The memo explained in detail his reservations that Protected Forests constituted under Chapter IV could not prevent the growth of rights and destruction by fires. Clearly outlining his program of intensive demarcation, he suggested that in exchange for extinguishing rights in the demarcated forests, more rights be allowed in the excluded parts. Brandis quoted at length the system that had evolved in the nearby and topographically similar region of Jaunsar in the neighboring United Provinces, where 142 of a total of 400 square miles had been demarcated as Reserved Forests. Of the 142, twenty-four had been carved out as first class reserves with no rights at all and completely at the disposal of the department. The memo proposed that the system followed in Jaunsar of dividing the Reserved Forests into two classes could be followed in Kullu, whereby a small portion could be liberated from rights.<sup>31</sup>

The Government of India, taking a cue from Brandis's memo, reacted sharply to Punjab's decision to apply Chapter IV instead of Chapter II. In August 1882, in a strongly worded letter, it asked the Government of Punjab to explain its actions. Quoting Brandis, it observed that "there is a doubt as to the accuracy of information placed before the Government of Punjab, on which the orders of 1st April 1882 were based." Officiating Inspector General of Forests William Schlich was dispatched to Kullu to report on the ground situation.<sup>32</sup> Schlich toured Kullu in October 1882, accompanied by local revenue and forest officials. His report vindicated every claim made by the provincial government and its officers that the Government of India had objected to and Brandis had contested.<sup>33</sup> In an effort to work out a compromise during his tour of inspection, he offered to reduce the extent of absolute reserves with no rights to eighty square miles—down from 156 suggested by Brandis and the 220 included in the original notifications.34

It was at this point that Anderson took the Forest Department aristocracy at the center completely head on. Taking issue with Brandis on his position that Reserved Forests with no rights were essential because of the adverse impact of grazing on the regeneration of deodar, Anderson quoted from an article on grazing that had appeared in the December 1882 issue of the *Indian Forester*, the mouth piece of the Forest Department.

The result of excluding cattle from deodar forests, as far as natural reproduction goes, has not been at all satisfactory. As a rule, the result of excluding cattle after fellings have been made, is that a dense growth of grass and bushes of all kinds has sprung up, which, if it has not altogether prevented reproduction, has at all events, hindered a large number of seeds from reaching the ground, and has also probably choked many young seedlings before they had the time to overtop the grass.<sup>35</sup>

This was a masterful move, as the author of the article was a forest officer and was referring to his observations from the vantage point of Jaunsar, the favorite example of

<sup>&</sup>lt;sup>29</sup> F.C.Channing, Secy to FC, Punjab, to Secy to Govt., Punjab, No.108, dated Lahore, 11th February 1882, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>30</sup> I use the terms 'demarcation' and 'territorialization' separately and non-interchangeably. Demarcation refers to the drawing of boundaries around forests that delineate them as state property. The use of symbols such as fire-lines and boundary pillars that have been a feature of demarcation in Kullu serve as much to demarcate as to territorialize, as in allocation of property rights and determination of resource-use patterns in forests. However, territorialization is much more than demarcation and entails a configuration of authority and power, *through* demarcation.

<sup>&</sup>lt;sup>31</sup> "Memorandum on the Forests of Kullu, Punjab, by D. Brandis, Inspector-General of Forests, on special duty, Ootacamund, the 20th July 1882", Home Dept., Forests, Govt. of India, 1882,

<sup>&</sup>lt;sup>32</sup> A. Mackenzie, Secy to Govt. of India, to Junior Secy to Govt. of Punjab, no.707F, Home Dept. (Forests), Simla, 21<sup>st</sup> August 1882, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>33</sup> A. Mackenzie, Secy to Govt. of India, to Junior Secy to Govt. of Punjab, no.666F, Home Dept. (Forests), Simla, 21<sup>st</sup> August 1883, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>34</sup> "Note by J.B.Lyall, Esquire, Financial Commissioner, Punjab, regarding the treatment of the Forests in the Kullu part of the Kangra District", enclosure in F.C.Channing, Senior Secy to FC, Punjab, to Junior secy to Govt., Punjab, No.328, dated 12<sup>th</sup> March 1883, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>35</sup> A.Anderson, camp Gopipur, Dehra, to FC, Punjab, Demiofficial, dated 14<sup>th</sup> March 1883, Kullu For. Corr., HPSA, Simla.

Brandis.36 Anderson supported this thesis from his own observations in Kullu, reciting names of forests and villages where he had seen this happen and adding that "It maybe that the reproduction is in consequence of the grazing, as Mr. Moir holds. But whether or not, it seems clear that the exclusion of cattle from deodar forests is not the sine qua non to natural reproduction that it is said to be." Grazing was, and has been until today, the primary objection that the Forest Department had been raising against demarcating the forests under Protected rather than Reserved Forest status. The argument ran that it was not possible to close forests to grazing unless these were reserved and closed as in Jaunsar, and until that happened, there was no question of any regeneration. And here was Anderson, quoting a forest officer based in Jaunsar about how grazing was actually good for regeneration.

With this one stroke of luck, as it were, Anderson cast senior forest officers, especially those with the Government of India such as Brandis and Schlich, in very poor light and seized the initiative. The Government of Punjab compiled a powerful response to the report submitted by Schlich in November 1882. Enclosing memos from both Lyall and Anderson, Government of Punjab refuted every claim made by Schlich and rejected all proposals of a compromise.<sup>37</sup> The Governor of Punjab summarily rejected the suggested reduction in reserves to eighty square miles and quoted from debates in the legislative council during the formulation of the Indian Forest Act in 1878, asserting that the lawmakers always meant the Protected Forests to be maintained permanently.38 In a similar vein, Anderson quoted Brandis from his memorandum on forest legislation of 1875, where he had argued about the difficulty of defining rights.<sup>39</sup> Summoning all the evidence at his disposal, the Governor launched a frontal assault on the Government of India in July 1883, attacking the authors of the Joint Report for misrepresenting their own recommendations and going beyond its limited scope. In summary, the letter suggested that "the real point for consideration is not whether proposals made in the Joint Report are to be adhered to or departed from, but how a system of forest demarcation and conservancy suitable to the conditions of the district and the requirements of the case are best secured."40

The compromise: Vertical territorialization

Finally, as the dust settled on the war of the chapters, final orders were issued in April 1883, and Anderson commenced the task of demarcating forests. Moving towards a middle ground, these orders stipulated the formation of four classes of forests, more than anybody had suggested earlier. The first of these was Reserved Forests under Chapter II. All remaining unoccupied and unclaimed land would be classified as Protected Forests, under Chapter IV of the Forest Act. These were further sub-divided into 1st, 2nd, and 3rd classes. The 1st class would be those most valuable forests that could not be completely divested of rights or the ones that were too close to cultivation to be closed with any degree of success. As far as possible, it was proposed to "throw all rights in these forests" into the 2<sup>nd</sup> and 3<sup>rd</sup> classes. The 2<sup>nd</sup> class comprised of forests not immediately available for extraction owing to their inaccessibility, lack of good timber species, or being burdened with rights. Both these classes were to be demarcated with boundary pillars as markers and mapped. The remaining were clubbed together as 3<sup>rd</sup> class forests, neither demarcated nor mapped, but brought under the purview of the Forest Act and therefore state property.41

The classification in the new notification represented a compromise worked out at the local level between the Forest and Revenue Departments. Anderson worked assiduously, taking local forest officers along and demonstrating a will to work together. In forging a local consensus, he constantly harked back to the inappropriateness of the central model, criticizing Brandis and slighting Schlich while at the same time asserting that "the policy of excluding valuable forest in order to acquire more extensive powers over the smaller area retained is quite unsuited to the circumstances of Kullu" while pointing out that "in this Colonel Stenhouse and Mr. Smith, the local forest officers, agree with me."42 The rules prepared at the end of 1884 for Protected Forests of the first two classes were drafted jointly by Anderson and Smith, representing another level of consensus. During the demarcation and recording of rights, Anderson remarked that the final outcome as a result of his settlement was far more extensive and much more strict in the allowance of rights than either Brandis's or Schlich's had suggested.43

<sup>&</sup>lt;sup>36</sup> E. McA. Moir, Deputy Conservator of Forests, Tons Division, NWP, 'Cattle Grazing in *Deodar* Forests', Indian Forester, vol.VIII no.3-4, December 1882, pp 274-277.

<sup>&</sup>lt;sup>37</sup> H.C.Fanshawe, Offg. Junior Secy to Govt., Punjab and its Dependencies, to A. Mackenzie, Secy to the Govt. of India, Home Dept. (Forests), dated Lahore, 5<sup>th</sup> July 1883, Kullu For. Corr., HPSA, Shimla.

<sup>38</sup> ibid., Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>39</sup> A.Anderson, Forest Settlement Officer, Kullu, to C&S, Jullunder Div., No. 107, dated Dharmsala, 16<sup>th</sup> January 1883, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>40</sup> H.C.Fanshawe, Offg. Junior Secy to Govt., Punjab and its Dependencies, to A. Mackenzie, Secy to the Govt. of India, Home Dept. (Forests), dated Lahore, 5<sup>th</sup> July 1883, Kullu For. Corr., HPSA, Shimla.

<sup>&</sup>lt;sup>41</sup> A.Anderson, Report on the Demarcation and settlement of the Kullu Forests, Lahore, Punjab Govt. Printing, 1886.

<sup>&</sup>lt;sup>42</sup> A. Anderson, Forest Settlement Officer, Kullu, to C&S, Jullunder Div., No.133, dated camp Hoshiarpur, 22<sup>nd</sup> March 1884, Kullu For. Corr., HPSA, Shimla.

<sup>43</sup> ibid., pp 16-19.

The Forest Settlement Report, the first draft of which was submitted for approval in 1886, resulted in vertical territorialization that was a qualitative jump from the contrasting positions that it sprang from. It stood out for four distinguishing characteristics compared to the system prevailing before. Firstly, it constituted a classification of forest classes that not only covered almost the entire forest territory but demarcated forests into vertically graded categories that progressively curtailed people's rights with respect to cultivation, fire, grazing and collection of forest produce—from 3rd class Undemarcated Forests to Reserved Forests. It put a large proportion of forests in 1st class protected forests, transferring rights therein to the 2<sup>nd</sup> and 3<sup>rd</sup> class forests. The report provided the following breakdown of the results of the demarcation: out of the total area of Kullu (1926 square miles), 1,240 were demarcated into either reserved, 1st, or 2nd class protected forests; of this 530 was wooded territory, significantly in excess of the 400 square miles estimated as forests in 1876, and 178 square miles were reserved as 1st class protected forests, more than twice the area offered by Schlich as a compromise in November 1882. Rights in 1st class forests were strictly recorded, as would have been the case for Reserved Forests. Sheep and goats were excluded from 1st class forests, except for a right of way in certain cases. Cultivation was prohibited in both the 1st and 2nd class forests, one of the pre-conditions for permanence and a prime complaint of Brandis, Schlich et al. More significantly, fire was also prohibited in both classes, thus meeting another objection to the appropriateness of Protected Forests with respect to permanence.

The second major feature of the settlement was the creation of a supra-tenure in the form of special regulations applied irrespective of their location. Thus, a list of 20 species was proposed as reserved and restrictions were placed on their use over and above the restrictions on the forests where these occurred. These restrictions took the form of restricted timing of collection (for example, one week, twice a year for lopping of blue pine) or even the height to which certain trees could be lopped. It also resulted in a de facto freezing of rights in time, effectively preventing the acquisition of new rights. Although a list of rights in every class of forest was prepared, every right allowed to be exercised in each 1st class forest was separately recorded "in order to enforce a penalty against any act not included in the list, and in that way prevent the springing up of new rights."44 Even dry and fallen trees of deodar, walnut, box, and ash were not to be used by the rightholders.

Thirdly, rights themselves were differentiated along ownership of land by linking property rights in forests with the payment of land revenue, effectively restricting the legal rights to forests through a vertical differentiation of

44 ibid., pp 19.

society. This had particularly serious repercussions on the non-cultivating population, divesting them of legitimacy in their claims on forests. Appending of forest rights to land revenue introduced a dimension in nature-society interactions in Kullu that was a radical departure from pre-British customs. Access to forests in Kullu was unrestricted for local populations, subject to rights of the King for hunting, snaring of hawks, and customary rights of nomadic pastoralists. Coupled with the injunction of acquisition on new rights, this vertical perspective on property rights exacerbated social divisions and exploitative relations.

Lastly, greater powers were assumed by the forest officials than ever before. Whereas earlier, the Negi or the headman was authorized to sanction up to 40 trees of the inferior kind for house construction in almost all forests, the new settlement restricted this authority to 10 trees in the 2<sup>nd</sup> and 3<sup>rd</sup> class forests and only for repairs. Only a Forest Officer had the power to sanction trees for new houses and as far as possible, these were to be given from 2<sup>nd</sup> and 3<sup>rd</sup> class forests. In addition, these trees were to be paid for at subsidized rates. It is important here to reiterate that the 1st class forests were very close to cultivation and habitation, which was the reasoning put forward for the impossibility of demarcating them as reserved, and the 2<sup>nd</sup> class forests were mostly far from villages. With the shifting of rights from 1st class to 2nd class forests, in addition to the temporal restrictions on use of forest resources, the new rules were to have a profound impact on life in the Kullu valley.

The Settlement Report, representing the new détente in the form of vertical territorialization, reflected the casual sanguinity of the bureaucracy in having surmounted troubling conflicts and establishing a rule of law over the forests. The general feeling was that "[t]he course of forest conservancy in the past has been a gradual imposing of such restrictions as experience showed to be necessary. The people have learnt to accept them, and a similar procedure in the future will, it is believed, be found satisfactory for the forests as well as the people." That was, alas, not to be.

## The irrelevance of legal categories and the futility of boundaries

Anderson, in association with local forest officers, demarcated more than 1,200 square miles of state forests between 1883 and the middle of 1886. During this period, the barrage of correspondence relating to forest issues in Kullu slowed to a trickle, reflecting the consensus on the course of action. However, dissenting murmurs could be heard with the publication of the report and cracks in the détente began to appear by early 1887.46

<sup>45</sup> ibid., pp 7.

<sup>46 &</sup>quot;Copy of a Note by the Hon'ble E.G. Wace, Financial Com-

Fire

Without waiting for the proposals to be sanctioned, which required these to go through the provincial government to the Government of India, D.C. Johnstone, Assistant Commissioner and O. Down, Deputy Conservator of Forests implemented the new proposed rules and cracked down particularly on fire. There was a drought in the region, with rains failing in the summer of 1886 as well as 1887, and there was much distress. The situation was compounded when officials began enforcing the new rule requiring permission of a forest officer before burning of grasslands. Johnstone, in sympathy with his colleagues in the Forest Department, believed "that the people often purposely set fire to grasslands when their herds and flocks are badly off for fodder, on the principle that being fined is a lesser evil than having severe mortality of cattle and sheep." He solved his predicament with respect to the administration of justice in the following manner:

[T]he difficulty when no actual perpetrator is found, and where no clue is available as to whether the fire was accidental or not, is to know whether to treat the fire as one for which the zamindars should be held responsible. . . . In most instances, I had to prosecute, for in these cases there was practically nothing to guide the judgment, and to let off one batch of zamindars would have involved letting off the whole in every such case.<sup>47</sup>

During the single summer of 1887, Johnstone served sentences in 68 cases of fire in his court, amounting to a total fine of more than six thousand rupees<sup>48</sup> and attracting a barrage of protests from local residents. Zamindars complained to higher officials, particularly the Commissioner and Superintendent of Jullunder division and the Financial Commissioner of Punjab. Petitions continued throughout the summer and autumn of 1887, detailing the injustices perpetrated against the people.<sup>49</sup> The petitions, many times authored by European settlers in the valley on behalf of the

missioner, Punjab" in Report on the Forest Settlement of Kullu, Kangra District, Proceedings of the Punjab Government, Forest Department, April 1894, Nos.30-121, (henceforth For. Progs. April 1894, HPSA, Shimla), No.32.

local residents, also complained about the impracticality of the new rules regarding timber for house construction and expressed incredulity at being fined for collecting dead leaves from the forest. But most of all, the people were incensed at the enormity and unfairness of the fines. People complained that the figures of trees destroyed by fire that were quoted were completely false as the areas under question were grasslands burnt every year and therefore had no trees. Even where forest fires erupted due to the exceptionally dry weather, residents claimed that they did their best to put them out, but that these acts were ignored and the people were fined anyway.<sup>50</sup>

It was also alleged that people were so distressed that there was an exodus from certain areas. Johnstone defended himself against the accusation of inciting a flight of people and asserted that "I do not believe that the fines were the cause of the departure of the poor zamindars.... A succession of bad harvests is the real reason, and not fines of a few annas per accused."51 Coming down on his side, Gordon Young, Commissioner of the Jullunder Division, blamed the lower functionaries of the Forest Department for overstating their case and being generally over-enthusiastic and defended Johnstone's punitive measures.<sup>52</sup> The Financial Commissioner was not amused. He severely reprimanded Johnstone and ordered that the forests be divided into 'dangerous and non-dangerous zones' with respect to prospects of damage by fire and the restrictions on firing be removed in the non-dangerous zones.<sup>53</sup> Such a redrawing of boundaries was obviously anathema to the Forest Department; it would have undone the work of a decade at securing some sort of boundaries. But the Financial Commissioner would have none of it. In desperation, Col. Bailey, Conservator of Forests, Punjab, responded to the Commissioner's orders thus:

[I]n the absence of anything like a demarcation and a map, mistakes, unintentional or intentional, and disputes will, I think, constantly arise. ....I think the limits of the areas which may be burnt should be defined by blazed trees, temporary heaps of stones, marks cut into the turf, or in some such manner. The restriction of the burning to the sanctioned areas is a matter of great importance, and I

<sup>&</sup>lt;sup>47</sup> 'Zamindar' was the generic name given to a land-revenue paying cultivator in Kullu. Literally translated, it meant 'the owner of land'. It should not be confused with the zamindars in Bengal and Central Provinces, who were large estate holders created by the British to facilitate the extraction of land revenue.

<sup>&</sup>lt;sup>48</sup> "Statement showing the total fires in Kullu Forests and other forest offences, with total fines inflicted in the court of Assistant Commissioner, Kullu", For. Progs. April 1894, HPSA, Shimla, No37.

<sup>&</sup>lt;sup>49</sup> "Translation of a petition by the Zamindars, of tehsil Plaich, in Kangra District, to His Honor the Lieutenant-Governor of the Punjab and the Financial Commissioner, Punjab", For. Progs. April 1894, HPSA, Shimla, No.40.

<sup>&</sup>lt;sup>50</sup> M.M.Carleton, to FC, Punjab, demi-official, dated 20<sup>th</sup> September 1887, For. Progs. April 1894, HPSA, Shimla, No.44.

<sup>&</sup>lt;sup>51</sup> "Copy of Note, dated 10<sup>th</sup> October 1887, by D.C.Johnstone, Esquire, late Assistant Comissioner, Kullu", For. Progs. April 1894, HPSA, Shimla, No. 46.

<sup>&</sup>lt;sup>52</sup> Col. G.Gordon Young, C&S, Jullunder Div., to The Hon'ble Colonel E.G.Wace, FC, Punjab, For. Progs. April 1894, HPSA, Shimla, No. 45.

<sup>&</sup>lt;sup>53</sup> Senior Secy to FC, Punjab, to C&S, Jullunder Div. No.5964, dated 25<sup>th</sup> October 1887, For. Progs. April 1894, HPSA, Shimla, No 49.

consider that it is well worth while to take this amount of trouble in the matter.<sup>54</sup>

However, the problem was not merely of burning. There were heaps of complaints about restrictions on timber for house construction as well. The Forest Department, knowing fully well that the most valuable demarcated areas are adjacent to cultivation and habitation, was coming down heavily on trees felled on private lands on the plea that this was necessary to prevent encroachment on state property. Boundaries were being challenged on that front too, irrespective of where the fire lines were drawn. Just as boundaries to grazing were challenged earlier with respect to regeneration of deodar against the convictions of forest officers, fire and timber were forcing the local administration to redraw boundaries at every stage, putting pressure on the already tenuous compromise and the consensus around the Anderson Settlement.

In the end, local consensus broke down along familiar inter-departmental fault lines. Col Bailey, responding to the Commissioner's sympathies with the people, reverted to the "good for the people" argument. Referring to the forests of Kullu, he observed:

I do not think that the state could ever hope to obtain anything from them for export. All that they can do is to provide permanently (if this can by any means be secured) for a certain part of the wants of the people; and if the officers of the Forest Department desire to see them protected in a manner sufficient to attain this end, they do so primarily in the interests of the people themselves.<sup>55</sup>

The new Conservator who replaced Bailey shortly, H.C. Hill, went back to the old debate regarding extensive demarcation as against intensive demarcation and concluded that it was most undesirable to have demarcated so much in the first place and suggested that the policy of a smaller area of strict reserves under Chapter II of the Indian Forest Act would have been better.<sup>56</sup> The debate had come full circle indeed.

## **Epilogue**

The story continued in Kullu and the redrawing of the boundaries never ceased. After the tumultuous events of 1887, the Settlement Report was sent back for revision. It was resubmitted in 1892, leading to further discussion along

similar lines. The rules and the record of rights in Kullu forests was finally accepted and notified by the Government of India in June 1897.<sup>57</sup> Major fires broke out in 1917, 1921, and 1944.<sup>58</sup> The Punjab Government set up a commission of enquiry in 1935 to report on the difficulties experienced by the people who live close to the forests as a result of the system of forest administration and suggest remedial measures.<sup>59</sup> In the post-colonial period, restrictions were routinely relaxed on grazing; even Reserved Forests hitherto closed to livestock were opened to herds, in response to popular pressure now working through elected representatives of the people.<sup>60</sup> The project of drawing permanent boundaries around forests could not be accomplished in any real sense; it was forever being negotiated.

## Concluding remarks

Territorialization may be a project that is doomed to fail, but the study of its nuances in Kullu provides us with a few insights. Firstly, in the light of this evidence, the debate on territorialization through legal categories may be viewed from a fresh perspective. In the discussions in India, the Forest Department has very often been cast as the villain of the piece, willful and scheming, encroaching on the rights of people. However, the roles could be recast in terms of the binary that worked itself out in Kullu-extensive territorialization, as in large areas with limited and progressively curtailed rights, versus intensive territorialization, as in small and compact areas with summarily commuted rights. This binary takes us further in explaining the geographical and institutional diversity of outcomes in the territorialization project in colonial India, as witnessed in the widely divergent experiences in Punjab, Bengal, Canara, Madras, United Provinces, and Central Provinces.

The experience of Kullu also troubles the assumption of territorialization through legal categories alone. As internal divisions frustrated attempts at demarcation of boundaries, the compromise of vertical territorialization can be seen as a less legal and more nuanced attempt at addressing the problem of boundaries. It would be pertinent to mention here that not only did the interpretation of legal categories extend the law substantively, but that at the same time it opened avenues for a gradual territorialization on the vertical dimension. The gradual and vertical progress of territorialization in Kullu is beyond the scope of this paper, but it remains to be said that the vertically arranged

<sup>&</sup>lt;sup>54</sup> CF, Punjab, to Secy to FC, Punjab, No.299, dated 27th November 1887, For. Progs. April 1894, HPSA, Shimla, No. 49.

<sup>&</sup>lt;sup>55</sup> "Note on Mr.Anderson's Kullu Settlement Report, by Lieutenant-Colonel Bailey, Conservator of Forests, Punjab", For. Progs. April 1894, HPSA, Shimla, No.35.

<sup>&</sup>lt;sup>56</sup> "Copy of a Note by Mr.H.C.Hill, Conservator of Forests, Punjab, Note C, Mr. Anderson's Report on Kullu Forest Settlement", For. Progs. April 1894, HPSA, Shimla, No.31.

<sup>&</sup>lt;sup>57</sup> For. Progs. April 1894, HPSA, Shimla, Nos.65-67.

<sup>&</sup>lt;sup>58</sup> G.Aggarwal, Fourth Working Plan for the Kullu and Seraj Forest Divisions, 1949-80, pp 67, Simla, Govt.Printing, 1957.

<sup>&</sup>lt;sup>59</sup> G.C.Garbett, Report of the Punjab Government Forest Commission, Lahore, Civil and Military Gazette Press, 1938.

<sup>60</sup> Vasant Saberwal, 1999, op cit.

categories allowed for this possibility, going beyond the deadlock between Reserved and Protected Forests or between extensive and intensive territorialization.

More specifically, the history of territorialization in Kullu, even for the brief period explored in this paper, allows us to make better sense of the outcomes in 21st century Kullu, as evidenced in the events in the Great Himalayan National Park. Arguing for Thailand, Vandergeest and Peluso contend that there is an inverse relationship between the success of territorialization and the number of institutions that may legitimately enforce restrictions. "Where different legitimating authorities conflict in their allocation of rights, the one that is most enforceable in practice (de facto) will have a greater influence on behavior than de jure controls."61 This certainly seems to be true for Kullu in the late 19th century as well as late 20th century. Legitimacy emerged as the currency in Kullu in the 1880s, as forest officers were alienated for allegedly excessive restrictions. It may be pertinent to note here that the situation is not very different in the late 20th century, with the revenue department retaining its edge, and the addition of elected representatives to the list of "legitimating authorities." The overriding de facto authority of elected representatives in Kullu helped the people in rejecting the restrictive legal bracketing of "rightholders" according to a narrow reading of the settlement records. The mirage of permanent boundaries around forests, in the face of failure to territorialize, has forced the Forest Department to invent new dimensions of imagining territory and create discourses for legitimacy. The third phase of territorialization, through scientific categories such as National Parks, represents another attempt of the Forest Department to derive legitimacy for the unfinished project of territorialization.

The struggle for legitimacy, so crucial to enforcement, is complicated by the presence of several actors at widely varied levels and operating on different scales. In Kullu, this matrix has worked itself into two inter-connected axes. The first, the tensions between central monopoly and local diversity, is played out and shifts between the local versus the provincial levels and the central versus provincial levels at different times. The other axis, inter-departmental conflicts and rivalry, is never far from the surface but is occasionally buried in favor of local consensus. The two axes are constantly struggling for balance, seeking legitimacy, forever denied by the people to any actor for too long. In the context of territorialization, power is always being negotiated with respect to enforceability. In the context of the forests of Kullu, the ideal of permanent boundaries is doomed to failure, as challenges from below regarding the issues of grazing, fire, and timber for house construction force the state apparatus to renegotiate the

equilibrium of legitimacy and necessitate a redrawing of the boundaries. In this way, by the balancing of conflicting interests and a shifting fulcrum, territorialization in Kullu also helped the colonial state to emerge as an entity embedded in society rather than separate from it and laid the foundations of the state-society relationship for the years to come.

### **Abbreviations**

For: Progs. April 1894, OIOC, London: Report on the Forest Settlement of Kullu, Kangra District, Punjab Government, Revenue and Agriculture Department (RAD) (Forests), A Proceedings, April 1894, Nos.30-121, Oriental and India Office Collections, British Library, London.

Kullu For. Corr., HPSA, Shimla: Printed Correspondence of Forests in Kullu, Basta #21, Serial #320, Kangra DC Records, Himachal Pradesh State Archives, Shimla.

Agri.: Agriculture

Asst.: Assistant

Corr.: Correspondence

C&S: Commissioner and Superintendent

CF: Conservator of Forests

DCF: Deputy Conservator of Forests

Dept.: Department

Div.: Division

FC: Financial Commissioner

For. : Forests

Govt.: Government

Offg.: Officiating

Progs. : Proceedings

Rev.: Revenue Secy.: Secretary

<sup>61</sup> Vandergeest and Peluso, pp 418.