

Between the City and the Village: the differential impact of the Predatory and Absentee State on Indigenous Land Rights and Deforestation in Bangladesh and India

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Abstract

Smallholders in the Global South are often excluded from their land rights by exclusionary policies of conservation, which are intensifying in the face of a changing climate. Such conflicts are often the most problematic where they overlap with the extant political-marginalisation of the smallholder, articulated in ethnic terms. The world's Indigenous Peoples, being among the most vulnerable to dispossession while also tending to inhabit forested spaces, are of central importance to these debates.

South Asia comprises a “natural laboratory” of different institutional arrangements that mediate the relationship between the State and the land and forestry rights of Indigenous Peoples. This study uses ethnographic methods, remote sensing analysis of forest cover change and archival research to test whether this institutional variation leads to differences in dispossession and deforestation, and offer conclusions as to why this is the case.

The Garo community inhabits both Meghalaya state in India and the Madhupur region of Bangladesh, with strong and weak legal protections over lands and forests respectively. The study finds that dispossession and deforestation outcomes are worse in Bangladesh than in India. This difference results institutionally from a lack of recognition of the legitimacy of Garo land rights in Madhupur which in turn stems from the local, ethnically-bounded political-economy, the “Predatory State”. This comprises an assemblage of local political elites and State bureaucrats for whom both the Garo smallholding and the original forest represent untapped resources that dispossession releases into the dominant political-economy.

In contrast, Garo land rights are afforded full legal recognition in Meghalaya, resulting in low levels of dispossession and a conservation regime that is robust because ownership of protected areas remains vested in the community. This situation is deteriorating as land values increase, due to an “Absentee State” that does not provide robust and accessible dispute resolution processes, resulting institutionally in community rights being only partially embedded in the wider administrative structure. The main underlying cause is that institutional dysfunction was deliberately designed into the system to allow the State to “recentralise while decentralising”.

Contents

List of Figures	7
List of Tables	8
List of Images	9
List of Maps	10
Glossary.....	11
List of Abbreviations	13
Notes on the usage of terms.....	14
Chapter 1: The Village and the City.....	16
Chapter 2: the agrarian question in the 21 st century.....	22
2.1 Introduction	22
2.2 Smallholder land rights, poverty and development	22
2.3 Peasants and deforestation.....	25
2.4 The problem of customary tenure	28
2.5 Peasant resistance.....	30
2.6 The South Asian context	31
2.7 Indigenous Communities, forests, land and resistance	35
2.8 Conclusion	40
Chapter 3: Theories of institutional change in agrarian environments.....	46
3.1 Introduction	46
3.2 Moving beyond the nation-state	46
3.3 Institutions, structure and agency	48
3.4 Critiquing Giddens and Ostrom	51
3.5 “Indignity” and peasant resistance.....	53
3.6 Conclusion.....	57
Chapter 4: Research Design and Methodology	62
4.1 Introduction	62
4.2 Comparing Madhupur and the Garo Hills.....	62
4.3 Methods, variables, outcomes and causes.....	63
4.4 Analysis: general approach, coding, reliability and rigour.....	66
4.5 Practical issues	68
4.6 Research Ethics	68
4.7 Shortcoming and “research design problems as evidence”	70
4.6 Conclusion.....	71
Chapter 5: The creation of “tribal space” in British India, 1776 - 1875.....	73

5.1 Introduction	73
5.2 Manufacturing tribal space	74
5.3 The colonial rationale	76
5.4 Exceptions to the rule	80
5.5 The state without a nation.....	85
5.6 Parsimony, imperial topology and rules in use.....	86
5.7 The Consolidation of tribal space.....	89
5.8 33 Victoria and the East Bengal Frontier Regulation	92
5.9 British rule: a continuum of Governance	98
5.10 Conclusion	100
Chapter 6: Remote Sensing Results.....	105
6.1 Introduction	105
6.2 Remote Sensing: the rationale.....	105
6.3 Selecting research sites.....	105
6.4 Methodology.....	107
6.5 Discussion and Caveats	110
6.6 Conclusion	113
Chapter 7: The Siege of Madhupur and the Predatory State in Bangladesh	115
7.1 Introduction: Another day, another dorbar.....	115
7.2 The Madhupur context	117
7.3 Rules-in-Use and Garo Land Rights	120
7.4 Gender and intra-community inequality	124
7.5 Dispossession: a view from the villages.....	125
7.6 Mechanisms of dispossession	129
7.7 Debating the death of the Forest.....	132
7.8 Land use change in Madhupur.....	138
7.9 Land-use allocation and wider problems of exclusion.....	142
7.10 Mechanisms of Direct Resistance	144
7.11 Resisting exclusion: NGOs, savings groups and politics	148
7.9 Conclusion	150
Chapter 8: Corroding Community Rights and Institutional Ambiguity, the Absentee State in the Garo Hills.....	153
8.1 Introduction: the refugee nokma in the Garo plains	153
8.2 The Garo Hills context.....	156
8.3 Intracommunity wealth differentials, gender and poverty	161
8.4 Titling and Dispossession	164

8.5 Mechanisms of dispossession	168
8.6 Mechanisms of Deforestation.....	170
8.7 Causal mechanisms in theoretical terms	174
8.8 Institutional dissonance and imperfectly nested local institutions	176
8.9 The status quo as a result of an unfinished project of resistance	180
8.10 Conclusion.....	186
Chapter 9: Comparing the Predatory and Absentee State	188
9.1 Introduction	188
9.2 Answering the research question	188
9.3 A tale of two political economies.....	192
9.4 Historicising Indigenous land rights and the Forest.....	198
9.5 Implications for the Indigeneity Debate	201
9.6 Implications for the (Political) Ecology Debate	208
9.7 Implications for the Study of Property Rights.....	213
9.8 Implications for Development Theory and Practice	217
9.9 Future avenues for research	219
9.10 Study Limitations	219
9.11 Conclusion.....	220
Chapter 10: Problems in the City	222
Bibliography	225
Appendix A: List of Respondents	247
Appendix B: Village survey standardised semi-structured interview format	251

List of Figures

Figure 3-1: Elinor Ostrom’s IAD Framework	50
Figure 3-2: Clement’s Additions to Ostrom’s IAD Framework	52
Figure 3-3: Multi-level institutional processes	53
Figure 3-4: Institutional change and resistance	58
Figure 7-1: Administrative arrangements in Madhupur	120
Figure 7-2: Dispossession and Deforestation in Theoretical Terms	142
Figure 7-3: Dispossession and Resistance in the Madhupur Garh, Pakistan Period	145
Figure 7-4: Resistance in Madhupur, circa 2005	148
Figure 8-1: Institutional Arrangements in the Garo Hills	161
Figure 8-2: Lobbying for the Hill State in the 1960s	182
Figure 8-3: The fight for Garoland, circa 2000	182
Figure 8-4: the situation in the Garo Hills in schematic theoretical terms	186
Figure 9-1: Relationship between key variables affecting different outcomes in the study area	196
Figure 9-2: Local biophysical and population characteristics and constitutional decision making	200

List of Tables

Table 2-1: A comparison of Adivasis and Dalits in India by development indicator	36
Table 2-2: Poverty levels and land dispossession among selected Indigenous Groups in Bangladesh	36
Table 4-1: Methodologies, Outcomes and Causes	65
Table 4-2: Methodology, Variables and Spatial and Temporal Scales	65
Table 4-3: Comparison of administrative units visited	70
Table 5-1: Final list of Scheduled Districts	89
Table 6-1: Districts and satellite imagery details	107
Table 6-2: Mean change of vegetation coverage by study district	109
Table 8-1: Summary of research sites	158
Table 8-2: Summary of Meghalaya State Budget, 2014 - 2017	178
Table 9-1: Summary of research findings	189
Table 9-2: Summary of differences in key variables across research settings	193
Table 9-3: Comparing the Garo Population in India and Bangladesh	195

List of Images

Image 5-1: British India in 1857	99
Image 6-1: NDVI image of Madhupur Forest, 2001 and 2011	111
Image 6-2: NDVI image of Southwest Tangail district, 2001 and 2011	112
Image 6-3: a comparison of riverine environments in eastern Sahibganj (left) and western Tangail (right)	112
Image 7-1: Zamindari patta from 1946, Bhutia village	122
Image 7-2: Cadastral Survey map sheet of Chunia <i>mouza</i>	124
Image 7-3: Preamble to the 1951 Gazette.....	130
Image 7-4: Chunia <i>mouza</i> plot numbers.....	130
Image 7-5: CREL poster exhorting local people to refrain from cutting down trees (upper left quadrant), encroach the land (lower left), set fire to the forest (lower right).	135
Image 7-6: IPAC's view of the illegal timber trade.....	137
Image 7-7: An official land-use map of Madhupur outside the Forest Department offices at Russelpore. The rubber plantation is clearly identified as the orange and light yellow area on the left hand side.....	138
Image 8-1: GHADC land <i>patta</i>	165
Image 8-3: Digital a'king map for Asimgre village	184

List of Maps

Map 2-1: Institutional variations and Indigenous land and forest rights by district in India and Bangladesh	38
Map 2-2: Insurgencies in and around Bengal, 1970 - 2017	40
Map 6-2: Sahibganj, the East Garo Hills and Tangail Districts (Bangladesh in Red, India in Blue)	107
Map 6-3: NDVI difference, Sahibganj district, India 2001 - 2011	109
Map 6-4: NDVI difference, East Garo Hills district, India 2001 - 2011	109
Map 6-5: NDVI difference, Tangail district, Bangladesh 2001 - 2011	110
Map 7-1: study area and primary villages	118
Map 8-1: Primary and Secondary Research Sites	157

Glossary

a'king – a Garo term that roughly denotes “estate”, a discrete area of land belonging to a single *mahari* that may contain several villages that are off-shoots of the main village.

bigha – area of land management, approximately one third of an acre.

chtra – senior male relatives of the *nokna*, in-laws of the *nokma*, highly influential in family and *a'king* decision-making

development block – Indian administrative unit below district level.

garh – literally “fort”, refers to the area of the Madhupur forest formally within the bounds of the Madhupur “national park”.

jhum – shifting agriculture

mahari / ma'chong – “sub-clan”, a common lineage within which rules of exogamy are firmly applied in both Bangladesh and India.

matbor – “leader”, synonymous with unofficial or quasi-official social leadership status in a village

nokma – “headman”, husband of the “nokna” or heiress of an a'king's founding *mahari*. An important distinction is between the *a'king nokma*, who is headman of a whole estate, and the *songat nokma* (*sardar* in the North Garo Hills) the headman of a satellite village.

nokna – a family's heiress.

pakhi – synonym for **bigha**.

sangsarek – animist religion still practiced by a minority of Garos

sardar – see “nokma”.

thana – police station, smallest bureaucratic / administrative unit in Bangladesh and India.

upazilla – “sub-district”

upazilla Chairman – elected official, chairs Upazilla committee.

union – lowest level of political representation in Bangladesh, see union parishad chairman.

Union Parishad Chairman – elected official, chairs union parishad.

zamindar – “landlord”, class of intermediary landholders established by the Permanent Settlement of 1793.

List of Abbreviations

ACF – Assistant Conservator of Forests, sub-divisional forest officer in Bangladesh, manages range officers and beat officers.

AMS – Achik Mithik Samity, “Garo Women’s Council”, Madhupur-based Garo Women’s social organisation.

APHLC - All Party Hill Leaders Congress, political platform comprising all major political parties in the Garo, Khasi and Jaintia Hills to lobby for independent statehood.

Awami League – Bangladeshi political party founded during the Pakistan period to campaign for greater autonomy for East Pakistan. It has been in power since 2008.

BAF / BIPF – Bangladesh Adivasi Forum / Bangladesh Indigenous Peoples’ Forum, apex human rights organisation for Indigenous Peoples in Bangladesh.

BJP – Bharatiya Janata Party, current national governing party in India espousing a Hindu nationalist programme, led by Narendra Modi.

BNP – Bangladesh National Party, main opposition political party in Bangladesh.

CFO – Chief Forestry Officer, most senior forester in the Garo Hill Autonomous District Council.

CHT – Chittagong Hill Tracts.

CREL – Creating Resilience and Environmental Livelihoods: USAID funded social forestry organisation operating at national level in Bangladesh, and with an active presence in Madhupur.

DC – Deputy Commissioner, most senior civil bureaucrat in a district for both India and Bangladesh.

DFO – Divisional Forest Officer, Bangladesh senior forester for a division.

FAO – Food and Agriculture Organisation.

GHADC – Garo Hills Autonomous District Council, established under the terms of the Sixth Schedule of the Constitution in 1953 with responsibility for village lands and forests in the Garo Hills.

GoB – Government of Bangladesh.

GoI – Government of India.

IRDP – Integrated Rural Development Programme

JAUP – Jatiya Adivasi Union Parishad, Madhupur-based Adivasi social organisation.

IBDDL – Integrated Basin Development and Livelihood Promotion Programme, Garo Hills based quasi-state agency specialising in Rural Development.

IMF – International Monetary Fund

IPAC – Integrated Protected Area Co-Management, former iteration of USAID-funded forestry community management in Madhupur.

USAID – United States Agency for International Development

VRF – Village Reserve Forest, an area of forest within an *a'king* designated by the *nokma*, in consultation with the community, as a “reserve” and registered formally with the GHADC forest department as such.

Notes on the usage of terms

The term **Garo** is colonial which I use here for convenience. In India Garos refer to themselves as **Achik**, or Hill Peoples. In Bangladesh the preferred term is **Mandi**.

I capitalise “**State**” when referring to national governments, and lower case “**state**” to refer to the subordinate governments of the Indian Union.

East Bengal, East Pakistan and **Bangladesh** refer to the same territory immediately post-Independence in 1947, under Pakistan rule until 1971 and as Bangladesh thereafter.

I use the term **Indigenous People** or **Adivasi** when referring to any of Bangladesh's communities that so identify. The term **tribal** is considered pejorative, and equivalent to the Bengali term "**upajati**" or "sub-nation". It is less so in India, so I use it with greater freedom in chapter 8 which exclusively discusses the Garo Hills, as well as when discussing the colonial inheritance in chapter 6.

In Bangladesh the term Adivasi is acknowledged by most if not all groups, both in the plains and the hills. In India "Adivasi" exclusively applies to groups from Peninsula India, not the Northeast.

Chapter 1: The Village and the City

“God created the country, man created the town” is a proverb attributed to the poet John Cowper in 1785¹. I was introduced to it by a man I will call “Thomas” during my fieldwork in the Madhupur region of central Bangladesh in early January 2016, with the difference that he substituted the word “city” for “town” and “village” for “country”. This crude model is a useful entry point for the present study. The global countryside is currently the site of two great modernist projects. The first concerns the environment and the urgent need to conserve and regenerate the world’s forests as a means of sequestering carbon and reigning in global warming. The second is “solving” poverty which, despite a recent uptick in donor funding and interest in urbanisation, slums and megacities, remains generally located in rural sites.

These two projects that take place in and around the village are generally managed from the city. As described by the leading development academic Robert Chambers², solving poverty in the countryside is a darkly comic tale of city folk remotely channelling funds to the villages. This process is evaluated at lengthy intervals by fleeting visits from the city, often no longer than a day, so that by 4pm the evaluation team is away in their shiny 4x4 back to the capital, as if in fear of catching something. The countryside as both a site of action for various programmes, and of inquiry by NGO researchers, and even academic ethnographers, is thus host to a steady stream of transient visitors, there to complete their tasks as quickly as possible, before returning home to their desks where they can regale their fellow city folk with tales from “the field”. I myself am at least partially implicated in this practise.

Among the many legitimate criticisms of this crude model might be the question of which “city” we are talking about? In discussing these two great projects, there are the great world cities of Washington DC, London, Geneva, Rome, where policies are drawn up, funds raised and a trip to a national capital like Nairobi or Kathmandu is still often spoken of in hushed tones as a “country visit”. From national capitals it is necessary to navigate “downriver”, across several scales of large urban settlements, intermediary towns and local hubs that remain the skeleton and nervous system of administration, however parlous in some cases. These objections are important, but do not contradict the simple point that, for most of the time these two great projects have been in operation, the countryside has been the site where problems are analysed, diagnosed and solved, and the people in charge of doing the analysis, diagnosis and solving have been from the city.

Since their inception these two great projects, and the interventions that they have given rise to, have run into a number of major problems. The first is that they potentially conflict with each other, a phenomenon perhaps still most effectively summarised in the title of Nancy Peluso's 1994 book "Rich Forests, Poor People."³ Closing off forests completely in order to conserve them can impoverish neighbouring village communities who depend on them for all manner of resources. There is then the problem in which these projects articulate with other powerful forces stemming from globalisation as they "cascade", in Appadurai's term, down from international, to national and then to the local level. The 1980s enthusiasm of powerful multilateral agencies for countries in the Global South to mass produce export crops in order to earn foreign exchange for "development purposes" resulting in substantial deforestation, for example, or the role of financial speculation in primary commodities like wheat on food prices.

Then there is a dense and complex process of intermediation, where the effects of these two great projects intersect with a vast number of others as they cascade from the city to the village. Such projects operate at various scales across space and time, and include state-building efforts decades-old, that might deem certain locales home to minority groups or in contested and militarised spaces out of bounds. Then there are the institutional interests of such actors as "the Forest Department" or "the Army", and the need to ensure they "buy-in", frequently though including their "feed-back" in the plan for the intervention. Finally there are projects that might seem very modest in scale or scope. The personal ambitions of a minor elected politician or a junior bureaucrat in a given locale would certainly not loom large in the logistical framework of a development expert in Geneva, nor the ruminations of a rural development officer in Delhi. But within the confines of that locale such modest personal projects simply must be accommodated, the personalities that pursue them mollified, the new intervention adapted accordingly. Such local figures cannot "be avoided", for better or worse they must be embraced or else the initiative abandoned.

At this point that a development or conservation intervention finally arrives in the village and the problems really begin. For a start, the village is host to a unique set of politics, with different villagers holding competing and perhaps conflicting interests, having access to variable levels of resources, and each potentially able to subvert the initiative. This operates right down to the granular intra-household level: the most important exclusion is often along gender lines, with women often entirely left out of the process. As Chambers notes, the very poorest in a village or village cluster are often hard for an initiative to "reach" and this often has an ethnic dimension, with minorities often comprising the "poorest of the poor".

Quite apart from the difficulties posed by the village's capacity to further mediate the initiative's aims through its internal power relations however, is the peasant's troublesome habit of reacting in a way that was not part of the plan. Towards this end the peasant has any number of tactics at their disposal, as discussed by Scott in *Weapons of the Weak*. Sometimes this is a product of the disjunction between the "economic optimisation" models employed by city planners and "subsistence rational" strategies employed by the villager⁴. Sometimes, however, the problems assume a far more violent character, as illustrated by Peluso's work.

The most serious cases of this "resistance" often occur where the purported benefits and actual drawbacks or negative "externalities" of a development or conservation intervention accrue to different ethnic groups respectively. In South Asia, this has led to the concept of the "sub-colony", used to characterise the relationships between the Jharkhand region and its then state capital of Patna, Bihar, prior to 2000, between Assam and the Indian national government and, most dramatically, between East Bengal and Pakistan prior to the establishment of Bangladesh in 1971. A common theme that emerges when such projects are examined in depth is that, inadvertently or otherwise, they support, strengthen or otherwise are closely aligned with the nation-state building projects and the major bureaucratic interests while side-lining or co-opting local actors. They function in practice as an extension of pre-existing and ongoing schemes of governmentality, enclosure and control, with development functioning as an "anti-politics machine."⁵

In this sense peasant resistance to schemes of governmentality, either peaceful or violent, predates the two great modernist projects of poverty alleviation and global environmentalism by hundreds of years. This history, together with debates surrounding the political agency of the peasant, is subject to a vast literature, itself partly the result of resurgent interest in the countryside provoked by the Vietnam war. This contributed to the birth of modern agrarian studies with a renewed focus on the importance of land, and its role in development. After a great deal of vacillation, the role of land in poverty alleviation and the importance of securing the rights of small holders now attracts a great deal of academic support in general,⁶ in the specific case of women⁷ and in the case of the world's indigenous peoples⁸. This consensus is emerging at a time of rising levels of dispossession among small holders globally, a process characterised by Marxist analysts as "accumulation by dispossession"⁹. Indigenous peoples are particularly important in this story because they often are the most marginalised group in society due to political and social exclusion. They are simultaneously often the poorest and most vulnerable to this global trend of dispossession. In addition to poverty

alleviation for individual households, land rights in the aggregate transpose onto a specific territoriality for indigenous communities that has implications for spiritual and cultural reproduction as well as political identity. Finally indigenous people very often inhabit forested terrain, placing them at the very centre of the tension between poverty and conservation.

In their claims-making, Indigenous Peoples often focus on institutions, the need for formal recognition of their claims over specific lands and resources, and for this to be enshrined in the administration of their respective localities. These objectives are greatly complicated by this tug of war between our two great modernist projects, each side buttressed by a relevant set of national bureaucracies (Land Ministries / Revenue Departments versus Environment Ministries / Forest Departments) and siloed academic disciplines (Land Administration versus Natural Resource Management), carefully recreating an artificial colonial era distinction. This has only relatively recently come under sustained academic criticism from, among others, K. Sivaramakrishnan and Arun Agrawal¹⁰. This institutional ambiguity, whether intentional or not¹¹, is complicated further by the creation of community forestry and customary land tenure.

The former is a common strategy to enhance conservation outcomes used by Forest Departments across the world by actively involving local communities in woodland management. This in effect creates various forms of “hybrid” tenure whereby, generally, the department retains ownership the forest land while local communities acquire *de jure* usage rights.¹² The latter comprises the huge variety of different terms under which indigenous communities have managed their land traditionally, that typically differ from individual liberal freehold model established across the world under the aegis of western colonialism. Often combined with mobile forms of “shifting” agriculture, the illegibility of such systems to modern state property regimes in post-colonial settings is another important feature of the problem of dispossession.

Complex, multi-scalar issues of institutional dysfunction have long been a core question for sociologists including figures such as Karl Polanyi¹³, C. Wright Mills¹⁴ and, under the auspices of her Institutions for Collective Action research programme, the Nobel Laureate Elinor Ostrom¹⁵. Ostrom’s work, and its extension by Florianne Clement¹⁶, focuses on issues of minimal recognition of community institutions by the state, and their effective nesting within the state’s administrative framework as being an important focus of investigations into such problems. Key variables to consider include, but are not limited to, the characteristics of local communities, the biophysical

characteristics of the locale, including topography, the rules-in-use concerning lands and forests, the discourses at work and the political economy.

South Asia is an ideal setting for such an inquiry, because it is home to a large number of different institutional arrangements that govern the relationship between indigenous communities' usage of land and forests and the state, intermediating between the city and the village. The study draws on insights from human geography in eschewing a nation-state focus in pursuing comparative work. Willem van Schendel, responding to sustained criticism of the "container box"¹⁷ model of nation-state centric social science, has advanced an alternative model of looking at the world in general and South and Southeast Asia in particular, that draws attention to underexplored topics and underrepresented peoples. This is a focus on the borderlands that both join and divide nation-states¹⁸. Borderlands are sites where transnational flows of people and goods negotiate with the physical and political assertions of state sovereignty and are often home to a variety of ethnic groups that bear greater similarity to each other, across the transnational divide, than the "majority" populations of the nation states to which they became adhered by the verdicts of colonial border-making.

Garos can be found across a wide stretch of territory, from Assam in the north, through northern and central Bangladesh to India's Tripura state in the south. They inhabit a diverse administrative geography, with a high degree of variation in the degree of notional institutional protection for their land and forest rights. This study compares Garo communities in two settings that exhibit the most substantial institutional differences: the Garo Hills in India where de jure legal protections are on paper very strong, and the Madhupur region of Bangladesh where they are almost non-existent. I examine what difference, if any, these different legal-administrative frameworks make to both dispossession and deforestation.

The thesis is organised into 10 chapters. The second discusses the existing literature concerning the global peasantry, agrarian change and environmental degradation. The third describes the key theories that inform the study, most importantly Elinor Ostrom's work on Common Pool Resources, and Floriane Clement's refinements. It also unpacks contentious terms including "indigeneity" in a manner that defends their usage as theoretically sound. Chapter four outlines my research design, including methodology, noting its strengths and limitations, both a priori and in light of my fieldwork experience. Chapter five outlines findings from archival research, and what implications the rationale for the creation of specially administered tribal space by the British during the colonial

period has for research on these issues today. Chapter six sets out and discusses the findings of a basic remote sensing exercise where I use satellite imagery to gauge forest cover change in both research settings. Chapters seven and eight are an analytical discussion of fieldwork findings from Madhupur and the Garo Hills respectively, while chapter nine comprises a comprehensive comparison of the two sets of finds and offers some answers to the research question. I conclude with some final remarks in chapter ten.

¹ John Cowper, 'The Task,' in: John Simpson and Jennifer Speake (eds.), *The Oxford Dictionary of Proverbs, Fifth Edition* (Oxford: Oxford University Press, 2008).

² Robert Chambers, *Whose Reality Counts? Putting the Last First* (Bradford: ITDG Publishing, 1997).

³ Nancy L. Peluso, *Rich Forests, Poor People: resource control and resistance in Java* (Berkley: University of California Press, 1994).

⁴ Michael Lipton, 'The Theory of the Optimizing Peasant', *Journal of Development Studies* 4: 3 (1968), 327 – 351.

⁵ James Ferguson, *Anti-Politics Machine: Development, Depoliticization and Bureaucratic Power in Lesotho* (Minneapolis: University of Minnesota Press, 1994).

⁶ Hernando de Soto, *The Mystery of Capital, why capitalism works in the West and fails everywhere else* (London: Black Swan Press, 2001).

⁷ Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (Cambridge: Cambridge University Press, 1994).

⁸ Olivier de Schutter, 'The Emerging Human Right to Land', *International Community Law Review*, 12 (2010), 303 – 334.

⁹ David Harvey, *The New Imperialism* (New York: Oxford University Press, 2005).

¹⁰ Arun Agrawal and K. Sivaramakrishnan (eds.), *Agrarian Environments, Resources, Representation and Rule in India* (Durham: Duke University Press, 2000).

¹¹ Peter Ho, *Institutions in Transition, Land Ownership, Property Rights and Social Conflict in China* (Oxford: Oxford University Press, 2005).

¹² Arun Agrawal, *Environmentality, Technologies of Government and the Making of Subjects* (Durham: Duke University Press, 2005); Mark Poffenberger and Betsy McGean (eds.), *Village Voices, Forest Choices: Joint Forest Management in India* (Delhi: Oxford University Press, 1998).

¹³ Karl Polanyi, *The Great Transformation: the Political and Economic Origins of Our Time* (Boston: Beacon Press, 2001 [1944]).

¹⁴ C. Wright Mills, *The Power Elite* (New York: Oxford University Press, 1956).

¹⁵ Elinor Ostrom, *Governing the Commons: the Evolution of Institutions for Collective Action* (New York: Cambridge University Press, 1990); Elinor Ostrom, *Understanding Institutional Diversity* (Princeton: Princeton University Press, 2005).

¹⁶ Florianne Clement, 'Analysing decentralised natural resource governance: proposition for a "politicised" institutional analysis and development framework', *Policy Sciences* 43 (2010), 129 – 156.

¹⁷ John Agnew, 'The territorial trap: the geographical assumptions of international relations theory', *Review of International Political Economy* 1: 1 (1994) 53 - 80.

¹⁸ Willem Van Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia* (London: Anthem Press, 2005).

Chapter 2: the agrarian question in the 21st century

2.1 Introduction

The politics of agrarian transformation in the global south are dominated by the tension between poverty alleviation and conservation, with the peasant and her land caught in the middle. This chapter introduces some of the key debates surrounding the role of land and tiller in the academic literature. This discusses the relatively recent transition from the broad view that the disappearance of the peasantry was a necessary precondition for development to the idea that landlessness is a cause of poverty rather than its solution. A central question that remains a topic of lively debate is how to secure the land rights of the poor, particularly where land-use is governed by customary rights illegible to modern land systems. I leave this question briefly to introduce discussions concerning the environment, and the traditional view that the peasant was the author of environmental catastrophe through subsistence deforestation. With the failure of highly exclusionary forest management practices, forest departments across the world have been compelled to adopt “participatory” and “community-based” forest management techniques, and the question here concerns how such projects are implemented.

These two questions, relating to tenurial reform, land access and conservation approaches that create hybrid management and ownership structures over forests constitute the current intellectual, theoretical and political battlegrounds in the countryside of the 21st century. Peasant resistance in its various iterations, and its ethnic character in many contexts, has been instrumental both in spurring the initial concessions concerning the importance of land rights and forest access in modernist developmental theory, and in continuing to contest the specific iteration and operationalisation of land rights and forest governance in the world today. This general background introduces a final section on the specific circumstances of South Asia, and the way all of these dynamics have played out in the study context.

2.2 Smallholder land rights, poverty and development

Karl Marx viewed the enclosure movement in England (1485 – 1850) as original or ‘primitive’ accumulation, necessary to begin the cycle of capitalist development¹. Marx defined this process as the separation of primary producers (peasants) from their means of production through expropriation, which simultaneously concentrated landed wealth in the hands of fewer private

agents, and generated a large landless population compelled to sell their labour power for cash money². There were a number of specific trends associated with this process that transformed the English countryside.

Prior to the enclosures, agrarian relations were complex. Key characteristics included areas of common land for use by village members for grazing, indigenous forms of production and highly varied systems of land management, often differing from village to village, based on intra-village social relations³. Karl Polanyi's shorthand term "socially embedded" usefully encapsulated this state of affairs⁴. The enclosures led to the commoditisation and privatisation of land, the destruction of customary land rights and expropriation of commonly held resources, the expulsion of peasant populations, the commodification of their labour, and the elimination of other, indigenous forms of production leading to social dislocation and the immiseration of the dispossessed rural poor. Today, scholars like David Harvey argue this same process is occurring unabated in the Global South, with a similar deleterious impact on peasant populations⁵.

In Harvey's view this process should not be expected to peter out after the initial act of "simple robbery"⁶ facilitates the beginning of capital accumulation. Rather, it is a continuous process necessary to resolve the problem of over accumulation by releasing vast swathes of land and other resources into the global capitalist system, as well as cheap manpower that evicted former smallholders are compelled to supply⁷. A substantial case study literature supports this contention. In China, as many as 315 million people may have been displaced by land seizures in the period 1990 – 2004⁸. In the Philippines the loss of farmland has driven substantial numbers of peasants into the hills.⁹ Similar stories have emerged from Cambodia¹⁰, Indonesia¹¹, Ghana¹² and Malawi¹³.

Historically, however, mainstream academic theory has regarded this process with ambivalence, if not as a necessary evil. Barrington Moore lamented the fact that "progress...has invariably and inevitably required a huge measure of human suffering"¹⁴ but held to the view that "getting rid of agriculture as a major social activity is one prerequisite for successful democracy"¹⁵. Walt Rostow's treatise "The States of Economic Growth"¹⁶ epitomised 1960s developmental economics, emphasising the modernisation of agriculture, and the resulting abolition of existing socio-economic structures in agriculture, as the *sine qua non* of development, canonising "the view that peasants inhabit a baseline, traditional stage of human history"¹⁷.

A more sophisticated rationalisation of this concept was presented by Lipton who suggested that, because of the need to ensure their own physical survival, smallholders were risk averse, pursuing “subsistence rational” as opposed to “economic optimisation” agricultural strategies, much to “the annoyance of the agricultural economist who observes them¹⁸”. This insight solidified in the 1980s into a conflation of the smallholder’s focus of subsistence needs with irrationality and market imperfection¹⁹. Following the short-lived (1976 – 1982/3) enthusiasm for Integrated Rural Development (IRD) Programmes that focused specifically on smallholders,²⁰ the late 1980s structural-adjustment consensus was that the dispossession of the rural poor was, once again, the price to be paid for progress. Peruvian economist Hernando de Soto hailed the mass migration of Peru’s rural poor to Lima as the rational actions of the entrepreneurial poor, attracted by the opportunities of city life, ignoring push factors associated with the failure of Peru’s land reform efforts²¹.

In retrospect, transposing determinist narratives of peasant dissolution derived from the European experience to the entire Global South was, *a priori*, a dubious proposition. Compared with 19th century Europe, industrial development in post-colonial Asia has not occurred at sufficient pace to absorb dispossessed peasants, and there is no New World for “surplus” populations to flee to²². This gap between available surplus labour caused by dispossession and the requirements of capital in agrarian societies has thrown the plight of “surplus populations” into sharp relief.²³

Then there was the empirical evidence of the benefits of land reform. A prominent World Bank study in 2000 was only one example²⁴. Others included studies from China,²⁵ Korea,²⁶ Taiwan,²⁷ and Japan²⁸ and case study surveys, including those by Cristobal Kay,²⁹ and Binswanger, Deininger and Feder.³⁰ On the other hand, there was the manifest observable failure of poverty alleviation efforts premised on the Modernisation Theory and Structural Adjustment paradigms. The fundamentally political contradiction³¹ between poor countries producing sufficient food for local consumption and commercial crop yields for exports and foreign exchange had resulted in the “increased displacement of peasantry from their land, and...widespread hunger and malnutrition”.³² This post-developmental critique found a modernist counterpart in 2002 in Joseph Stiglitz’ book “Globalisation and its Discontents³³”.

Stiglitz heavily criticised the enduring institution of sharecropping, restating concisely the argument that equitable land ownership permits a broad based “accumulation from below³⁴”. Smallholders are more productive in the aggregate than sharecroppers, resulting in a larger overall surplus. Sharecroppers often retain only 50% of their crop, reducing their incentives to produce³⁵. Retaining a

greater share of a larger surplus permits smallholders to make small scale investments in their own land, as well as healthcare and education. This dispersed surplus in the countryside also stimulates the emergence of non-agricultural rural industries responding to local demand. In contrast, sharecropping results in a highly concentrated surplus, extracted by often tyrannical landlords for consumption on high value consumer goods, often from abroad. The result is less investment in agriculture, education, and healthcare, as well as trade deficits and balance of payments problems.

These problems continue today. Olivier de Schutter has argued that increasing dispossession and lack of access to land for the world's small holders constitutes the key reason for the fact that, according to the FAO in 2009, "for the first time in history over 1 billion people go to bed hungry."³⁶ There has been a permanent delinking of conceptions of economic development at the national level and ideas of poverty alleviation at the global level common to both Modernisation Theory and the Washington consensus. Instead there are winners and losers from growth, and the losers are invariably those already marginalised populations, including ethnic and religious minorities and women. Bina Agarwal's "A Field of One's Own"³⁷, for example, made the case that securing women's land rights was essential for poverty alleviation to succeed *in general*.

As a result of the observable reality that a rising tide has not lifted all boats there has been a new focus on the political dimensions of poverty, including the social exclusion and adverse incorporation of certain groups³⁸. The fact that most poor people today do not live in poor countries, but in rising Middle Income economies like Nigeria, Brazil and India commends³⁹ a disaggregated, granular view of poverty, focusing on disenfranchised groups, women and marginalised locales at the sub-national level. The final factor at work that forced a reconsideration of the importance of land rights for smallholders was the intransigence of the peasants themselves. I will address this issue of peasant resistance in more depth below. First I will briefly discuss some key ideas concerning the relationship of the smallholder to the forest.

2.3 Peasants and deforestation

The impact of the peasantry on the environment has generally been viewed in negative terms. Malthus' mechanistic assertions that population growth must necessarily outstrip the natural environment causing inevitable collapse casts a long shadow⁴⁰. Scholars of the neo-Malthusian school continue to speak of agricultural land's "natural carrying capacity" and either a simple linear relationship between population growth⁴¹ and environmental damage or population growth as part

of a basic multivariate model such as Commoner's " $I = P \times A \times T$ ", where I is impact on the environment, P is population, A is affluence and T is technologies employed⁴². A "Tragedy of the Commons"⁴³ is inevitable unless either direct State management or market mechanisms can be implemented to prevent it. A key argument is that collection action on the part of resource users is impossible⁴⁴ due to high transaction costs (enforcing sanctions, detecting infractions) and the free-rider problem, where resource-users who do not contribute still benefit from collective arrangements, undermining the incentive of those who do contribute to establish such arrangements in the first place.

Conservation regimes had emerged by the 19th century in both Europe and the colonies based on the concept of "scientific forestry" that sought to exclude smallholders completely from the range of customary uses that they had typically made of local woodland⁴⁵. The new Forest Departments typically identified activities like the collection of firewood and Non-Timber Forest Products (NTFP) as crimes, and the peasants that engaged in such activities as criminals. Such attitudes proved highly durable and articulated well with the emergence of the global environmental discourse in the 1970s and the "'discovery' of the ecologically degrading activities of the poor."⁴⁶ Academic examples of Forest Departments justifying highly exclusionary conservation measures with reference to the subsistence practices of smallholders are legion, and include settings as diverse as Southeast Asia⁴⁷, Latin America⁴⁸ and West Africa⁴⁹.

Once again, this academic – institutional nexus has fragmented in recent years. Post-developmental and neo-Marxist analysis note the convenience of the smallholder as a scapegoat, distracting attention from the expansion of industrial food production and agro-forestry across the Global South in the post-colonial period, which they identified as the real cause of environmental degradation. This stemmed ultimately from the positionality of poor countries within the global system, compelled by asymmetries of exchange relations to provide cheap commodities to the dominant "core" countries of the Global North.⁵⁰ A prominent body of empirical work investigating the ostensible crimes of smallholders against forests finds the evidence unpersuasive⁵¹.

Boserup has critiqued the notion that land has a natural "carrying capacity", noting how Scarcity can stimulate innovation, leading to more ecologically sound user-practices.⁵² This has found support from work on "human-environment dynamics" that finds little evidence of a linear relationship between population growth and ecological degradation⁵³. Directly challenging the "Tragedy of the Commons" thesis, in 1990 Elinor Ostrom⁵⁴ provided an analysis of numerous case studies of

common resources, from forests to water systems, managed effectively by customary community arrangements from Switzerland, Japan and Spain. The collective action problem was demonstrably not as insuperable as some authorities had asserted.

There has also been the inescapable empirical reality that exclusionary conservation practices have simultaneously increased poverty, damaged the environment and have resulted in social and political conflict⁵⁵. The response has been to decentralise Forestry governance worldwide, under the rubric of “community forestry”⁵⁶. Ostensibly, these measures have been designed to closely involve local communities in decision making and management, thereby enhancing conservation outcomes while resolving local concerns over livelihoods. The result is often the creation of various hybrid tenure arrangements, with the Forestry department retaining formal “ownership” of the forest while local communities acquire usage rights, managed through various kinds of “user group committee”. These efforts are often criticised as superficial, serving as an instrumentalisation of “empowerment” rhetoric to further State control as governments “recentralise while decentralising.”⁵⁷ This reinforces existing academic concerns over the “tyranny” of participatory approaches to development that are employed tactically to further State strategies of governmentality⁵⁸.

These concerns have increased as further international frameworks and technologies have been established to intensify conservation efforts in response to a changing climate. The Reduced Emissions from Deforestation and forest Degradation (REDD) programme, for example, is designed to incentivise sustainable forest management by providing financial support to governments that carry out afforestation schemes⁵⁹. In principle these funds should be equitably shared with local communities, but frequently this does not happen. REDD schemes have the potential to simply intensify State-community conflict through increasing financial support for ongoing exclusionary measures that ignore a local community’s customary use-rights⁶⁰. The displacement of poor agrarian communities to make way for new afforestation projects has been documented as an unintended side effect of REDD schemes.⁶¹ Finally REDD has the potential to simply displace environmentally harmful activities to other locales, a process known as “leakage”⁶².

Simultaneously the structure of the global food system, and in particular a new wave of large scale land acquisitions made by countries like China, India and the Gulf States in sub-Saharan Africa in pursuit of their own food security, continues to be a source of environmental degradation. Changes in land-use resulting from this assemblage of REDD schemes, agroforestry projects and industrial food production initiatives and the concomitant displacement and exclusion of poor smallholders

has been given the moniker “Green Grabbing”⁶³. The most complex situations arise where ownership rights remain contested and hybrid community forest management regimes overlap with pre-existing forms of customary land tenure.

2.4 The problem of customary tenure

The vulnerability of the poor, especially Indigenous and tribal populations,⁶⁴ to dispossession is often the result of the illegibility of customary tenure regimes to national legal systems based on the concept of individual freehold property. “Customary” tenure describes a myriad of systems broadly characterised by limits on the “alienability” of the land, underpinned by notions of common or group ownership. The ability of an individual to sell, mortgage and bequeath land is typically far more constrained than under the freehold system. This is not to be conflated with collectivisation arrangements synonymous with Communist-era command economies. Customary land tenure remains a form of private ownership “under decentralised mechanisms which permit the allocation of land use rights under the internal norms of each community” in a system that “can be compared with...joint-stock companies or other forms of corporate ownership.”⁶⁵

It is important in that sense not to reify customary land tenure. Certain authorities⁶⁶ come close to doing so, ignoring intra-community power differentials, including class and gender. I follow Escobar in seeking to understand subaltern alternatives to dominant development strategies, without uncritically valorising them⁶⁷ and to do this when analysing the dynamics of agrarian change and the human cost of tenure regime transformation. Towards this end, it is not reifying customary tenure to observe that as a property regime it often differs substantially from nationally recognised land laws and is used by populations already marginalised within their respective nation-states. As a consequence, extreme asymmetries of power operate across the fault line between customary tenure on the one hand and both individual freehold tenure systems and State conservation regimes on the other. This fault line is the principal analytical terrain of the present study.

An obvious solution with a venerable lineage is the use of titling programmes to convert local custom into enforceable, documented legal rights legible to the legal system. By the late colonial period customary systems were viewed as a “barrier to modernisation and progress”⁶⁸. In Africa it was envisaged that freehold titling would increase farmers’ incentives to invest in their land, and the rise of a land market would encourage its transfer to those who could use it most productively.⁶⁹ In the context of 1960’s Latin America, it was argued titling would increase the tenurial security for the

inhabitants of informal urban settlements⁷⁰. Today Hernando de Soto⁷¹ argues that without property rights, established through individual titling programmes, poor people remained trapped outside the “bell jar”⁷² of legal recognition, excluding them from the formal credit market and restricting the scale of private enterprise. It also artificially restricts a Government’s tax receipts, limiting social expenditures. Conversely formally registering the property of the poor would convert it from “dead capital”⁷³ into a utilizable stock of resources, with a huge positive impact on poverty alleviation.

Unfortunately there is little empirical evidence that titling programmes increase poor peoples’ tenurial security or access to credit⁷⁴. According to one commentator “increased (tenurial) security may be achieved through...means other than titling, while the provision of titles may actually reduce [tenurial] security for both tenants and newly titled owners...”⁷⁵. Titling programmes are not aseptic, technocratic acts. Rather, they are political exercises of governmentality constrained by asymmetries of power between the poor and the State and powerful private interests that can actually result in insecure rather than secure tenure⁷⁶.

Consider the cadastral survey, the lynchpin of modern titling programmes, which combines spatial data (where things are) with census information (who lives here, how many people etc). It evolved fundamentally as a “‘tool box’ for managing societies and lands”, including in the colonial empires⁷⁷. It is a mechanism by which the State “sees” its population, with a view to assessing it for taxation and corvee labour⁷⁸. Based on liberal conceptions of individual freehold tenure, it is blind to the complexity of rights and systems that obtain in different contexts as diverse as urban areas in sub-Saharan Africa⁷⁹ and villages in pre-Revolutionary Russia⁸⁰. Because of its powerful function as a tool of governance, this myopia has the potential to actively alter the situation on the ground: “by a kind of Heisenberg principle...[cadastral surveys] have the power to transform the facts they take note of”⁸¹.

For example, land titling among the Luo community in Kenya led to social conflict and administrative confusion before being abandoned⁸². It also had a systemic, gendered impact. Under customary arrangements, Luo women have clear, albeit secondary rights, to land owned by the clan that were abrogated by the cadastral survey’s blindness to “secondary” rights of any kind. The cadastral survey only took note of and codifies the single, private owner of a given plot⁸³ leaving women, now divested of their secondary rights, without recourse to legal challenge. Several commentators have observed how the imposition of individual freehold tenure among the Native American peoples, in

the present of asymmetries of power, actively facilitated dispossession.⁸⁴ Formal titling programmes result in security for some and insecurity for others, based on existing power relations⁸⁵.

There are two caveats. First, the myopia of titling programmes is increasingly recognised in the technical land administration literature. The need to “green the cadastre” is an active research agenda engaged in recognising the nuanced and varied arrangements used by many communities across the world, to provide tenurial security without abrogating important secondary rights or disrupting social cohesion⁸⁶. Secondly an important recent contribution from Tania Murray-Li, based on extensive revisits to fieldwork sites in the Sulawesi highlands in Indonesia over the course of twenty years, has brought the agency of local villagers into clearer focus in these processes. Far from being the victims of State projects of enclosure and governmentality over which they have no say, the Sulawesi highlanders voluntarily embraced private land tenure and agroforestry projects. The results have been a dramatic rise in intracommunity inequality but the agency of the villagers in choosing to go down this route is not in question⁸⁷.

2.5 Peasant resistance

As noted above, conflict arising from peasant resistance to displacement and dispossession has played a major role in rethinking the importance of land rights and the need for community participation in conservation. Consider a small holder, living in a forested rural area in the Global South. It might be the case that the local forests have been recently reserved or declared a national park and she now has no source of firewood. Or perhaps a major development work like a power plant has been allocated to the district, her land has been included in the site plans and she has no documentation to prove her rights over the contested plot. She may well have several options available to her to resist such projects. Her capacity to do so depends on a number of factors, including her level of education, material resources etc. One of the most important factors is how networked she is. This is in both a *lateral* sense, with access to other small holders in similar difficulties, frequently facilitated by ties of ethnicity and kinship. Also in a *vertical* sense to higher levels in the State administration, to NGOs, churches and other actors and their resources, and potentially even higher to international organisations.

These considerations shape her response, from simply ignoring forest rules, to lodging a court case, peaceful protest, non-violent direct action, to participation in an insurgency. Such patterns of contestation are ubiquitous in the Global South today, with examples from the Philippines⁸⁸,

Colombia⁸⁹, Thailand⁹⁰ and Ghana⁹¹. Peasant movements like the MST in Brazil organises peasants to mount land invasions of large estates,⁹² while extending peasant resistance “vertically” as members of Transnational Agrarian Movement (TAM) like Via Campesina, which are playing an increasingly assertive role in international policy discussions around land rights.⁹³

Some of the most serious conflicts arise when contests over customary tenure and forest management overlap with conditions of local ethnic marginalisation. Perhaps the most prominent example is the Zapatista rebellion in Mexico which involved a substantial number of Indigenous participants. A major cause for this uprising was the Mexican government’s attempt to dismantle the customary *ejido* system which, together with other communal lands, comprised about half of Mexico’s arable lands and forests prior to 1992, limiting their alienability to inheritance only, excluding the sale of such resources and only permitting inheritance⁹⁴. The Zapatistas continue to maintain a small independent statelet. Peasant resistance highlights the fact that the current state of agrarian relations around the world was never the inevitable product of structural factors, but rather emerged from specific public policy choices, made in the presence of alternatives. It is also not static, but rather an ongoing process comprising the dynamic interplay between local, State and international actors.

2.6 The South Asian context

Inquiry into tensions arising from contested agrarian and forestry rights has any number of research sites to choose from in South Asia. British decisions during the colonial period bequeathed an enormously varied administrative geography to the region, a situation further complicated by the different approaches taken by Independent governments when integrating this geography into their respective nation-state building projects. Land tenure is a relevant example. The British imposed no fewer than three systems in areas of direct rule.

The *zamindari* system and were imposed in their initial holdings in Bengal, Bihar and Odisha following the Permanent Settlement of 1793 its *malguzari* variant in the Central Provinces. This system can be crudely characterised as a land-lord system. Under the Mughals (1526 – 1857), the right to extract payment from peasants had been awarded to a vast hierarchy of rights-holders, in a network of patronage that extended from the emperor to the tenant farmer. A *zamindar* in this sense was a significant rights holder, who was entitled to extract surplus from agricultural land from other subsidiary rights holders and peasants⁹⁵. In 1793, the British recreated the *zamindars* as the

physical owners of land over which they had previously only held rights of surplus extraction. Subsidiary rights holders were legally converted into *ryots*, bound to the land. In the words of David Ludden, "...it was quite sensible...for the British to think of payments that marked agrarian territoriality as being a state charge for land ownership"⁹⁶.

The *ryotwari* system established generally in southern India following the British defeat of the Maratha Confederacy instead vested ownership rights and revenue obligations in individual peasant smallholders. The *mahalwari* system, implemented in parts of Central India, Punjab and the Northwest vested ownership in the individual peasant, but made the village the focal point of revenue collection. The implementation of these different revenue systems is itself hugely important, before we go any further into additional complications arising from the modalities of British rule. A study by the MIT economists Abhijit Bannerjee and Lakshmi Iyer found that Indian districts formerly under "landlord" systems of one kind or another demonstrate worse poverty outcomes than non-landlord districts⁹⁷. The *zamindari* Permanent Settlement was designed to create an industrious gentry class that would reinvest agricultural surplus in more efficient farming techniques and was viewed as the "spring of all economic improvement" by Governor General Cornwallis, the man most directly associated with its implementation.⁹⁸ Instead, the Permanent Settlement established a system of oppressive agrarian management where *ryot* farmers and sharecroppers were effectively dispossessed of prior rights under the Mughals, and worked the land for a small share of the proceeds and enjoying very few protections from exaction and eviction⁹⁹.

Little wonder then that agrarian revolt was a recurring event in colonial India¹⁰⁰ and that "landlordism nurtured more radical agrarian politics and more polarised conflict¹⁰¹" than the *ryotwari* settlement. This continued to the very end of British rule, with the famous Tebhaga revolt of 1946 waged by sharecroppers in Bengal to retain two thirds, rather than one half, of their produce¹⁰². Such revolts partially explain why there was an early appreciation in the immediate period after Independence among policy makers in both India and Pakistan that the *zamindari* land holding system, by holding literally millions of peasant cultivators in a state of quasi bondage, was simultaneously morally repugnant, a source of insecurity and a hindrance to development.

A swathe of agrarian legislation was passed in the 1950s and 1960s aimed at the abolition of the *zamindari* through setting land ceilings and redistributing surplus land to the poor. These reforms were near universally a failure, with former *zamindars* able to mount various strategies to resist and circumvent them¹⁰³. Only in Indian states where sustained political action was taken to implement

the reforms, primarily West Bengal¹⁰⁴, did they achieve anything close to their stated objectives. Interestingly Kerala's excellent poverty-reduction outcomes are also attributed in significant part to the success of its left-wing governments in implementing land reform¹⁰⁵ and Kerala had been a site of the implementation of the *ryotwari* system. Carrying out land reform where rights were already formally vested in the cultivator appears to have been easier and thus more successful, a fact further reinforcing Bannerjee and Iyer's conclusions discussed above¹⁰⁶.

The other great colonial innovation of note was the separation of forests from the land, and the creation of a new bureaucracy and legal structure to supervise them. Richard Grove has highlighted how ideas of conservation arrived early on in the colonial period, with William Roxburgh's experimental botanical garden established in Madras in the 1780s, and a number of plantations established in Bengal by 1813¹⁰⁷. He is also undoubtedly right to caution against "golden ageism" arguing that clearing forests for agriculture was a common trend under the various pre-colonial Indian polities¹⁰⁸. Sivaramakrishnan has demonstrated how the intensification of this process was fitful and resulted in an array of different managerial forms, enshrined in Forest Department distinctions between reserved and protected forests. The former were completely under government management, while the latter contained specific species that were not to be felled. In Sivaramakrishnan's view "Other forms of land management in these areas respected local practices and needs to a great extent."¹⁰⁹

These nuances are a necessary corrective to the view that colonial forestry marked a blanket exclusion of local rights from India's woodlands, and that it was only during British rule that forest clearing took place. At the same time, other authors make two broad points. First, the level of timber felling for ship building, railway construction and the transformation of unproductive forest land into profitable agriculture represented a difference of degree compared with the pre-colonial period, with deforestation rates occurring at a higher order of magnitude because of the exigencies of British rule. Secondly, the creation of a forest department bureaucracy in 1864, and the Forests Act of 1878 represented something fundamentally new in the South Asian experience, in three respects. These entail the epistemological and administrative distinction between forest and land management across a vast geographic area, the creation of a distinct bureaucracy with substantial powers over land use to police this distinction and the fact that at least in certain areas, *pace* Sivaramakrishnan, the measures taken were highly exclusionary. These different aspects are commonly packaged as the term "scientific forestry"¹¹⁰, imported by Germany, trialled in Burma, and

finally transplanted to India under a series of German Forestry Officers. This system was driven by fiscal considerations with the aim of producing commercial timber species sustainably.

On this final point, it is important to view the establishment of a colonial forestry apparatus as the beginning of a process. Whatever arrangements may have been in place in Bengal during the period of Sivaramakrishnan's study, colonial control hardened in certain regions and expanded into others where it previously had not been implemented over time. Typically, where such arrangements were at their most exclusionary, local customary-use rights to forests based on the need for firewood, Non-Timber Forest Products (NTFP) etc, were made illegal, being deemed actively harmful to conservation. This had a stark deleterious impact on local livelihoods. Forest dwelling communities were often subject to corvee labour demands from the forestry department in order to establish and tend the new system of plantation-based agroecological management. Peasant protest and resistance was a common result¹¹¹. This process of expansion was driven by unparalleled demands on the sub-continent's forestry already referred to above.

As with land administration, there were debates in the colonial Forestry hierarchy about the best way to achieve its goals. The founder of the Indian Forestry Department, Dietrich Brandis, had himself suggested a collaborative system with the involvement of local villagers¹¹². Although his views were not acted upon, Arupjyoti Saikia has traced a softening of the British attitude to shifting cultivation in Assam from 1914. Having forbidden it, the British came to recognise that the lack of regular firing was hindering forest health, and the result was the *taungya* system, again first trialled in Burma. This permitted peasants to practice jhumming to clear undergrowth while leaving larger tree specimens intact in a grid-like formation, preserving the spatial characteristics of the plantation¹¹³.

The process of evolving forest governance based on colonial principles continued after independence, and a continuing emphasis on heavily exclusionary mechanisms provoked rising levels of conflict between the State and the smallholder. The most famous of these conflicts is probably the 1970s Chipko movement in Garwal, in present day Uttarakhand¹¹⁴. This continuing conflict, as well as substantial forest degradation was, on the other hand, coterminous with the emergence of spontaneous efforts on behalf of peasants in a number of locales to establish their own management and conservation efforts. These two developments accordingly led to the rise of various Joint Forest Management (JFM) efforts in India, featuring a variety of co-operative

arrangements between local villagers and Forest Department staff¹¹⁵. The impact of JFM has received mixed reviews, once again depending on the local context.

Arun Agrawal is among the more optimistic commentators. Based on extensive fieldwork in Kumoan, he views the operation of JFM there as a new and successful form of governance, “Environmentality¹¹⁶” that effectively integrates local communities in conserving the environment. Bina Agarwal¹¹⁷ takes a more circumspect approach, demonstrating that the success of such schemes is dependent on the adequate empowerment and representation of women among their governing user groups. Other authors have taken a more critical line, observing the continuing tendencies of the Forest Departments to instrumentalise such arrangements to strengthen their control over territory. Broadly speaking, the most critical literature emerges from settings where claims to land, debates over forestry management and ethnic assertion overlap, and this is the focus of the present study.

Before moving on it is necessary to take note of another aspect of the uneven administrative geography implemented by the British. As well as the distinction between tenure regimes in directly governed districts, a key feature of the Raj was indirect governance through “Princely States”. Notionally in alliance with the British Crown, they ranged in size from tiny micropolities to substantial states like Tripura and Hyderabad and, in aggregate, covered one third of India’s land area and contained two fifths of its inhabitants by 1945¹¹⁸. In addition there were then an array of excluded and partially excluded regions where British tenure systems and State forestry governance were implemented to a far smaller extent. In some of these regions such measures were almost entirely withheld. The reason for this creation of a “non-regulation” system of governance is the subject of Chapter 5. For now it is enough to note that the manner in which the post-Independence nation-states chose to integrate these areas, and the Princely States, was generally coercive¹¹⁹ and at the root of the subsequent emergence of ethno-nationalist assertion from the peoples in these regions. Such regions are generally home to marginalised populations, contested tenure regimes and heavily forested terrain. Finally, the way governance arrangements have evolved in these spaces continue to present us with a huge variety of different mechanisms and systems intermediating between local populations and the State.

2.7 Indigenous Communities, forests, land and resistance

South Asia is home to an enormous variety of Indigenous Peoples. Common to many of these communities is a higher poverty level than the national average, and a disproportionate vulnerability

to land theft, the two trends being explicitly linked in the literature. This is demonstrated in tables 2-1 and 2-2 below summarising the work of Ramachandra Guha¹²⁰ for India and Barkat, Halim et al,¹²¹ for Bangladesh.

Table 2-1: A comparison of Adivasis and Dalits in India by development indicator

Indicator	Percentage of population (by group)	
	Dalits	Adivasis
Literacy rate	23.8	30.1
Secondary school dropout rate	49.4	62.5
Below official poverty line	41.5	49.5
No access to medical facilities	15.6	28.9
Children immunised	57.6	42.2
Access to clean drinking water	63.6	43.2

Table 2-2: Poverty levels and land dispossession among selected Indigenous Groups in Bangladesh

Indigenous Group	Percentage of households		
	Absolute poor	Hardcore poor	Report land dispossession
Bangladesh rural average	39.5	17.9	N/A
Garo	52.3	39.5	30
Khasi	63.3	23.3	20
Santal	67.7	25.9	65
Oraon	67.0	22.0	50
Chakma	60.1	33.9	41
Tanchangya	63.3	35.0	21

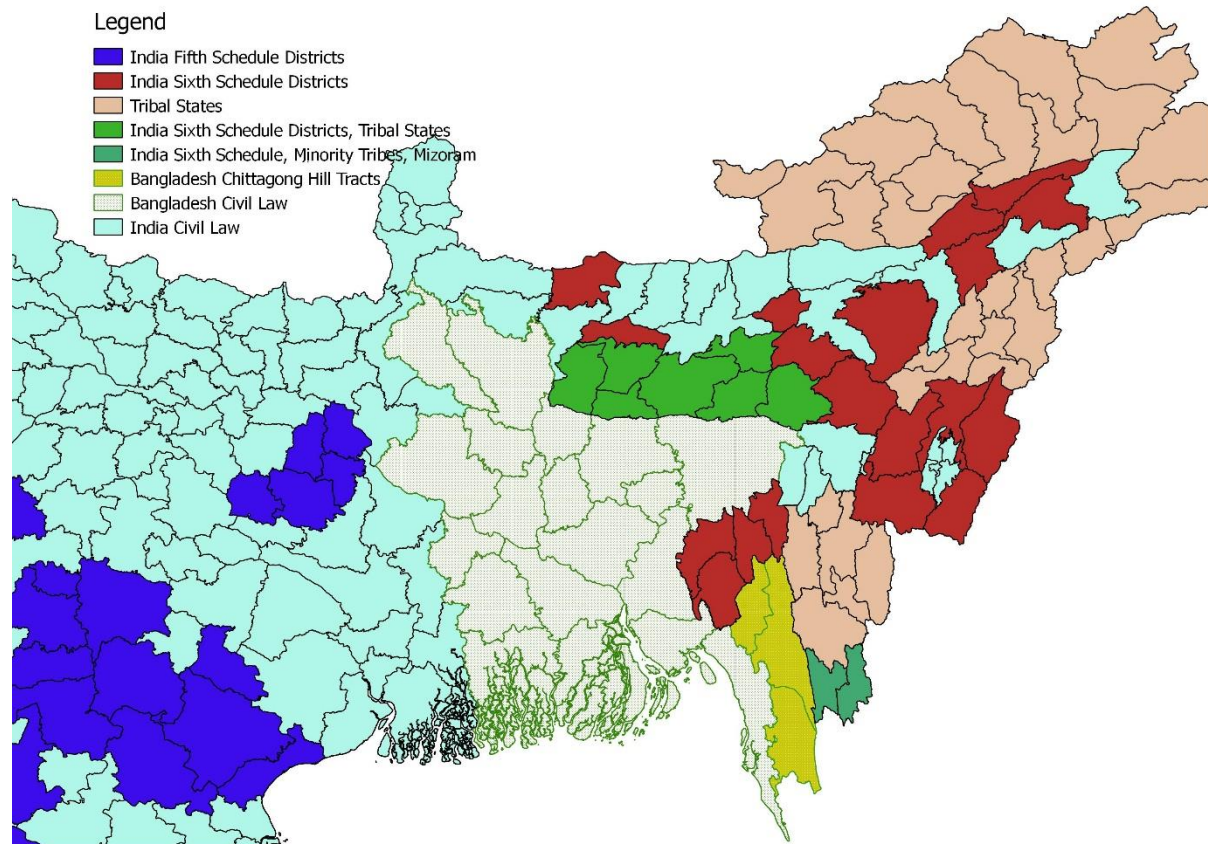
The work of, *inter alia*, Nandini Sundar¹²², Vinita Damodaran¹²³, Philip Gain,¹²⁴ Shapan Adnan¹²⁵ Bengt Karlsson¹²⁶ and Duncan McDuie-Ra¹²⁷ on issues of dispossession in South Asia covers an array of different settings, from Peninsula and Northeast India, to the Madhupur and Chittagong Hill Tracts regions of Bangladesh. The dispossession of Indigenous People from their land and massive deforestation are common findings in all of these studies, and what makes this particularly interesting is the substantial variety of institutional arrangements covered by this body of work. This institutional diversity, which I group crudely into eight “families” of arrangements in Bangladesh and surrounding Indian states by district is depicted in Map 2. Bangladesh and Indian civil law both

include specific provisions for Indigenous Communities within specific Acts (for example the 1950 East Bengal State Acquisition and Tenancy Act). There are also earmarked resources for different groups, constitutionally mandated in the case of the India. The Bangladesh government includes the “Special Affairs Division” (SAD) under the office of the Prime Minister, but this is not as strong an institutional provision. In the terms of the present study, these provisions constitute the “weakest” protections, in the sense that they do not officially recognise or embed pre-existing indigenous institutional control over resources like land or forests.

Large areas of India are administered under explicitly spatial institutional arrangements, including those areas under the provisions of the Fifth and Sixth Schedules of its Constitution. The former apply to tribal majority areas across peninsula India and generally offer protections over land alone, and frequently conflict with India’s Forest administration. The latter apply to various regions of the Northeast, and notionally enshrine “community control” over both land and forests. On that basis they are the “stronger” of the two in the context of the present study. The simplest iteration of these protections apply to certain tribal groups in the majority non-tribal Indian northeastern states Assam, Tripura and Manipur. The Garo, Khasi and Jaintia Hills enjoy both Sixth Schedule Protections, as well as “joint – majority” status within the state of Meghalaya.

There are the three tribal majority regions in the northeast (Mizoram, Nagaland, Arunachal Pradesh) that are not subject to Sixth Schedule protections, but which do have statehood and, concomitantly, strong state-level protective legislation, as well as the Inner Line Permit system (a national legal protection). There are the distinctive Mara, Lai and Chakma Autonomous regions located in Mizoram state and which *are* subject to Sixth Schedule protections. Finally, 10% of Bangladesh’s territory is subject to a distinctive territorial regime in the Chittagong Hill Tracts, comprising competing and overlapping jurisdictions including Hill District and Regional Councils, the civil bureaucracy led by three Deputy Commissioners, the traditional Indigenous leadership system led by three Circle Chiefs, and the military which plays a role in the area as opaque as it is influential.

Map 2-1: Institutional variations and Indigenous land and forest rights by district in India and Bangladesh



Sources: BGD_adm_shp.dbf; IND_adm_shp.dbf, *Global Administrative Areas*. Created by Hijmans et al (2009), <http://gadm.org/country>, downloaded April 2017. Moshin, A. (1997) *The Politics of Nationalism: the case of the Chittagong Hill Tracts in Bangladesh*, Cambridge: Cambridge University Press. Hansaria, B.L., (2010 (1983)) *Sixth Schedule to the Constitution (third edition)*, New Delhi: Universal Law Publishing co.

Although reported outcomes are similar across districts from Fifth and Sixth Schedule areas, the Chittagong Hill Tracts and those under Bangladesh and Indian civil law, it is possible to make a crude distinction from the literature concerning specific mechanisms of dispossession. Common to non-Sixth Schedule areas is State-community conflict. This is often in the form of contests between local communities and the Forest department over control of woodland in a context of unclear tenurial status. The problem of displacement occurring from land acquisition from various development projects and military infrastructure is also apparently far higher in non-Sixth Schedule Districts.

The alienation of Indigenous land by private strongmen and the mass-logging of forests to serve commercial interests, frequently termed a timber “mafia”, is universal, regardless of the institutional

arrangements put in place. This has potentially huge implications for several reasons. First it suggests institutional arrangements can historically not play a significant role in current outcomes, which poses a challenge to Banerjee and Iyer's findings. Secondly it raises significant questions over the effectiveness of specific legal protections for Indigenous Peoples' land and forestry rights. Sixth Schedule protections according to this understanding simply place tribal elites in a position to exploit their own people, in the place of their non-tribal counterparts. Elizabeth Rata, in the context of New Zealand, has termed this "neo-tribal capitalism."¹²⁸ This characterises a situation where a discourse of "Indigenous Peoples Rights" becomes an instrument to maintain and strengthen capitalist oppression of the poor by unaccountable ethnic elites who are able to manipulate such notionally "protective" measures, while simultaneously insulating them from criticism.

This idea of "here's the new boss, same as the old boss" views notional community control over forests as the reason for deforestation in the first place, where a "nexus" of tribal elites, timber barons and State officials denude the environment in a fashion that is indistinguishable from areas not subject to such "protections". This would support more pessimistic views about whether local communities really are more effective than the State in conserving the environment. There are, however, some nuances to the argument. Commentators like A.C. Sinha¹²⁹ view community control *per se* as being environmentally ruinous. McDuie-Ra and Karlsson, on the other hand, emphasise that the problem lies in the way in which community rights have been implemented. This latter question looms large in the present study and is addressed at length in Chapters 7, 8 and 9.

Finally, there is the issue of how these contests relate to ethno-national assertion in the region, and the fact that David Ludden's observation that "the major sites of persistent agrarian war involving tribal peoples clustered around Bengal – some continue even today"¹³⁰ remains as salient as ever. This is depicted in Map 2-2 below. It is important to note that control over lands and forests as a *casus belli* for Indigenous insurgent groups has not been universal in the region. The Nagas objected on first principals to their inclusion in the Indian Union, and the Mizo Uprising was triggered by the State's appalling failure to anticipate and prevent the famine¹³¹.

At the same time, insurgent groups and Indigenous political parties in the Chittagong Hill Tracts and Tripura have explicitly stated control over lands and forests as a reason for their mobilisation. Academic work on Garo political assertion dating from the colonial period, as well as Indigenous communities' participation in the Naxalite uprising, has also underscored the importance of these state-Community contests over Forestry as a crucial issue. Even in the cases of the Nagas and Mizos,

agrarian and ecological issues remain relevant because the resolution to both insurgencies comprised the creation of new states within the India Union where formal legal protections over local customary tenure and control over woodland were reinforced. This coincidence of forested terrain and ethno-nationalist assertion is so enduring as to have earned the conceptual framing of “Ecological Nationalism” in an influential collection edited by Sivaramakrishnan and Cederlöf ¹³².

Map 2-2: A Partial List of Insurgencies with Tribal Involvement, 1970 - 2017



2.8 Conclusion

The marginal consideration afforded to the smallholder and the agrarian question is being reassessed in the light of broad failures to alleviate poverty across the world. At the same time, concerns over a changing climate are putting a renewed focus on the need to conserve the World’s forests. Reconciling the land rights of poor with the need to conserve the forests is the latest iteration of the “Sustainable Development” dilemma, and one where “community management” approaches are gaining increasing prominence as an antidote to failed exclusionary policies favouring State control.

A key process in both policy movements has been the resistance of the smallholders themselves to State enclosure projects and “accumulation by dispossession” across the Global South. This resistance has often been most bitter where these tensions overlap with extant political-economic marginalisation, frequently articulated in ethnic terms. “Getting the institutions right” is thus recognised as essential not just to address poverty while achieving conservation goals, but also as a means to address conflict. The world’s Indigenous Peoples are among the most vulnerable to dispossession, often because of customary tenure systems and pre-existing marginalisation. They are also disproportionately likely to live in forested areas. Such communities are therefore of central importance to these processes and debates surrounding them.

South Asia, for various reasons, is home to what is in practical terms a natural laboratory of different institutional arrangements that intermediate between the State and the land and forestry rights of Indigenous communities. In every setting the *notional* relationships between communities, traditional leaders, State and quasi-state agencies, including NGOs, is different. How different processes, including deforestation, land reform, economic development and nation-state building, cascade through these different systems, the impact they have and the iterative response they solicit from local level is even more uneven, varying in some cases almost village by village, resulting in a highly dynamic institutional-agrarian geography that is in constant flux. The current literature suggests, however, that while mechanisms may vary, dispossession and deforestation are common trends across the region, regardless of institutional differences. This study explicitly problematises this variation to interrogate whether different institutions lead to different outcomes concerning the dispossession of Indigenous peoples and deforestation and if not then why not. This requires a clearly explicated theoretical approach to which I now turn.

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Chapter 3: Theories of institutional change in agrarian environments

3.1 Introduction

Burawoy's assertion that "theory enables us to see and thus comprehend the world" informs this chapter, as well as his conviction that reflexive social science proceeds most effectively from recognising that our own preconceptions about how the world works represent theoretical choices that we should embrace, disclose and interrogate¹. Such transparency enables us to engage with the task of reconstructing theory when "obdurate" reality exposes the shortcoming of these choices. Clearly articulating my theoretical choices, and how they translate into the research design is particularly important as the study falls into the category "political ecology". Originally established as a conceptual frame to examine how human ecology and political economy interact,² political ecology now comprises a broad family of approaches that are often criticised for lacking a systemic research design, and a clear story about how findings relate to wider processes of power and control.³

To that end, in what follows I offer the theoretical justification for a multi-site research design that moves beyond a monolithic focus on the nation-state. I then introduce my key conceptual anchors for analysing institutions and institutional change, specifically Elinor Ostrom and Floriane Clement's work on "Institutions for Collective Action", grounded more broadly in Giddens' structuration theory. I then address the controversial topics of "indigeneity" and "resistance" before recapitulating the theoretical framework, integrating the role of resistance within it as I do so. I conclude with a few remarks introducing more concrete issues relating to research design.

3.2 Moving beyond the nation-state

The study explicitly addresses multiple sites across a geographic region, eschewing a focus on the nation-state. This choice is based on numerous theoretical developments across the social sciences since the early 1990s. Ethnic movements across the former Soviet Union and intensifying flows of capital, resources and people, highlighted the inadequacies of conventional approaches that assumed nation-states to be homogenous units of sovereign space, containing discrete societies bordering "foreign" neighbours⁴. Meanwhile, the need for ethnographers to consider alternatives to the traditional single-site approach was anticipated by Appadurai's critique of anthropology's immobilising tendencies, epistemologically confining a study population to a single place and thus obscuring histories of connection and mobility⁵. A problematic result was that "ideas...become

hegemonic because they capture something important about the place...[this] is, at the same time, problematic, because it is subject to ethnographic or methodological question.⁶” The need for “multi-site” ethnography is grounded in the observation that “any ethnography of a cultural formation in the world system is also an ethnography of the system, and therefore cannot be understood only in terms of the conventional single-site *mise-en-scene* of ethnographic research.”⁷

For sociology and human geography, “borderlands, migration, cultural differences within communities, and the post-colonial condition all point to ties and identities that have to be explored across and among multiple locales.”⁸ Grappling with these issues has resulted in the explication of powerful conceptual tools from scholars of urban sites and migratory flows, specifically scale, place, networks and positionality, and how they interact.

The importance of scale as an abstraction refers to the need to conceptualise processes at levels of above (supranational) and below (local) as well as at the level of the nation state (national), that these different scales are neither discrete nor reified orders but are socially constructed and mutually constitutive.⁹ “Place” in this sense refers to a locality at sub-national level that is simultaneously embedded in different spatial scales depending on its relationship with various flows, including capital and people, and it is here that the dynamics of such flows are constituted¹⁰. Networks are commonly invoked when discussing either place-based networks that are instrumental in the creation of local economic clusters or the global networks of trade, financial transactions, supply chains etc, but in theoretical terms “is associated with a specific type of geometry – one that stretches horizontally across the map and that questions the very categories of global and local.”¹¹ Finally, positionality concerns the importance of a given region *relative* to other regions in the globalised economy¹².

“Borderlands” as a framing concept for research combines all of these concepts to some degree. As well as disrupting State-centrist thinking, drawing attention to hitherto understudied populations and issues, they are crucially sites that “join what is different but also divide what is similar.”¹³ Borderlands are areas which transnational networks must negotiate, where “peripheral” places and peoples recreate their own knowledge about the nation-states within which they are embedded that frequently challenges truisms and stereotypes manufactured in the “Centre”. Borderlands are also often sites where different geographical scales converge, providing “privileged sites for how particular scales become constituted.”¹⁴

None of this is to deny the continuing salience of the State. To do so would risk a descent into “methodological fluidism¹⁵”, a retreat into a borderless world which is just as ineffective a model of reality as the State-centrism it seeks to challenge. Nation-states remain extremely potent actors and will remain so for the foreseeable future. Nonetheless, a monolithic focus on the nation state as a unit of analysis frequently obscures more than it reveals. In addressing the question of marginalised peoples in the political context of agrarian change, a research design that embraces the social construction of space as a departure point and selecting a multi-site approach informed by ideas of borderlands, networks, positionality and scale is a more promising avenue of enquiry.

3.3 Institutions, structure and agency

As discussed in the previous chapter, structural theories of social and environmental change, including Malthus and Marx are insufficient in that they fail, among other things, to address the question of peasant agency. This also bears on how we define institutions, a key concern of the present study. Chatterjee’s concept of “political society” is crucial here. “Political society” stands in contrast to the concept of a “civil society” of individuals as equal citizens exercising clearly delineated legal rights through the frictionless operation of the rule of the law. This is not how things function for “most” of the global population. Instead people must work through “political society”, accessing services and resources through a process of negotiation and contestation with the authorities, generally through the mediation of quasi-official and unofficial “representatives” heading organisations of various kinds. Certain groups within political society are better positioned than others to succeed in this negotiation, a variation which frequently depends on the legitimacy and access secured by these intermediary organisations from the government¹⁶.

The concept of “socially excluded” and “adversely incorporated” groups captures “the ways in which local livelihood strategies are constrained by economic, social and political relations over both time and space...at multiple spatial levels....driven by inequalities of power.¹⁷” This resonates well with Appadurai’s conception of the “cascading” effect of globalisation, transmitted through various levels of governance, impacting local communities unevenly, often detrimentally, and sometimes leading to an “implosive” reaction¹⁸. As discussed in chapter 2, institutions of all kinds, including traditional leadership institutions, NGOs, government agencies, forest groups etc are involved in a constant and dynamic interplay in the research region. Moreover, the internal constitution of such institutions is also subject to similar organic processes of contestation. This state of affairs is not adequately

captured by, for example, Douglass North's definition of institutions as the fixed "rules of the game in society or, more formally...the humanly devised constraints that shape human interaction¹⁹".

The "environmental entitlements²⁰" approach suffers from similar shortcomings. This schema takes the individual as its primary focus, and identifies different levels of governance, from local tradition to national laws, that they are required to negotiate in order to access natural resources, for example a rural woman and her requirement to access local forest produce. This explicitly addresses the problem of treating communities as homogenous entities and tackles the problem of differentiated outcomes within localities based on, *inter alia*, gender differences (Leach et al, 1999). However, this treats institutions as static absolutes, rather than changeable and contingent phenomena, obstacles to be negotiated, rather than organic creations to be altered and influenced. This makes the framework unsuitable for interrogating different institutional forms, especially those that are established quasi-autonomously by communities, including groups of peasant women acting in concert. To address these questions, the study draws on Giddens' Structuration Theory.

According to this view, institutions result from the recursive, routinized practises of knowledgeable human agents, and are characterised by substantive extension within time space.²¹ In other words, institutions have structural properties in that they extend beyond local settings, having a durability that is not dependent on the personal interaction of specific individuals. In crude terms they "have a life of their own". Institutions are thus the result of human agency, in that they are created by routinized human practises, but also shape, constrain and enable human agency thereafter. Durable institutional forms persist through "domination", a value-neutral term, achieved by the ability to mobilise allocative resources (material goods) and authoritative resources (human actors).²²

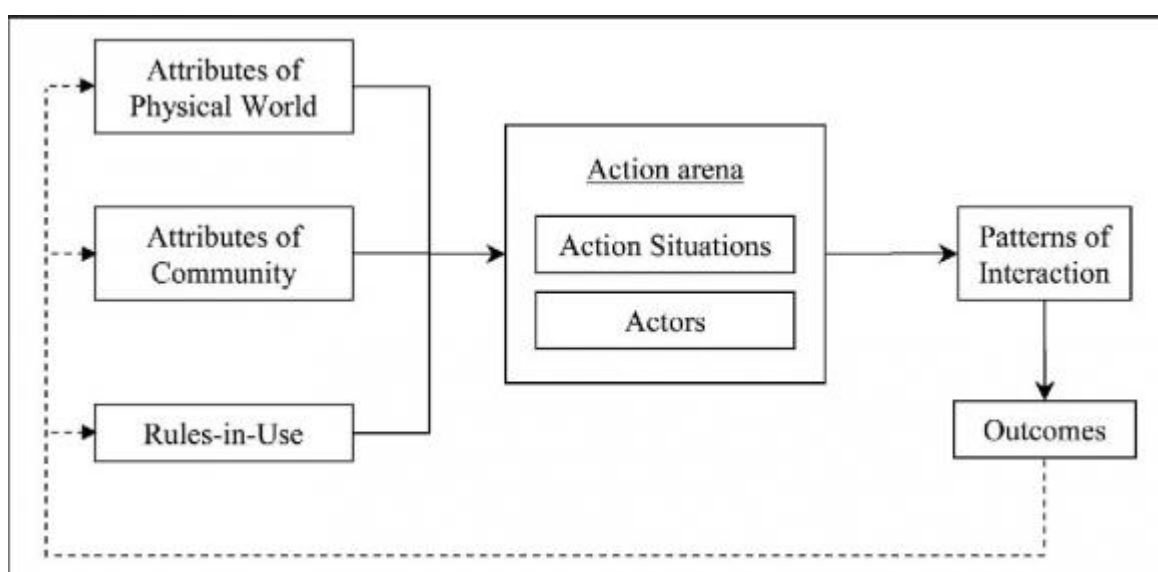
Turning to the interactions of institutions at different scales, "multilevel institutional analysis", Giddens offers the idea of social versus system integration. Rejecting the duality of macro-micro, Giddens argues that social integration concerns relations between agents that are carried out face to face ("co presence"), while system integration concerns relations over more distant spans of time and space. In crude terms, recursive practices in local settings (situations of co-presence) shape and are shaped by practices carried out at higher administrative levels, more distanced across time-space²³.

Moving from general theory to the more specific question of how these processes of institutional development and integration function at different administrative levels, I draw on Elinor Ostrom's

work on Common Pool Resource (CPR) Management systems. As alluded to in the previous chapter, Ostrom analysed a number of existing customary systems of resource management that provided better outcomes in the sense of equity for resource-users and sustainability than State management or the free market. This analysis led to the identification of key “design principles” that were necessary for such institutions to function internally, and in relation to higher administrative scales²⁴.

Internally, the notion of “collective choice” was key, that the rules governing local institutions needed to reflect the decisions of its members. Often based on “shared norms and values”, a central virtue of such collective choice arrangements made both the detection and sanctioning of non-compliance more effective. In terms of “system integration” such institutions, if they were to survive, had to enjoy “minimal legal recognition” from the State, supported practically by their effective embedding or “nesting” within higher administrative levels. These observations were combined with Ostrom’s schematic approach to the more general question of institutional governance, the Institutional Analysis and Development (IAD) framework, depicted in Figure 3-1 below.²⁵ This framework is designed to apply at any scale the researcher wishes, from an individual household to the international system, and locates actions taken by individuals within an “action arena”, where such decisions are influenced by the rules in use, biophysical factors and the attributes of the community, including cultural differentiation, demographics etc²⁶. Outcomes from decisions made in the action arena then feedback, influencing biophysical characteristics, rules in use and community attributes; these then, in turn, feed in to the next set of decisions.

Figure 3-1: Elinor Ostrom’s IAD Framework



3.4 Critiquing Giddens and Ostrom

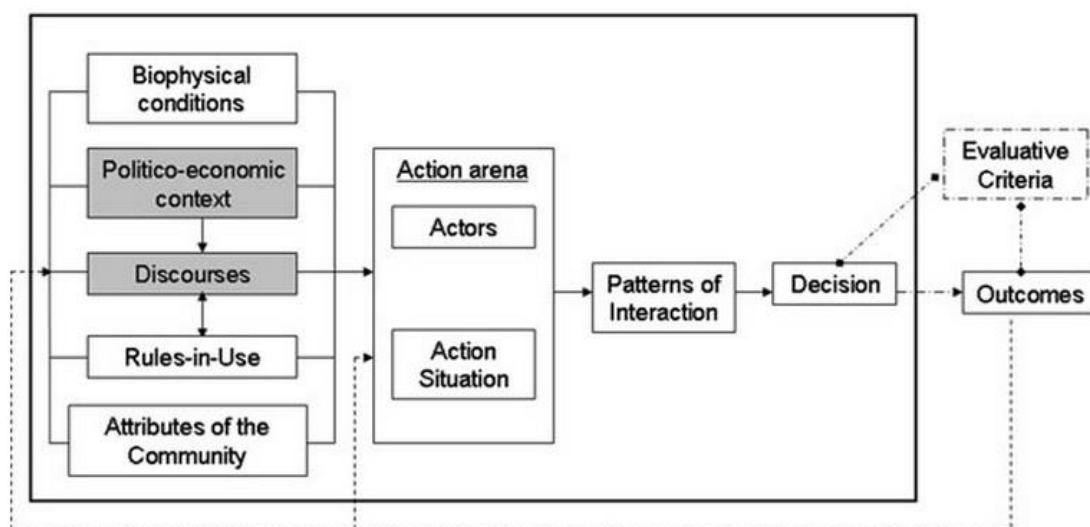
Ostrom's work has encountered substantial criticism. Esteva's vociferous critique of Ostrom is based on his assertion that land and other natural resources were never traditionally regarded as "resources" by Indigenous Peoples, but rather the basis of social relations²⁷. For the sake of my theoretical framework, anything that is used by communities to produce public or private goods is defined as a resource, and this is consistent with our historical understanding of how lands and forests have been managed by Indigenous communities in South Asia. Moreover, as noted by Polanyi, resources by this definition are also the basis of social relations.²⁸

Both Giddens and Ostrom has also been accused of lending theoretical support to the insidious project of "government by community" which is leading to the "death of the social"²⁹. Rose's criticisms concern the instrumental use of "group formation" in International Development projects, partly inspired by Ostrom's work, as well as Giddens' association with the "Third Way" political project, particularly in the UK. This instrumentalisation lies at the heart of States "recentralising while decentralising", tactically using "participation" as a mask for furthering their control, discussed at length in the previous chapter. I agree with criticisms that Giddens' emphasis in his latter work on delivering public services through private sector companies and NGOs was a major milestone in the misguided internalisation of neoliberal thought by the mainstream left, but it does not render his earlier work invalid. Ostrom can only be partly held responsible for the abuse of her work by multilateral organisations. Her personal view of such transparently instrumental and shallow "group formation" was very dim³⁰, and according to her own theory would fail to meet the requirements of "collective choice" arrangements.

Equally the criticism that Ostrom treated "communities" as homogenous units of analysis³¹ is a misreading of her contribution, which specifically emphasised the importance of internal agreement within groups as a necessary precondition for a functioning CPR system. In addition, Ostrom neither reifies "community" nor treats it as a monolithic entity. Her study of the emergence of community-based water management organisations in California pays a great deal of attention to intra-community dynamics. Similarly her "action arena" makes no assumptions on whom the actors are in a given situation, and can be applied at an almost unlimited range of scales, from the household upwards.

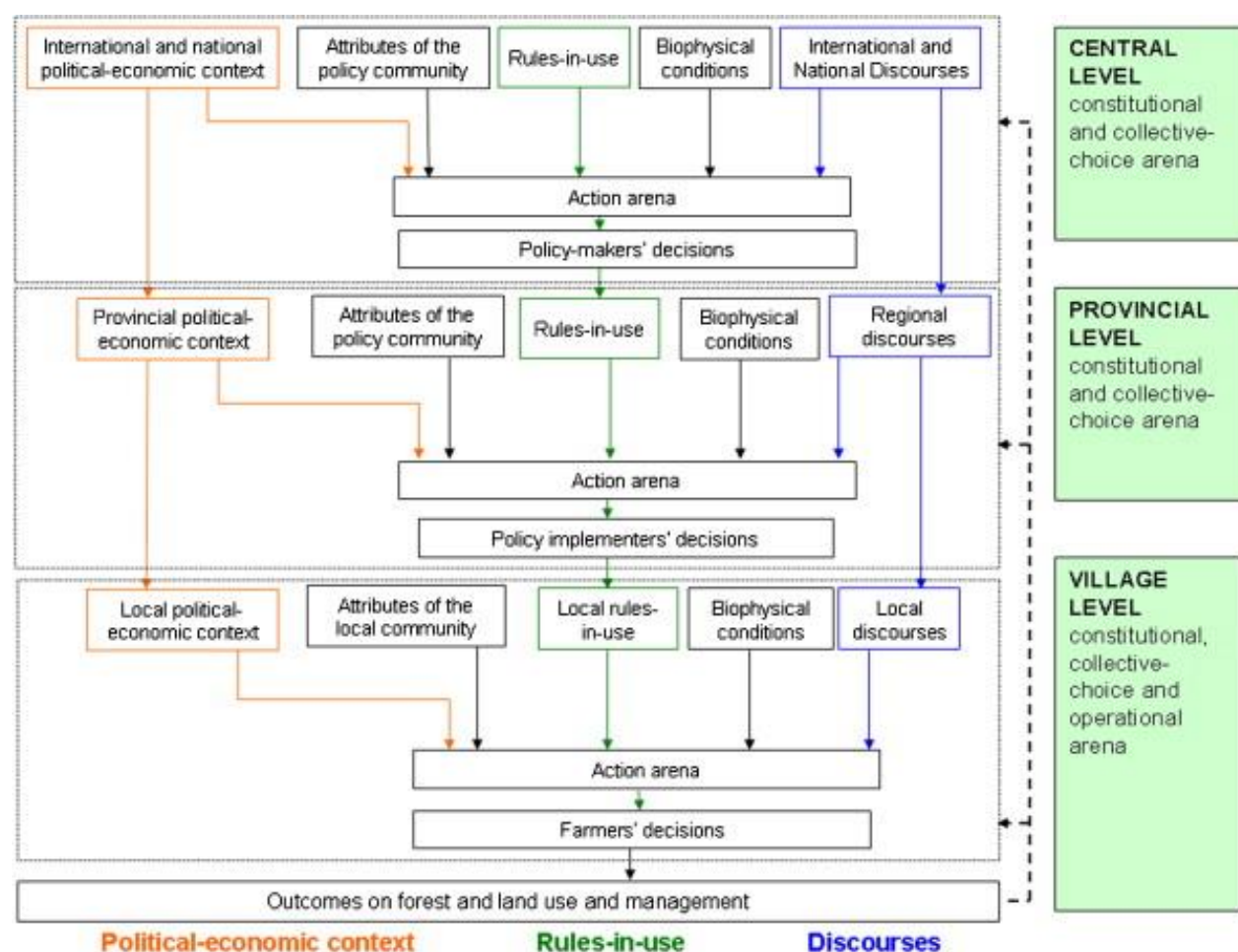
Both Ostrom and Giddens do have a blind spot when it comes to the impact of power relations on institutional change. Ostrom's framework also fails to engage historical and political economic context³². Finally, while Ostrom has demonstrated empirically and theoretically the importance of the relationship between local systems and higher administrative arrangements, she does not expand on these relationships. Floriane Clement, in the context of her study of Forestry in Vietnam, has addressed a number of these criticisms. In her tailoring of the IAD framework, she has added "discourses of power" and "political economic environment" to the variables affecting institutional decision making.³³ This is depicted in Figure 3-2 below³⁴. I return to this crucial insight below.

Figure 3-2: Clement's Additions to Ostrom's IAD Framework



Clement also schematically depicts how institutions at different administrative levels interact with each other, from national level, through the provincial, down to the individual village. Clement views these linkages as largely top-down, as depicted in Figure 3-3 below. This is insufficient for the present study, which addresses how local actors, from insurgencies, to tribal confederations to civil society groups have autonomously organised to influence national decision making. To do this requires the adoption of an explicitly historical approach to the subject, which Clement's modifications still ignore, as well as the extension of her modifications to Ostrom's framework to capture this fundamentally iterative relationship between local communities and higher levels of administration. Before doing this, it is necessary to address theories of peasant resistance and associated and contested notions of indigeneity in the sub-continent.

Figure 3-3: Multi-level institutional processes



3.5 “Indigeneity” and peasant resistance

The term “Indigenous peoples” in South Asia is largely coterminous with those communities classified as “tribes” by the British regime, and both terms have been criticised in theoretical terms as being artefactual, and therefore artificial, concepts born of suspect colonial-era race theory.³⁵ “Indigenous Peoples’ Rights” movements therefore seek to essentialise what was never there in the first place, legitimising ethnic violence waged in pursuit of ahistorical claims to territory based on spurious notions of blood and ancestry³⁶. While in principle I agree with the theoretical critique, and its valid warning against the reification of tribal identity, it also applies to all other identities, including those “national” identities against which many such Indigenous Peoples’ struggles are counterposed. The present study speaks directly to this debate and I engage with it at greater length in Chapter 9. For now my view is that “indigeneity” here constitutes one mode by which certain ethnicities mobilise against the adverse consequences of the consolidation of South Asian nation states that are just as imagined, after an iterative fashion anticipated by structuration theory. In

addition, on a practical note raised by Karlsson: “it is a...futile exercise to go on debating...the notion of indigenous peoples...as if it was up to us...to decide upon.”³⁷

Two relevant empirical examples are the Garos of Mymensingh and the various groups of the Chittagong Hill Tracts. Bal³⁸ and van Schendel³⁹ respectively trace the steady coalescing of ethnic identities among different groups with historically ‘fuzzy’ boundaries, into more firmly constituted notions of ‘Garo-ness’ and ‘Jumma-ness’ in direct response to the perceived threat posed by the specific religious and ethnic modalities of the Pakistan and Bangladesh nation state building projects. This is neither to reify nor essentialise such ethnic mobilisations, nor to deny that they are artefacts. It is rather to affirm that we have no choice but to take them seriously, in a context where the nation states they oppose are artefacts themselves. This moves us away from sterile debates concerned with normative and subjective questions of “authenticity” to the more interesting questions of why such mobilisations occur, what discourses they employ, and what the role of State building projects is in this process, particularly regarding agrarian change.

A second and related issue stemming from what Alpa Shah calls “the dark side of indigeneity”, the “eco-savage” discourse. Alpa Shah, discussing how members of the Munda community she lived with in Jharkhand wanted to cut down an area of forest that was funnelling elephants towards their houses, but the local government prevented them from doing so, citing conservation concerns. She highlights this episode as an example of how indigenous and tribal peoples are not the “eco savages” depicted by certain environmental NGOs and their allies. In the words of the book’s extract: “she [Shah] follows the everyday lives of some of the poorest villagers as they....try to cut down the forests they allegedly live in harmony with⁴⁰”. There are two problems with this argument.

The first is that it is a misreading of the eco-savage discourse. The eco-savage “discourse” does not state that tribal people never cut down trees; it states that, under the right circumstances, indigenous and tribal communities are able, autonomously, to better preserve forests than top down efforts by the state. The second is that Shah fails to situate the eco-savage “discourse” in its appropriate context, first in terms of its historical context and secondly in historical terms. On the first count, Shah neglects to place the eco-savage non-discourse in its appropriate historical context. Although she mentions a number of disputes, including Narmada, she ignores the long-standing discourse to which the eco-savage narrative was in many respects a reaction. This was the colonial era notion of the ignorant, forest burning tribal that survived, intact, within post-Independence forestry departments and exploited by them in order to displace tribal populations.

On the second, it is already established through substantial empirical work that communities *in general* manage their forests better than exclusionist State conservation practises. The eco-savage “discourse” is nothing of the kind. Rather it is a proposition that can be tested. Consider the “discourse” of “eco-feminism”, the notion that *women* are better wardens of the environment than men. This is also a testable proposition, one that Bina Agarwal has examined and found substantial empirical support for. There are certain approaches better suited than others in pursuing this kind of research objective. Agarwal uses a survey of 135 Community Forestry Institutions (CFI) across Nepal and India⁴¹. Anecdotal reportage from a single village that the local community wanted to cut down a (presumably relatively small, Shah does not provide details) discrete forest patch is less suitable. On the other hand, Shah’s research design undoubtedly gave her far greater insights into the internal relationships of that single community, but those are the trade-offs of theoretical and methodological choices.

Conceptualising indigenous and tribal resistance as a form of what has been referred to as “peasant resistance” requires a brief discussion of the latter, although the vast literature surrounding the concept is impossible to summarise here. The most crucial insight is the affirmation of the peasantry’s political agency in the face of structuralist interpretations of agrarian revolt that deny such agency⁴². Challenging the concept of the “pre-political” inert peasantry waiting for political parties to mobilise them in response to the “master processes⁴³” of capitalism, industrialisation etc, Ramachandra Guha quotes Georges Lefebvre on the role of the peasantry in the French Revolution: “...the peasants had their own reasons for joining the conflict, and these...were more than sufficient.⁴⁴”.

In contrast to Hobsbawm’s view of peasant uprisings as “spontaneous”, lacking political objectives or clear organisation, and exploited opportunistically by “bandits”⁴⁵ Ranajit Guha demonstrated exactly the opposite in his pivotal work on agrarian rebellion in colonial India. Peasants possessed both organisation and political objectives. They also had a very precise notion of who the enemy was, and in several cases were pursuing distinct territorial claims. “Banditry”, according to Guha, was a sophisticated framing device used by the colonial authorities to avoid grappling with the political – economic issues which stoked rebellion, bandits being easier to dismiss as self-interested opportunists than politically organised peasants with valid grievances⁴⁶.

It might seem odd that, aside from Scott's reference to "indigeneism" as a recent framing device for long standing opposition of hill peoples to incorporation by the nation state⁴⁷, explicit connections between the wealth of material affirming peasant agency with the concomitant need to take the mobilisation of a specific group of peasants seriously on its own terms remain underexplored. This might be in part due to the explicitly Marxist orientation of Subaltern Studies historians like Ranajit Guha, where ethnic dimensions are obscured by a focus on the peasantry through the lens of class conflict. Brubaker observes that the silo like structure of the academy has traditionally hindered the cross fertilisation of discussions concerning ethnicity, nationalism and race⁴⁸. This study firmly situates indigenous tribal resistance within the broader family of peasant resistance, thereby drawing on the insights of Scott, Guha et al to affirm the agency of indigenous interlocutors and therefore the need to engage seriously with their various projects of mobilisation.

The second insight from this rich literature is that resistance can take a variety of forms, from foot dragging, malingering,⁴⁹ arson of forestry resources⁵⁰ and attempts to physically evade the state through pursuing mobile patterns of cultivation,⁵¹ through to political advocacy at the national and international level, social protest and insurgency. As alluded to above, this is how indigeneity, together with its associated international legal bodies and treaties, can be usefully interpreted, as the latest framing device to challenge the adverse consequences of nation-state building projects on already marginalised populations. This is not purely tactical. Insofar as the aim is to safeguard distinctive livelihoods systems, governed by socially embedded customary laws, the Indigenous Peoples' Rights discourse articulates strongly with the vernacular concerns of subaltern groups over their future, as discussed at great length in Chapters 7, 8 and 9.

Finally, the literature on peasant resistance confirms its relationship with institutional change. Although the stated objectives of peasant mobilisations may be only very rarely achieved, they often result in changes to the institutional architecture within which they occur, sometimes of the most significant kind, reinforcing the need to incorporate these processes into any theoretical framework addressing the relationship between institutions and agrarian change.

My schematic representation of how this can be theorised, building on Clement and Ostrom's work, is in Figure 3 below. "Resistance" is concretised here as a broad term that incorporates all influence that flows upwards, from village level to the national government, creating new institutions, and often changing, reconfiguring and, in certain cases, removing existing institutions in the process. Simultaneously, resistance generates new discourses, or adapts existing ones towards its own ends.

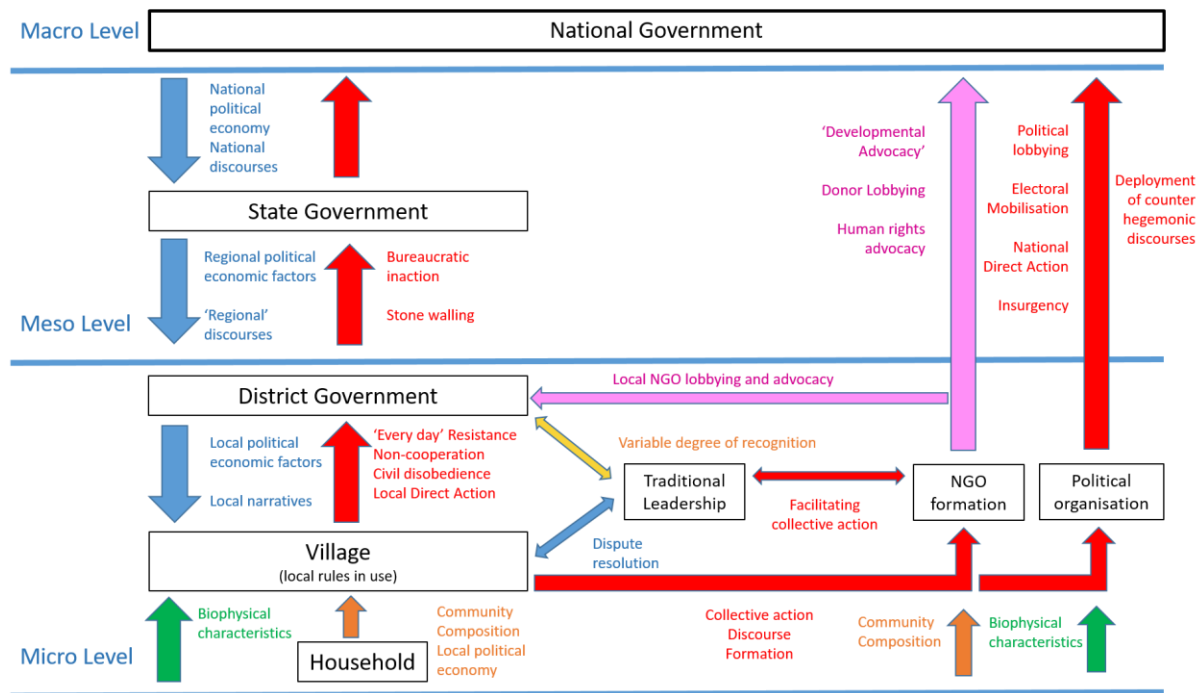
These are often counter-posed specifically against legitimating narratives employed by the State which, in turn, is compelled to adjust its own strategies and discourses in response. Throughout, biophysical characteristics and community composition play enabling and constraining roles regarding resistance. Educated populations are better equipped to pursue political advocacy. Mountainous, forested terrain is conducive to guerrilla war.

3.6 Conclusion

Mindful of Burawoy's observation that we all use theory to see the world around us I have set out the key assumptions that guide my own enquiry. First I have chosen to eschew a nation-state focus, or a single-site research design, drawing instead on a richer, social conception of space to concentrate on a combination of places and networks embedded in different geographic and administrative scales and adopting a multi-site approach. In view of the research setting, the "Bengal Borderland" looms large in this calculation, a transnational site of alternative and often marginalised social reproduction that joins what is different while separating what is similar. Following Partha Chatterjee's insights, this region is generally inhabited by "political society", groups and informal institutions securing access to services and rights through a process of continual negotiation and contestation.

My research population generally comprises those indigenous and tribal groups who are less successful than others in this contest, resulting in their continuing social exclusion and adverse incorporation into the nation-states in which they live. In general institutional terms, this marks a failure of incorporating extant and distinct systems of subaltern social and political organisation into wider processes of "system integration" through the agency of the post-colonial nation-states. In concrete terms, the question of whether the bare necessities for the survival of such subaltern groups, including their own collective choice arrangements, minimal state recognition of their existence and their effective nesting within higher institutional scales are being met is logically the central problematic of the study. The variables of interest when I reached the field were the biophysical characteristics of the setting, the characteristics of the communities I found there, the rules in use, both official and unofficial, the political economic context and the discourses at work.

Figure 3-4: Institutional change and resistance



Insofar as there is variation in outcome across research sites, it is closely linked to the extent that such subaltern collective choice arrangements are afforded minimal recognition and are effectively embedded in higher levels of national administration, these differences in turn stemming from the key variables of interest noted above. Finally, an explicitly historical approach is vital. Current processes of dispossession and deforestation are uneven, and constitute the emergent outcomes of protracted negotiation and contestation between resource users, and other actors with greater access to material and authoritative resources, including powerful private individuals and State agencies. Local customary institutions, by this understanding, are one institutional form among many, including ethnic identities and the nation-state, that result from an iterative and dynamic interplay between different actors working at different spatial levels and commanding varying resources.

This makes explicit what was previously only hinted at in Ostrom's original work: that "minimal state recognition" and "nested enterprises" are themselves open to influence by communities of resource users, and that nothing about these interactions is static or timeless. The degree of recognition accorded to a set of collective choice arrangements by the state currently is the contingent result of long standing processes of state building and subaltern resistance. These "mimetic"⁵² interactions see the assertion of the nation state manifested in the establishment of administrative and logistical infrastructure, constitutional and legal reform, in short the creation of a host of new institutions,

legitimised by new narratives, resisted by local communities. This resistance is motivated, at least partly, by local perceptions that existing collective choice arrangements are threatened, together with the socially embedded livelihood systems that they underpin. It is manifested through a host of processes, including the formation of political parties, the solidifying of extant or the creation of new ethnic identities, foot dragging or simply ignoring government instructions, up to full scale insurgency. This results in the creation of new institutional forms, legitimised by the creation of new discourses, or the adaptation of existing discourses to local purposes, in a manner that contests the legitimacy of narratives established by the nation-state.

As a result of this byzantine contest, institutional landscapes are in a state of constant flux, as are the key factors that underlie them. Populations change composition, forests are denuded and replaced with plantations, the rules-in-use can be altered by new laws or something as minor as a change in local district personnel, the political economy can be transformed with the election of a hard line national government or a collapse in the global commodities market. And throughout, the narrative landscape is just as mercurial: from Jumma autonomy counterposed against Bangladeshi nationalism, through appeals to indigeneity against an influx of outsiders, the story is always changing, as new actors emerge and old ones fade from the scene. This dynamic schema, integrating the concept of resistance as a counterveiling current from the ground up with the existing lattice of institutions at international, national and provincial levels provided by Ostrom and Clement, is a sound conceptual foundation from which to proceed.

¹ Michael Burawoy, *The Extended Case Method: Four Countries, Four Decades, Four Great Transformations and One Theoretical Tradition* (Berkeley: University of California Press, 2009) xiii – xiv.

² Piers Blaikie and Harold Brookfield, *Land Degradation and Society* (London: Methuen, 1987).

³ Julien-Francois Gerber, 'Conflicts over industrial tree plantations in the South: Who, how and why?', *Global Environmental Change* 21 (2011) 166; Mariano Torras, 'Ecological inequality in assessing well-being: Some applications', *Policy Sciences*, 38: 4 (2005) 205 – 224; Jon Schubert, *Political ecology in development research. An introductory overview and annotated bibliography* (Bern: NCCR North–South, 2005).

⁴ John Agnew, 'The territorial trap: the geographical assumptions of international relations theory', *Review of International Political Economy* 1: 1 (1994) 53 – 80.

⁵ Arjun Appadurai, 'Putting Hierarchy in its place', *Cultural Anthropology* 3: 1 (1988) 36 – 49.

⁶ Ibid. 45.

⁷ George E. Marcus, 'Ethnography in/of the World System: the emergence of Multi-Sited Ethnography', *Annual Review of Anthropology* 24 (1995) 99.

⁸ Michael Burawoy, op. cit., 201.

⁹ Neil Brenner, 'Between Fixity and Motion: Accumulation, Territorial Organisation and the Historical Geography of Spatial Scales', *Environment and Planning D: Society and Space* 16: 4 (1998) 459 – 481; Nina Glick Schiller and Ayse Calgar, 'Towards a Comparative Theory of Locality in Migration Studies: Migrant Incorporation and City Scale', *Journal of Ethnic and Migration Studies* 35: 2 (2009) 177 – 202.

¹⁰ Nina Glick Schiller and Ayse Calgar, Ibid., 179; Eric Sheppard, 'The Spaces and Times of Globalisation: Place, Scale, Networks and Positionality', *Economic Geography* 78: 3 (2002) 310.

¹¹ Eric Sheppard, Ibid., 317.

¹² Eric Sheppard, Ibid.

¹³ Willem van Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia* (London: Anthem Press, 2005) 9.

¹⁴ Willem van Schendel, Ibid., 10.

- ¹⁵ Andreas Wimmer and Nina Glick Schiller, 'Methodological Nationalism, the Social Sciences and the Study of Migration: an Essay in Historical Epistemology', *The International Migration Review* 37: 3 (2003) 600.
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Chapter 4: Research Design and Methodology

4.1 Introduction

This chapter translates my theoretical framework into methodological choices focused on the outcomes of interest and key variables. I explain the “pairing” of research sites in Madhupur, Bangladesh and the Garo Hills, India. I describe my rationale for a mixed methods approach, and how each method relates to descriptive questions of outcome and analytical questions of causality, focusing on the variables of interest stemming from the theoretical framework. Practical constraints of one kind or another are also described. I then address reflexivity in the field, ethical considerations and shortcomings of both the research design and its execution. I establish the idea that “research design constraints” may themselves represent evidence used in the study, before concluding with a paragraph introducing the findings.

4.2 Comparing Madhupur and the Garo Hills

In Chapter 2 I discussed the variety of legal – administrative systems across South Asia that intermediate between the customary rules of local Indigenous communities and national laws. The research design compares a system with “weak” protections with a system featuring “strong” protections for Indigenous Peoples land rights across an international border and focusing on a single ethnic group living in a forest region. This research design, insofar as is possible in a messy, real-life context, provides the greatest variation in institutional arrangements while controlling for certain population characteristics. The additional benefits of focusing on borderlands as sites of enquiry was discussed at length in the previous chapter.

While a comparison of several systems noted above constitutes a potentially highly fruitful research agenda, for the purposes of a single PhD timeframe, I decided that anything more than two institutional contexts and a single ethnic group would be unrealistic. In choosing which pairing of regions, theoretically the legal protections for Indigenous land and forestry rights in districts covered by Bangladesh civil law, or the Chittagong Hill Tracts constitute some of the weakest in the region, and Sixth Schedule areas in India some of the strongest. Access to rural regions of the CHT is very difficult for foreign researchers. Of communities located in both the Bangladesh “plains” and Sixth Schedule areas in India the choice was between either Garos or Khasis in the forests of central and northeast Bangladesh respectively, and their counterparts in Meghalaya state. My reader personal

access to a skilled research assistant from the Garo community in Bangladesh was the deciding factor in selecting the former pairing.

4.3 Methods, variables, outcomes and causes

The study uses a mixed-methods approach directly inspired by Fairhead and Leach's study of forest islands in West Africa¹, employing ethnographic fieldwork, remote sensing and archival research. A summary of how methods relate to outcomes and causal mechanisms is presented in Table 4-1. How specific methods concern specific variables from the Ostrom-Clement framework, as well as the spatial and temporal scales at which they operate is delineated in Table 4-2. Basic remote sensing methods were used to assess forestry cover change over time across the two research settings. As alluded to in Chapter 3, such questions are extremely difficult for a single researcher to answer in contexts where official data may be unreliable. Satellite images of both Madhupur and the Garo Hills in 2001 and then 2011 were compared to reach a judgement on how successful conservation outcomes are in each context. This is discussed more comprehensively in the next chapter.

Semi-structured interviews were conducted with villagers to gain a descriptive picture of levels of dispossession and data concerning its mechanisms. Ongoing problems with land rights, access to credit and dispute resolution were also of interest here, directly inspired by the work of Corbridge et al. on how marginalised groups interact on an "everyday" basis with the State². Eight villages in Madhupur and seven in the Garo Hills were selected in consultation with local civil society figures semi-purposefully, also following Corbridge et al³, in order to give as representative a picture as possible of the biophysical variation in each setting, with particular attention to topography. In each village, five individuals were selected semi-randomly in consultation with my research assistants with a view to ensuring people with a range of incomes and land holdings were interviewed. This included at least two women, one of whom had to be a head-of-household. In the Garo Hills the *nokma* (headman) was also interviewed. A standard interview instrument was used (see Appendix B), though follow-up questions often varied considerably. This resulted in a dataset of 75 interviews.

Bespoke interviews were held with a variety of elite respondents selected on the basis of their direct involvement in the processes of interest, including Forest Department officials, elected political leaders and local civil society figures. Respondents and interview questions were often driven by a specific topic or event that I wished to discuss as well as a respondent's institutional role, either unofficial or official or both. Grounded observations also determined which respondents took

priority. For example, although Deputy Commissioners in India are extremely influential bureaucrats, their role in Meghalaya's land and forest administration is not as important as District Council officials. I thus prioritised approaching the latter group as respondents. The "snowball"⁴ sampling method was used to an extent, particularly initially in the Garo Hills, where I would ask interview respondents who else I should be talking to on the subject.

The objective was to either a) pursue a process (eg. appeals against dispossession) to the next administrative level or b) put findings from either the secondary literature, the structured interviews, other elite interviews or a combination of the three to a key respondent and solicit their views on the reasons for these findings or c) to ask questions concerning a prominent event. The overall aim was to gain a slightly larger scale view of problems concerning deforestation and dispossession outcomes, and the causal mechanisms leading to these outcomes. Elite interviews unsurprisingly often yielded a complex and sometimes conflicting picture concerning the reasons leading to certain outcomes. A total of 44 elite interviews were conducted.

A total of twelve oral histories were taken from both elite and village interviewees, inspired by Ellen Bal's work among the Garo community in Northern Mymensingh in Bangladesh⁵ and Sundar's among the Gonds in Bastar⁶. The decision here was made purposefully, in consultation with research assistants where certain individuals were regarded as having extensive knowledge of broad trends or specific incidents. Examples include the "Eco park" movement in Bangladesh and the reasons for Garo participation in the movement for a Hill State in India. Grey literature, including NGO reports, Government gazettes and newspapers provided further data on outcomes and their causes.

I conducted five "informal" group discussions, three in Bangladesh and two in India. None of these were planned. Each occurred largely in contexts where I was searching for information on a specific problem and have identified an individual who had relevant information. On arriving to conduct the interview, the individual had brought colleagues, family members and / or friends because of their own experiences. It should be emphasised that managing these discussions was somewhat *ad hoc* and did not meet the rigour required of formal Focus Group Discussions (FGDs). Finally, I maintained a diary where I recorded a number of my own observations, important emerging questions for follow up, and the results of informal and social interactions with both my research assistants and Garo friends I made during my time in each region. These formed the basis of "analytical memos" that will be discussed further below.

Finally, archival research occurred almost accidentally, when visa delays discussed below prompted me to explore alternative research avenues. I opted to examine archival material following a hypothesis that the reasons for the British implementing different administrative regimes in tribal areas might speak directly to the research question. This fortunately resulted in interesting findings from the colonial archive that speaks both to the variables of interest and to important continuities and ruptures from the period of colonial rule to Independence that help to explain variation in dispossession and deforestation between research settings. These findings are discussed and analysed in Chapter 6.

Table 4-1: Methodologies, Outcomes and Causes

Methodology	Dispossession		Deforestation	
	Outcome	Cause	Outcome	Cause
Satellite Remote Sensing			✓	
Structured Interviews (75)	✓		✓	
Oral Histories (12)	✓		✓	
Elite (unstructured) interviews (44)	✓	✓	✓	✓
Grey literature analysis	✓	✓	✓	✓
Archival Research		✓		✓
Informal group discussions (5)		✓		✓

Table 4-2: Methodology, Variables and Spatial and Temporal Scales

Methodology	Spatial / Administrative Scale	Variables	Temporal scale
Satellite Remote Sensing	Regional / District	Biophysical conditions	2001 – present
Structured Interviews	Local / Household – Village	Community characteristics, political economy, biophysical conditions, rules-in-use	Present day / very recent past
Oral Histories	Local / Village – Village Cluster	Biophysical conditions, rules-in-use, community	1940s – present day

		characteristics	
Elite (unstructured) interviews	Supralocal – Regional – Supraregional / Sub district – District – National	Rules-in-use, community characteristics, political economy, discourses	1960s – present day
Grey literature analysis	Supralocal – Regional – Supraregional / Sub district – District – National	Political economy, Discourses, Community characteristics, Rules- in-use, Biophysical characteristics	1920s – present day
Archival Research	Supra-regional / National	Rules-in-use, Political economy	1780 – 1875
Informal Focus Group Discussions	Local / Village – sub district	Rules-in-use, Political economy	1980s – present

4.4 Analysis: general approach, coding, reliability and rigour

My general approach was, first, to gather information that my theoretical framework suggests relates very closely to dispossession and deforestation, flowing logically from the key variables, including details of each household's livelihood, and how this livelihood was embedded in local norms and legal structures. Did they own agricultural land? Did they have documents for it? How was this land use regulated? What did they grow, and did they grow for subsistence or to sell or both? Did they have access to credit, and if so where did they acquire it, and on what terms? What did they use the forest for, if anything? How were these uses regulated? What was the rough ethnic composition of the village? What were relations like between the communities?

Secondly, I attempted to always be “looking up”, “looking down” and “looking side to side” when approaching respondents. Where problems occurred, did a respondent seek help, and if so from whom? What resources did they themselves possess? What links did they have with others, perhaps better placed than themselves? When they sought help, was it forthcoming and what was the result? Were formal channels used or ignored? With elites, whether social leaders or bureaucrats, what pressure were they under and from where did it originate?

Systematic coding approaches were followed when analysing the raw data, embracing Saldana's "eclectic pragmatism"⁷. I entered the field with a number of provisional, attribute and process codes derived from the theoretical framework and secondary literature. Attribute codes⁸ were applied to data concerning the different variables, including biophysical characteristics and population characteristics. Process codes⁹ concerned the outcomes of interest, dispossession and deforestation. As noted above, I kept a regular diary and used it to write myself "analytical memos"¹⁰ where I kept interrogating the theoretical framework in the face of new data. A range of new codes emerged, including additional attribute codes related to cropping patterns and agro-forestry, and structural codes¹¹ relating to the political economy. These sets of data were organised under respective headings in a word document and excel spreadsheet where I applied "second cycle" coding, largely pattern coding¹², for further analysis.

A key constraint faced by studies of this kind is a lack of comparable secondary data across research settings concerning the key trends of interest, and a reliance on ethnographic methods that for practical reasons cannot cover large areas. This is not a major problem when it comes to the validity of conclusions when following the extended case method. The contribution of multisite ethnography in this sense is to reconstruct theory by testing it across a range of contexts that exhibit variation. My ambition in addition to making this contribution, however, was also to establish the validity of my empirical findings across larger spatial extents that might be supported solely by ethnography, hence the deliberate use of mixed-methods, allowing a triangulation of different kinds of evidence to strengthen my conclusions.

A good example is the use of historical data, from the colonial archives to contemporary reports in the media. If local interviews seem to indicate the importance of political-economic factors to different levels of dispossession, the colonial archive makes clear that this also played a determining factor in the rationale for the variation in British approaches to governance in "wild spaces". What are the continuities here and what are the disruptions that accompanied Independence? Where dispossession is discussed at local level, what does the grey literature from human rights organisations or pressure groups have to say? If an individual suggests there is corruption in the District Council or Forest department, does this find any support in the newspapers? In this sense, by clearly identifying where different types of evidence intersect, and what the limitations are of each method used to collect each piece of evidence, it is possible to make generalisations that travel further than the households where interview data is collected directly.

4.5 Practical issues

In order to carry out the remote sensing component of the study, I carried out a three month long intensive training course “Principle and Applications of Geographic and Information Systems and Remote Sensing” at ITC, University of Twente. Practical issues concerning the length of time required for research visa applications necessitated a rebalancing of research priorities, with six months eventually allocated to archival research. This also led to a slight imbalance in time spent in each respective research setting, with five months available in Bangladesh and four months in India. I am very grateful to the University of Liberal Arts (ULAB) in Dhaka for their institutional support. I was not able to acquire a similar institutional affiliation prior to arrival in India, I was able to secure the invaluable help of the Integrated Basin Development and Livelihood Promotion Programme (IBDLPP), a quasi-state agency with extensive work in the rural areas of the Garo Hills.

The Garo Hills posed additional practical difficulties compared with Madhupur. The first was that access to the field in the latter is a more difficult proposition. While from Jalchatro village it was an easy task to rent a cheap motorbike for travel anywhere in the region, from Tura the only readily available means of field transportation is a private 4x4, which is expensive to hire for any distance. The discrepancy in the physical area covered, discussed in greater depth below, compounded the problem. It was also far more difficult to find a research assistant, a reflection of how there are far fewer non-Garo researchers to be found in the locale. For all of these reasons there was an overall “asymmetry of access” in the Garo Hills that posed some limitations which will be discussed below.

4.6 Research Ethics

In line with the UK Economic and Social Science Research Council guidelines concerning research ethics, all respondents were informed about the aims of my research and the fact that my objective would be to publish my findings in academic outlets. They were offered the choice as to whether the interview was recorded, as well as anonymity and informed they had the right to end the interaction at any time for any reason. I have also committed to return to field settings to inform respondents about the findings of my work wherever this is practicable. I have erred on the side of caution when citing respondents by name, and in certain cases I have changed the names of both villagers and villages. Even those respondents who felt they were not disclosing anything sensitive have been protected in this way where I felt there was even a remote chance it might lead to reprisals, following the precautionary principle.

Although gender and intracommunity inequalities do not constitute the main focus of the study, it is impossible to write about “community rights” having spoken to only 50% of the community. Indeed, the treatment of the terms “community” and “household” as reified and homogenous units of analysis has been thoroughly problematised across a great number of disciplines and regional specialisms. I have attempted to address both of these issues in my sampling strategy for both “survey” and “elite” respondents. Happily I found few problems in either research setting concerning the willingness of either women or extremely poor men to discuss the problems they were facing.

One imbalance is that in Bangladesh there were obvious elite respondents, generally Garo women’s rights activists, able to talk knowledgeably and forcefully concerning the gendered aspects of land administration. Although Tura is home to a thriving “Mother’s Association”, their focus tends to lie with Intimate Partner Violence (IPV) issues within the urban and peri-urban environments and, in particular, the links between IPV and alcoholism. This is counterbalanced slightly by the existence of regionally and ethnically disaggregated government data in India concerning gendered inequalities that does not exist in Bangladesh. My findings obviously do not represent anything like adequate treatment of either issue, and this is a specific drawback of the research design, which I will talk about further below. However, they do permit a limited judgement concerning how shifting patterns of community and individual rights and entitlements over resources impact on wealth differentials and gender disparities, as well as related issues of identity formation and resistance to dispossession.

Finally, I obviously encountered different and interesting issues as a result of my positionality, as a white Englishman in South Asia. This often resulted in respondents according me a level of deference which posed the problem of significant power-differentials operating in various interview situations. I attempted to address this openly with my research assistants, who I was exceptionally lucky to find. Neither held western intellectuals in particularly high regard and both made me work justifiably hard to win their trust. Parag is both heir to the Bangladeshi leftist tradition as well as being an outspoken *Sangsarek* within his own community. He is possessed of a refreshingly polite candour that never left me in doubt as to when I was going wrong. Manoj is a seasoned village extension worker familiar with the tired mechanics of shallow field visits and more than capable of avoiding them when facilitating interviews. Both were sources of wisdom and advice at every turn, and I benefitted from many conversations with them, invariably over tea *en route* to a research site, concerning social

dynamics and how to best proceed ethically. Both men have great experience working alongside villagers and helping them to feel at ease with strange foreigners come to ask odd questions.

The other issue was my visibility in the field in a context where very few Europeans are ever seen. This was more pronounced in the Garo Hills, but in Bangladesh the deteriorating security situation made some of the local police nervous to have me in the area, fearing I would make an easy target for a potential attack. These issues were partially remedied through, as above, constant discussion with research assistants about appropriate measures to take, being punctilious in never travelling alone in the field, conscientiously registering my presence with the local administration and following basic common sense when it came to politeness and observing local norms and customs.

4.7 Shortcoming and “research design problems as evidence”

The main practical obstacles to the research were access and time. As discussed, my access in Bangladesh was achieved with greater speed and efficiency than India, but even so it proved impossible to interview each relevant respondent at each administrative level. In India this was especially pronounced. As discussed briefly above, this problem was mitigated slightly by focusing on those respondents most closely associated with the trends of interest in the study, and those recommended by other contacts as having something to say on these issues. The access “gap” also resulted in a small piece of triage in India, cutting back the number of structured interviews to 35 across seven villages as opposed to 40 and eight in Bangladesh. The main change I would make were I to repeat the study would be to reprioritise the time allocated to different regions, so that I spent five months in each context.

Aside from these gaps and weaknesses arising from a lack of time, as noted above there is an imbalance in the weight of evidence from each research setting, compared with the physical area covered. This imbalance is summarised in Table 4-3, below.

Table 4-3: Comparison of administrative units visited

Research Setting	India	Bangladesh
Administrative Units Visited	Three districts	One sub-district
Physical Area Covered	5649 km ²	366 km ²
Population	807,000	297,000

There are two points to be made here, the first narrowly technical and the second rather more wide ranging. In technical terms, the study has not aimed for statistical validity, but it has tried to capture the extent of variation both in the outcomes of interest and in biophysical and demographic environments that give rise to them. It would have been possible, in other words, to limit my research in India to a similarly limited spatial extent, but this would have given rise to a misleading picture of the institutional environment under examination as a whole. As will become clear in Chapter 8, it would have been possible to confine my analysis to one or two highland communities that would have presented a very positive picture of dispossession and deforestation. Equally I could have focused on one site close to the peri-urban environment of Tura that would have suggested a grim picture of traditional leaders abusing their power in collusion with a corrupt district administration to dispossess their own people. Neither conclusion holds for “the Garo Hills”, only by covering both sets of sites and trying to work out why this variation exists is it possible to offer a balanced view of the processes and dynamics currently at work in the area. Two single-village case studies would have permitted a fuller treatment of intracommunity issues, but would have precluded this latter analysis that is central to the research question.

Turning to the second and wider ranging issue, the spatial imbalance here has direct bearing on the research question itself. Recalling that my research design requires the presence of a single ethnic group (the Garos) living in or near forested terrain, the fact that the spatial area where these conditions are present is so much smaller in Bangladesh than in India is directly relevant to the problem at hand. As will become clear in the following pages, the physical presence of Garos in an area, and forest cover are themselves emergent properties of the different variables I investigate, and their interaction over time, often in the presence of additional, exogenous historical factors. In short, the research design is unbalanced out of *necessity* as a direct result of the processes under discussion throughout the thesis, and this fact is itself another piece of evidence to be weighed when drawing conclusions. This is a recurring issue which I allude to briefly in the following chapters before discussing it at length in chapter 9.

4.6 Conclusion

The core of the study comprises a multi-site ethnography of Garo communities in Madhupur, Bangladesh and the Garo Hills, India. This would be sufficient to produce a study that helps to reconstruct theory. By including other forms of evidence garnered through a mixed-methods approach, including remote sensing, archival research, oral histories and the analysis of grey

literature, however, the study is able to build on ethnographic foundations to reach conclusions that retain at least some validity beyond the boundaries of direct observations made during primary data collection. Deficiencies in evidence concerning intracommunity and intrahousehold dynamics are hedged against to some extent by elite interviews and secondary data on the subject, but remain the price of a more spatially expansive research design that is able to capture the degree of variation faced by communities across research sites. The next chapter comprises an analysis of archival research, carried out in the spring and summer of 2015, that demonstrates the salience of political economy, biophysical and community characteristics and rules in use when explaining the variation of British governance structures during the colonial era, and how that bears directly on the research question today.

¹ James Fairhead and Melissa Leach, *Misreading the African Landscape, Society and ecology in a forest – savanna mosaic* (Cambridge: Cambridge University Press, 1996).

² Stuart Corbridge, Glyn Williams, Manoj Srivastava and Rene Veron, *Seeing the State: Governance and Governmentality in India* (Cambridge: Cambridge University Press, 2005) 8.

³ Stuart Corbridge et al, *Ibid.*, 88.

⁴ Arlene Fink, *How to Sample in Surveys* (Thousand Oaks: Sage, 1995).

⁵ Ellen Bal, *They Ask if we Eat Frogs, Garo Ethnicity in Bangladesh* (Leiden: International Institute for Asian Studies, 2007).

⁶ Nandini Sundar, *Subalterns and Sovereigns, an anthropological history of Bastar, 1854 – 2006* (New Delhi: Oxford University Press, 2007).

⁷ Johnny Saldana, *The Coding Manual for Qualitative Researchers* (Thousand Oaks: Sage, 2009) 47.

⁸ *Ibid.*, 55 – 56.

⁹ *Ibid.*, 77.

¹⁰ Matthew B. Miles, A. Michael Huberman and Johnny Saldana, *Qualitative Data Analysis, a Methods Sourcebook, Third Edition* (Thousand Oaks: Sage, 2014) 93 – 94.

¹¹ Johnny Saldana, *op. cit.*, 67.

¹² *Ibid.*, 152.

Chapter 5: The creation of “tribal space” in British India, 1776 - 1875

5.1 Introduction

From the genesis of colonial rule until its end, the British established a steadily expanding system of “non-regulation” government in tribal spaces across South Asia, and it is from these decisions that the institutional diversity discussed in Chapter 2 emerged. The reasons why the British did this are central to the research question. A number of studies from the now substantial sub-genre of tribal case studies in anthropology and history have vilified these arrangements as a product of flawed race-theory, an unhappy externality of problematic British exercises in categorisation and enumeration that have subsequently served to hinder “national integration”¹. The archives tell a very different story, in that “space” invariably trumped “race” in British decision-making. The colonial power, in its steady expansion from its Bengal bridgehead, encountered various “information orders” and had to wrestle with the dilemma of how to effectively embed them in a single polity. The British responded by implementing different rules for different information orders, and the “zones of tribal exception” were merely one variant of this process.

These tribal regions emerged from a strikingly similar set of circumstances that appear very clearly when analysed using the Ostrom-Clement framework. A conjunction of biophysical and population characteristics rendered a given territory expensive to subdue militarily, and unprofitable to the British treasury. The characteristics of the population made them particularly vulnerable to the weaponisation of the legal system taking shape in the plains and, thereby, exploitation and expropriation at the hands of various kinds of political-economic intermediary. These same characteristics however, endowed these groups with the means to fight back, from raids into the plains and to major revolts. It was this recourse to violence, and the need for expensive military campaigns to stop it, that was anathema to a colonial polity geared towards the extraction of profit. It was decided that the only cost-effective method to defend the plains was to insulate these spaces, to varying degrees, from the political-economic and legal edifice established by the Permanent Settlement of 1793.

The relevance for the current research question is that this historical perspective allows us to identify important continuities and one important rupture across the colonial and independence periods. The major continuity is that this issue of how to reconcile different information orders within a single polity remains central when analysing land and forest governance in Madhupur and

the Garo Hills in particular. The importance of biophysical and population characteristics remains central in the mimetic process whereby State strategies are shaped in attempting this. The strategies themselves, from “buying off” the tribals to employing “lawfare” to further their expropriation, are strikingly consistent from 1780 to the present day. The major rupture entails the shift in the fundamental character of the governing polity, from Comaroff’s “state without a nation²” in the British Raj, to nation-states. The change has entailed a huge refocusing of resources into building the “nation”, variously construed, securing its borders and, to varying degrees, centralising administration and promulgating a unitary system of law, these projects undergirded by new and powerful discourses.

The impact of this change will be a common theme of Chapters 6 and 7, detailing empirical findings from the field. For this chapter, I begin with a short narrative account of the implementation of the non-regulation in tribal spaces, followed by a detailed discussion and analysis of its rationale. This comes in two parts: the first details the political-economic problem discussed above, as perceived by the British. The second analyses the reason, in response to that problem, they opted for the solution they did, addressing the question of why they might have totally subdued the Hills and implemented the full weight of regulation law within their confines, but chose not to. I then analyse key pieces of legislation enacted in the period 1870 – 1874, including the “Inner Line” regulation of 1873, which are often the focus of the critique made by various authorities on British tribal policy alluded to above. I demonstrate that these steps represented the consolidation of a process in train since 1780, and for the same political-economic reason. This was how the British endeavoured to ride two horses at once in governing distinct information orders within a single polity. I then conclude with a few remarks reiterating the centrality of space rather than race in British decision making throughout the period 1780 – 1874, and the implications for the present study.

5.2 Manufacturing tribal space

The British creation of specific spatial administrative arrangements is often represented as “anomalous” or exceptional. This is misleading. By the time of the 1874 Scheduled Districts Act, such measures were neither particularly exceptional nor exclusively tribal and reflected the British dilemma of how to govern different “information orders” within a single polity, present at almost the genesis of the Raj and unsolved at the time of independence. Only G.S. Ghurye³ has given a narrative account of how this system of governing tribal space evolved, and this is only partial,

ignoring the territories currently comprising India's northeast and Bangladesh. A brief descriptive summary is therefore a useful beginning to the topic.

The first establishment of a specific set of governance arrangements for tribal communities in British India occurred in 1780 in the Rajmahal Hills of present day Jharkhand. The Collector of Bhagalpore, Augustus Cleveland, oversaw the implementation of recommendations made by his predecessor, Captain James Browne, whereby the Mal Paharias of the Hills paid only a nominal cess to the Government, and administered their own system of justice under their chiefs, with Cleveland as appellate authority and arbitrator in the most serious cases⁴. The system was explicitly recommended for and implemented in the Khandesh in Bombay in 1819, when the British encountered the Bhils⁵, and was the template for Regulation X of 1822 implemented by the Magistrate of Rangpur David Scott in the Garo Hills⁶. It was the system used with the Abors, along the northern border of Assam as late as 1860⁷.

The Garo and Bhil examples were quoted in British deliberations concerning the administration of Chotanagpur following the 1832 Kol rebellion. The resulting Southwest Frontier Agency was expanded to include the Kolhan following the suppression of the Larkar Kols in 1837. In 1838, the precedents of "the wild mountain tribes bordering upon the districts of Bhaugulpore and Rungpore" were cited, and the 1833 regulation creating the Southwest Frontier Agency invoked, when establishing non-regulation government in the hill regions of Gamjur and Vizagapatham, in Madras Presidency⁸. Both the Khasis of the northeast and the Kols crop up in discussions of how to govern the Santhal pergannahs following the 1855 tribal uprising and the resulting administrative arrangement was in turn a reference point when discussing the best way to administer the Chittagong Hill Tracts in the 1860s⁹.

W.J. Allen had recommended the Southwest Frontier agency as a model for a reformed administration in the Jaintia Hills in the 1850s. Following the Jaintia rebellion in 1863, the Santhal Pergannahs act was used as the basis for the new arrangements in the area. These arrangements directly informed the creation of the Garo Hills Act of 1869, which was then extended to the Khasi, Jaintia and Naga Hills. By the time major pieces of legislation like the 1874 Scheduled Districts Act and the 1873 Bengal Eastern Frontier regulation were passed, an expansive system of special administrative arrangements for tribal populations had therefore been entrenched in the Imperial polity. There are two points to make here as I develop an argument that "space" rather than "race"

dictated British concerns, “space” meaning a composite of terrain, the population and the rules-in-use in a given geographical region.

First, in addition to past precedent in “tribal” India, the British also drew on other examples for inspiration when elaborating this alternative system. Rules drawn up for the then “non-regulation” province of Arakan¹⁰ in 1826 and the “Moulmein¹¹” system of viva voce trials used in Tennesarim were used in the creation of the Southwest Frontier Agency and Santhal Pergannahs respectively. The Santhal Pergannahs system drew favourable comparisons with “similar” arrangements in the Punjab and Oude. Secondly many tribal populations, indeed often the same groups, continued to live outside of these spaces, in the regulation provinces, the Princely states, notionally independent and “in alliance” with the British Crown, and in the penumbra of small micropolities, tracts and estates that lay somewhere between the two. The reason for this, and the specific decisions concerning where the British chose to implement this system and where they did not, speaks directly to the research question.

5.3 The colonial rationale

British policy-making concerning these “non-regulation” arrangements is invariably textually located in the post-mortems following tribal revolt, whether major rebellion or low intensity raiding. Their objective was always the need to secure “tranquillity” in the plains, the revenue from which accounted for half of British administrative revenue in 1859. In most cases, the problem was revealed to be a breakdown in relations between tribal groups and political-economic intermediaries.

The rationale for the creation of the first set of special administrative arrangements in the Rajmahal Hills is set out in James Browne’s pamphlet, “India Tracts”, published in England in 1788, incorporating the original letters sent to Warren Hastings, then Governor-General:

“...the Mountaineers of Rajhmahl [sic]...have become dangerous and troublesome to the low country....their ravages have become more violent as they were stimulated by hatred against the zamindars of the low country....¹²”

Such an arrangement would also be strategically advantageous to the British in their contest with the Maratha Confederacy. A “trivial” revenue assessment on the Mal Paharias was justified because:

“...a body of Mahrattas...introduced into...the province of Bengal would in six hours inflict greater loss of revenues than all these frontier countries put together, amount to in a year.¹³”

This strategic rationale appears to have faded from British thinking by 1796, as the preamble to the formal regulation enshrining these arrangements in law simply stated that the hill peoples:

“...subsisted principally by plunder; and their incursions into the low country...had almost desolated the districts to which they were extended. [They] were....induced by the late Mr Augustus Cleveland, the collector...to relinquish their predatory habits and to submit to the authority of British administration.¹⁴”

In 1820, raids from the Garos into the plainlands of Goalpara had resulted in bloodshed and destruction of property. Magistrate David Scott’s report to the Governor-General listed a number of Garo grievances against the plains zamindars, including the exaction of tribute, arbitrary imprisonment and forced sale of cotton at one sixth of its value. He concluded that: “...the Garrows had solid grounds of complaint.¹⁵”

The strategic importance of the area is referenced by the Court of Directors to the Indian Government:

“This is a topic of far more general and extensive concern than the mere administration of any single district, embracing the consideration of...our whole line of frontier from Oude to Aracan.¹⁶”

The origins of the Kol insurrection were likewise attributed to a breakdown in relationships between the Chotanagpure zamindars and the tribal communities. In the words of J.C. Jha, “...the permanent settlement...had also helped the zamindars...in dispossessing the tribal tenants”, with one colonial officer at the time remarking:

“His Excellency no doubt thought to make English Landlords of the zamindars of Bengal: but it is patent...that he succeeded only in making Irish ones.¹⁷”

The Santhal rebellion is slightly different. It is the one case of a major tribal rebellion emerging from the plains, albeit adjacent to the foothills of Rajmahal. Santhals had migrated to this region, the

Daman-i-koh, clearing the jungle in favour of subsistence agriculture, holding land at a light assessment from the British. This had attracted the attention of money-lenders, who charged usurious interest rates, stole Santhal goods in the event of non-payment and filed false cases against Santhals who demurred. The police were implicated in these practices, as well as levying their own “salaries” from Santhal households. In a minute filed following the inquiry into the causes of the outbreak, Governor General Dalhousie noted:

“the...causes of the insurrection were the extortions...of the Mahajuns and of the Zamindars...and the gross...oppression of the subordinate native servants of the Government, both revenue and police.”¹⁸

British enquiries into Garo raids on Mymensingh in the 1860s once again came to focus on the local zamindar, the Shooshung Raja. In 1866 the then Deputy Commissioner Baker reported that the Garos’ stated reason for raiding the plains was the decision by the Shooshung Raja to close the markets (haats) to them “having failed to extort revenue from these men.”¹⁹ Eden, then Secretary to the Government of Bengal, summarised the problem in his recommendations to the Government of India:

“It is of the utmost importance to put an end to the power of the Shoosung Zemindar to harass the Garrows with his claims to assess...”²⁰

Problems arising from the economic intercourse between the Garos and the plains populations are the dominant theme in subsequent discussions of the 1869 Garo Hills Act:

“The Lieutenant Governor attaches great importance to...supervision of the transactions between the Bengalis of the plains and the Hillmen [and]...whether...to insist on the registration of all such...agreements.... The rate of interest ought also perhaps to be limited. [These] have been found necessary in the *Chittagong Hill Tracts* [emphasis mine]...”²¹

Haughton, then Commissioner of Cooch Behar, probably best summarises the colonial rationale:

“...when a rude and simple people are brought in contact with the more civilised money lender, whether it be Tartar and Chinese, or the Sonthal and the Hindoo Mahajun...the savage is incapable

of appreciating the engagement he enters into, and...has...a general sense that he is cheated, and in consequence....settles the score by a brutal and unprovoked murder²²”.

Looking beyond the crude civilizational discourse at work, following C.A. Bayley’s contention that “there is no orientalism without fire”, the British were clearly on to something. They were dealing with a clash between different “information orders” within their Empire. Tribal societies were “rude and simple” in the sense that they had little experience or knowledge of the legal instruments and administration introduced by the British in the plains. The plainlands communities, conscious of this fact, exploited it for monetary gain, believing that the armed forces of the paramount power would vouchsafe their claims on the basis that they were, narrowly speaking, “legal”. This constitutes the use of “lawfare” in the modern sense, and it is important because similar trends continue, both in the study context, but elsewhere in the world, albeit with contextual differences. If we recast the British insight from a crude civilizational binary to the simple observation that poor, ethnically excluded communities with little “formal” education and high levels of illiteracy are often exploited by abuses of the legal system, we could just as easily be talking about, to pick one example, African-American communities in the present day.

The second point is that this exploitation was not a problem for the British. The colonial dilemma was that it resulted in tribal violence that ruptured the “tranquillity” of the plains and, therefore, British revenue. In the 1856 Government of India report on the Santhal rebellion, Dohsin comments:

“had not the Sonthals migrated in such numbers to the neighbourhood of the hills and been assisted by *their peculiar spirit of clanship* [emphasis mine], no doubt the oppression would have been silently borne...”²³”

Tribal information orders may have been vulnerable to the weaponised use of a legal system with which they were unfamiliar, but they also provided institutions for collective action that the communities could draw upon to fight back.

These adverse dynamics were not universal across the Bengal Presidency, let alone the sub-continent. In many cases relations between the zamindars and the tribal communities were amicable. One example was the estate of Keonjhar, which institutionally comprised a minor or quasi-princely state in the colonial polity. Part of the “tributary mehals” of Cuttack in modern day Odisha, the estate had participated in an uprising in 1867, arising from the exactions of a “bad amlah” under

an incompetent Raja. The British put down the insurrection, installed a child Raja and took direct control of the estate for the duration of his minority. The Superintendent of the Tributary Mehals, Ravenshaw, sent a report the Bengal Government in 1873 concerning meetings between himself, the Raja and the Bhuiyan tribal community. His view was that relations between the Raja and the tribes were excellent. The Raja knew each headman by name and the tribes paid their plough tax promptly. Ravenshaw recommended that the rule over Keonjhar be returned to the Raja and this was done on the 1st April in that year²⁴.

The contingency and reactivity of British decision making is striking here. By 1874, this had led to an extremely uneven administrative geography which will be discussed later. Before that, it is necessary to discuss some important exceptions to this formulation, and where relationships between zamindars and tribes people were less relevant to British decision making, though this did not make the decisions any less contingent or reactive for the fact.

5.4 Exceptions to the rule

The hybrid polity of Jaintia was another example of amicable relations between a plains zamindar and a tribal hill population. The Jaintia revolt of 1862 was triggered by disastrous decisions taken by colonial administrators following the Raja's removal in 1835. The Raja had had historically ambivalent relations with the British. He had agreed to support the Raj against the Burmese, only to then allow the Burmese to base troops in the hills²⁵. The event that provoked British intervention appears to have been repeated cases of British subjects being kidnapped by those of the Jaintia Raja for the purpose of religious sacrifice. The first time this occurred, in 1821, the British warned the Raja there would be severe consequences if such an incident was repeated²⁶.

In 1832, there was a similar incident, with the British vexed both by the strong suspicion that other sacrifices had taken place without their knowledge and the refusal of the Raja to hand over the culprits. After two years of negotiation "every minor expedient having been resorted to²⁷," the British seized the Raja's plainland territory,²⁸ threatening to seize the hills as well in the event of a third incident. The Raja, however, willingly surrendered the hills to the British in exchange for a monthly pension, on the basis that the hills alone would not provide an income sufficient to support himself²⁹. Crucially, the British annexed the hills as a "regulation" province, subject to the Bengal legal code.

This is an interesting case study because the British considered the Jaintia people to be ethnically similar if not indistinguishable from the Khasis, who inhabited the hills to the west. The Khasis, however, were largely left to govern themselves under their own “Syiems”, generally elected by a limited franchise, with a British liaison in the form of the Governor-General’s Agent for the Northeast. The Jaintia indigenous governance system comprised 19 “districts”, 15 of which were headed by traditional leaders known as ‘Dollois’, subject to a similar system of limited election, and the remaining four under a council of 13 hereditary sirdars³⁰. The status of the Jaintia Hills as a “regulation” province however, led to a more intrusive approach to governing than that adopted in the Khasi Hills³¹.

For example, on the basis that competition for the annually elected Dolloiships was a source of constant intrigue in the Jaintia Hills, the British instituted fixed terms of three years, after which the incumbent had to face re-election³².

In contrast, when a dispute arose in the Khasi petty state of Chera between the incumbent chief and an opposition faction, the Lieutenant Governor’s orders were far more cautious.

“...the proper course...is to interfere...no further than is absolutely necessary to prevent a breach of the peace...the Government cannot...interfere in the affairs of these semi-independent states unless the tranquillity of the country is likely to be disturbed.”³³

When it came to revenue, W.J. Allen was circumspect when it came to the Khasi microstates: “nothing...is...to be gained by any further interference...with the administration of these Chiefs³⁴...I am not prepared to recommend that any tribute or revenue should be required...from the states which are not British possessions.”³⁵

His recommendations regarding the Jaintia Hills were completely the reverse.

“...a light and judicious taxation would contribute to the preservation of tranquillity...in the Jynteah Hills...to require these mountaineers to contribute something in acknowledgement of the supremacy of Government.”³⁶

By 1860, the result was two geographically contiguous territories populated by ethnically similar groups administered in very different ways by the British. The hill-plains “master oppositional

binary” was nowhere in sight, and race was not consistent in British colonial decision-making as a determinant of how to govern.

The Jaintia rose in revolt twice in quick succession, in 1860 and then 1862. In 1860 the Government swiftly suppressed the uprising, placing one Captain Rowlatt in charge of the Hills. His subsequent inquest stated that the proximate cause of the uprising was the recent imposition of a house tax at the command of the Lieutenant Governor in response to Allen’s recommendations.

Promoted to Major, Rowlatt was left in charge as Deputy Commissioner, and in 1862 was the officer on the spot when a second, larger uprising gripped the hills, threatening Sylhet. The Government of India enacted martial law in the hills, a step that had not been taken since the Muntiny of 1857, and sent two entire regiments under the command of Brigadier General Showers to reinforce the small detachment in the area. It took over a year of gruelling guerrilla warfare to subdue the Jaintia. Rowlatt’s failure to provide information concerning the reason for the uprising was a source of irritation for the Government.³⁷ With Showers’ arrival, the British authorities began to get a clearer picture. Rowlatt’s decision to introduce an income tax into the province had caused the revolt³⁸. Rowlatt was sacked and Lieutenant Colonel Haughton conducted an inquiry, interrogating the hapless former Deputy Commissioner as to why he implemented such a disastrous policy measure.

Rowlatt replied that he was simply doing his job, as he understood it. The Income Tax was introduced across the whole of British India in 1860 as an urgent measure to partially address the colony’s bankrupt finances following the suppression of the Mutiny in 1857³⁹. In his explanation to the Bengal Government, Rowlatt wrote:

“In 1860, the Income Tax was passed and had to be enforced in these Hills *as elsewhere* [emphasis mine]....⁴⁰” When asked why he did not check with the Commissioner of Assam before implementing the measure, he replied simply that he did not believe he needed to.

“The only practicable way of making [the] assessment would be...to call upon the Dolloyes to name the person in each of their circles whose incomes were liable to assessment...tantamount to an assessment by Punchayat under Part XI of the Act...it did not seem...any special report...was necessary.⁴¹”

In governing the hills as a regulation province, the British had fundamentally misunderstood the nature of the Jaintia polity. David Scott gave the following description in 1824, which is worth quoting at length:

“...the descendants of the reigning Rajah appear to gain admission...into the Kayt and Bayd caste by intermarriages [ie. Sanskritisation]...they follow...the customs of the Hindoos of the plains. Persons of this origin....usually enjoy offices of state, but...succession...goes to the son of the Rajah’s sister...by a Cossyah husband, chosen from certain noble families in the hills, by a general assembly of the chief people.

...the Rajahs of Jyntea are under the necessity of consulting on all important occasions the queen mother, and the chiefs of districts, and officers of state...they...exercise a considerable degree of control over him...Of the hill chieftains who acknowledge the supremacy of the...Rajah, the one of Nurtung appears to be the principal...so powerful is [his] influence...the Rajah is unable to dispossess any other offending head of a tribe, without the concurrence of this formidable vassal.⁴²”

Cederlöf is undoubtedly correct when she cites the Jaintia kingdom, along with Independent Tripura, as a fascinating case study of hybrid ‘hill-plains’ polities⁴³. From Scott’s description, however, it does not seem that this is a “hill kingdom governed from the plains”. Scott is clearly depicting a matrilineal inheritance system, and a power structure resembling the heavily circumscribed traditional leadership structures common to the hills rather than the feudal landlordism of the plains. It is far from clear exactly who ruled the Jaintia Raj, prior to its dissolution in 1835. In the aftermath of the 1862 rebellion, the British finally grasped the reality of the situation. In Showers’ words:

“[The Jaintia Raja’s] authority...was...nominal: he received from them no revenue, and only certain dues...of little value. The Duloyes exercised their power over their own and subordinate villages independently of the Rajah. So long as their old customs and administration were maintained they submitted...When...direct taxation was enforced into the district....the independent spirit of the Sindengs [Jaintia] led them to resist the authority assumed by the British.⁴⁴”

As Haughton put it:

“The progress of legislation in India has been so rapid...it has become a matter of great difficulty to frame any set of Rules suited to the condition of an uncivilized people... The incautious extension of a recent Legislative enactments has...been a cause of rebellion, resulting in...great loss to the Government.⁴⁵”

At roughly the same time, a series of extensive raids on the plains by tribal communities from areas to the east of the Chittagong Hills had drawn British attention to similar administrative questions. These raids were not the result of any breakdown in relationships between zamindars and these communities however, but rather an apparent result of migrating Khumi, Lushai and Kuki groups seeking slaves, cattle and other goods from the plains.

An inquiry into the management of the Hill Tracts by Ricketts, the then Commissioner of Chittagong led to an agreement with the Poang (Bohmong) Raja in Banderban to maintain armed forts to stop further attacks from the interior tribes, in exchange for a stipend⁴⁶. Among his other recommendations was that the hills be removed from the purview of the Bengal Code. This was done in 1860, on the basis that the Bengal regulations were entirely “unsuited” to the region, with the local police “quite ignorant of the languages spoken by the Hill men, and from fear of sickness and other causes they dread....conduct[ing] any investigation which may require their presence in the Hills...crimes are hushed up altogether or...the parties concerned fall into the hands of designing men, who look upon any difficulties into which these Hill people may fall...as...favourable opportunities of making money.⁴⁷”

Although the establishment of a permanent “Superintendent of Hill Tribes” in 1860 was in direct response to increasingly regular tribal raids into the plains, in retrospect it was viewed as “an absolute necessity. It was a disgrace to the British Government that no such appointment existed from the beginning of our rule in Chittagong...to assume a territory...make...your laws applicable to it...and to pretend to govern it, and yet to leave it absolutely without any Government at all...was nothing less than disgraceful.⁴⁸”

These comments, as well as the fact that the British continued to tread very gingerly in the Hills east of Chittagong, is telling. Steer, Commissioner of Chittagong, had recommended in 1859 that the whole of Tract should be taken under British administration⁴⁹, and this was rebuffed by the Bengal government: “any such complete system of administration as has been established in Sonthal country is not at present to be thought of...⁵⁰”. The first superintendent, McGrath, had a mandate

limited to gathering intelligence for a modest punitive military expedition and to assess what would be required for those friendly Hill chiefs, principally the Bohmong Rajah, to maintain an adequate defence against further raids⁵¹.

What was the reason for this caution, this reluctance to take a more direct hand in the governance of the hills? One question that remains curiously under problematised in the existing literature is why, when the British had taken control of Bengal in 1765, including Rangpur, Mymensingh and Chittagong districts, it was a hundred years before they took direct control of the adjoining hill territories of the Garo, Jaintia and Chittagong Hills. Why did they not simply enforce the regulations in the hills at the barrel of a gun following a comprehensive military assault? This is a crucial question for the present study.

5.5 The state without a nation

The biophysical characteristics, including the hilly terrain and thick, malarial jungles were a recurring feature in the discussions of colonial officers concerning the merits of a “light touch” approach. Explicit reference to the problems of the sickly climate were made by British officials regarding the Rajmahal Hills in 1776⁵², the Garo Hills in 1817⁵³, Ganjam and Vizagapatham in 1823⁵⁴, the Daman-i-koh in 1855⁵⁵ and the CHT in 1859⁵⁶.

The cumulative effect of the climate, the forests, the lack of knowledge concerning the area, and the terrain was that military expeditions were extremely tough, a fact compounded by the skill of the locals at guerrilla war. Two examples come from reports on the campaign in the Jaintia Hills in 1862 and a punitive expedition into the Chittagong Hill Tracts in early 1861. The locals refused to stand and fight, adopting harassing tactics. Difficult terrain plagued these efforts, as well as the huge logistical requirements of hundreds of coolies carrying supplies, vulnerable to attack from the flanks. Tribal groups often heard the British coming and were able to move most of their property from the villages the British were going to burn down, vastly reducing the impact of such punitive measures⁵⁷.

Communications, comprising hand written letters hand-delivered by military couriers, the *dak*, were slow and vulnerable to interception, leading to strategic confusion. The *dak* between Sylhet and Dhaka took seven days when there were no other obstacles. The crucial news that the Jaintia Hills were once again up in flames was delayed when the *dak* runner from Cherapunjee was twice interrupted by insurgents, and in the end only succeeded in getting to Sylhet through the jungle⁵⁸.

The link between extraordinary governance structures, biophysical characteristics and the difficulty of military expeditions is most effectively summarised in a minute by Thomas Munro when Governor of Madras Presidency concerning Vizagapatham:

“we...connive at irregularities which would not be tolerated in other provinces, lest we should... involve ourselves in...petty warfare against banditti in a pestilential climate among hills and jungles.⁵⁹”

The other side of the coin was the nature of the British polity in South Asia itself. In his pioneering study on the relationship between plain and hill polities in Southeast Asia, James Scott covers in great depth the period where plains-based “paddy states” lacked the capacity to subdue the hills. He then also addresses the impact of the modern state system on the hills, with industrialised nations like Thailand and Burma now able to enforce their governance systems on contested hill territories as part of what he terms “the last enclosure”. He gives less attention to the intervening period where, in the current discussions, the colonial powers that governed South Asia had the capacity to forcibly and comprehensively conquer hill territories, *but chose not to*.

5.6 Parsimony, imperial topology and rules in use

On the one hand war in the hills was “that most expensive and harassing of all hostilities.⁶⁰” On the other, finances were straightened in the extreme. Conditions in Bengal in the 1860s seem particularly acute, with the liabilities of the 1857 rebellion still outstanding, and the region being consequently “denuded⁶¹” of troops. But the same problem was reported following the Santhal rebellion:

“the parsimony which has reduced to Bengal, by whose taxes the entire fabric of the Indian empire is sustained, funds for the support of a district police in...the proportion which is its due....⁶²”

This parsimony is also demonstrated in a dispute over the survey of the Garo Hills in 1870. A letter from the Surveyor General of India to the Lieutenant Governor of Bengal informing him that the survey could not be completed due to budget cuts led to a protracted argument, with officers on the ground incensed. The response of Major Godwin, Deputy Superintendent of the topographical survey is worth quoting at length:

“...had the country been better known, the operations against the Jynteas would have been much shortened;...a survey is equally necessary for...the Garrow Hills, and...with still greater force to the hills inhabited by the Nagas...Total ignorance of the South Cachar hills last year marred...the advance...made into them...the money spent did not obtain *a commensurate return* [italics mine]. It is impossible to underrate the knowledge of a country, especially when jungle-clad, intricate and mountainous; when forces have importunately to march into it.⁶³”

After six months of wrangling, the Viceroy intervened personally to sanction the sum of 25,000 rupees to finish the survey⁶⁴. This lack of financial resources was no accident, it was a central feature of British administration in India, a corollary of its function to facilitate the highest return on investment.

Two other factors played a role in British decision-making concerning *where* they chose to govern. The first was the *topological* relationship of certain spaces when compared with others, evident in the different treatment accorded India's Eastern as opposed to its Northwestern Frontiers. This is encapsulated by a question put to the Viceroy by the Government of Bengal:

“...are we not....as much bound to protect our eastern frontier from the...raids of the savages...as we are to protect our Northwestern Frontier from the...hostility of...tribes who attack us there?⁶⁵” The Viceroy refused: “nothing will induce me, if I can help it, to have any more military expeditions on the southeast frontier.⁶⁶”

The reasons for such divergent treatment stem partially from contemporary geopolitics. In 1867, Sir Henry Durand, then the Military Member of the Indian Supreme Council, wrote to Viceroy John Lawrence regarding Afghan policy. “...I do not regard with indifference the progress of Russia in Turkistan...there has been no relaxation in her aggressive policy...towards her goal, which assuredly is not the trade of the poor countries of Turkistan.⁶⁷”

The then Secretary of State for India, Stafford-Northcote, and Lawrence may have been in agreement in “deprecating the Russo-phobia, which is...unwise⁶⁸”, but British policy came to follow Durand's line of thinking, a story for which there is no scope here⁶⁹. It is enough to note that Britain and Russia remained locked in a ‘Great Game’ from as early as 1842, which intensified sharply towards the end of the 19th century, lead to both the Second (1878 – 1880) and Third (1919) Anglo-Afghan Wars. In contrast, in 1867 “there may be a desire on the part of French Agents to creep up to

Burma but the Emperor⁷⁰ has work enough on his hands...I do not think we have much to fear from him in the far east.⁷¹”

The key problem, however, was how to govern these places. If the British *modus operandi* was to insert themselves into pre-existing information orders, the problem was that, east of the Chittagong frontier, no such information orders seemed to exist, in contrast with the “more civilised Mohammedan tribes” of the Northwest. Writing to Stafford Northcote, Lawrence outlined his opposition to a planned Burma railway:

“on the extension of the railway to the frontiers of China...*There is no authority in these countries* [emphasis mine] which could enforce...security in the lands through which the railway would pass, which would be essential...⁷²”

This sentiment was repeated in 1871 in the Bengal Government’s explanation to European tea planters concerning the lack of a concerted military response against the Lushai.

“...in going beyond the frontier, [the Government] is unable to foresee the lengths to which it may be led...relations with one tribe may conduce to a collision with other...tribes and thus, little by little...on to the confines of China.⁷³”

Instead, policy called for fixing an arbitrary point eastwards that would mark off the British domains, entrusting the defence of the frontier to the CHT chiefs.

“If, therefore, *a line could be drawn* [emphasis mine] from the confines of Independent Tipperah and Munnipore, and a large belt of land...were allotted to...these tribes...you could form a natural cordon which would effectually prevent any danger of raid...from the south.⁷⁴”

The policy was unsuccessful. First, the consolidation of the CHT administration was slow, with the officiating Commissioner of Chittagong writing in 1873, over twenty years after the appointment of the first Superintendent of Hill Tribes, that:

“The existence of a complete social indigenous organisation of the tribes had long been known to us, but circumstances had hitherto prevented our making use of it with any amount of detailed knowledge as the basis of our administrative system. Orders have now been issued by which every head of a village every person claiming rights over people or exercising power... is required

to...register such rights...Such is briefly the system we are by slow degrees endeavouring to develop.”⁷⁵

The Lushai raids also continued unabated, leading to the final annexation of the Lushai Hills only in 1896.

5.7 The Consolidation of tribal space

By 1870, the British had established a vast network of special administrative arrangements, some of which had been in existence in one form or another for a hundred years. This process had been organic and contingent, based on a specific coincidence of hilly and forested terrain, the demographic concentration of tribal populations, the breakdown of relations between these groups and intermediaries of various kinds, including the zamindars, and crucially the decision by these groups to collectively organise to mount armed reprisals into the rich interior of the plains. Because of the specific character of the British regime, it had chosen in the interest of thrift to establish in these places a “light touch” form of governance, working through existing tribal institutions, and excluding them from the Bengal regulations.

In this sense none of the key pieces of legislation passed in the period 1870 – 1874 represented a new development. Rather they comprised the consolidation and culmination of processes set in train almost at the genesis of British rule. Frequently, the British themselves were surprised by the resulting challenges and questions that emerged as a result of this consolidation, nowhere more so than in the passage of the Scheduled Districts Bill. Considered at the time of its initial tabling in 1870 to represent a strictly pro forma exercise, it took four years of at times excruciating deliberation (the Legislative Proceedings have over 30 appendices) to eventually pass as the Scheduled Districts Act of 1874. The final list of scheduled districts⁷⁶ is given below in Table 1.

Table 5-1: Final list of Scheduled Districts

Region	Sub-region	Scheduled Districts		
Presidencies				
Madras	Ganjam	Surada Maliahs	Chinna Kimedi Maliahs	Pedda Kimeni Maliahs
		Bodaguda Maliahs	Surangi Maliahs	Parla Kimedi Maliahs
		Muttas of Korada and	Chighatti Maliah	Jurada Maliah

		Ronaba		
		Jalantra Maliah	Mandasa Maliah	Budarasinghi Maliah
		Kuttingia Maliah		
	Vizagapatham	The Jeypur Zamindari	Golconda Hills, west of the river Boderu	Madugol Maliahs
		Kasipur Zamindari	Panchipenta Maliahs	Mondemkollah in the Merangi Zamindari
		The konda mutta of Belgam	The Gummand Konda Muttas of Kurpam	The Kottam, Ram and Konda Muttas of Palkonda
	Goddavari	The Bhadrachalam Taluq	The Rakapili Taluq	The Rampa Country
	Indian Ocean	Laccadive Islands, including Minicoy		
Bombay		Sindh	The Panch Mahals	Aden
		The villages belonging to the following Mehwassi Chiefs:	Parvi of Kathi Parvi of Nal Parvi of Singpur Walwi of Gaohalli	The Wassawa of Chikhli, Parvi of Nawalpur
Bengal		Chota Nagpure	Sonthal Pergannahs	Jalpaigoree and Darjeeling
		The Chittagong Hill Tracts	The Mehals of Angul and Banki	
Lieutenant Governorships				
Northwestern Provinces		Jhansi Division	Province of Kumaon and Garhwal	The Terai Parganas
	Mizapore District	The tappas of Agori Khas and South Kon	The tappa of British Singrauli	The tappas of Phulwa, Dudhi and Barha in Paragana Bichipar
		The portion lying to the South of the Kaimoor Range	Family domains of the Maharaja of Benares	Jaunsar Bawar in Dehra Dun
Punjab		Hazara	Peshawar	Kohat
		Bannu	Dera Ismail Khan	Dera Ghazi Khan

		Lahaul and Spiti		
Chief Commissioner ships				
Central Provinces		Chhattisgarh Zamindarees	Chanda Zamindarees	Chhindwara Zamindarees
Coorg	Entire			
Andaman Islands	Entire			
Ajmer and Maiwara	Entire			
Assam	Entire			
Arakan Hill Tracts	Entire			
Pargana of Manpur				
Cantonment of Morar				

There are two straightforward observations to make here. The first is that in both spatial and administrative terms, the Scheduled Districts are ubiquitous across British India. The second is that Assam, incorporating the Khasi, Garo, Jaintia and Naga Hills, had by this point been established as a Chief Commissionership (more on which below), in the same fashion as Punjab and Oude had been in the 1850s under Dalhousie, and alongside Coorg. Both observations support the argument that space trumped race in British policy making: the Scheduled Districts are neither exceptional nor exclusively tribal.

Importantly, places like the Tributary Mehals of Cuttack, including the Keonjhar estate discussed above, did not make the list. A great deal of time was expended in these cases going back over past precedent and former agreements in an extended dialogue between the Governments of India and Bengal as to whether these regions were actually part of British India⁷⁷. Despite the Lieutenant Governor arguing that “they were exempted merely from motives of expediency and not because they had any claim to the exercise of independent authority,” and “it is absolutely necessary that

they should...be treated as excepted districts...⁷⁸” the Government of India demurred, and they were subsequently comprehensively established as native states. The neighbouring region of Chotanagpur, with a similar terrain and demographic composition, with a significant tribal population, was included as a Scheduled District. Space once again won out over race in British decision-making, as it was to do repeatedly in discussions over other key pieces of legislation of the time.

5.8 33 Victoria and the East Bengal Frontier Regulation

The series of events that culminated in the passage of the 1873 East Bengal Frontier Regulation, and its much criticised “Inner Line” began with “Na Akne” famine in Odisha in 1866, which killed over a million people, nearly a third of Odisha’s population. There is no space to discuss the causes here, but the circumstances were seized on by the Viceroy and Secretary of State for India as an “opportunity” to pass legislation in the British Parliament for reforming governance in the sub-continent. In a private letter to John Lawrence sent on 6th August 1867, Stafford-Northcote stated that:

“The failure of our system...is so glaring that we have now an opportunity such as we might vainly have hoped for under other circumstances, for reviewing boldly our administrative arrangements...⁷⁹”. He followed this up on the 15th, confidently stating that “...there is every prospect of the attention of Parliament being directed to some organic changes in our system next year.⁸⁰” The letter covered a great deal of ground, including suggestions that Bengal should be changed from a Lieutenant Governorship to a full presidency on the model of Bombay and Madras, moving the capital from Calcutta, altering the principles of public finance and “employing ⁸¹more natives in the civil service”. He also suggested “the remodelling of the Bengal Presidency⁸²”, including “a partial decentralisation of the whole system of Indian government⁸³”. Tellingly he specifically mentions that “it would be well to separate the *less advanced districts* [emphasis mine], such as Orissa and Assam, from Bengal proper, and to place them under Commissioners on a non-regulation system.⁸⁴”

The implication is that the famine presented an opportunity to get as many measures related to the governance of India as possible through Parliament; there was no telling when a similar opportunity would present itself. In a similar way to the Scheduled Districts Act of 1874, this *general* character of the ideas behind what was to become the 1870 Government of India Act cannot be overemphasised,

as well as its discussion of less advanced districts rather than peoples. Modern scholars tend to fixate on the specific provision that impacted on tribal affairs, and retroactively claim that this was the entire focus of British decision making. The truth is that, both at this early stage and later, tribal concerns were completely *absent* in discussions between policy makers. On September 21st, 1867, John Lawrence responded to Stafford-Northcote with a printed paper prepared by Henry Maine, the Chairman of India's Legislative Council⁸⁵. The paper comprised a draft Bill which, with very few changes, was to be passed as 33 Victoria, cap 3 three years later.

Paragraph seven reads as follows:

"The Governor General in Council shall have power to make regulations for the peace and good government of any territories under his immediate administration; and such regulations...shall have like force of law and be subject to the like disallowance as if they have been made by the Governor General of India in Council at a meeting for the purpose of making laws and regulations."⁸⁶

There is a hand written marginal note here, it is not clear if it is Lawrence's or Maine's, stating "new, this restores the legislative power practically exercised until 1861."

The paragraph continues: "the Lieutenant Governor of the Punjab shall have power to propose to the Governor General in Council drafts of any regulations for the peace and good government of the territories under his government together with the reasons for proposing the same drafts. And every Governor General or Lieutenant Governor (whether the Governorship or Lieutenant Governorship be now in existence or shall hereafter be established) shall have the like power, but only so far as regards the part or parts of territories under his government to which the Secretary of State for India shall, from time to time, declare the provisions of this section to be applicable."

The handwritten marginal note beside this section reads: "New. To meet the case of territories like Sind."

Punjab and Sind were, at this stage, still plagued by frontier raiding by Pashtun and Baluchi tribes peoples. Colonial Sind included what is today the Pakistani province of Baluchistan, which has been in a state of near constant revolt since its enforced incorporation into Pakistan following Independence. They lie at the exact opposite side of the subcontinent to the hills ringing Bengal and Assam, and yet were the primary reference point for Maine as he drafted a Parliamentary statute

the repercussions of which reverberate in India's northeast and the Chittagong Hill Tracts of Bangladesh to this day.

As already noted, the paper survived almost completely unchanged as a draft bill introduced before the House of Commons by Stafford – Northcote, where he expanded on the rationale:

“...The house is aware...of the distinction...between the Regulation and the non-Regulation provinces, and...that under the Indian Councils Act of 1861, the power...vested in the Governor General of making laws...for the non-Regulation provinces...ceased to exist, there is no means by which he can legislate for the Punjab, the Central Provinces or any of the outlying parts of India which has not a legislative council of its own, except through the Legislative Council of India...[which] is not...well qualified to legislate for the...ruder, and more distant portions of that country...in those wilder districts, what is wanted is something more in the nature of despotic ordinances to meet promptly and at once some difficulty that has arisen...I propose to give powers to the Lieutenant Governors of Punjab and...other...authorities in such parts of India as may be specified by the Secretary of State, to propose regulations to the Governors in Council to which they may give the force of law.⁸⁷”

Stafford-Northcote's discussion is, once again, concerned with issues of space. People, tribal or otherwise, do not feature. “Despotic ordinances” are required for “wilder” and “ruder” places, the relational aspect of emphasised by references to distance, and “outlying” areas. Security concerns are obliquely referred to in the stated need to respond to difficulties that arise in these wild regions. The measure is also framed explicitly as remedial, restoring the Government of India's powers to make laws for such rude areas that were lost following the 1861 Indian Councils Act. The Act of Parliament 33 Victoria Cap 3 was passed on the 25th March, 1870 and in June, the Government of India wrote to the Government of Bengal requiring recommendations concerning to which territories the Act should be applied.⁸⁸

These territories included the Garo, Naga, Khasi and Jaintia Hills, all hill tracts lying outside the revenue settlement of Assam or Cachar and the Santhal Pergunnahs.⁸⁹ The Government of India refused the inclusion of Chota Nagpure and the Cuttack Tributary Mehals⁹⁰. The Viceroy's opinion was that Chota Nagpure was a princely state, thus not requiring the implementation of 33 Victoria, *despite its designation as a Scheduled District*. By 1874 therefore, the Santhal Pargannas, Chota Nagpure and the Tributary Mehals, geographically contiguous and ethnically comparable regions,

had been organised along different lines. Two were scheduled districts, of which only one was subject to 33 Victoria, with the third under indirect rule. The thesis that the British constructed special administrative architecture based on explicitly racial foundations is demonstrably unsustainable.

The 1870 Act was the enabling legislation permitting the formation of Assam and surrounding Hill Districts as a Chief Commissionership, as recognised in an exchange between the Home and Legislative Departments of the Government of India:

“...legislation will be necessary... Assuming that the whole of these territories will shortly be brought under the provisions of 33 Victoria Cap 3, all the requisite legislation....can be carried out by regulations made under that statute.⁹¹”

The new Chief Commissionership was necessary, first, as an expedient measure for defending the plains from Kuki and Lushai incursions and secondly to reduce the administrative burden on Bengal⁹².

Here the point was that while frontier raids were nothing new, “hitherto there has been one policy in Arracan, another in Chittagong, and still another in...the Naga Hills....[T]he recent raids committed *almost simultaneously* [emphasis mine] in Arracan, Chittagong, Hill Tipperah, Cachar and Munnipoor....establish the necessity for our frontier policy being directed by a common authority.⁹³”

The Viceroy, Mayo, referenced the incorporation of “the wildest...districts⁹⁴” into the new province which, together with his allusions to the great distance from Bengal, echoed Stafford-Northcote’s language in Parliament three years before. He explicitly grounded the proposal “on the principle laid down by Lord Dalhousie in...the...administration of Oude and the Central Provinces.⁹⁵” This would “relieve the Bengal Government of 32,000 square miles of territory which it is...unable to supervise⁹⁶”

The intermediating administrative layer comprising the Government of Bengal would be excluded from decision making. The Assam and Burma Chief Commissionerships would co-ordinate a united frontier policy, from the Naga Hills to Arakan, directly under the Government of India. The exception to this was the CHT, which was to be left under the control of a superintendent subordinate to the Bengal Government, there being “no difficulty in carrying out through them any policy which the Government of India may desire over this limited portion of the frontier⁹⁷”.

It is not clear from the text why this decision was made. Earlier in the same paragraph, however, Mayo suggestively made the recommendation to leave the political control of the princely state of Tripura, unlike Manipur, within the purview of Bengal, on the grounds that the Maharajah held “a large zamindary in the Dacca division.”⁹⁸ Tripura geographically divided the Chittagong Hills from Cachar and the boundary of the new Chief Commissionership. When we consider the fact that the land route from Arakan in the south to Chittagong was extremely precarious, it seems that this was also a decision made with an explicitly topological rationale; nothing intrinsic to the conditions of the CHT made it logical to leave them under the control of the Government of Bengal. Rather it was a result of the spatial relationships between the CHT and Tripura to the north and Arakan to the south that made it impossible to add it to either the new Chief Commissionership of Assam, or its long-standing counterpart in Burma. The Duke of Argyll, Secretary of State for India, agreed to the new arrangements: “when strength and directness of power are required in any subordinate administration, it is best to place that administration under the Supreme Government.”⁹⁹

Regarding the Inner Line Regulation of 1873, Veeranki Rao summarises its objectives as being “economic and commercial”, aiming to “regulate trade in Indian rubber between hills and British traders...control the extension of tea plantation into hills areas” and “to regulate transfer of land in hill districts.”¹⁰⁰ A simpler summary is that it was designed to stop the same family of political-economic clashes between tribal and non-tribal information orders, and resulting tribal attacks, that had dominated British policy-making since 1780, albeit with a different cast of characters. After a decade of non-interference, the same Colonel Haughton we met earlier was dispatched to Cachar in 1864 to investigate a recent spate of attacks by the Angami Nagas. He recommended that “we should avow sovereignty over them, protect them from outward aggression and *reasonable cause of complaint* [italics mine] subjecting them only to such rule and taxation as they are able to bear”¹⁰¹.

He observed the same deficiencies in the justice system encountered elsewhere with tribal groups:

“the Nagas and Kookees rarely resorted to [the] court. The codes of civil and criminal procedure are in full force, and...[they] are expected to petition the Assistant Commissioner in the Bengalee Language upon stamped paper.”¹⁰²

He proposed the implementation of the system he had already recommended for Jaintia in the Naga Hills, noting “I have already in my report as to the future administration of Jyntea proposed that the whole of the hill tribes should be exempted from the general laws of India...”¹⁰³. The result was the

creation of the Naga Hills district in 1866¹⁰⁴, placed under a Deputy Commissioner who would only exercise direct jurisdiction over Naga tribespeople within the bounds of the headquarters station at Sumoogooting. The aim was to manage relations with surrounding villages politically. This did not solve the problem. In 1871, a different officer, Colonel Hopkinson, reported back to the Bengal government concerning a quarrel between European tea planters and the Nagas, which risked spiralling into another armed confrontation. This occurred in a context where the tea planters themselves were demanding a stronger military presence to protect the frontier. Hopkinson instead viewed the tea planters as the cause of the problem:

“...relations with the Hill tribes have...become more unsatisfactory. I attribute this principally to the presence of European planters on the border in increased numbers and to their change of temper and attitude, not only towards the Nagas, but even towards their own Government. Twenty years ago a planter would no more have thought of complaining of the unprotected state of his garden on the other side of the Dhodur Vally than he would of its unhealthiness...he conciliated the Nagas by constant presents, he paid them blackmail...All this is changed. The planter of the present day has no idea of acting the part of a ‘political’...he challenges their right of way through his garden and stands upon his...rights...he considers it his duty to take...‘a high tone with Government’ and claims to be as well protected of his grant against the hill men, as he would be against...poachers if he occupied a slice of Epping Forest.”

“Mr Mills says ‘We should either occupy the country altogether or abstain entirely...from meddling with their affairs,’ ...But it has never yet been found possible to carry out this policy...We cannot have absolute non-interference without non-intercourse...yet...this trade...is a constant liability...A Naga comes down to one of our villages to sell his cotton, and gets cheated...and bullied; he returns to his clan vowing vengeance, which afterwards takes the shape of a raid; two or three people are murdered.¹⁰⁵”

The Deputy Commissioner of Sebsaugor, Major Campbell, agreed:

“Knowing the difficulty of dealing with the Hill tribes, I would advocate a policy of non-interference. But...soon after taking charge of this district I saw...such a course could not be adopted...any one of the...European settlers...might any moment be the cause of a frontier war.¹⁰⁶”

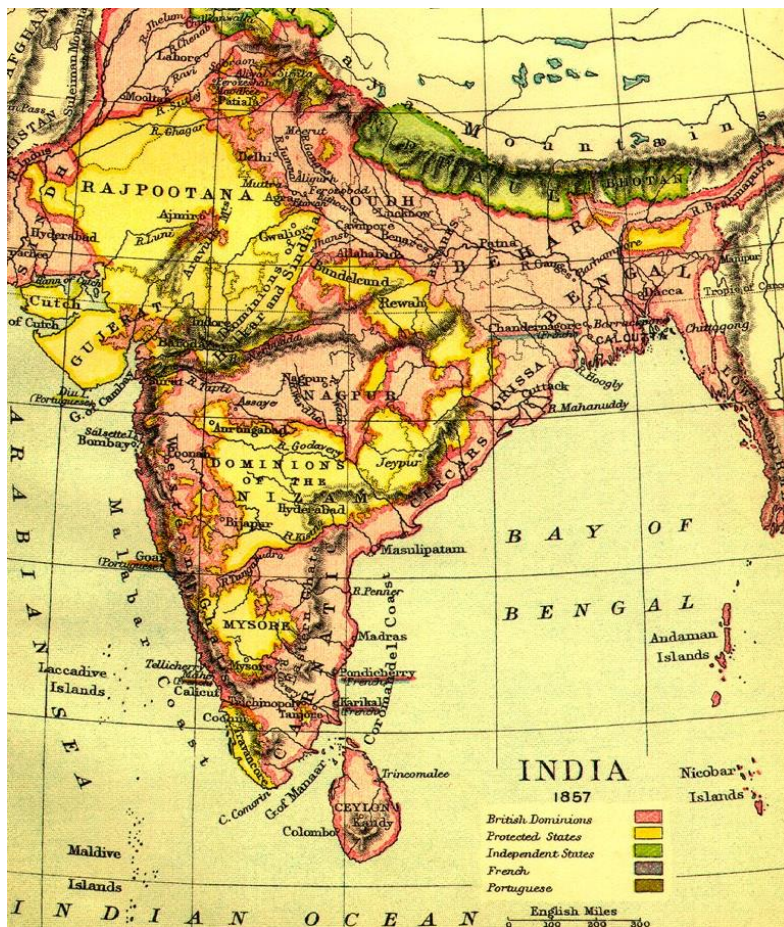
Summarising the objectives of the Inner Line in discussions of the draft legislation, the Viceroy subsequently noted:

“His Excellency in Council understands the object to be to put restrictions upon European and native speculators coming into these districts for purely commercial purposes...¹⁰⁷”

5.9 British rule: a continuum of Governance

A final and crucial point is that the role of the princely states, and their relationship to British India and where non-regulation districts sit between the two is largely neglected, not just in discussions of tribal space creation, but in existing scholarship generally. Thus while Cederlöf opines that the British established what was, in practical terms, a dichotomous system of rule, where “dual polities developed under one government” she brackets the emerging non-regulation districts of the Garo and Jaintia Hills with the princely states of Manipur and Tripura, contrasting them with the “diwani” districts inherited from the Mughals¹⁰⁸. A more conventional treatment is provided by the MIT political scientist Lakshmi Iyer, who compared economic development outcomes in India in areas formerly under ‘direct’ as opposed to ‘indirect rule’ ie. British territory, including non-regulation districts, versus princely states¹⁰⁹. As the image below demonstrates, this is indeed how the British chose to depict their Indian empire to the world.

Image 5-1: British India in 1857



"1857 Map of India", retrieved from: <http://www.britishempire.co.uk/images3/india1857.jpg>

The British were, however, under such no illusions. In the final meeting of the Legislative Council of India before the formal promulgation of the Scheduled Districts Act, the then Chairman Sir Arthur Hobhouse, summing up the difficulties faced over the four years since the Bill's introduction, observed that:

"...in the course of building up this empire, we have acquired territories...in infinitely various ways; that we stand to Native rulers in infinitely various relations...with...infinitely various degrees of approachment, shading off from absolute political incorporation to independence of everything except the paramount political power necessary for preserving the peace and unity of the county. (It is not...surprising...that on examining the lists of the places to which it might...be thought...to apply such a measure as this...it might even be doubted whether or not they had become integral parts of British India as distinguished from India..."¹¹⁰

This is crucial for our understanding, for it also applied to the larger zamindari estates. Throughout this period where, because of their repeated incursions into the plains, the Garos were playing a major role in compelling the British to hammer out an ever more refined system of non-regulation governance, all was quiet in Madhupur. As we will see in Chapter 7, the zamindar of the region, a Hindu Rajah, essentially put in place similar restrictions over his private forests and their inhabitants that the British were across the tribal belt, but for reasons of ritual. Thus with the emergence of nation states from Radcliffe's funereal settlement, they too were to experience a dramatic rupture in the way in which they were governed, particularly with the entry of the Pakistan Forest Department into the region.

5.10 Conclusion

The British experience highlights an important continuity with the post-colonial era, which is the abuse of a legal system in the presence of power differentials to dispossess Indigenous groups of their land, and carry out various other exactions. Their specific choices in how to address this was the product of their empire's structure and rationale, the "state without a nation", placing profit above all other concerns. Conflict that affected the rich plainlands had to be stopped, and direct occupation of the hills and enforcement of the Bengal code at the point of a bayonette was prohibitively expensive. As we shall see, the nation-states that inherited the problem of how to effectively integrate troublesome populations in difficult terrain into their respective territories adopted a number of different approaches, but none brooked any hint of compromising sovereignty or territorial integrity, and this marks a major rupture with the British period. Before turning to this, and the findings from fieldwork however, I will address how forestry cover has changed over time in the research settings, carried out using basic remote sensing techniques.

¹ Govind Sadashiv Ghurye, *The Scheduled Tribes of India* (London: Transaction Books, 1980 [1963]); Prathama Banerjee, *Politics of Time: "Primitives" and History-writing in a colonial society* (New Delhi: Oxford University Press, 2006); Susana Devalle, *Discourses of Ethnicity, Culture and Protest in Jharkhand* (New Delhi: Sage Publications, 1992); Sanjib Baruah, *India Against Itself, Assam and the Politics of Nationality* (Delhi: Oxford University Press 1999); Sanghamitra Misra, *Becoming a Borderland, the Politics of Space and Identity in Colonial Northeast India* (Abingdon: Routledge, 2011); Tamina M. Chowdhury, *Indigenous Identity in South Asia, Making claims in the colonial Chittagong Hill Tracts* (London: Routledge, 2017).

² John Comaroff, 'Reflections on the Colonial State, in South Africa and Elsewhere: Factions, Fragments, Facts and Fictions', *Social Identities* 4: 3 (1998) 321 – 361.

³ Govind Sadashiv Ghurye, *The Scheduled Tribes of India* (London: Transaction Books, 1980 [1963]).

⁴ The Regulations and Laws enacted by the Governor General in Council for the Civil Government of the Whole of the Territories under the Presidency of Fort William in Bengal. Volume III. Containing the regulations for 1796 – 1802. Baptist Mission Press Edition. W. Thacker and Co. Calcutta. 1828.

⁵ A.K. Prasad, *The Bhils of Khandesh Under the British East India Company, 1818 – 1858* (Delhi: Konark Publishers, 1991) page 221.

⁶ Vijay Hansaria, *Justice B.L. Hansaria's Sixth Schedule to the Constitution Third Edition* (Universal Law Publishing, New Delhi, 2010 [1983]).

- ⁷ No. 73, From A. Eden Secretary to the Government of Bengal to the Commissioner of Assam, (dated 10th June 1865) Bengal Judicial Proceedings, P/147/9 page 82.
- ⁸ Extract, Legislative Letter from India, 19th November 1838, Board's Collections F/4/1735 (70305) 70256 – 70329, Pages 3 – 7.
- ⁹ Willem van Schendel, 'The Invention of the "Jummas": State Formation and Ethnicity in Southeastern Bangladesh', *Modern Asian Studies* 26: 1 (1992) 95 – 128.
- ¹⁰ Jagdish Chandra Jha, *The Tribal Revolt of Chotanagpur, 1831 – 1832* (Patna: K.P. Jayaswal Research Institute, 1987) 233; Jatswan Singh, 'The origins of British Burma: Arakan and Tenasserim 1826-1952' (M.A. thesis, University of Malaya, 1992).
- ¹¹ Minute by the Lieutenant Governor of Bengal, dated 2nd January 1856, BC F/4/2647 (171596 – 171691) 171682 Page 17.
- ¹² India Tracts: Containing a description of the Jungle Terry Districts, their revenues, trade and government: with a plan for the improvement of them. Also, an history of the origins and progress of the Sicks. Major J. Browne. Logographic Press. Blackfriars. London 1788, page 73 – 75
- ¹³ Ibid, page 66
- ¹⁴ The Regulations and Laws enacted by the Governor General in Council for the Civil Government of the Whole of the Territories under the Presidency of Fort William in Bengal. Volume III. Containing the regulations for 1796 – 1802. Baptist Mission Press Edition. W.Thacker and Co. Calcutta. 1828.
- ¹⁵ Letter from Edmonstone and Dowell to Court of Directors, 24th October 1817, Board Collections volume 608, (15049 – 15050).
- ¹⁶ Extract, Judicial Letter to Bengal, 2nd February 1819, Board Collections volume 608, (15049 – 15050)
- ¹⁷ J.C. Jha, *The Tribal Revolt of Chotanagpur 1831 – 1832* (Patna: Kashi Prasad Jayaswal Research Institute, 1987) 146.
- ¹⁸ Minute by the Most Noble the Governor General, 12th February 1856, subscribed to by Major General the Honourable George Anson and concurred in by the Honourable B. Peacock, Board Collections F/4/2647, (171596 – 171691) 171687, page 3.
- ¹⁹ Letter from Williamson to Haughton, dated 19th February 1868, BJP no. 162 (pages 91 – 92), P/433/22.
- ²⁰ From the Honourable A. Eden, Secretary to the Government of Bengal in the Judicial Department, to the Secretary to the Government of India, Home Department, dated the 2nd August 1868, BJP no. 17 (pages 16 – 17), P/433/30.
- ²¹ Resolution by His Honour the Lieutenant Governor of Bengal, dated the 30th July 1869, BJP no. 228 (page 197), P/433/30.
- ²² From Haughton to the Secretary of the Government of Bengal, dated the 3rd of June 1869, BJP no. 227 (pages 193 – 194), P/433/30.
- ²³ Minute by J.A.Dosin, concurred in by Major General the Honourable J. Low, dated 20th February 1856, Board Collections F/4/2647, (171596 – 171691) 171687 (page 18).
- ²⁴ From T.E. Ravenshaw, Superintendent Tributary Mehals, Cuttack, to the officiating Secretary to Government of Bengal, Political Department, 13th February 1873. In: No. 98, Office Memo from Captain P.D. Henderson Under Secretary to the Government of India, Foreign Department, To the Secretary to the Government of India, Legislative Department Government of India Legislative Proceedings, P/717 December Pages 42 – 45.
- ²⁵ Captain Boileau Pemberton, Report on the Eastern Frontier of British India with an appendix and maps, with a supplement by Dr Bayfield on the British Political Relations with Ava (Calcutta: Baptist Mission Press, 1835).
- ²⁶ Ibid.
- ²⁷ Ibid.
- ²⁸ Ibid.
- ²⁹ Ibid.
- ³⁰ Alexander MacKenzie, History of the relations of the government with the hill tribes of the northeast frontier of Bengal, (Calcutta, Home Department Press, 1884), Page 237, page 239; W.J. Allen Esq, Member of the Board of Revenue, on deputation, *Report on the Administration of the Cossyah and Jynteah Hill Territory*, (Calcutta, John Gray "Bengal Hukaru" Press 1858, Reprinted Shillong: Assam Secretariat Printing Office, 1900), page 65.
- ³¹ Ibid. page 30.
- ³² W.J. Allen Esq, Member of the Board of Revenue, on deputation, Report on the Administration of the Cossyah and Jynteah Hill Territory, (Calcutta, John Gray "Bengal Hukaru" Press 1858, Reprinted Shillong: Assam Secretariat Printing Office, 1900), page 66.
- ³³ From A.R. Young Esq. secretary to the Government of Bengal, to the Agent to the Governor General, Northeast Frontier, 26th March 1859, Bengal Political Proceedings, no. 5 (page 22), P/127/58.
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- ³⁵ Ibid, page 80.
- ³⁶ Ibid, page 71.
- ³⁷ From the Secretary to the Government of Bengal to the Commissioner of Dacca Division, 20th February 1862, Bengal Judicial Proceedings, no. 379 (page 259), P/146/49.

- ³⁸ From Brigadier General Showers to the Secretary to the Government of Bengal, Bengal Judicial Proceedings no. 102, (page 69), P/146/50.
- ³⁹ C.L. Jenkins, "Legislative Comment. 1860: India's First Income Tax", *British Tax Review* 2012, pages 1 – 34.
- ⁴⁰ From Rowlatt to the Secretary to the Government of Bengal, 9th April 1862, Bengal Judicial Proceedings, no. 126 (page 92), P/146/50.
- ⁴¹ Rowlatt to Showers, 5th May 1862, subsequently forwarded to the Government of Bengal, Bengal Judicial Proceedings no. 131 (page 97), P/146/50.
- ⁴² David Scott, quoted in Captain Boileau Pemberton, *Report on the Eastern Frontier of British India with an appendix and maps, with a supplement by Dr Bayfield on the British Political Relations with Ava* (Calcutta: Baptist Mission Press, 1835), pages 219 – 220.
- ⁴³ Gunnel Cederlöf, *Founding an Empire on India's North-Eastern Frontiers, 1790-1840: Climate, Commerce, Polity* (Delhi: Oxford University Press, 2013).
- ⁴⁴ From Showers to the Government of Bengal, 15th April 1862, Bengal Judicial Proceedings, no. 102 (page 69), P/146/50.
- ⁴⁵ From Haughton to Secretary to the Government of Bengal, 28th July 1863, no. 129 (page 165), P/147/9.
- ⁴⁶ From A.R. Young Esq., Secretary to the Government of Bengal to the Secretary to the Government of India, Home Department, 7th April, 1859, No. 254 (page 138) BJP P/146/16.
- ⁴⁷ From Lord H.U. Browne, Undersecretary to the Government of Bengal to A. Sconce Esq. Legislative Member for Bengal, Fort William, 3rd of January 1860, No. 92 (page 110) BJP P/146/23.
- ⁴⁸ From W.S. Seton-Karr Secretary to the Government of Bengal, to the Secretary to the Government of India, 21st May 1861, No. 325 (page 227) BJP P/146/40.
- ⁴⁹ From C. Steer Esq. Commissioner of Chittagong Division, to the Secretary to the Government of Bengal, 17th March 1859, no. 77 (page 137) BJP P/146/16.
- ⁵⁰ From A.R. Young Esq., Secretary to the Government of Bengal, to the Secretary to the Government of India, home department, 20th July 1859, no. 111 (Page 224) BJP P/146/19.
- ⁵¹ From A.R. Young Esq. Secretary to the Government of Bengal to Captain Macgrath, Superintendent of the Chittagong Hill Tribes, 20th June 1860, no. 3300 (page 74) BJP P/146/30.
- ⁵² India Tracts: Containing a description of the Jungle Terry Districts, their revenues, trade and government: with a plan for the improvement of them. Also, an history of the origins and progress of the Sicks. Major J. Browne. Logographic Press. Blackfriars. London 1788, page 65 – 66
- ⁵³ Letter from Edmonstone and Dowell to Court of Directors, 24th October 1817, Board Collections volume 608, (15049 – 15050)
- ⁵⁴ Minute by Thomas Munro, Governor of Madras, 7th January 1823, in: M.S.R. Anjaneyulu, *Vizagapatam District, 1769 – 1834: A History of the relations between the Zamindars and the East India Company* (Vishkhaptnam: Andhra University Press, 1982) page 67.
- ⁵⁵ Minute by the Lieutenant Governor of Bengal, 19th October 1855, No. 27 (page 550) Bengal Judicial Consultations P/145/22.
- ⁵⁶ From A.R. Young Esq, Secretary to the Government of Bengal to the Secretary to Government of India, Home department, 20th July 1859, no. 4499, (page 224) BJP 1859 P/146/ 19.
- ⁵⁷ Memorandum from Showers to the Officiating Adjutant General of the Army 10th February 1862, enclosed with: Memorandum From Lieutenant Colonel H.W.Norman, Secretary to the Government of India, Military Department, 13th February 1862, No. 42 (page 253) BJP P/146/49. From Brigadier-General St. G.D. Showers, C.B. Commissioner of the Cossyah and Jyntea Hills, to the Secretary to the Government of Bengal, 15th April 1862 no. 102 (pages 69 – 70) BJP P/146/50. Memorandum from Captain J.R. Pughe, Officiating Inspector of Military Police Battalions Lower Provinces, to the Secretary to the Government of Bengal, 2nd March 1861 No. 288 (pages 189 – 190) Bengal Judicial Proceedings P/146/42.
- ⁵⁸ Telegram from the Commissioner of Dacca to the Secretary to the Government of India, 24th January 1862, Bengal Judicial Proceedings, no. 293 (page 207), P/146/46.
- ⁵⁹ Minute by Thomas Munro, Governor of Madras, 7th January 1823, in: M.S.R. Anjaneyulu, *Vizagapatam District, 1769 – 1834: A History of the relations between the Zamindars and the East India Company* (Vishkhaptnam: Andhra University Press, 1982) page 67.
- ⁶⁰ From Major H.H. Godwin Austen, Deputy Superintendent of Topographical Survey, to Colonel Thullier, 15th January 1870, No. 146, (page 90) BJP P/433/33.
- ⁶¹ From E.H. Lushington, Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department, 25th January 1862, Bengal Judicial Proceedings, no. 295 (page 207), P/146/46.
- ⁶² Minute by the Honourable J.P. Grant, dated 21st February 1856, Board's Collections, F/4/2647, 171596 – 171691 171685 (page 24).
- ⁶³ From Major H.H. Godwin, op. cit.
- ⁶⁴ Memorandum from W.M. Souttar, Officiating Under-Secretary to the Government of India, Home Department, dated the 12th September 1870, forwarded to the Government of Bengal for information, Resolution, Government of India (Finance Department), dated the 18th July 1870, BJP, no. 160 (page 160), P/433/35.
- ⁶⁵ From Honourable W. Grey, Lieutenant Governor of Bengal, demi-official, to His Excellency the Viceroy and Governor General of India, 16th June 1869, no. 278 (Page 243) BJP P/433/34.

- ⁶⁶ From His Excellency the Viceroy and Governor General of India (demi-official) to the Honourable W. Grey, Lieutenant Governor of Bengal, 28th August 1869, no. 278 (pages 243 – 244) BJP P/433/34.
- ⁶⁷ Sir Henry Durand to John Lawrence, 7th March 1867, Iddesleigh Papers, Volume XI (Add Ms 50023).
- ⁶⁸ Stafford-Northcote to John Lawrence, 10th April 1867, John Lawrence Collection, Index of Letters from Secretary of State from January to December 1867, no. 1 to 56, Volume 4, MSS EUR/F90/28.
- ⁶⁹ See Hopkirk, P. (1992) *The Great Game: the Struggle for Empire in Central Asia*, Kodansha International: Tokyo, for a lively and comprehensive account of the struggle in Central Asia itself. The classic work on cabinet debates surrounding the forward policy in Afghanistan and the Punjab Frontier is Lowe, C.J. (1967) *The Reluctant Imperialists: British Foreign Policy 1878 – 1902*, Routledge: London.
- ⁷⁰ Napoleon III.
- ⁷¹ Stafford-Northcote to John Lawrence, 20th April 1867, John Lawrence Collection, Index of Letters from Secretary of State from January to December 1867, no. 1 to 56, Volume 4, MSS EUR/F90/28.
- ⁷² Letter from Lawrence to Stafford-Northcote, 16th May 1867, Iddesleigh Papers, Volume XI (Add Ms 50023).
- ⁷³ From S.C. Bayley, Officiating Secretary to the Government of Bengal, in the Political Department, to the Secretary to the Government of India in the Foreign Department, 19th June 1871, BJP no. 43 (page 34), P/246.
- ⁷⁴ Viceroy to Grey, 22nd September 1869, no. 278 (pages 245 – 246) BJP P/433/34.
- ⁷⁵ Report on the Administration of the Chittagong Hill Tracts for 1872 – 1873, From H. Hankey Officiating Commissioner of the Chittagong Division, To the Secretary to the Government of Bengal, Judicial Department, 27th May 1873. No. 20 (page 47) BJP P/254.
- ⁷⁶ Bill as finally settled by the Select Committee, dated 14th November 1874, ILP No. 113, (Appendix CCC), P/717.
- ⁷⁷ From C.U. Aitchison, Secretary to the Government of India, Foreign Department, to the Officiating Secretary to the Government of Bengal, dated 17th June 1873, ILP No. 90 (Page 36); from the Junior Secretary to the Government of Bengal, to the Secretary to the Government of India, Foreign Department, dated 22nd July 1873, enclosed with office memorandum from Captain P.D. Henderson, Under Secretary to the Government of India, Foreign Department, to the Secretary to the Government of India, Legislative Department, dated 3rd September 1873, ILP No. 98 (page 38), P/717.
- ⁷⁸ From the Junior Secretary to the Government of Bengal, to the Secretary to the Government of India, Foreign Department, dated 22nd July 1873, enclosed with office memorandum from Captain P.D. Henderson, Under Secretary to the Government of India, Foreign Department, to the Secretary to the Government of India, Legislative Department, dated 3rd September 1873, ILP No. 98 (page 38), P/717.
- ⁷⁹ Letter from Stafford-Northcote to Lawrence, 6th August 1867, John Lawrence Collection, Index of Letters from Secretary of State from January to December 1867, no. 1 to 56, Volume 4, MSS EUR/F90/28. .
- ⁸⁰ Letter from Stafford-Northcote to Lawrence, 15th August 1867, John Lawrence Collection, Index of Letters from Secretary of State from January to December 1867, no. 1 to 56, Volume 4, MSS EUR/F90/28.
- ⁸¹ Letter from Stafford-Northcote to Lawrence, 15th August 1867, John Lawrence Collection, Index of Letters from Secretary of State from January to December 1867, no. 1 to 56, Volume 4, MSS EUR/F90/28.
- ⁸² Ibid.
- ⁸³ Ibid.
- ⁸⁴ Ibid.
- ⁸⁵ Letter from Lawrence to Stafford-Northcote, September 21st 1867, no. 145, Iddesleigh Papers, Volume XII (Add Ms 50024).
- ⁸⁶ Ibid.
- ⁸⁷ Hansard, session 1867 – 1868, Vic Year 31, columns 1146 – 1216, Third Series, Volume 191, Commons sitting of Thursday April 23rd 1868.
- ⁸⁸ From C.U. Aitchison Esq., Officiating Secretary to the Government of India, Foreign Department, to A. Eden, Secretary to the Government of Bengal, 13th June 1870, Bengal Judicial Proceedings no. 179 (page 75) P/433/34.
- ⁸⁹ From A. Eden, Secretary to the Government of Bengal, Judicial Department, to the Secretary to the Government of India, Foreign Department, 27th February 1871, BJP no. 256 (page 203), P/433/34.
- ⁹⁰ From C.U. Aitchison, Secretary to the Government of India, Foreign Department, to the Secretary to the Government of Bengal, 30th January 1872, Government of India Foreign Proceedings (Political) (page 173) no. P/764.
- ⁹¹ Office memorandum from Whitley Stokes, Secretary to the Government of India, Legislative Department, to the Secretary to the Government of India, Home Department, 24th September 1873, Government of India Legislative Proceedings, no. 103 (page 53) P/715.
- ⁹² Letter to Her Majesty's Secretary of State for India, 8th April 1871, Political and Secret Dispatches to India (page 695) L/P&S/5/266.
- ⁹³ Ibid.
- ⁹⁴ Ibid. (page 700).
- ⁹⁵ Ibid.
- ⁹⁶ Ibid. (page 698 – 700)
- ⁹⁷ Ibid. (page 699)
- ⁹⁸ Ibid.
- ⁹⁹ From the Secretary of State for India to the Government of India, 15th August 1871, Government of India Legislative Proceedings, no. 102 (page 52) P/715.

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- ¹⁰⁰ Rao, Veeranki (2003) *Tribal woman of Arunachal Pradesh: Socio-economic status*, Mittal Publications: Delhi, (page 59).
- ¹⁰¹ Ibid. (page 92)
- ¹⁰² From Lieutenant Colonel J.C. Haughton, Officiating Governor General's Agent, Northeast Frontier, to the Secretary to the Government of Bengal, 6th January 1864, BJP no. 98 (page 100), P/433/10.
- ¹⁰³ Ibid.
- ¹⁰⁴ Notification by His Honour, the Lieutenant Governor of Bengal, 13th November 1866, BJP no. 75 (page 56), P/433/13.
- ¹⁰⁵ From Hopkinson, to the Officiating Secretary to the Government of Bengal, Political Department 20th May 1871 (Pages 37 – 38) India Foreign (Political) Proceedings, P/764.
- ¹⁰⁶ From Major A.E. Campbell, Deputy Commissioner of Seeksagur, to the Personal Assistant to the Commissioner of Assam, 4th May 1871 page 40, attached in Hopkinson, to the Officiating Secretary to the Government of Bengal, Political Department 20th May 1871, India Foreign (Political) Proceedings, P/764.
- ¹⁰⁷ From Secretary to the Government of India, Foreign Department, with the Governor General, to the Secretary to the Government of Bengal no. 30 (page 22) India, Foreign (Revenue) Proceedings P/757.
- ¹⁰⁸ Cederlöf, G. (2014), page 241.
- ¹⁰⁹ Iyer, L. (2010).
- ¹¹⁰ Extract from the Proceedings of the Legislative Council of the Governor General of India, dated 8th December 1874, ILP No. 115 (pages 56 – 57), P/717.

Chapter 6: Remote Sensing Results

6.1 Introduction

As discussed, a key difficulty for a lone researcher is making direct observations about physical phenomena, like forest cover, over a large area. In order to compensate for this in a context where official data may be unreliable¹ remote sensing has been employed to make a judgement concerning differential outcomes of deforestation over time across the two research sites. This chapter entails, firstly, the rationale for employing remote sensing technologies, a very brief discussion of the key concepts upon which they are based, followed by a detailed description of a “Non-Differentiated Vegetation Index” (NDVI) exercise carried out on data from the study region, together with analysis of the results and an evaluation.

6.2 Remote Sensing: the rationale

Remote sensing offers a cost-effective and innovative methodology that can complement ethnographic research, providing a wider ‘synoptic’ view of the issues under discussion. Remote sensing potentially allows the detection of change in forestry cover in the study region over time. With satellite imagery available free of charge from the United States Geological Survey (USGS), and appropriate software increasingly affordable, this is also a cost-effective method. The large spatial extent and regular observations of existing satellite programmes allow judgements to be made over potentially substantial areas.

6.3 Selecting research sites

I selected three districts for the remote sensing exercise. The first is Tangail in Bangladesh, where Madhupur is located. The second is the East Garo Hills district in Meghalaya on the basis that it is where Karlsson reports substantial deforestation occurring. It is also the only district in the Garo Hills that does not require the “mosaicking” of different satellite images, which can complicate the exercise. The third is Sahibganj, a Fifth Schedule area in Jharkhand state India, where the Rajmahal Hills are located. This was selected to add context to the exercise, testing a hypothesis that if the Sixth Schedule areas entail the strongest protections, Bangladesh law the weakest, the Fifth Schedule areas lie somewhere in the middle and this might be reflected in the results. The selection

of this specific Fifth Schedule district was driven by the practical consideration that satellite imagery was available for the same years as the other two areas.

Satellite data from the Landsat platform was used for this analysis. Landsat offers an effective combination of appropriate, relatively fine spatial resolution (30 X 30m per pixel) and adequate revisit times over the study area, at roughly 15 days². Although tropical contexts mean that cloud cover often makes images unsuitable, the revisit time means that enough images are available for this kind of exercise. Landsat data comes already orthorectified and georeferenced to the WGS 84 datum. As discussed above, the spectral resolution is also more than sufficient for the relatively straightforward distinctions called for in the research question.

In comparative remote sensing work it is vital to ensure comparability of the evidence used, both within settings and between settings. Thus comparing two settings across differing time scales would not be methodologically robust. Within settings, it is vital to compare dates as close as possible to each other, ideally anniversary dates, for the time series to avoid capturing inter seasonal variation of vegetation cover as long term change due to other factors.³ These two considerations shaped image selection to a great degree, as suitable images for one time series (2000 – 2010 for example) in one setting were not available for another.

The time series used eventually spanned the years 2001 – 2011, with images taken by the Landsat 7 (ETM+ sensor) and Landsat 5 (TM sensor) for these respective years. This decision was driven largely by the practical considerations of time and data availability. Prior to 2000, I could find no suitable TM and ETM imagery on the main Landsat database maintained by the US Geological Survey. This does not necessarily mean such imagery does not exist, but if it does it will be held by Landsat ground stations located either in India or Thailand, which usually charge a fee to provide it.

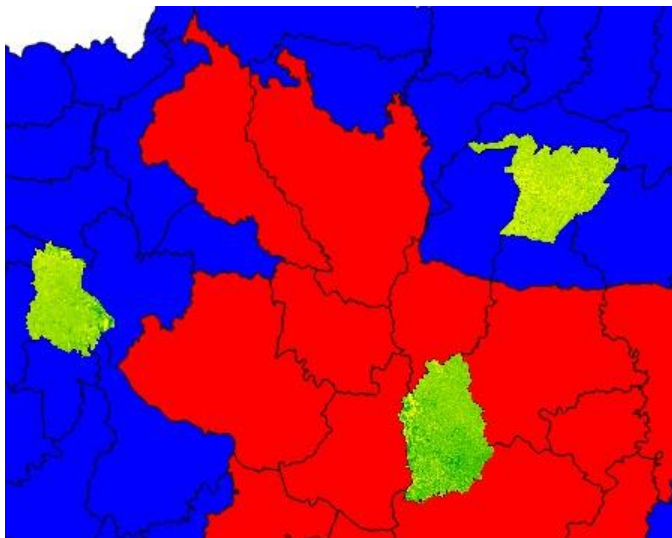
Prior to the TM sensor mounted on the Landsat 5 mission, there is MSS (Multispectral Scanner) data going back as far as the mid-1970s, mounted on Landsat missions 1 – 3. However, this sensor has a coarser spatial resolution (60m x 60m pixels) and acquires data on a different overflight path (WRS 1 as opposed to WRS 2). A number of complicated steps is thus required to render MSS data comparable with ETM and TM data that were not possible due to time constraints

The list of districts, together with detailed information about the imagery used, is summarised below.

Table 6-1: Districts and satellite imagery details

District	Sahibganj	East Garo Hills	Tangail
Country	India (Pensinsula)	India (Northeast)	Bangladesh
Administrative Framework	Fifth Schedule	Sixth Schedule	Bangladesh Civil Law
Date of image acquisition (2001)	27 th January	29 th January	29 th January
Satellite sensor	Landsat 7 (ETM+)	Landsat 7 (ETM+)	Landsat 7 (ETM+)
Date of image acquisition (2011)	31 st January	2 nd February	2 nd February
Satellite sensor	Landsat 5 (TM)	Landsat 5 (TM)	Landsat 5 (TM)
Co-ordinate reference system	UTM 45N	UTM 46N	UTM 46N

Map 6-2: Sahibganj, the East Garo Hills and Tangail Districts (Bangladesh in Red, India in Blue)



6.4 Methodology

The aim of the exercise was to detect change in vegetation cover in each of the three settings between the years 2001 and 2011. Thus a total of six images were acquired. It was not necessary to carry out geometric corrections, as the images were provided by the US Geological Survey pre-georeferenced to common co-ordinate reference systems (within each time series). Prior to analysis, it is necessary carry out pre-processing steps.

The aim in any remote sensing exercise is to identify the “at-surface reflectance” of the geographic features being studied; ie. the actual extent to which they reflect light at different wavelengths. This is not straightforward however, as firstly the sensor itself may introduce some level of distortion. In addition to correcting for sensor error, factors like the distance of the Earth from the Sun (which varies according the time of year) and solar zenith angle need to be controlled for. Also, the values of the pixels in the image are ‘digital numbers’, between 0 and 255. These need to be adjusted to actual radiance values. All of these issues can be effectively addressed through appropriate pre-processing steps, that are dealt with at length in the appendix.⁴

This process provides us with a calibrated reflectance value “at sensor”.⁵ Ordinarily, atmospheric corrections would be carried out to provide ‘surface reflectance’. Such procedures require highly detailed contemporaneous meteorological data from the region. In view of time constraints, and because of the limited requirements of the exercise carried out below⁶, however, this step was omitted. A subset of each district was then created from the larger Landsat scene.

For both years in each setting, a Normalised Difference Vegetation Index was then compiled. This technique provides the analyst with a rough picture of vegetation health and extent in a given region. Although Landsat TM and ETM+ are multispectral, collecting data across eight bands of the spectrum, and NDVI requires only bands 3 and 4. These sensors collect information within the red and infrared portions of the spectrum respectively. Vegetation reflects light from these respective parts of the spectrum very differently. Light in the red part of the spectrum (roughly 0.6 – 0.7 micrometers) is heavily absorbed by chlorophyll in plants, leading to very low reflectance. Light in the infrared (0.7 – 1.0 micrometers) is not absorbed however, but instead mostly reflected back into the atmosphere, leading to high reflectance. By ratioing these two results, we can get a very clear picture of vegetation health and extent in a given region, using the following equation:

$$\text{Near Infrared (Band 4) - Red (Band 3) / Near Infrared (Band 4) + Red (Band 3)}$$

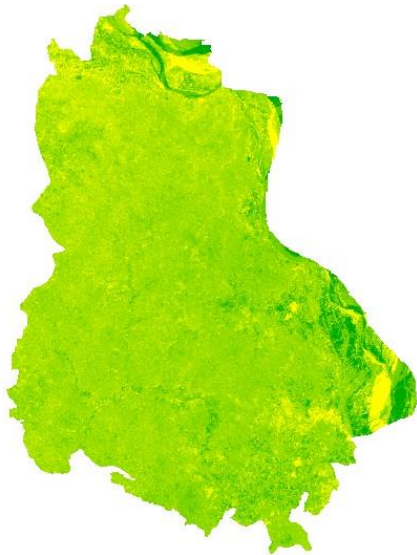
The NIR and Red portions of the spectrum are also least liable to atmospheric interference, making atmospheric correction less important. The NDVI provides a value between the range of -1 to +1 representing the degree of vegetation in each pixel, with values above 0.2 representing vegetation, above 0.4 dense vegetation and 0.6 very dense vegetation.

Following this procedure, it is a simple matter of subtracting the earlier NDVI from the later NDVI to provide a picture of how vegetation has changed over time⁷. The mean change for each district is presented in table 6-2. Vegetation change is also visualised in maps 6-3 – 6-5 for each district respectively, with areas of vegetation gain depicted in green, and loss in yellow.

Table 6-2: Mean change of vegetation coverage by study district

District	Mean NDVI 2001	Mean NDVI 2011	Mean NDVI change
Sahibganj	0.22	0.20	-0.02
East Garo Hills	0.38	0.31	-0.07
Tangail	0.16	0.21	+0.05

Map 6-3: NDVI difference, Sahibganj district, India 2001 - 2011



Map 6-4: NDVI difference, East Garo Hills district, India 2001 - 2011



Map 6-5: NDVI difference, Tangail district, Bangladesh 2001 - 2011



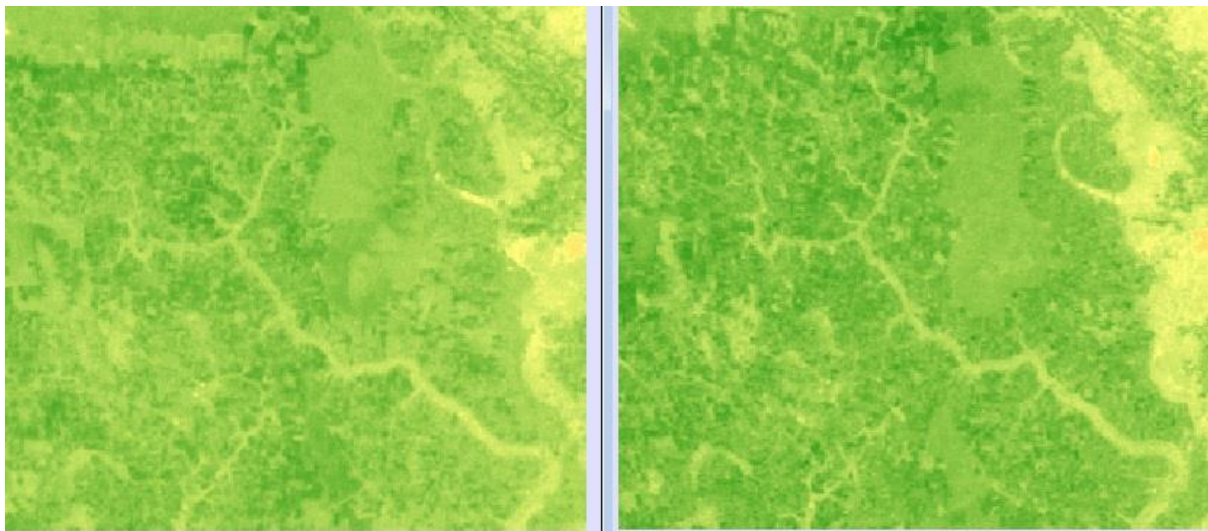
6.5 Discussion and Caveats

The results indicate that the district with the weakest safeguards for community rights enjoyed a slight increase in the health and extent of vegetation while the district with the ostensibly strongest safeguards suffered a small decrease. This might appear surprising, and a number of caveats are in order before we accept this result at face value.

Firstly, atmospheric correction was not performed in the exercise. Although, as noted, bands 3 and 4 detect radiation that is least vulnerable to atmospheric distortion, it is still possible that some of the reflectance recorded is an artefact created by the different forms of scattering in the atmosphere.

Secondly, NDVI is only a rough measure; it does not distinguish primary growth forest from plantation forests, or indeed rice fields, for example. This becomes slightly clearer when we visually inspect the data more closely. In figure 2 (below) we have a close up view of a section of forest within Tangail district. The NDVI for 2001 is displayed on the left and the NDVI for 2011 on the right.

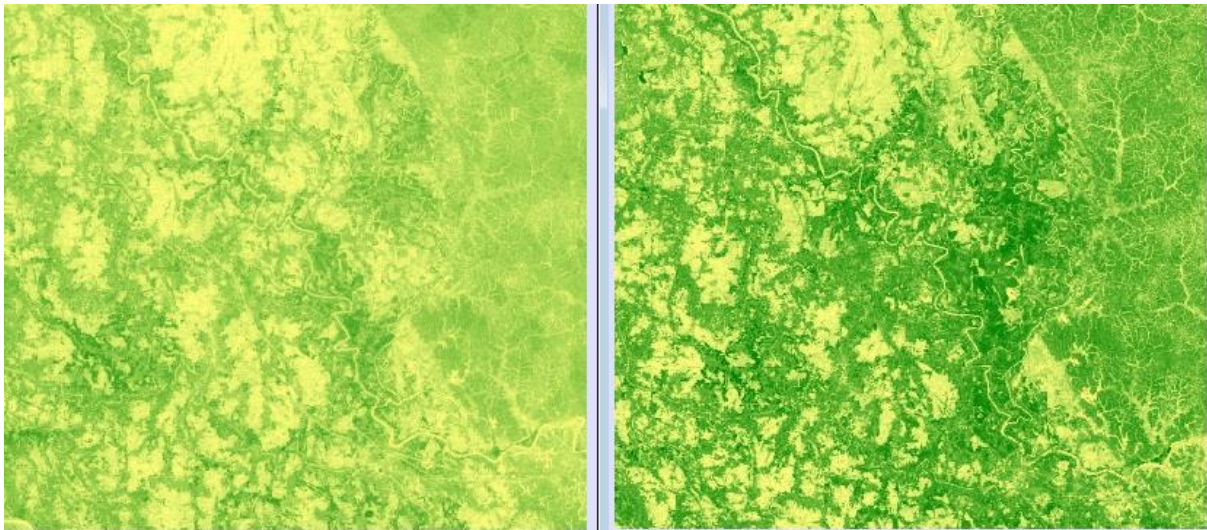
Image 6-1: NDVI image of forested terrain, 2001 and 2011



We can see that fragmentation of the forest is clearly more advanced in 2011 than 2001, with the yellow grooves more pronounced in the former, despite the district apparently gaining in vegetation overall between the two years. Figure 3 (below) focuses on another detail, the lands immediately to the southwest of the forest, where we see strong growth of vegetation between 2001 and 2011.

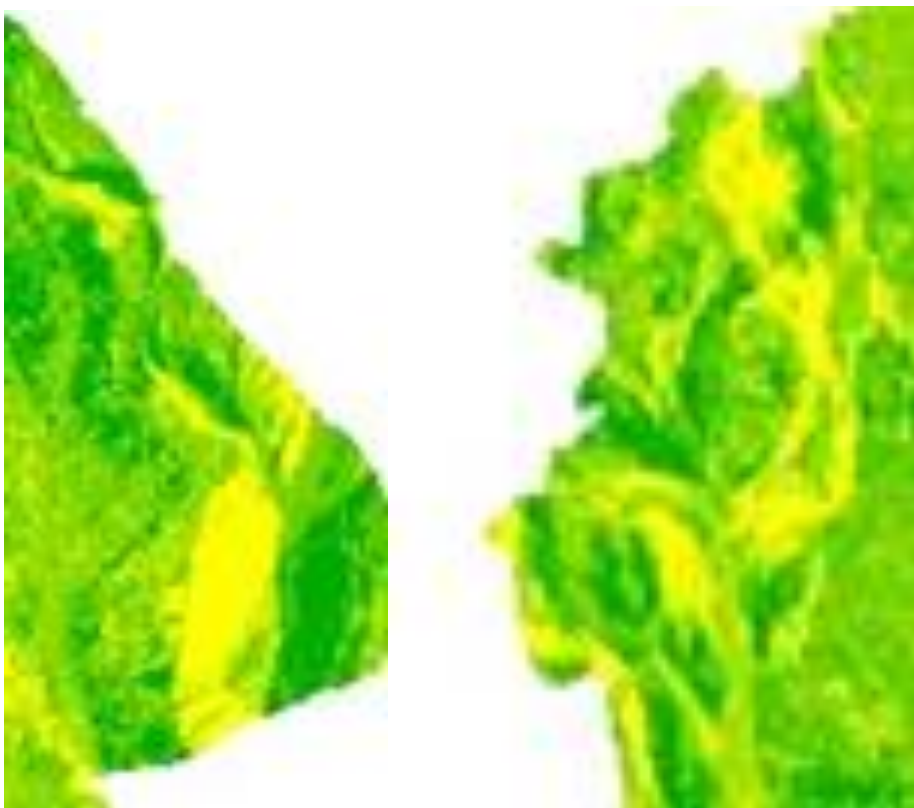
Whatever the areas of growth represent, it is almost certainly not forest land. There are several possibilities, including plantation growth. My view, though, is that it may be some inter seasonal variation. The 2001 image was acquired on the 29th of January and the 2011 image on the 2nd February, in theory close enough together to rule out inter seasonal variation. It may be, however, that rice planting began earlier in 2011. Regardless, it almost certainly does not represent successful conservation of forestry cover.

Image 6-2: NDVI image of Southwest Tangail district, 2001 and 2011



Thirdly, when we inspect areas around rivers in Sahibganj and Tangail, we see something very interesting, depicted in figure 4 below.

Image 6-3: a comparison of riverine environments in eastern Sahibganj (left) and western Tangail (right)



Note the extremely high contrast between bright yellow, indicating substantial loss of vegetation, and very dark green, indicating substantial vegetation gain. These represent the shifting of the rivers over time, with the former explicable by the cultivated land becoming subsumed, and the latter by the emergence, in turn, of new land rising and coming under cultivation. It is not safe to assume that the change in river flow will cancel itself out over time, particularly bearing in mind that the spatial sample selection political / administrative, rather than ecological.

Finally, the time series used probably operates over too short a time scale to give a reliable impression of how vegetation has changed over time. Findings using the NDVI method to analyse vegetation cover in another district of Bangladesh can usefully illustrate this point. As part of the work around this paper, I examined a number of districts apart from the three discussed in depth here, one of which was Khagrachari in the Chittagong Hill Tracts of Bangladesh. When the NDVI change detection method was used on a time series 7th February 2001 and 11th February 2011, the mean change was almost exactly zero, which is a provocative finding in view of the deforestation apparently happening in the district. When an alternative time series, 17th November 1999 and 20th November 2009 was used, the resulting mean change was -0.08, a significant decrease.

6.6 Conclusion

The findings illustrate well the strengths and weaknesses of remote sensing methodologies and the NDVI differencing method in particular. NDVI differencing is useful, but only when assisted by multiple field observations (ground truthing). Having said this, there are good reasons not to reject the findings out of hand, notwithstanding the caveats stated above. Bengt Karlsson has observed widescale deforestation in the Garo Hills⁸, perpetrated by tribal elites for monetary gain, which is consistent with the findings. Although Tawhidul Islam⁹ found that the Madhupur Forest had collapsed from 45,000 to 8,000 acres between 1962 and 2003, it is possible that since then afforestation has been partly successful. As the next chapter discusses in depth however, this inability of the NDVI to distinguish between original growth forest and agro-forestry is a major handicap.

¹ Philip Gain, *The Last Forests of Bangladesh* (Dhaka: Society for Environment and Human Development, 1998); Bengt Karlsson, *Unruly Hills, a Political Ecology of India's Northeast* (New York: Berghahn Books, 2011).

² Gyanesh Chander, Brian L. Markham and Dennis L. Helder, 'Summary of current radiometric calibration coefficients for Landsat MSS, TM, ETM+, and EO-1 ALI sensors', *Remote Sensing of Environment* 113: 5 (2009) 893 – 903.

³ Dengsheng Lu, Guiying Li and Emilio Moran, 'Current situation and needs of change detection techniques', *International Journal of Image and Data Fusion* 5: 1 (2014) 13 – 38.

⁴ Gyanesh Chander et al, op. cit..

⁵ Ibid.

⁶ The Normalised Differentiated Vegetation Index is focused on vegetation change. It will be recalled that vegetation absorbs almost all light in the 'blue' portion of the visible spectrum; it is this portion that is most susceptible to atmospheric scattering, and thus requiring atmospheric correction.

⁷ Dengsheng Lu et al, op. cit..

⁸ Bengt Karlsson, op. cit..

⁹ Tawhidul Islam, 'Resource Assessment of deciduous forests in Bangladesh' (PhD thesis, Durham University, 2006).

Chapter 7: The Siege of Madhupur and the Predatory State in Bangladesh

7.1 Introduction: Another day, another dorbar

It is the 14th December 2014 and I am sat on a bench in the courtyard of a Garo house in Chunia village, in the interior of the Madhupur Garh. A *sado* ceremony has just finished in remembrance of an elderly gentleman who died in the night. Around me in a square are seated around 30 Garo men, with a similar number of Garo women sat on the floor of the courtyard a small distance away. A *dorbar* is about to begin to resolve a controversy surrounding inheritance. Parag explains that the deceased had been a Nokrek and had married a Mree woman. The two of them had had four daughters, who had all married. The couple had appointed one of the daughters as their *nokna* (heiress) and her husband, also a Nokrek, had thus become the *nokrom*, an important role in Garo society. In exchange for a small allocation of land, he has responsibilities to take care of all of his in-laws, providing advice, supporting the children, and generally working for the well-being of the entire family.

Parag tells me that, before his death, the deceased and his wife had regretted this decision. The new *nokrom* had not proven to be as conscientious or hard working in his duties as they had hoped. Now the husband had died, the wife wished to designate a different daughter as the heiress, this daughter having married a Rema. The assembly comprised representatives from the Mree, Nokrek and Rema *maharis*, including their *matbors* (social leaders). “If she wishes to change to the Rema husband, and the Nokreks agree, then it will be fine,” Parag explains, “if not, there may be some problem.” Parag leaves me to greet a relative and I am left sitting next to the stone-faced Ashok Gagra, whose severe countenance belies a wonderful deadpan sense of humour.

After a few minutes, the Nokrek *apatchu* (senior leader) stands up and says a few words, apparently in introduction, and the widow stands forward. He asks her a question, and her response causes a commotion. Suddenly many people are speaking at once. Mystified, I turn to Ashok and ask him “ki halo?” What happened? He turns to me and says simply “kicchu shomosa ache,” there is a small problem. Parag returns and tells me there is, in effect, a dispute over a point of order. Having been asked what she wants to do, the widow has asked for more time, as she cannot work out the best course of action. This earned a rebuke from the Nokreks. Why did she hold the funeral immediately if she did not know what she wanted to do about the inheritance issue? She could have delayed it, made the decision and then held the ceremony. Many people have come from far off villages and

the decision must be made today, before the *sado* celebrations can continue. Following speeches from various men seated around the circle, the issue is resolved. The Nokreks relent, and the Rema son-in-law is made the new *nokrom*. A chicken is sacrificed for good luck and the revelry begins.

The informal *dorbar* is not an exclusively “Garo” institution. Such gatherings are a regular fixture across South Asia. In Bangladesh they are called *salish*, mediation, and are preferred to recourse to the courts because of the expense this formal route incurs. The rules at work in this gathering, however, would be unrecognisable outside of the Garo community, with its customary rules of matrilineal inheritance, and the central role of the *mahari*, the exogamous kinship group that is the bedrock of Garo society. Here in the heart of a distinctively Garo information order the call to prayer is distant, pigs are reared with impunity, and a visit to a house often results in an offer of the traditional “chu” rice wine. It does not feel like you are in Bangladesh anymore. For all of my reading on the artefactual nature of imagined homelands, invented traditions and “fuzzy” ethnic boundaries I cannot help but feel, as I express it in my faltering Bangla to Parag, that I am in “Mandi-desh”.

The Garo micro-territory in the heart of Bangladesh, incorporating one of the last vestiges of *sal* forest in the country, has experienced repeated dispossession, and many more attempts that were successfully repulsed. Simultaneously, forest cover has collapsed, apparently contradicting the findings of the remote sensing exercise discussed in Chapter Five. What is on the surface a familiar, depressing story of an ethnic minority with undocumented land rights being displaced by, chiefly, a forest department concerned with increasing forest cover at the expense of human beings is, on closer inspection, a far more complicated problem. The Madhupur scenario comprises neither a classic “sustainable development” dilemma, or the uprooting of marginalised and excluded communities through “accumulation by dispossession” achieved through the destruction of a customary tenure regime as might be anticipated by neo-Marxist theory.

First, the Madhupur Garos had largely completed the transition to a variant of private individual tenure prior to the onset of processes of dispossession. Secondly, their displacement has not occurred in favour of new *sal* forest growth on plots held by the forestry department under an exclusionary principle. Rather they have been displaced by a distinctive new tenure regime under the rubric of agroforestry, involving foreign species and regulated harvesting. Thirdly, the *sal* forest itself has been displaced by the same agroforestry regime. Dispossession and deforestation have occurred for the same reason: neither the Garo smallholder nor the *sal* tree is of use to the ethno-religiously bounded political economy. The long-standing, incremental processes by which both Garo

and *sal* tree are displaced, that collectively resemble a literal “siege” of the area, substantial resources are freed up for use in this political economy, enriching politically powerful individuals who are in a position to profit from them and strengthening the allocative power of state agents in whom control over these assets are invested. I refer to this in the aggregate as “the predatory state.” The Garos have, to an extent, been able to resist these trends through various means. In a striking continuity with the colonial period discussed in Chapter Four, the very characteristics that make the Garos vulnerable to these processes also provide them with the means to fight back.

This chapter begins with a descriptive account of the study context, including a sketch of the biophysical and population characteristics. I then discuss the ostensible rules-in-use through outlining Garo land-rights documentation, making the case that the community had transitioned to a system of private individual tenure prior to the onset of dispossession. I address gender and class differentials within the community as they pertain to land. An empirical discussion of case studies of dispossession encountered in the villages follows, with analysis of the key mechanisms by which this occurs. I then turn to the main mechanisms of dispossession, particularly the enforcement of claims on Garo land by the Forest Department, and unpick the difficult knot of different issues comprising the relationship between ecological degradation and Garo land rights.

I locate the fulcrum of the problem in elite decision making concerning land-use policy within the region, rejecting Malthusian conceptions of deforestation as a powerful discourse invoked to justify dispossession. I then recapitulate my thoughts on how an ethnically-bounded political economy, enabled by powerful discourses around conservation and nationality, is responsible for destabilising the minimum legitimacy accorded Garo land rights, expounding further on the importance of patterns of kinship relations as arbiters of political influence in the region to further support this claim. I then discuss Garo resistance strategies to dispossession and the broader problem of political, economic and social exclusion, emphasising that where the Garos have been successful, it has been because they have, in some way, compelled state agencies and political actors to extend, however temporarily, this minimum required legitimacy to their land rights. I conclude with a few remarks summarising the discussion and introducing Chapter Eight.

7.2 The Madhupur context

There are 49 mixed or wholly Garo villages in Madhupur *upazilla* (sub-district) of which 27 lie within the boundary of the Madhupur *Garh* north of the Tangail-Mymensingh highway. This area is the

centre of contestation between the Garos and the Forest Department. The *Garh* is partly encircled by walls comprising the border of the National Park declared in 1962, based on a Government Gazette of 1951, and re-declared in 1984. This formed the basis for the “Ecopark” project that the Government attempted to implement in 2003, with gates at Russelpur in the south and Dokhala in the north. This decades-old conflict forms the main narrative of dispossession discussed by Garo activists and will be addressed comprehensively in my discussions of their resistance below.

Four villages immediately adjacent to or within the *Garh* (Chunia, Pirgacha, Bhutia and Gachabari) and four villages slightly further away (Jalchatro, Jangalia, Edilpur, Maghontinagar) were chosen as research sites (see map 1 below). In making this decision, I was told that these locations represented a large degree of variation in the circumstances of the Garo community. The former group are located in and around “highland” areas unsuitable for wet-rice cultivation, and where the majority of the remaining *sal* forest is located. The latter are lowland villages, with biophysical characteristics that are common to the dense rice-growing areas across northern Bangladesh. Garos are the sole inhabitants of Chunia, and the dominant group in Pirgacha and Bhutia. The ethnic balance with Bengali Hindus and Muslims is more finely balanced in the other villages. As discussed in chapter 4, 40 villagers were chosen semi-randomly for semi-structured interviews across the eight villages, five to a village.



Map 7-1: study area and primary villages

For the purposes of the study, there are three sets of key “elite” actors in the area. First, there are the political leaders. There are three unions in Madhupur, Aronkhola, Sholakuri and Ausnara. The union is the lowest level of political organisation in Bangladesh and is led by an elected council (Union Parishad) headed by a UP Chairman, a figure of enormous influence. A “24-hour” politician, a stereotypical UP Chairman can reliably be found either in their office or at

their residence from 6am listening to petitioners, helping with paperwork and trying to solve problems. At all hours, they are liable to a phone call summoning them to a dispute that requires

their attention. They are regular attendees at *salish* and make it a point of pride to “save” as many people as possible from financially ruinous formal legal proceedings through their effective dispute resolution.

They make it a point to know everything that happens within the Union, up to the point of who is having an extra-marital affair with whom, who is in debt, who has a drinking problem. A UP Chairman’s business is to make themselves indispensable to their constituents and to maintain a substantial body of supporters. On that basis they are ensured the best chance for re-election. No local initiative stands a high chance of success without the UP Chairman’s involvement. That they are at the lowest “rung” of the political ladder is no gauge of their power. In terms of influence, it is better to be a UP Chairman than an Upazilla Vice-Chairman. They are the lynchpin of Bangladesh’s political system, and are relied upon by governing political parties heavily to cement their influence a given locality.

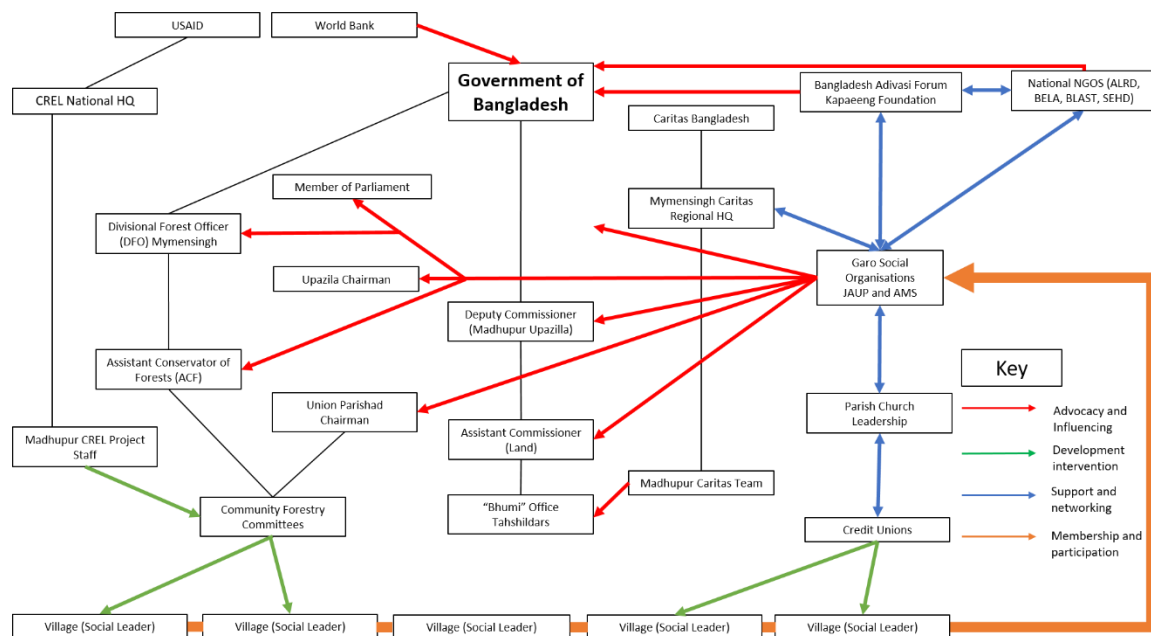
Secondly, there is the civil administration. For our purposes, key figures here are the Assistant Commissioner (AC) Land, and the Assistant Conservator of Forests (ACF). The AC Land is the lowest rung on the Bangladesh Civil Service career path. The typical AC Land is in their late-twenties / early thirties, ambitious, urbane and university educated, looking forward to a potentially bright future as Deputy Commissioner (DC) and then ever upwards in the civil administration. They have responsibility for the *bhumi* and *tehsil* land offices across the *upazilla*. In contrast, the ACF cuts a less confident figure. In charge of a numerically insufficient staff of Range and Beat Officers, they inhabit an administrative backwater in Bangladesh. They might hope to one day be a Divisional Forest Officer (DFO), but their funding and prestige is lower than their colleagues in the civil administration mainstream, and owing to the paucity of forests in the country, they are subject to transfer to far flung districts a long way from home. “To be sent to Banderban¹” is analogous shorthand for being sent to Siberia for many Bengali Civil Officers.

Thirdly, there is the diverse grouping of civil society organisations. Chief among them in the Madhupur context are the Garo social organisations Jayanshahi Adivasi Union Parishad and Achik Mithick Samity (literally “Garo Women’s Council”). They play an active role both within their respective communities, in dispute resolution and (in the case of AMS) women’s rights. They also are the frontline actors when it comes to liaising with government at every level, and networking with national human rights organisations and Non-Governmental Organisations (NGOs). Active NGOs in the region include various Christian-inspired organisations, of which the most important is Caritas.

The Church plays a supporting role in all of these initiatives, and provides a bedrock for Garo-led civil society action.

Finally, there is the Co-management for Resilient Environments and Livelihoods (CREL) project, the latest iteration of a long-standing USAID-funded “community forestry” project. A national level initiative, its Madhupur staff have facilitated the creation of an intricate ladder of community groups, with two Community Management Committees at the top. These committees include the ACF, Union Parishad Chairmen and local civil society representatives. To some Garos participation is a necessary evil, driven by the logic that “decisions are made by people who show up”. Others take a less compromising view, that they comprise the mechanism to implement the dormant Eco-park project by stealth. Seventeen “elite” interviews were conducted with individuals associated with all of these actors, and I will refer to them repeatedly in what follows. Figure 7-1 (below) depicts how Garo villages at the bottom are impacted by various interventions by state agencies (left and center), and also participate in a hierarchy of Garo and Adivasi civil society organisations (right) that then attempt to influence various political and bureaucratic actors, advocating for various policies (red arrows flowing right to left).

Figure 7-1: Administrative arrangements in Madhupur



7.3 Rules-in-Use and Garo Land Rights

“...the Mandis always had the right to cultivate the forest land, but with shifting cultivation they never held title to individual plots. Without registration and the official papers that give most Bengali rice farmers a reasonably secure title to their wet fields, most land within the forest is regarded by the forest department as *kas* [sic] land....not privately owned.²”

This observation by Robbins Burling in his monograph on Madhupur is echoed by Fazlous Sattar³ which is in turn uncritically reproduced in Alex Dodson’s recent PhD on the area⁴. The view that Garo land rights are “largely undocumented” is not correct. Albert Mankin (2004) argues that there is documentary evidence of Garo land use in Madhupur dating from as long ago as 1885 in the form of pattas⁵ from the local *zamindar*, the Raja of Natore. While we were not able to locate anything of this vintage, there is a substantial amount of documentary material that, either directly or indirectly, strongly supports a conception of long standing and secure Garo property rights across the Madhupur region. From the 40 villagers surveyed during fieldwork, 14 respondents had formal government documentation of one kind or another for at least some of their land, and seven others said that they had documentation in the past, but it has since been lost.

Examples of this documentation were of two kinds. The first were *zamindari* pattas of the type discussed by Albert Mankin (see image 1, below). Discussions with older social leaders, particularly in Bhutia village, revealed that by the late British period, the *zamindari* land management system was run efficiently, with managers visiting the forest annually. Each family would identify the area of land that they wished to cultivate and the manager would draw up a patta for that area for that year, made out to the name of the senior woman of the household. In return, the family paid 4 annas⁶ to the manager. Interestingly this system appeared to operate between the manager and the household, bypassing the village headman (nokma), although there was some sense that his permission would have been required for the manager to enter the village.

Image 7-1: Zamindari patta

[illegible]

The other type of document constituted a receipt for a bank loan, made against land documents. These receipts dated from the late seventies and early eighties, and the land documents were “records of rights” (RoR), issued based on the Revised Survey (RS) of the 1960s. The banks took physical possession of these documents with the issuing of the loan, as collateral, and refused to return them to the Garos in 1984 following the key Gazette of that year, issued by the Ershad government directly to the Garo community, which will be discussed more thoroughly below.

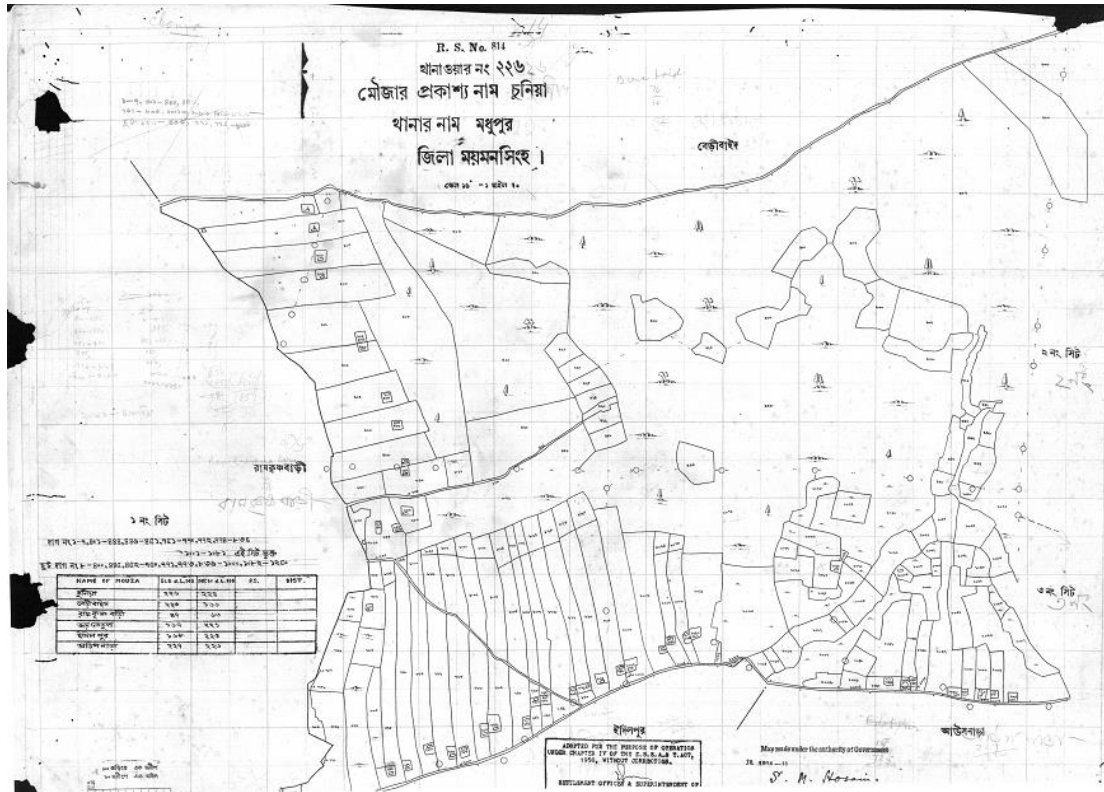
Following 1984 land officers began to refuse land tax payments by the Garos, although this was by no means consistent. Benedict Chisik was able to pay taxes until the late 1990s, at which point revenue officers refused on the basis that his land was “forest land”. This process of refusing to accept land taxes is still in train today. Immediately prior to my fieldwork beginning, the local land office refused to accept tax payments from the Pirgacha Catholic Mission. Their rationale was that the Mission did not legally own the land; it was “*khas*” or state-owned despite the fact that the mission has comprehensive tax records dating from 1924, when it was first established in Jalchatro, until 2014.

In addition to evidence from village respondents, we interviewed Suchona Ruram, a Caritas field officer running a project to secure Garo property listed under the Vested Property Act discussed in Chapter 2. She showed us the pile of “completed cases”, most of them with at least either a photocopy of a zamindari patta or an RoR receipt and several with both. In two years her team had cleared 52 cases out of 76 recorded across Madhupur that had requested assistance from Caritas. Another Caritas project engaged with a subaltern land survey of the area has likewise turned up substantial amounts of documentation. We were also able to retrieve a cadastral map of Chunia *mouza* (see image 5 below). The Cadastral Survey (CS) was carried out between 1919 and 1925, and was the basis for the reorganisation of land administration following zamindari abolition in the 1950s in Bangladesh. It clearly depicts numerous small plots, in a pattern that suggest small holder management in an area of the *Garh* that is now commonly referred to as wholly “*khas*” or state owned. Attempts to secure the *khatian* record that matches each plot number with an owner from the Tangail District Commissioner’s office were unsuccessful.

In Image 7-3 (below) according to respondents notionally all of these plots are claimed by the forest department. It is possible some current inhabitants will have documentation to challenge this. Also, some of them have very likely been allocated as “social forestry” plots, managed by local inhabitants

but owned by the forest department. Due to time constraints it was not possible to obtain detailed information on these issues as they relate to the specific survey map below.

Image 7-3: Cadastral Survey map sheet of Chunia mouza



Source: Bangladesh Department of Land Records and Survey (DLRS), Dhaka

The final piece of evidence is that in each gazette that has disenfranchised the Garos, either through the National Park declarations or through the Vested Property Act, there has been a list of specific plots, plot numbers and surnames. This will be discussed in greater depth below when I analyse mechanisms of dispossession. It has been necessary to make the case that the Garos have effectively transitioned to private individual tenure, because of the overriding importance of ideas of tenure regime transformation to debates around the dispossession of ethnic minorities, as discussed in chapter 2. Having addressed the gendered and class issues stemming from this process below, I then analyse in depth the question of how dispossession occurs in a context where individual property rights are apparently secure.

7.4 Gender and intra-community inequality

Wealth differentials were present even among the Garos practising shifting cultivation encountered by Robbins Burling in the Garo Hills in the 1960s. In Madhupur they are substantial, with some households owning 30 *bighas*⁷ and others being functionally landless, and it can be expected that the rise of private land tenure has a great deal to do with this state of affairs. First settlement and, therefore, prior claims to ownership is one factor here. The Nokrek *mahari* is collectively regarded as one of the wealthiest in the *Garh* and they were the first settlers of Gaira village. Then there are the different natural gifts of individuals to consider, as well as the ability of individual Garos to acquire much sought after *cakri*, or service jobs, with NGOs or the government. Such success can be an economically transformative event for a family, with a steady income, benefits and a pension. Generational differences are also apparent, with the younger generation having to make do with small parcels carved out of the wider holdings of aging parents.

The only sense in which *intra*-community social exclusion appears to have played a role concerns Madhupur's dwindling number people who still practice the animist *Sangsarek* religion. In one case there was a protracted and bitter legal struggle over a large family inheritance between Christian and *Sangsarek* siblings. The former won out, largely because the numerically far more numerous Christian community closed ranks against the *Sangsarek* brother, leaving the latter effectively destitute. Concerning gender, the Garos are a patriarchal society. Women are generally excluded from participating in *dorbars* for example, as we saw above and bear the brunt of domestic work. There is also the ever-present problem of Intimate Partner Violence (IPV). On the specific question of land ownership, however, matriliney appears to be generally intact in Madhupur. A growing trend is for parents to make specific provisions for male children in their inheritance, and *nokroms* are allocated small parcels to support them in their duties, as discussed.

Despite this, women's rights to land seems relatively secure, as evidenced by three observations. First, AMS was established in 2004 primarily to combat the trend of husbands pressuring their wives to sell land. Secondly, on the heated issue of Garo women marrying Bengali men, the common view among Garos is that "they come for the women, they come for the land". Thirdly, we found one specific case where a woman divorced her husband and expelled him from their homestead precisely because he was trying to pressure her in this way. Women's rights to land, combined with Garo practices of village endogamy and matrilocal residence appeared, in this case, to strongly support Bina Agarwal's argument that such arrangements strengthen female empowerment in general.

7.5 Dispossession: a view from the villages

Of 40 villagers interviewed, ten had experienced dispossession or attempted dispossession directly. Another five had second hand experience of dispossession, generally either through assisting other villages in repulsing it, or through reports from a blood relative or neighbour. A more detailed discussion of these village testimonies reveals a number of different mechanisms at work across a protracted period of time. The first point to make is that four of the direct experiences of dispossession were clustered in one village, Jangalia.

One respondent, “Marcus”, described his family’s flight from Russelpur in 1986 to make way for the expansion of the Airforce bombing range. Compensation was promised, but several trips to the then DC’s office in Mymensingh were fruitless. Marcus said that his was one of twenty families displaced in this manner, and that of these families five settled in Jangalia because of existing kinship ties. Marcus reported that he has had a total of twelve legal cases levelled against him by the forest department for a range of offences, including cutting down trees illegally, and claims they are all false. He argues that the forest department is using these legal mechanisms as a form of harassment, necessitating extensive travel to Tangail to appear in court and incurring substantial expenses. Their motive for doing so is his comparatively rare knowledge of the legal system, and how he chooses to use it in helping fellow Garo villagers.

Another respondent, “David”, now over 70 years old, told us about a similar situation concerning how he and his family had been uprooted twice and on both occasions because, once again, of the establishment and then expansion of the bombing range. The first instance occurred during the Pakistan period, where he was displaced from the village of Rajabari to Telke, and then from Telke to Jangalia in 1986. As in Marcus’ case, on both occasions, promises of compensation made by the Deputy Commissioner were either not fulfilled or were rejected by the family because the DC proposed to resettle them on land already owned by other Garo families. Having come to Jangalia and carved out 10 pakhis⁸ of land from the forest for subsistence, David then faced attempts in three successive years between 1990 and 1992 by forest department officials to turn some of his land into a banana and pineapple plantation. Rallying other villagers, including both Garos and Bengalis, David successfully resisted these attempts.

In a similar situation, but this time in 2004 – 5, “Sarah” told us their household had not protested when the forest department converted four pakhis of their land to plantation, because they feared that the department would put false cases against them. Another case like this was recounted to us by a mother and daughter, both very poor, who signed some of their homestead land away to the

forest department for a plantation under duress. Although they stand to gain half of the proceeds, this land now legally belongs to the forest department, for allocation to other parties, potentially, as they see fit.

Of the other six cases of attempted or successful dispossession encountered, one involved a woman being targeted by the Vested Property Act in 2014 (this in Jalchatro), and two entailed small-scale cases of individual encroachment on Garo land by private individuals, both Bengalis (from Edilpur and Gachabari). There were two other attempts by the forest department to physically take control over homestead land under the rubric of social forestry (Bhutia). Finally, we encountered a complex episode whereby one Garo respondent, “Alex” from Edilpur, alleged that politically influential Bengalis had conspired with a blood relative in order to cheat him out of his land through the capricious use of baseless legal cases. This litigation, still unresolved, has entailed such heavy legal fees that Alex’s family was forced to sell a substantial amount of land to cover them.

Of the five “second hand” experiences of dispossession, one story had echoes of the “mass evictions” described by Marcus and David above. Benedict Chisik moved from his nearby home village of Binakuri in 1976 to be a teacher in Bhutia. At its height in 1945, the Garo population in Binakuri had comprised over 100 families, but many had fled to India following partition in 1947. By 1976 there were only four Garo families left, and they came under sustained harassment by Bengali Muslims in 1979 – 1982. Benedict had the responsibility of “moving” his own family to the north side of Bhutia. Other Garo families fled to the villages of Beribeit and Bonduria.

A second comprised a small-scale issue, whereby the respondent had witnessed a minor encroachment by Bengalis on a neighbour’s land. The remaining three “second hand” experiences are interesting because they all come from local villagers who became involved quasi-institutionally in attempted dispossession because of their official or unofficial roles in the village. For example, Sanju Mankhin has long been involved in “social work” in Jangalia village, and he recounted to us how yet another attempt by the forest department to establish a plantation on villagers’ land without their consent was foiled through repeated physical obstruction by mass protests as recently as 2015 in the rainy season. Again, the protests united Garo and Bengali community members.

“Victoria” is a member of the local Edilpur chapter of Transparency International. The Chapter meets regularly to discuss corruption issues, and land grabbing is a prominent topic they attempt to address. The task is then to record the details and pass them on to the Upazilla committee for

further action. This frequently takes the form of direct lobbying with the relevant bureaucrats and elected leaders. “Katie” from Pirgacha is a member of a social forestry scheme and a group member of the CREL Community Forest Management organisation. Her experience stemmed from confronting rumours that the Forestry Department intended to flood lowland rice fields to create a “canal” or water feature to increase the aesthetic beauty of the park. She and her allies received assurances this is not the case, but she is not certain.

A number of points need to be drawn out at this point. First it is important to note the large variety of mechanisms at work, and to highlight the prospect that these different processes are, in addition, mutually reinforcing. We have some sense of this with the withdrawal of the Garos from Binakuri following partition, and this change in community characteristics making those few families that chose to remain all the more vulnerable in the 1979 – 1982 period. Secondly, the most dramatic *successful* attempts at dispossession occurred outside the *Garh* area, in locales that are biophysically similar to the wet-rice growing areas of northern Bangladesh and are home to a richer demographic mix of Garos and non-Garos. Thirdly, these episodes of dispossession occur over a protracted interval, from Independence in 1947 to 2015. At the same time, those years that are most consistently mentioned, for example 1979 – 1982, 1986, 1990 – 1992 and 2005, all fall within or immediately after periods of military rule.

The fourth point is that there has been a great deal of mobility within the research setting as a result of these territorial dislocations. Flight to India was not necessarily an automatic response, and many Garos moved to other villages within the Madhupur region. Indeed, we cannot assume that “David” is the only example of a Garo household doing so twice. This internal mobility has also impacted the forest, as villagers cleared trees to practice subsistence agriculture. I note this here in anticipation of my discussion about the links between dispossession and deforestation, and in addition to how elements of a “green grabbing” trend, in the form of enforced plantations, are repeatedly reported from the early nineties. This will be addressed fully in a later section. Fifthly the use of “lawfare” against local villagers through abuse of the legal system is a recurring feature. Importantly, as will be discussed below, although we encountered this process during the colonial period, it was not reported in the Madhupur region itself. The sixth point is to reiterate the fact that certain cases of dispossession occurred even when Garos had formal documentation for their land. David and Marcus’ families had legal title to the lands from which they were evicted, and lack these proofs for their current holdings directly as a result of these evictions.

The final observation is that of these cases of attempted or successful dispossession revealed by this semi-random group of interviews, four involved the master mechanisms identified by Garo activists as constituting the main threat to the community. Three concerned the conversion of Garo land to “forest land” and one concerned the Vested Property Act. This has two implications. First, for the purposes of triangulating evidence of dispossession, the less prominent cases should be considered *in addition* to the other higher profile mechanisms detailed by activists and often covered by the media and NGO grey literature when coming to a judgement on dispossession overall. The second is to pose the question why the Forestry and Vested Property mechanisms should be accorded such importance by the Garo activist community in the first place, especially if they have not resulted in actual dispossession, but have rather been foiled in the attempt.

7.6 Mechanisms of dispossession

Documents of whatever kind are a tangible, physical short hand for “integration” within a legal system. To have paper is to be legal and the *lack* of documentary evidence of land ownership is held to be a major cause of Indigenous Peoples’ vulnerability to dispossession in general, in South Asia, in Bangladesh and in Madhupur. The fact that dispossession has occurred in spite of the Garo community’s possession of land documents is striking. A discussion of the main mechanisms by which this has occurred can be usefully confined to four documents: the 1951, 1955 and 1984 gazettes declaring and then re-declaring the *Garh* area as a national park, and the latest Vested Property gazette of 2012.

Common to all three forest gazettes is the same set of plot numbers, delineated by revenue *mouza*. Tellingly, there is overlap with certain mouzas and plot numbers in the Vested Property gazette of 2012, with one key difference. The Vested Property gazette also has names listed against the plot numbers. These surnames are almost all of Garo derivation, or those used by other Adivasi groups in the area, or Hindu. Talking us through the gazette, Suchona Ruram identified two recurring difficulties faced by the Caritas team. First, they had difficulty identifying the owners of certain plots because the listed names were at least one generation out of date, and a two-generation gap was not uncommon. Secondly, in several cases, even when they succeeded in clearing a household from Vested Property status, the land office would still refuse to take payment of taxes on the basis that the land was “forest land”. Suchona described this as working like a “double lock”.

No. 35888. - G. 153/41. 19th September, 1951. Whereas notices under provision (a) to section 7 of the East Bengal Private Forests Act, 1949, were issued by the Regional Forest Officer, Myemsingh Forest Division to the owners of private forests in District of Myemsingh as detailed in the schedule below, and whereas the Appellate Committee appointed under this Department Notification No. 700 For dt. the 22nd January, 1951 after due consideration of the reasons shown and evidence produced by the owners of these private forests unanimously recommends that management of these forests be vested in the Regional Forests Officer, Myemsingh Forest Division, for a period of one hundred years for their proper conservation and scientific management, the Governor in exercise of the power conferred by section 7 of the said Act is pleased to direct that the control and management of the private forests detailed in the schedule below shall be vested in the Regional Forest Officer, Myemsingh Forest Division, for one hundred years commencing from the date of taking over of the respective forests:-

SCHEDULE.

Name of owners.	Paragana.	No.	Mouza	Name	Settlement plot No.	Approximate area.
Maharaja Jagindra Nath Roy.	Pukhuria.	818	Ambag-chola.	1, 34, 41, 45, 46, 51, 53, 59, 67, 73, 126, 129, 135, 223, 229, 251, 256, 259, 7, 173, 261, 228, 278, 711, 316, 319, 321, 327, 341, 342, 343, 344, 351, 355, 371, 364, 403, 413, 431, 434, 443, 450, 453, 460, 469, 370/477, 503, 501, 517, 526, 529, 533, 535, 540, 541, 544, 551, 553, 559, 540/553, 539/563, 536/568, 534/613, 517/615, 434/626, 434/621, 434, 629, 434/633, 434/354, 67/575, 59/677, 59/703, 58/704, 50/704, 434/817, 453,		

103, 136, 140, 141, 143, 143, 1/
146, 151, 152, 159, 154, ...

222 Chapnid.. 1, 14, 24 20, 20, 42, 58, 59, 70
77, 86, 101, 106, 111, 122, 130,
131, 133, 134, 110, 112, 151, 63,
64,

226 Chumia.. 408, 409, 411, 420, 434, 436, 437,
442, 448, 451, 449, 761, 764, 766,
753, 817, 759, 820, 759, 821, 804, 803,
803, 831, 802, 832, 801, 833, 765,
815, 823, 812, 825, 1256, 774, 1013
1021, 1024, 1025, 1028, 1030, 1032
1037, 1038, 1058, 1253, 1956, 1970
1975, 2300, 3501, 3551, 3561
3562, 3564, 3576, 1054, 1071, 1013
1072,

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to 1955, 1962 and 1984 but this does not quite capture the technicalities of the process. Individuals sat in an office, referred to detailed *khatian* information and consciously selected certain plots that were to be transferred by authoritarian dictat to the government bureaucracies, predominantly the Forest Department but also the Ministry of Land in the case of Vested Property.

Institutionally there is absolutely no tension at work here. The local system is fully integrated into the national system, local rights are demarcated and delineated and then cancelled in the language of the national legal system. The Garos held their land according to the terms of the nation-state's own system. This is no case of customary rules being "illegible" to the national government. It is impossible to over-exaggerate the importance of this fact that the legal recognition accorded to the *system* used by the Garos by the state was (and is) absolute and, in terms of Ostrom's theory, fully nested within higher institutions. What is not given minimal legal recognition, and what is not effectively nested within the administrative apparatus, is a specific list of names, characterised by their minority status within the nation state.

These two mechanisms need to be understood as both direct tools of dispossession, but also as playing an enabling function for other mechanisms. This latter function is achieved both legally and discursively. Legally, discounting Garo land rights makes them intrinsically less secure and more vulnerable to small-scale land-grabbing by private individuals and ongoing attempts by entrepreneurial forest staff to convert agricultural land to agro-forestry. Discursively, the Vested Property Act entrenches the view that these communities are not genuinely "Bangladeshi" and are fair game for dispossession, reinforcing the existing state of social and, therefore, political economic exclusion from Muslim Bengali ethnic and kinship networks. The Forest gazettes work discursively by emphasising the Garos' disastrous role in clearing trees, legitimising their forfeiture of land rights by appealing to ecological concerns.

It is this combined impact of the two mechanisms that make them the central focus of Garo activist initiatives. For as long as these lists of Garo names endure, justifying the transfer of their land to state agencies, they will be legally incapable of securing their ownership over their holdings. As alluded to above, the main agency that has benefitted from this transfer has been the Forest Department, based on the need to conserve the remaining stands of *sal* trees. Either implicitly or explicitly the villain of the piece here is the Garo smallholder, and their subsistence needs causing the death of the Madhupur forest. When we examine the nature of deforestation and its link to shifting land-use policies, however, the truth is very different.

7.7 Debating the death of the Forest

The initial plan in 1997 for a donor-funded “Eco Park” to be established within the limits of the then notional “national park” territory by 2003 is the last document to explicitly reference the “activities of the local Garo tribe” as a principal cause of deforestation. By 2008, USAID had begun to support “co-management” approaches adopted by the Bangladesh Forest Department in “protected areas” across the country, including Madhupur. This support was delivered through different interventions, beginning with “Nishorgo” (2008 – 2010), then “Integrated Protected Areas Co-Management (IPAC)” (2010 – 2013) and, currently, “CREL” (2013 – 2017). In practice, however, the project documentation makes clear that the project aims are identical, and that, aside from different nomenclature, the three interventions are one and the same. This is demonstrated clearly by the fact that the suggested form letter sent by IPAC and then the CREL head offices to project participants is practically identical, word-for-word. Although the Garos are not explicitly mentioned in the documentation, the primary problem is implicitly placed at their door by allusions to “livelihoods being dependent on the forest.”

The consistent objective of “co-management” has been to nominally involve local communities in forestry conservation, and the compendious rubric deploys the full lexicon of “participatory” development in support of such an approach. Key to this has been the establishment of “Co-Management Committees” that purport to bring together local community members with government stakeholders to jointly manage and protect the forest. The governing logic of such activities has been the need to “reduce the dependence of local communities on the forest”, continuing to cite the subsistence needs of local people as the main risk to the local ecology. This emphasis on how the livelihoods of local poor people need to be altered to reduce their dependence on the “protected” areas is last highlighted in a letter from the head of the Russelpur CMC to the CREL Head of Party as recently as July, 2015.

Beyond the project plans of donor agencies and the Bangladesh government, this mono causal focus on local subsistence practices is nowhere to be found. Interestingly, even local state bureaucrats and elected politicians, whom one might expect to more likely than many stakeholders to agree with such a narrative, display considerable nuance in their explanations of why the forest disappeared. The Assistant Conservator of Forests (ACF), the official most directly responsible for Madhupur Forest overall, alludes to “politically influential people” as being behind deforestation. Importantly,

this is in connection with a specific mechanism of forest degradation, whereby the original forest is “encroached upon” by agricultural land, the land having been allocated to local people by political leaders in exchange for money, support, or both. In a frank admission, the ACF noted that although he is able to discuss this informally with colleagues and senior officers at district level, were he to formally table it as an issue at a formal meeting, he would come under immediate pressure from these influential politicians, with the implicit threat of being “sent to Banderban”.

The Union Parishad Chairman of Sholakuri interestingly also discussed politically influential groups, but in a slightly different sense. He refers to a criminal gang of thirty individuals, based out of the local town of Muktagacha, who cut down trees illegally for sale. They are able to do this with impunity because of the protection they enjoy from both bureaucrats and politicians whom they bribe and intimidate, and also because their area of operations comprises the border between two police jurisdictions; Tangail to the west and Muktagacha to the east, which makes co-ordinated action to arrest them extremely difficult. Both the Sholakuri UP Chairman, and his opposite number from Aronkhola Union, cited corruption in the Forest Department in general as being a major cause of deforestation, and are joined in this by local indigenous activists. This thesis also finds support from a number of local newspaper reports in recent years detailing specific corruption cases where, again, local unnamed politicians are also implicated. In one example, on the 27th August 2009, the newspaper *Songbad* reported that “influentials” had encroached on forest land belonging to the National Forest Research Centre with the aid of corrupted forest department officials (Songbad, 2009). In another, *Somokal* reported in 2012 that two forest department officials, the then ACF of Madhupur and his superior office, the Divisional Forest Officer, had been found guilty of dozens of corruption charges that focused on their sale of acres of forest land to industrialists for tens of millions of taka. The title of the article was “one forest, two kings.”

At this point, it is as well to note that I am not arguing that local people have played no role in deforestation over time. It is necessary to draw a distinction between the growth of subsistence needs, and the expansion of agriculture at the expense of the forest, and the use of poor people as (badly) paid labour in a wider economic enterprise. The former trend has in relative terms not played a major role, and often where it has occurred, it has done so as a direct result of displacement, as in David’s case noted above. Clearing jungle and displacing villages for a bombing range also has secondary effects on deforestation in this sense, because of the need for displaced populations to clear yet more forest for subsistence needs. Regarding other subsistence requirements, including firewood, the need of the local community both in the past and today have

been very modest. Household level interviews revealed that, aside from using general dead wood from the forest floor for firewood, with occasional requirements for roof construction, subsistence needs that relied on the forest were almost non-existent. This assertion finds support from grey literature sourced from the study context⁹, specifically the general suitability of homestead forestry for household firewood requirements.

Turning to the issue of poor people working as paid labour, my key informants were former Garo timber gang members, who were directly involved in illegal timber extraction from the early 1980s to the late 1990s. By their account, poor Garos and Bengalis were employed regularly as day labourers, working for a sum roughly equivalent to 200 *taka* (£2.00) per day according to 2016 prices, felling large areas of original growth *sal* forest. They did this in the service of business people, all of whom were Bengalis from outside the area, who had access both to the capital required to finance the venture and external networks of transport and supply needed to offload the timber. They were able to do this having secured the unofficial sanction of Forest Department staff, known as having “the line”, in exchange for a bribe.

The scale of the enterprise is the first point of note when considering the role of local people in deforestation. “Dozens” of bullock carts, and then trucks with the advance of decent roads, were used for days on end, for the better part of two decades. They carried the timber to Mymensingh, Jamalpur and Tangail, much of it for onward sale to more distance locales. Such an enterprise required connections and capital, neither of which were available to the Garo community. The second point is, even if we take “livelihoods” as a concern at face value, the number of poor people involved was very small. There was one timber gang per forest village, each comprising around 16 members. Assuming this was true for each of Madhupur’s 49 villages, we have a total of 784 people engaged full time in the illegal timber trade at its height, including both Garos and Bengalis. This represents a very small proportion of even just the Madhupur Garo population of over 20,000.

Interestingly former gang members do see value in the *principle* of Co-Management arrangements being supported by USAID, in the sense that they encourage people to report deforestation where they encounter it. Of greater value still, in their view, is the Community Forestry Worker programme, where former gang members are rehabilitated as Forest Guards on very small stipends, because they provide a check on the unlimited power of salaried Forest Department officials. Despite this, they identify a number of problems, which also articulate strongly with reports from other respondents. The most important one is that “they have summoned the doctor after the patient has died,” forest

cover now being extremely scant. In addition, people reporting deforestation and illegal tree theft are often ignored, if not subsequently targeted by influential people. This resonates with Dodson's findings on the subject¹⁰.

The final problem is that the system of illegal timber logging has survived the inclusion of elected political leaders into the decision-making structures, an assertion that finds support from the ACF's testimony discussed above. Bureaucrats ruled the roost until very recently, with the Forest Department controlling the trade until at least the resumption of democratic rule in Bangladesh in the early 1990s, if not later. Together with the local police, they were the only agencies that needed bribing. The increasing importance of local elected officials within the Bangladeshi political system following the end of various forms of military rule has resulted in their inclusion within the illegal logging enterprise, leading to its continuing durability.

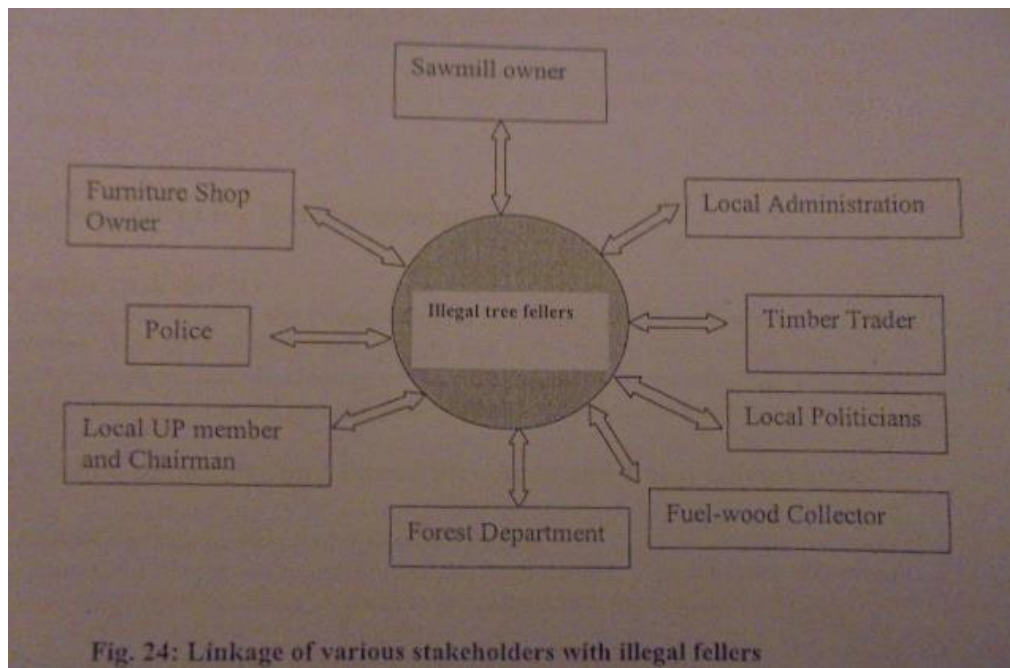
A neo-Malthusian explanation of deforestation being the result of the mounting subsistence needs of a growing population finds very little purchase here. Rather, the commoditisation of *sal* forest by outside business interests comprising affluent Bengalis with access to capital and the timber supply chain, facilitated by corrupt forest officials and exploiting local people, including Garos, as poorly paid day labour, is of greater salience. In the present context, the establishment of co-management committees and "Community Forest Workers" have to some extent limited the scope for such illegal felling, but the incorporation of local political leaders, as well as Forest and Police Department staff, into the network of corruption surrounding the timber trade has diminished the potential effectiveness of these steps.

Image 7-10: CREL poster exhorting local people to refrain from cutting down trees (upper left quadrant), encroach the land (lower left), set fire to the forest (lower right).



Indeed, IPAC published a site report on Madhupur internally in 2011. Its methodology was robust, based on dozens of local interviews, and its conclusions were eminently sensible. It used a spider diagram to depict the illegal timber trade as a complex and intricate affair that involves wholesale corruption among local elected officials, including Union Parishad and Upazilla Chairmen, local forestry officials, more senior bureaucrats in a literal web of complicity (IPAC, 2011: 126). This is depicted in Image 7-11 below.

Image 7-11: The Integrated Protected Area Co-Management Programme's view of the illegal timber trade



Insofar as these conclusions both resonate with my own evidence and were ignored by IPAC / CREL, ecology in Madhupur also appears to be an “anti-politics machine” (Ferguson, 1990). It has also served to occlude the land question. In this sense, even the notion of the “commoditisation” of the *sal* forest as an explanation for deforestation, discussed but not acted upon by USAID, still does not go quite far enough. Land appropriated by the Forest Department is not replanted with original species, but rather with various forms of agro-forestry. The felling of the original growth forest might have begun as an end in itself, but it has since become only a preliminary step in the transformation of land use from unprofitable to profitable ends, in the specific sense of utility within Bangladesh’s ethno-religiously bounded political economy.

It is in this key respect that the land-use question unites both the *sal* forest and the Garo small-holding. Both represent “dead capital” in De Soto’s phrasing, because they are of no use to powerholders in Bangladesh’s agrarian economy. For my purposes, therefore, the most important questions concern these changes of land use and allocation, not where the forest is but where the forest *was*. The key discursive shift here is away from who is chopping down trees and why to what areas used to have forest cover, what is there now, how did this change come about, who permitted it and for what purposes.

7.8 Land use change in Madhupur

Making this shift involves a series of judgements concerning a complicated mosaic of land-use change extending over a period of thirty years, and involving transformations of both biophysical characteristics and tenurial relations. There are two key generalisations supported by my own evidence. The first of these is that the largest of these transformations occurred over the period 1984 – 1986 and is attributable to an individual, General Ershad, who governed Bangladesh as a military dictator between the years 1982 and 1991. “Ershad started it; he made the great mistake of felling the deep forest and replacing it with the rubber plantation,” is a view common to many of the senior Garo activists, which is unsurprising given the scale of this transformation. An estimated 7,200 of the 45,000 acre Madhupur Forest’s was converted in a very short period of time into rubber, technically owned and managed by the Bangladesh Forest Industries Development Corporation (BFIDC). It was also during this period that the Bangladesh Airforce carved out its bombing range in the heart of the forest, felling 1000 acres in order to do so. These massive land-use changes, requiring the felling of thousands of acres of forest, are what catalysed the creation of the illegal timber trade in the first instance.

Image 7-12: An official land-use map of Madhupur outside the Forest Department offices at Russelpore. The rubber plantation is clearly identified as the orange and light yellow area on the left hand side.



The second generalisation is that, from the late 1980s, various agro-forestry programmes apart from rubber began to be implemented in Madhupur under the auspices of the Forestry Department but funded by major multilateral donors, including the World Bank (WB) and Asian Development Bank (ADB). Philip Gain, a former journalist and current Executive Director of the environmental NGO and think tank SEHD has written a great deal about social forestry in Madhupur. He has detailed how the Forest Department, rather than use the funding to replant indigenous *sal* trees in denuded areas, instead continued to permit to clear felling of remaining *sal* stands and replace them with foreign species, including acacia and eucalyptus (Gain, 1997; 2006). Recalling the remote sensing findings, this is what accounts for the apparent increase in “biomass” over recent years. It is impossible to reach a precise quantitative judgement of how much of this remote sensing result is accounted for by agroforestry, but my own rough observations combined with respondents’ views suggest the majority of “biomass” intelligible to the crude NDVI method comprises these foreign species.

Gain’s concern is generally with biodiversity and this is certainly a major problem. Donor agencies apparently suggested acacia and eucalyptus on the basis that they are fast growing species that could quickly replace forest cover in heavily deforested areas. On the other hand, they exact a heavy toll on the water table, and leach minerals out of the earth. Social forestry plantations are also unable to support indigenous fauna. It is an unsettling experience walking from a stand of original

growth forest, filled with birdsong, and where monkeys are still present, into an acacia plantation which is invariably silent. Gain and other environmental writers leave underexamined is the extent to which the replacement of original growth *sal* forest with agro-forestry represents a transformation in production relations and, therefore, the political-economy of the region.

Social forestry is organised into “plots” that are leased to households for a period of time, usually ten years. This time period usually represents how long it takes for the fast-growing acacia or eucalyptus to mature. At this point, lease holders are permitted to fell the trees and sell the timber at auctions organised for the purpose, with half the proceeds going to the plot-holder and Forest Department respectively. The rationale being that “conservation” in this sense must permit the exploitation of timber to be feasible, but to do so in a “sustainable” fashion.

While, in principle, plots are allocated to the poorest of local households, the strong impression from household interviews is that while this has been the process in a minority of cases, the majority of the plots are allocated to wealthy outsiders. Vitally, however, the *owner* of the land in all cases remains the Forest Department (or the BFIDC in the case of the rubber plantation). There is some evidence that this mechanism is being used to displace Garo small holders, as we have seen from the two cases in Jangalia where this has occurred. Both families were threatened with the reallocation of their homestead land to another party if they did not agree to participation in the programme. After they signed the agreement, one of the families has seen outsiders come regularly in the night to steal the acacia trees.

The family have been warned that if they do not manage to protect “their” forest plot, it will be reallocated, and the agreement they have signed make this a perfectly legal step for the Forestry Department to take. They themselves seem unaware of the full ramifications of their current plight, and such measures on the part of the Forestry Department are not well publicised, for obvious reasons, across the *Garh*. Certain Garo leaders have even encouraged their communities to accept plots, providing that they are based on land formally covered with original growth *sal* and therefore not territory claimed by indigenous groups for agriculture or homestead.

These questions of land-use change reveal the driving pressure in Bangladeshi society for the release of agrarian resources into networks of political-economic exchange. These networks are dominated by bureaucrats who exercise allocative authority over such resources, and politicians who are in a position to reward and punish the former grouping for their decisions. Both groups benefit

monetarily, and through enrichment they gain political power within the region and nationally. In terms of punishment, the ACF's fears alluded to above resonated with an observation by Suchona Ruram concerning a previous AC (Land) who was very supportive of Caritas' Vested Property programme. "Bhalo manush thakte paren na", she told us: good people cannot stay. He was transferred six months after assuming his post.

These findings are of crucial relevance, as they place the remote sensing findings in the appropriate context when reaching a judgement on levels of deforestation, a key part of the research question. In addition to revealing very high levels of deforestation, masked to an extent by the massive increase in agro-forestry, they also allow an analysis of how deforestation and dispossession are linked. As alluded to above, neither the *sal* tree nor the Garo smallholding is functionally useful in the ethnically and religiously bounded agrarian political economy of Bangladesh. The Ostrom-Clement framework is counterintuitively very useful in framing this analysis, considering that the object of study is not a Common Pool Resource (CPR) management system but rather a system of private individual land rights.

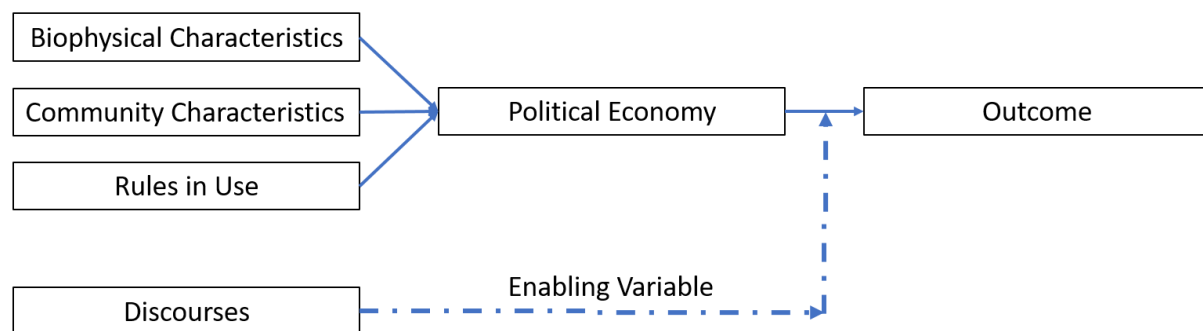
Biophysical characteristics comprise both enormously profitable wet rice plains agriculture, and highland regions where such cultivation is not suitable. This at least partially explains why so many of the successful instances of dispossession in the mid-twentieth century occurred in wet-rice zones peripheral to the *Garh*. As Robbins Burling notes:

"...the land that supported the forest is raised a few metres above the surrounding country...explain[ing] why it was forested and why it was inhabited by Mandis. The land is...too high and dry for wet rice, so the forest was allowed to survive long after the surrounding lower country became permanently cultivated.¹¹"

This changed completely with the donor-sponsored arrival of rubber and agro-forestry into the region, as well as other cash crops like banana and pineapple. The biophysical characteristics of the *Garh* area became highly profitable, increasing the incentives for power-holders to acquire them by any means. The characteristics of the Garo population rendered them marginal and without political influence and, it was probably assumed, therefore defenceless. Rules-in-use could be altered by legal instruments such as the Vested Property Act and the Forest Gazettes, and this was expedited when *national* "rules" shifted from democracy to military rule. Finally, discourses of nationhood, defined in increasingly chauvinistic and monocultural terms, as well as "conservation" and the need

to save the forest from the damaging livelihood practices of the locals, further enabled the process. The “conservation” discourse was a double edged sword in this regard, simultaneously justifying dispossession while exculpating Forest Department officials from blame for deforestation. This is depicted in Figure 2 Below.

Figure 7-2: Dispossession and Deforestation in Theoretical Terms



The importance of population characteristics cannot be overstated here. The Garos are particularly vulnerable to these pressures is attributable to wider problems of social and political-economic exclusion, based on differing patterns of kinship relations and the way this difference articulates with political economic structures.

7.9 Land-use allocation and wider problems of exclusion

These mechanisms of dispossession are simultaneously the result of pre-existing social and political exclusion and the cause of their entrenchment. The deliberate annulment of their land documents has led to the debarring of Garo households from access to credit. Many households interviewed resort to various leasing arrangements for their land, whereby outsiders cultivate the plots, either for a share of the crop or for cash payments. This is a concern for leaders in the region who view this as intrinsically risky in case of default or if the cultivators attempt to secure ownership of the land. Other households remain reliant on money lenders, charging an exorbitant 10% rate of interest per month.

The widespread use of “lawfare” by state agencies has inflicted substantial financial penalties on the Garo community. Perhaps most cruelly, the day-labourers who worked for the Forest Department have faced years of litigation, and multiple cases. Each case requires a day trip to Tangail. Quite apart from the opportunity costs incurred by not being present to work in their villages, travel, the

purchase of food, and the hiring of advocates who mill around a bazaar outside the court were all necessary, at a minimum cost of 500 *taka* (£50) per visit. The proximate rationale for officials use of false cases in this manner was the urgent need for “fall guys” to explain the disappearance of the forest. There is no doubt, however, that this mechanism reinforces others at work in the area, depleting the community’s resources and further jeopardising their hold on their lands. The same is true for the use of the Vested Property Act. “Sarah”, the respondent from Jalchatro who faced problems with the Act, personally gathered her documents and took them to Tangail to have the matter resolved. “Onak koshto” she said; it was a lot of trouble because it required so many visits to the court.

There is finally the issue that so few Garos are in positions of state authority, political or administrative. Again, this is simultaneously a symptom of and explanation for their exclusion. A major driver of the Garo desire to educate their children is to ensure they stand the best chance of securing a good service job (*cakri*). Despite strong literacy rates, however, there remain very few Garos in the Bangladeshi Civil Service, a problem blamed by respondents on the fact that acquiring such jobs also requires money and, more importantly, patronage from a politically influential sponsor. This is true even of entry level police jobs. Running for elected office requires a substantial financial outlay, and the blessing of a major political party for any post above that of Union Parishad Member. As in the case of *cakri*, the latter precondition is the harder to satisfy. In the current political context it means the governing Awami League party. Even when a potential candidate has secured formal support from the Party, the apparatus may work informally for another candidate. It is not clear how such decisions are made in practice, but a reasonable guess is that they are driven by reciprocal relationships based on opaque networks of patronage and clientelism.

An important factor here is kinship. The family as an organised political unit has always held salience, and not just in South Asia. With measures like *zamindari* abolition discussed in chapter 2, however, the family has apparently become even more important, as land titles were divided up between brothers and cousins in order to circumvent the land ceilings of the 1950 East Bengal State Acquisition and Tenancy Act. In this sense, the Garos are trapped by virtue of belonging to a discreet information order that historically has not been embedded in these kinship networks and, indeed, arguably *cannot* be in the current context. The *mahari* system and matrilineal inheritance, including the passing of a child’s surname from the mother, cannot survive intermarriage where religious conversion and the adoption of entirely different kinship norms are necessary preconditions.

There are two asymmetries here. The first is that the number of Garo women who marry Muslim Bengalis is far higher than the number of Garo men. The second is that the number of such marriages that involve the Muslim Bengali man adopting a *mahari*, and subscribing to Garo kinship norms is vanishingly small. Ellen Bal is right when she observes that ethnic boundaries are permeable, in that individuals do cross them, but the borders of information orders are not. Every marriage to the Bengali Muslim community marks the erosion of the function of the *mahari* as a dispute resolution mechanism and the loss matrilineally-inherited land to the community. This is more keenly felt in Madhupur than in Bal's own study area of Haluaghat precisely because of the continuing territorial contiguity of Garo kinship groups in the former region compared with the complete fragmentation of the same in the latter.

These observations articulate well with Bina Agarwal's summary of marriage practices in South Asia, and the instrumental use of kinship relations. She contrasts the "Northeast" practices of Tibeto-Burmese groups, including the Garos, which sanction village endogamy, matrilocal residence and short distances between bride and groom, with those of Bangladesh and high-caste groups in North India.

The latter practice village exogamy, patrilocal residence and prefer long-distance marriages out of a "desire to create a geographically wide network of alliances for political or other reasons."¹² Even prior to the deliberate use of politicised Islam for strategic purposes by the Zia and Ershad governments, these differences were therefore very important to how different societies culturally reproduced. Today, combined with the steadily increasing marginalisation of the Garos, the inter-marriage route to inclusion is a one-way street, mutually incompatible with the maintenance of the Garo information order in Madhupur. As mentioned in the introduction, however, these same characteristics, the dense network of kinship ties that bind the Garos together, while excluding them from kinship based access to formal political power, have also provided them with distinctive capabilities for collective action that has allowed them to resist the most severe attempts to dislodge them.

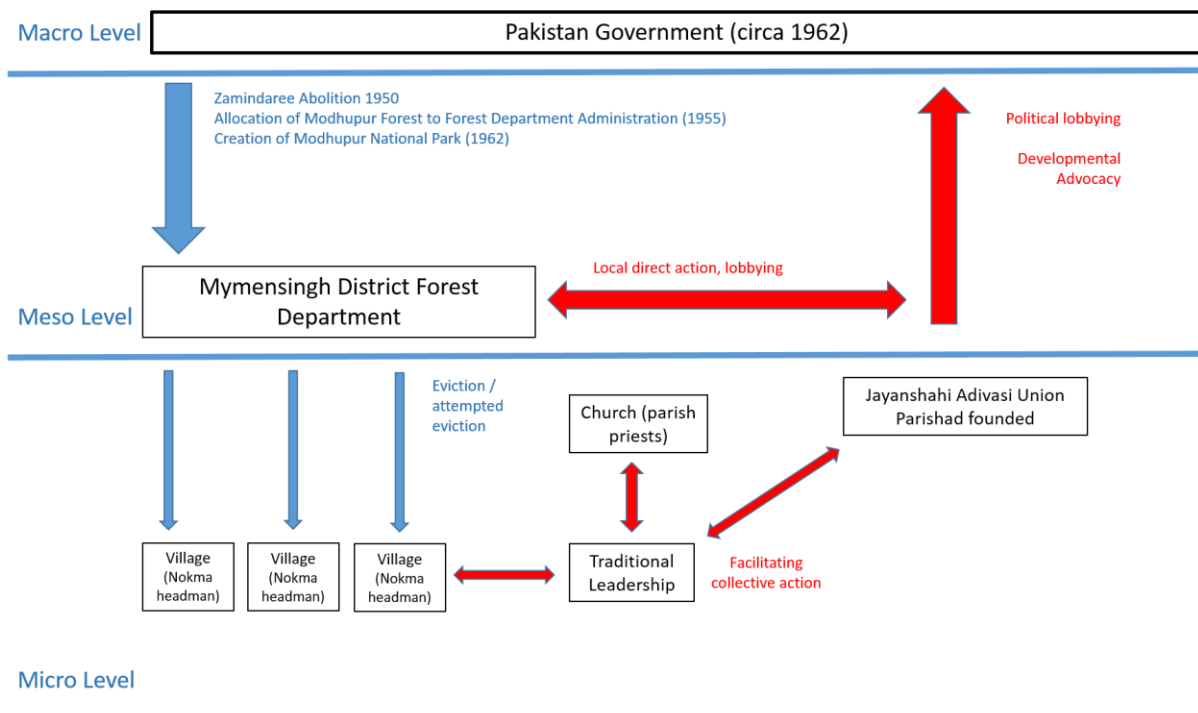
7.10 Mechanisms of Direct Resistance

Resistance to both the 1962 and 1984 attempts to establish the National Park were led by Paresh Chandra Mree at the head of an organisation established for the purpose, the Jayanshahi Adivasi Parishad, known to most local Garos as simply "the Jayanshahi". From the interviews, three main

factors enabled Paresh to successfully mobilise his people towards this end. First he was unusually well educated, having gone to a basic medical college in Calcutta. Secondly he was able to call on the traditional leadership structure, which was still vibrant at that time. The organisation was thus established following a meeting of *song nokmas*. The final issue was that he had at his disposal the advice and support of the local missionaries, particularly Father Homerich. Senior activists who remember Paresh talk of many meetings with local officials, trips to Mymensingh and Dhaka to speak with national power-holders, marches, and other forms of direct action.

By the time that Ershad's 1984 declaration unilaterally cancelled the validity of Garo land documents, re-declaring a National Park across the *Garh* the national institutional situation had changed, and the Jayanshi was able to network with other organisations. The most important in this respect was the Tribal Welfare Association (TWA), established by President Zia in 1982 as a representative body for tribal populations across Northern Mynmensigh, and led by Promode Mankhin. By this time, Sanjeeb Drong, the first Garo graduate from Dhaka University, had also started his regular columns in the Bangladesh media, arguing for indigenous land rights in general and against the 1984 declaration in particular. Despite dislocations and dispossession during this time caused by the establishment of the bombing range and the rubber plantation, discussed above, the villages of the *Garh* remained intact, though swollen by both Bengali and Garo refugees from other, less fortunate villages.

Figure 7-3: Dispossession and Resistance in the Madhupur Garh, Pakistan Period



The movement against the Ecopark was spurred by walls going up across the *Garh* in 2003, cutting off Garo villages from the outside world entirely, but for the main park gates at Dokhala and Russelpore. Some walls were actually set to bisect villages, leaving them half in and half out of the park area. Once again, the Jayanshahi was able to rally the community in protest. The organisation had changed since Paresh's time, with leaders elected by local chapters, each drawing membership from a village cluster. Such social leaders were sometimes the heirs to a nokmaship that had faded from existence in many villages. Others were valued for their judgement, or skills or sheer uncompromising determination. Ajay Mree was now the organisation's Chairman, elected as such by the other leaders.

A key component of the resistance this time was that it was heavily networked to other organisations. This included being able to call upon both local and Dhaka based Garo youth organisations for additional people power. The additional warm bodies were crucial in mobilising the Garo community in an era before mobile phones were in circulation. One activist who was a young man at the time described cascades of motorcycles, moving from village to village, meeting with local leaders and calling gatherings of villagers to inform them about the threat, notifying them of major events like marches and rallies, and soliciting donations of cash to fund the movement.

In addition, the Jayanshahi was able to communicate its plight to national level human rights organisations including the Association for Land Reform and Development (ALRD), the Bangladesh

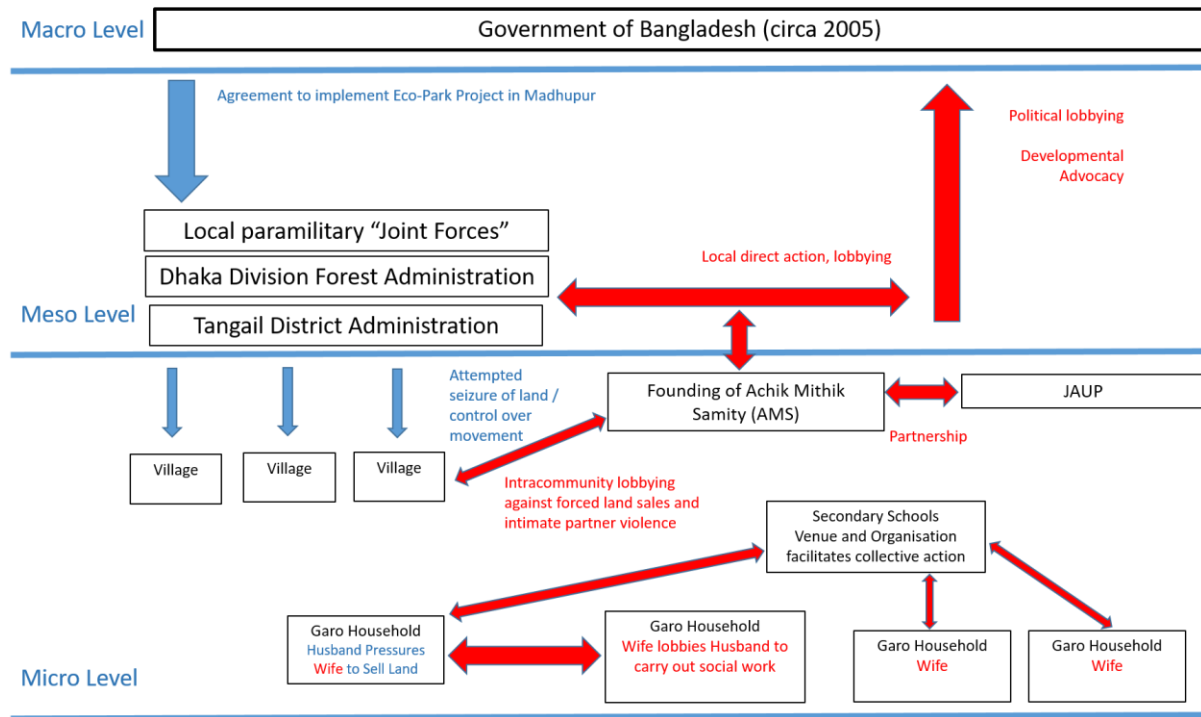
Legal Services Trust (BLAST), the Society for Environment and Human Development (SEHD) and the Bangladesh Environmental Lawyers Association (BELA). By 2000 the first national level all-Adivasi human rights organisation had been formed in the wake of the 1997 Chittagong Hill Tracts Peace Accord. Santu Larma, chair of the PCJSS which had waged the insurgency, was President, with Sanjeeb Drong as its General Secretary. Promode Mankin was by now a member of Sheikh Hasina's shadow cabinet. This "networking" played a vital role bringing the Ecopark movement to national prominence. Key leaders were targeted by spurious legal cases by the forest department. Several were arrested, including Ajay, who spent six months in prison in very difficult conditions. In the end, the protests ended when a mass shooting on a protest comprising both Garos and poor Bengalis led to death of Piren Snal in January 2004, and the wounding of dozens of others.

There was a final major confrontation that has received far less attention in the secondary literature, and involved Achik Mithik Samity (AMS). As discussed above, this was established by a group of women primarily in response to the rising trend in husbands pressurising their wives to sell land for money to meet social demands. In 2005, a year after Piren Snal's murder, they took on another task. At this time, there was a huge coordinated effort by the security forces to occupy Garo land by force, ripping up crops and planting acacia. The men of the Jayanshahi were still facing substantial pressure from the many legal cases filed against them during the Ecopark movement and were thus unable to move effectively to prevent this. AMS instead took the lead, mobilising hundreds of women to physically interdict the security forces at key roads through the Garh and blockading them. As described by both Maloti and Sulehka Mrong, the current AMS General Secretary, the women self-consciously used the marginalised status of women in Bangladesh society to stop the security forces, aggressively interposing their bodies between the troops and the way towards the Garo homesteads.

The result was an invitation to the AMS leadership to consult with a raft of district officialdom at Dokhala and then in Tangail where they presented a list of demands centring on the recognition of Garo land rights. The demands were heard, no action was taken, but the assaults on Garo land ceased and have not been repeated on a similar scale, though smaller attempts have been made, as discussed above. In each case, the Garos have been able to *compel* state authorities to recognise the "minimum level of legitimacy" of their land rights on a temporary basis, through direct action, litigation and advocacy. A "permanent settlement" of these rights, *de jure*, remains elusive. In order to secure these community rights, and achieve incorporation into the Bangladesh state on less

adverse terms, Garos continue to engage in three main enterprises: progression into the state and NGO bureaucracies, economic self-sufficiency and politics.

Figure 7-4: Resistance in Madhupur, circa 2005



7.11 Resisting exclusion: NGOs, savings groups and politics

I have already introduced the issue of the Garos' economic marginalisation. They are resisting this by the acquisition of their own capital through savings groups, generally facilitated by the Church infrastructure. Individual households regularly pay in to a collectively managed revolving fund, and are able to take loans from this fund at a low rate of interest. The management structure is tiered, with officers elected by fund members, and integrated into the CALP, the national Christian savings association. Penalties for default are reported to be minimal, with defaulters simply excluded from the lending mechanism until repayment is made.

The scale of the effort in absolute terms is impressive. The Jalchatro Credit Union is now able to extend credit equivalent to 1 *crore*¹³ taka in exceptional circumstances. Second, this is still often insufficient for the needs of villagers, with several respondents noting that a credit union loan is part of a portfolio of credit, including money-lender cash lent at usurious interest. Finally, it speaks to the extreme exclusion of the Garo community from the Bangladeshi state that it has been necessary to

establish an entirely parallel system of economic resource management in the area, as well as the community's capacity for collective action that this vision is being realised.

The education of children is an important use of such funds. Through education, it is possible to secure a good "*cakri*", a service job. I have discussed above the obstacles encountered by Garos seeking Government appointments and often the NGO sector provides a more accessible route. Once more there is a striking sense of "parallelism" here, with organisations such as Caritas and World Vision requiring applicants to be at least sympathetic to their Christian ethos. By having more educated Garos, in better paid positions that command more influence, the home communities will enjoy a greater degree of protection. This comes at a price, in that the local communities are thereby denuded of talent. One question I asked repeatedly was from where would the new generation of local social leaders emerge. Maloti Nokrek in particular was extremely doubtful, gently chiding my research assistant for his own decision to move away from Haluaghat to Dhaka. On the other hand, people like Suchona Ruram are able to remain in their communities and, through their access to foreign funding work directly on problems like the Vested Property Act that still pose a key challenge to securing Garo land rights.

Finally there is the dilemma of politics, with most respondents broadly agreeing with my characterisation of the problem as "co-optation versus elimination". Concerning the first horn of this dilemma, there are a number of Garo leaders who are viewed with deep suspicion by members of the rest of the community for having "sold out" to the outsiders. It is an extraordinarily sensitive issue, as one could equally characterise such responses, whether embracing social forestry, or funding Bengali political candidates, as entirely sane in the circumstances. Eugene, as President of the JAUP, seemed to spend a great deal of time arbitrating between the "uncompromising" leaders and those who argue for a more nuanced engagement with the structures of Bengali-dominated political society. There is also a distinction between those considered to be unwitting dupes, and those who consciously are "turning Bengali" for their own benefit. As one senior activist put it, discussing two prominent "bad leaders", "the problem with Andrew is he is stupid. The problem with James is he is very, very clever."

On the other hand, there is the salutary example of Cholesh Ritchil, who aggressively manoeuvred for election to one of the local Union Parishad Chairmanships, buoyed by his local support from both the Garos and marginalised Bengalis. The story as reported to me by two of his closest confidantes was that the incumbent UP Chairman used family connections in Bangladesh Airforce Intelligence

during the highly militarised context during the “military backed” Caretaker Government period to have him assassinated. He was arrested in 2007 by members of the Joint Forces and the day after his body was released to the family bearing the marks of substantial torture. As in the case of Piren Snal in Madhupur, Cholesh’s case has joined a grim litany, including those of Alfred Soren and, potentially most prominently, Kalpana Chakma.

In that sense today’s aspiring political leaders have to navigate an incredibly fine line. Engagement with the system to some extent is inevitable if political power is to be won, but too close an association with certain practices associated with “clever” Bangladeshi elites will inevitably be viewed as anathema by prominent sections of the Garo community, leading to bitter division. Failing to play the game to some extent, however, will lead to the simple exclusion of such aspirants from power and, in extreme scenarios, to elimination by those elements of Bengali political society who have the most to lose from the election of a militant and strong Garo leader with a popular support base. A minor example of the tensions at work was revealed in the preparatory phase for the Union Parishad Chaiman elections of 2015. The majority of Garo leaders threw their support behind a Bengali who was “sensitive” to the concerns of the community, ignoring the attempted candidacy of Benedict Mangshang on the basis he was extremely unlikely to win the nomination of the governing Awami League party. Many Garo activists thought this a great shame, that a Garo candidate should be rejected by his own people. Others argued that the expenditure of community resources supporting a candidate who could not win was pointless, and would alienate the successful candidate who would then not be willing to lend his support to their cause. Such are the complications that surround the ambivalent but essential task of securing Garo representation among Bangladesh’s elected leadership.

7.9 Conclusion

Findings from Bangladesh support a number of conclusions concerning the rights of indigenous peoples over their lands and forests. First, the tenure system itself and even quite radical tenurial change has not been the main cause of the substantial dispossession in evidence across this study setting. The Garos had moved to a regime of property rights more or less of an individual nature by the end of the British period, and this was officially recognised and sanctioned by the state following zamindari abolition in the 1950s, albeit following Garo representations to the government on the issue.

The key issue has instead been the development of Bangladesh's political economy along increasingly hardened ethno-religious lines, whereby the marketisation of land is insufficient if the land in question is not held by active participants in an ethnically demarcated system of political exchange. In converting such factors that lie outside the system into resources that the system can use, the state provides a number of mechanisms, each of which is underpinned by a legitimising discourse. Land captured through the abuse of the Vested Property Act never belonged to "proper" Bangladeshis in the first place. Land allocated to acacia plantations by the forestry department is for the purposes of conservation.

These various assemblages of institutions and discourses constitute the apparatus used by the "predatory state", staffed by bureaucrats but dominated by local political leaders, to enhance both their individual wealth and, more importantly, their store of allocative resources and, thereby, their political power. Crucial at every stage is the explicit calculation that the Garos, being outside the complex network of Bengali kinship ties that mediate political power and influence in Bangladesh, are "fair game", whose disenfranchisement will incur no severe penalty. As we have seen, however, the Garos have been able to draw on their community's own structural strengths to collectively organise at every opportunity to resist these processes.

Such episodes of resistance have only provided brief respite from the threat, which will obtain as long as full *de jure* recognition of their rights to resources is withheld. Instead of fleeting and temporary recognition, secured through direct action, the Garos play a longer game, by educating their young with a view to acquiring well-paid and influential service jobs, by organising economically through savings groups, and by navigating the uncertain and perilous currents of mainstream politics as members of a minority community. Although not as desperate in many ways as their Bangladeshi counterparts, Indian Garos face similar problems, albeit in different forms, including institutional ambiguity surrounding their land rights, these arising not from the state being "predatory" but through it being largely absent. It is to these issues I will now turn.

¹ The southernmost district of the Chittagong Hill Tracts, heavily forested and bordering Myanmar, it is popularly synonymous in Bangladesh with terms like "backward" and "remote."

² Robbins Burling, *The Strong Women of Modhupur* (Dhaka: the University Press, 1997) 191.

³ Fazlous Sattar, *Struggle for survival: a study on the legal status of the Mandi peoples' land rights in Modhupur Forest area* (Dhaka: Shrabon Prakashani, 2006).

⁴ Alexander Dodson, *Bangladesh's Forest NGOScape: visions of Mandi – identity, competing eco-imaginaries, and faltering entrepreneurs in a climate of suspicion* (unpublished doctoral thesis, University of Texas at Austin, 2013).

⁵ A simple title deed.

⁶ There were 16 annas to the rupee. Even in the mid twentieth century, one quarter of a rupee was a nominal sum.

⁷ Unit of land measurement in Bangladesh, synonym for pakhi, one third of an acre, 30 bighas being ten acres.

⁸ Synonym for bigha, one pakhi is equal to roughly one third of an acre.

⁹ Philip Gain, *The Last Forests of Modhupur* (Dhaka: Society for Environment and Human Development, 2006) 197.

¹⁰ Alexander Dodson, op. cit., 132.

¹¹ Robbins Burling, op. cit., 75.

¹² Bina Agarwal, *A field of one's own, Gender and land rights in South Asia* (New York: Cambridge University Press, 1994) 330 – 331.

¹³ 10 million.

Chapter 8: Corroding Community Rights and Institutional Ambiguity, the Absentee State in the Garo Hills

8.1 Introduction: the refugee *nokma* in the Garo plains

It is early January in 2017 and I am in the village of Gandhipara, located in a plains area of the Garo Hills, near the Assam border, struggling desperately to understand how everything in the locale works. So far I have been able to establish the headman is not the *a'king nokma*, the notional custodian of the whole territory, traditionally the husband of the designated heiress of the founding *mahari*. Gandhipara is a satellite village that split off from the main settlement some time ago.

"But he's elected?" I ask Manoj, my research assistant.

"Yes."

"By whom? The whole village?"

"No, by the nokma council."

"The nokma council?" I had been introduced to the social organisation at the beginning of my fieldwork. Led by the formidable Skylance Momin, Indian Police Service (retired), the Council of Nokmas holds no formal legal standing in Meghalaya state, but most headmen were members, and they worked informally to represent the views of the traditional leadership to state organisations.

"No no," Manoj and the nokma exchange some more words, "nokma council is what they call the village council."

"And who is on the village council?"

More discussion.

"It is like, elders, or the most respected persons."

"And how do you get on the council?"

"It is also elected."

"By whom?"

"Whole village."

I am scribbling frantically, despite my use of the tape recorder. Perhaps sensing my puzzlement, Manoj tells me that he has not encountered a system like this himself.

"Manoj, can you try to get a sense of why they do it like this? For instance, did anyone, from government for example, *tell* them to do this?"

There follows a lengthy exchange.

“It is just that they thought, it is best, for the village, to make sure the best people can take the decisions.”

Over the course of the afternoon, I am told that there have been three headmen in the village’s history. The first was automatically *nokma*, as he led the first settlers when they split from the parent village. The second was his son-in-law, after the traditional fashion. But under the second, a semi-permanent council had formed to help administer the village. When he died, two years ago, it was decided to elect his successor from the council. The council comprises eight individuals, including one woman. In principle, there was no bar to a woman being elected *nokma* in the future. Indeed, I am told, there are a number of villages which have female *nokmas*. I work hard through Manoj to confirm this. A common saying in the Garo Hills is that “women are the real *nokmas*” because the role passes through marriage to the female line. A divorced *nokma* is no longer the *nokma*. I am told that absolutely, in a few cases women hold the role in its common, administrative sense. They are the “headmen” of their villages.

The incumbent has yet to register his *nokmaship* with either with Skylance’s Council of *Nokmas*, or the Garo Hills Autonomous District Council, which has the mandate to appoint and dismiss headmen across the five Garo Hills districts. This is because “the people may not like my leadership, and may choose another.” I confirm this with Manoj: “so, he is on a kind of ‘probation’?” Manoj agrees. The village is located in the plains of the Garo Hills, on the edge of the western border between Meghalaya and Assam. It possesses no forest reserve, nor any remaining *jhum* land to be allocated to families on an annual basis for traditional shifting cultivation. All of the land has been allocated to families, and comprises a mixed portfolio of wet rice cultivation and fruit gardens. Each homestead has a cluster of trees used for subsistence firewood requirements and house construction.

An environmentalist might decry the deforestation, and a Marxist the privatisation of land formerly held in common, but sitting in the bright and cool January sun, sipping tea, it is hard indeed to subscribe to such critiques. The village seems affluent, with many sturdy stone houses. I ask if the land shortage is a problem, and the *nokma* says not really. Many of the village’s young people have been able to get educated and find either business jobs, aided by the village’s proximity to Assam, or *cakri* with the government. I silently rue the impending end of my fieldwork, the researcher’s curse of never having enough time. Probing wealth inequalities in the village, or finding the female *nokmas* elsewhere would be a fascinating exercise. Instead I make the most of the hour remaining before our return to Tura, and ask the *nokma* about his past.

He was born over the border, in Haluaghat. He remembers it being very beautiful. He says this in Bangla and we exchange a few words where I tell him my Bangladesh research assistant was from Haluaghat. “You did research in Halughat?” he asks me. “No, in Madhupur,” I reply, and an elderly woman sitting nearby simply says *habima*, “motherland”, a term often used in specific reference to the Madhupur forest. I ask her if she is from there originally and she says no, but her family was from there. The old woman is a generation older than the *nokma*, and I try to work out which generation of refugees they each belong to. The 1947 and 64? Or ’64 and ’71? More questions that would have to be left for another day.

Gandhipara is an effective microcosm of the hazards of fieldwork in the Garo Hills. It is an unusual village, but this in a context where generalisations rarely travel safely across any distance. The “thinness” of my approach was not helped by the practical constraints noted in Chapter 3, the lack of access and the physical size of the setting. The primary driver, however, was this variation between villages. A single village study of Gandhipara might offer conclusions about a relatively secure transition of local political, social and cultural relations following the establishment of individual tenure. Another, focused on a peri-urban village near Tura, would return a grim verdict of *nokma* corruption and the dispossession of their people. A third, located in the hills of Babadam, 800 metres above sea level, would entail a discussion of the robustness of community forestry and communal land-holdings. All of these observations are valid, all of them are made in the Garo Hills, none of them are “representative” of the region. Several of my analytic memos simply read, “what on earth is going on?”

This variation is the central theme of the chapter. It speaks to an almost anarchic situation where, despite the *de jure* mechanisms in place to protect land rights and community control over forests, systems are often weak or unclear in principle and lack enforcement in fact. In theoretical terms, while the formal legitimacy of customary arrangements is recognised, their embedding in higher institutional arrangements is fragile. The discretion of individuals, particularly the *nokma* and governing *mahari*, is left largely unregulated in how decisions are actually made concerning these issues. In the local context there are strong social prohibitions against selling land to anyone outside the village, even if they are Garo. The lack of a unified land market, hilly topography and the lack of “Green Revolution” technologies in the Hills render land relatively unprofitable. There are therefore few incentives to engage in land grabbing and dispossession even for those in a position to do so. There are signs that this is changing in certain locales, particularly those located in and around the

peri-urban environments surrounding Tura, Rongram and Garobadha, and close to the Assam border.

Locales under these specific topological circumstances are seeing land prices increase due to the expansion of development infrastructure and / or are located close to the epicentres of the illegal timber trade in Assam. Under these circumstances of increased incentives to abuse their position, certain *nokmas* do so. Legal mechanisms to challenge this behaviour are unclear and fraught with danger for other villagers. Pursuing redress is both expensive and likely to be met by reprisals from the headman and their in-laws (*Chtra*). This lack of a robust and regulated system of land administration characterises what I label the “absentee state” stemming, as in Bangladesh, from the political economy. Political elites ignore a largely unprofitable countryside to pursue rents flowing from Central Government subventions to the state capital Shillong and, to a lesser extent, Tura. There would be little incentive to address significant gaps in the land and forest administration under such circumstances anyway. The situation is further exacerbated by the institutional dissonance discussed above, with state government agencies and those of the GHADC exercising competing authority and with mismatched mandates and funding. This institutional dissonance is intentional, a direct result of how the Autonomous District Councils were established in 1950 as a strategy by the Indian State to “recentralise while decentralising”.

The chapter begins with a summary of the “rules-in-use” and key organisations in the research setting, and a brief description of villages visited and how their circumstances vary. I make some observations concerning intra-community inequalities and gender. I then discuss cases of dispossession, and the mechanisms by which it occurs. Following a discussion of local forestry issues, I draw together the threads from the village findings together in a discussion of governance problems in the region, where I articulate in greater depth my conclusions concerning the absentee state in the Garo Hills. Finally, I discuss the extent to which this state of affairs is an unforeseen and adverse consequence of successful tribal resistance in the past, and what efforts exist to remedy the problems.

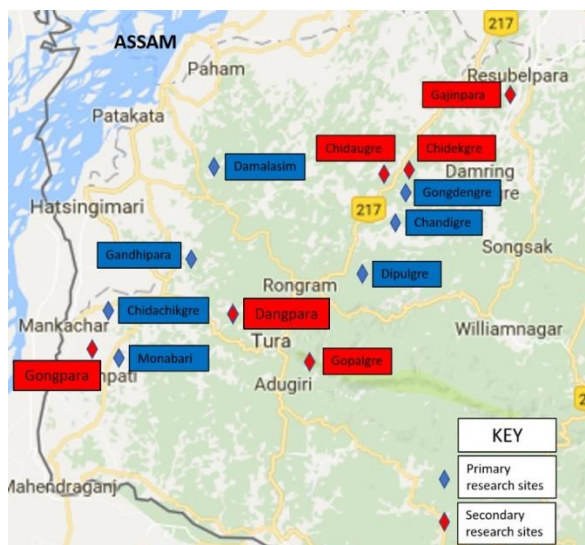
8.2 The Garo Hills context

In contrast to Bangladesh, I made a distinction between primary and secondary research sites in the Garo Hills. This was driven by that fact the village survey work, where five villagers and the *nokma* were interviewed at seven villages semi-randomly while capturing variation in biophysical

characteristics and rules-in-use, was not turning up as many problems as I had anticipated. Secondary sites were selected, in consultation with contacts in Tura, where significant problems of dispossession were occurring. Additional secondary sites were selected for specific purposes relevant to the research question. Primary and secondary research sites are depicted below in Map 1, and a summary of biophysical differences, rules-in-use and purpose of the visit are summarised in Table 1.

Land in the Garo Hills is divided into *a'kings*, which one elite respondent translated as “estates”, a term which captures the fact that they are often very sizeable. Those *a'kings* visited in Hilly areas still include portions of communal land used for *jhum* cultivation. All of the lands under plains *a'kings* had been allocated to individual families, operating under a heavily circumscribed variant of private individual tenure. One important point is that three revenue mouzas in the plains are former *zamindari* holdings that were subject to the Permanent Settlement and are exempt from the purview of the Meghalaya Land Transfer Act of 1975, that specifically prohibits any transfer of land to a non-tribal.

Map 8-1: Primary and Secondary Research Sites



The prevalence of Village Reserve Forests is more difficult to summarise, as is the number of them that are formally registered with the Garo Hills Autonomous District Council’s Forest staff. In crude terms, there are more forest reserves in the hills, but one of the longest standing registered reserves is in Gajinpara, in the plains immediately adjacent to Assam. I will expand on all of these issues in the rest of the chapter. For now, it is important to note that, even in those contexts where communal land has disappeared, the *a'king* retains primacy as the legal unit of land recognised by the

authorities. It is theoretically “owned” by the heiress of the *a’king’s* founding *mahari*, but legal control is vested in her husband, the *nokma*. The question of who actually makes the decisions is less clear, as will be discussed below, but in principle the members of the founding *mahari*, particularly the men (the *nokma’s* in-laws or *Chtra*) are very influential in this regard.

Table 8-1: Summary of research sites

Village	Biophysical characteristics	Rules-in-Use	Purpose of visit
Chandigre	Hilly	Registered Village Reserve, Jhumming	Primary site, village survey
Chidachikgre	Plains	No Village Reserve, no Jhumming	Primary site, village survey
Damalasim	Plains, coal area	No Village Reserve, no Jhumming	Primary site, village survey
Didangre	Hilly	Village Reserve, Jhumming	Primary site, village survey
Gandhipara	Plains	No Village Reserve, no Jhumming	Primary site, village survey
Gongdengre	Highlands	Village Reserve, Jhumming	Primary site, village survey
Monabari	Plains	No Village Reserve, no Jhumming	Primary site, village survey
Chidaugre	Hilly	Village Reserve, Jhumming	Nokma interview
Chidekgre	Hilly	Village Reserve, Jhumming	Nokma interview
Gajinpara	Plains	Registered Village Reserve, no Jhumming	Examination of oldest Registered Reserve in Garo Hills
Gopalgre	Peri-urban, near Tura	Village Reserve, no Jhumming	Investigating reports of Nokma corruption
Gongpara	Plains	Village Reserve, no Jhumming	Investigating reports of land alienation
Dangpara	Peri-urban, township	No village reserve, no Jhumming	Investigating reports of land alienation

An assembly including all village members seems to also play a significant role in decision-making though this also varies substantially, and has no formal legal standing in Meghalaya state. Although hill villages possess common land, every village visited had substantial areas allocated to permanent paddy cultivation, and various kinds of fruit gardens, “owned” by individual households. Legally this process begins with the *nokma* issuing a no-objection certificate, or a simple bit of paper stating the ownership status of the land that were generally simply referred to as “*nokma* documents”. In addition, the *nokma* has also been invested with other administrative duties, including the responsibility of issuing certificates testifying to a given villager’s place of residence, and status as a Scheduled Tribe (ST) member. They also continue to play a dispute resolution role within the village. Satellite villages within an *a’king* are led by *songhat nokmas* (*sardars* in the North Garo Hills). While generally the latter have no allocative authority over the land, the balance of other authorities between the two roles was unclear, and seemed to vary depending on the *a’king*.

As in Bangladesh, there are three sets of actors above village level that will be referred to throughout the chapter: bureaucrats, elected officials and civil society groups and organisations. A significant difference is that both former groupings are sub-divided into GHADC bureaucrats and elected officials, and their counterparts in the Government of Meghalaya state. The GHADC has legal responsibility for all community land-related matters in the region, including community forests which comprise 95% of forests in the Garo Hills. It issues formal land *pattas*, in exchange for an annual tax, and registers Forest Reserves, working with villagers in their management. The GHADC also appoints and deposes *nokmas* and has the implicit responsibility for building their capacity to do their job. The problem is that that GHADC, for various reasons, is starved of resources.

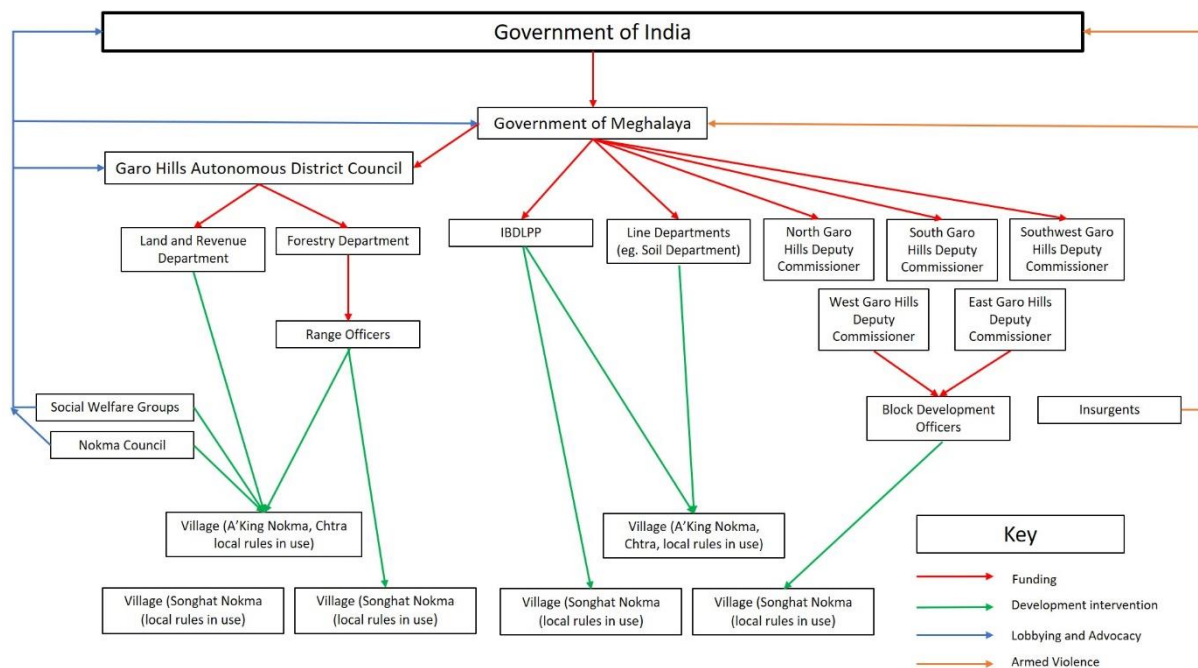
In contrast, the state government has substantial resources, but no mandate to interfere in land or forest issues, excepting land acquired for state development purposes and the 5% of forested land managed in “state” forest reserves. Deputy Commissioners in charge of districts therefore have a far smaller formal role over land than their counterparts in Bangladesh. They do however oversee the police, the construction of infrastructure like roads and schools, and the implementation of national schemes like the Mahatma Gandhi National Rural Employment Guarantee Scheme, which guarantees a set number of days of employment for rural inhabitants in development projects. Issues intimately related to land like agriculture and access to markets also fall within the state government’s mandate, and are currently co-ordinated by the Integrated Basin Development and Livelihoods Promotion Programme (IBDLPP), a quasi-state development agency. The difference in funding and mandates is a source of considerable bureaucratic tension in general between the

GHADC and the state government, resulting in, among other things, a lack of communication between GHADC officials and IBDLPP field staff.

Elected officials seem far less embedded in local communities than the omni-present UP Chairmen in Bangladesh. Complaints common of both Members of the District Council (MDCs) and the state Legislative Assembly (MLAs) heard in the villages is that “they don’t do anything for us” and “they only come at election time, when they need us.” The interesting exception here were villagers in the Ampati constituency, home of Dr Mukul Sangma. Currently the state’s Chief Minister, he has been a fixture in Meghalaya politics for decades and assiduously ensures development projects are implemented in his area. Other personalities I encountered also seem diligent in cultivating their constituents. One MDC I travelled with on a field visit was careful to allow time to visit tea shops in his constituency on the way, phoning ahead to invite local people to join him and discuss their concerns, and he paid for their tea and tiffin.

Civil society organisations seem weak in Meghalaya, certainly in contrast to Bangladesh. The sensitivity of the region has meant that international NGOs and donor agencies have had a very light footprint in the state. Home grown organisations, without external donor agency support, are practically non-existent. I did not encounter any locally funded and nested organisations like the Jayanshahi or AMS in the countryside. The “Mothers’ Network”, a women’s rights organisation, focuses on Tura and the problem of Intimate Partner Violence (IPV). Other “social work” organisations include the Garo Students Union (GSU) and the Federation for the Khasi, Jaintia and Garo Peoples (FKJGP). They have headquarters in Tura, as well as numerous local chapters. Finally there are a myriad of *ad hoc* initiatives pursued by Tura’s “social worker” class. Many of them earn a precarious living as “contractors” near the bottom of the ladder of Central and state government development schemes. Winning contracts requires connections and kickbacks, and payment is not guaranteed. In their spare time, these individuals pursue “social work”, similar to that undertaken by the more formalised organisations. Insurgent groups remain active in the area, but are of limited concern to the study. These various actors will be referred to throughout, and are depicted below in Figure 1.

Figure 8-1: Institutional Arrangements in the Garo Hills



8.3 Intracommunity wealth differentials, gender and poverty

As noted above, no plains *a'king* retains communal land for allocation to new families, or *jhumming*. It had all been allocated by the *a'king nokma* to individual families for sedentary agriculture, either wet rice or a variety of cash crop. This tenure system bears a closer resemblance to the individual freehold system common to the rest of the region, albeit with caveats. First, the custom of matrilineal inheritance was universally reported to be robust. Second, no villager considered themselves free to dispose of their land as they saw fit. Sale of the land was viewed as a last resort in case of an emergency, and in that scenario it could be sold only to Garos, ideally from within the village.

A number of functionally landless households have emerged as a result. As discussed in chapter 4, my study design is not well suited to examining intra-village inequality. The findings nonetheless do support some tentative conclusions. Intersecting drivers of intravillage inequality were similar to those encountered in Madhupur. They include whether a household is a member of the founding *mahari*, intergenerational inequality, the number of people in a given household and their relative natural gifts, the vicissitudes of life in general and, possibly most importantly, whether a member of a family has succeeded in acquiring a service job with the government.

Families of longer standing will be better established in the village, with more households and thus will have brought more of the *a'king's* land under individual control over time. Larger families have

more “labour power”, able to cultivate more land, and deploy more people to participate in paid labour exchange within the village. Young couples rely on an allocation of homestead land on an existing plot owned by the wife’s *mahari*. They are able to contribute to cultivating the *mahari*’s land for money, but have no farmland themselves.

The vicissitudes of life lead to different outcomes for different people. One poor household comprised two individuals: an aging mother and her unmarried daughter in her mid-thirties. On the other hand, someone acquiring a job in government service marks a transformation in their family’s fortunes. A state public school teacher earns 35,000 rupees (approximately 350 GBP) a month, equivalent to an annual income from subsistence agriculture. Walking through a village, if we encountered a robust concrete house instead of a bamboo and timber hut that comprises the average Garo dwelling, we could be generally confident it was a public service holder’s home. Poverty was a problem common to both plains and hill villages. Even households with sizeable landholdings reported low incomes, and evinced a precarious way of life, vulnerable to shocks such as sudden illness or a poor harvest. This requires some attention because a major argument reviewed in Chapter 2 is that poverty alleviation is facilitated by equitable access to land. Three issues are relevant here: the intensity of cultivation, access to markets and access to credit.

Cultivation in the Garo Hills is noticeably less intense than in the plainlands regions of Bangladesh, and this is due to several factors. “Green Revolution” technologies such as chemical fertilisers and pesticides were never introduced into the Garo Hills and irrigation technologies, including the diesel-powered water pumps ubiquitous in Bangladesh, are rare. The fact that everything is “organic” is a proud boast, and the IBDLPP is attempting to secure legal recognition of this status formally certified so that villagers can charge more for their produce. Regarding paddy crops, the limiting factor is availability of water, with hill villages completely reliant on rainfall. Even in the Garo plains, only those rice fields near streams and rivers can support multiple crops in a year. From the study area, only two households were in this enviable position.

Every Garo village reported some form of difficulty in accessing the supply chain. In the Hills this was often a simple question of poor roads. The nearest markets were accessible only on foot, or often in a single vehicle jointly hired by a number of villagers. Road access is only the beginning of market access problems according to respondents from the plains. Having reached the market, Garo villagers encounter a commercial environment dominated by Marwari and Bengali traders who function, according to respondents, as a “cartel”, fixing prices at a low rate, and then selling on

produce on at the nearby Assam market of Mankachar for a quick profit. One female respondent from Monabari said that if she tried to take the produce directly to Mankachar, she would be physically blocked from doing so by the cartel. If she avoided them, the cartel's associates in the Mankachar bazaar would offer her even lower prices. One of the explanations for Gandhipara's apparent affluence, referenced in the introduction, has been the willingness of its inhabitants to participate in cartels, exacting high profit margins through squeezing producers. The IBDLPP's response has been to attempt to "leapfrog" local markets, arranging wider ranging exports of village goods to markets as far afield as Hyderabad and Kolkata. It is also financing shops in the more remote villages like Gondengre to remove the need for local people to make long journeys to purchase staples, and to provide employment within the village.

Lack of access to credit is the logical corollary of the legal inability to transfer land from a tribal to non-tribal under the terms of the 1975 Meghalaya Land Transfer Act. On this basis a bank would be unable to seize land offered as collateral in the event of a loan default. This is changing in contexts where official *pattas* from the GHADC are held by individuals. One Garo woman in Gandhipara asserted that, first, her possession of a *patta* entitled her to use land as collateral for a loan and, secondly, if she defaulted then that land would revert to the bank's ownership. It is not clear whether this would happen in practice under Meghalaya law. Some respondents suggested that, in the event of default, other Garo villagers would "pitch in" to cover the loan, and receive access to the collateral land until the original owners repaid the debt. These examples were rare, and only encountered in the plains. In the Hills, the notion of taking out a loan using *a'king* land was not thought possible. Again, the IBDLPP is providing small loans to individual villagers to undertake activities like pig farming and honey production but this appears to be a small-scale and piecemeal effort.

The impact of all these processes on gender relations is difficult to assess. On the one hand, as discussed, matrilineal inheritance appeared to be robust, despite the increasing practice of allocating small plots of land to male children for their upkeep. One of the poorest individuals encountered had been forced to move in with his aunt having been divorced by his wife, and was subsisting on labour within the household in exchange for food. This is a small piece of evidence in support of the argument that matrilocal residence and matrilineal inheritance strengthens women's empowerment. Educated Garo women working for the IBDDL project emphasised their better circumstances compared with "mainland" Indian women, and there are scattered reports of women being able to play the role of headman.

Against this, Garo society is clearly patriarchal and Garo women villagers report that the societal rationale for matriliney is due to their “weakness” as a gender. This is an interesting point that I have not come across in the literature. Because of their weakness, both physical and, in some interviews, “of character”, they have to stay in the village and can thus look after the land. It is not clear if this is a new notion that has come with the growing move to individual freeholding. I found no evidence to support predictions that the move to the “plough” with wet rice cultivation would exclude women from agriculture, and female participation in this activity mirrors the context in Madhupur. Also, I found it hard to pin down the physical constraints implied by “staying in the village”. There is no shortage of Garo women selling produce by the road. Inequalities in land-holding seem to be less affected by this gender imbalance than by the intergenerational inequalities discussed above. While villages like Gandhipara may boast the success of many of their younger generations in finding business and government jobs, this is unusual. Many of the most land poor interviewees were poor because they were young, a plight that afflicted both genders equally.

8.4 Titling and Dispossession

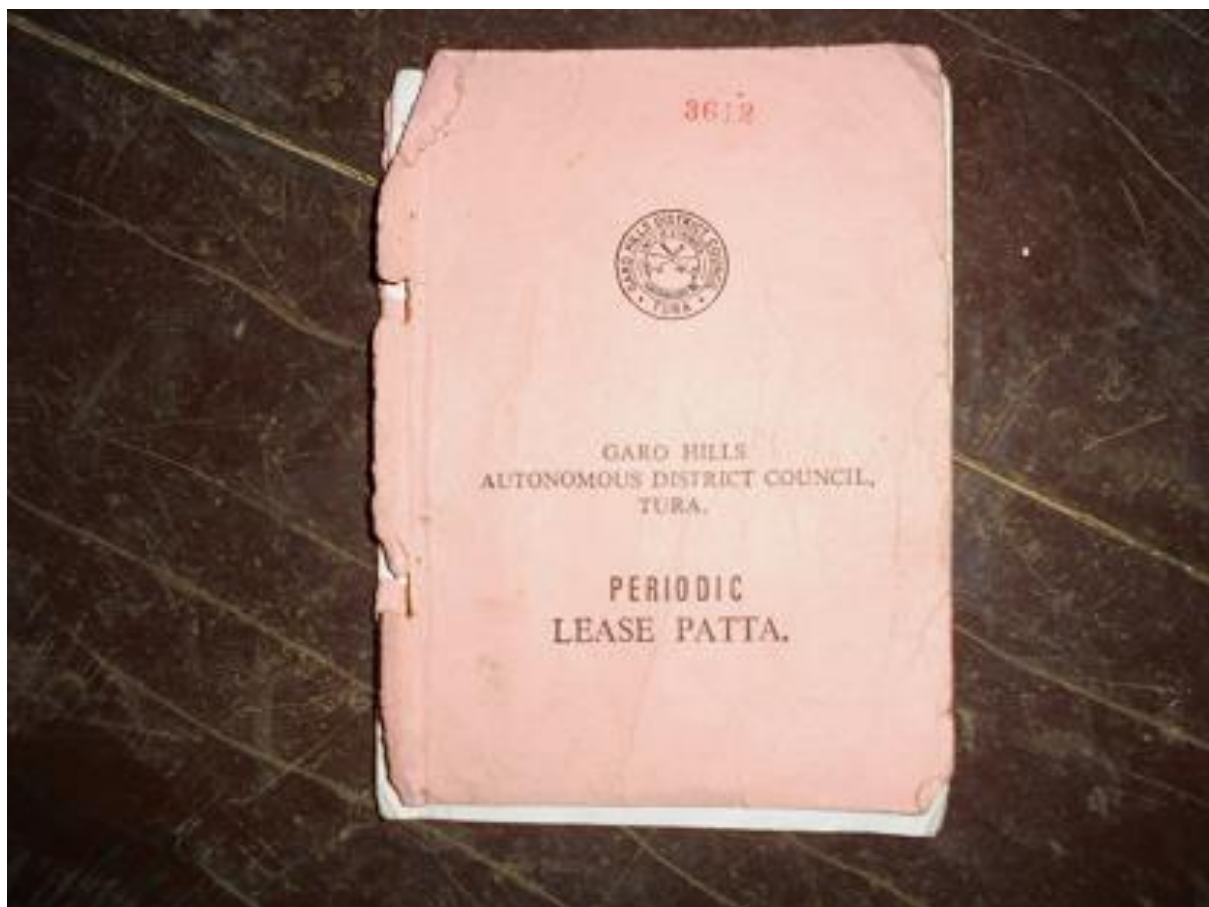
Any discussion of dispossession in the Garo Hills entails an analysis of the role of titling encountered in the villages. As noted above, the initial step to securing an individual plot requires simply “*nokma* documents” to that effect, which have weak formal standing but do not entail the payment of fees or a land tax. Villagers gave several reasons for going further in formally registering plots with the GHADC, requiring a fee and the annual payment of a small land tax. In the hill village of Didangre, there was a rush for *pattas* in response to the expansion of the nearby road. Only through registration would they be eligible for compensation for land acquired for the road. In the plains, the different biophysical characteristics of different crops dictated the requirement for *pattas*. Because of the large variety of fruit garden cropping, it is far simpler to directly observe where one plot ends and the other begins. With wet rice cultivation, this is more difficult. There was a tendency therefore for rice plots to be titled and the fruit gardens to be left with *nokma* documents.

Primary research sites revealed three land disputes. The *nokma* of Monabari said there were occasional boundary disputes within the village, but these were easily solved by mediation. Gongdengre was engaged in an intervillage dispute, with the boundaries of the respective *a'kings* in contention. An initial lack of access *within* the village to boundary records from the colonial period

was a major obstacle to progress with the GHADC, and this will be discussed further below. At the time of fieldwork the case was still unresolved.

The hill village of Didangre provided the only case study of the most discussed and contentious form of dispute in the Garo Hills, the alienation of land to the “Bangal¹”, illegal Muslim Bengali immigrants. The female respondent told us her father had held a service job with the government and she had been paid a lump sum when he died. She used this money to purchase 14 *bighas*² of wet rice land in the plains from other Garos, employing local Bengalis to cultivate the land in exchange for half the crop. The Bengalis subsequently claimed one bigha as their own land, despite the fact that the woman has formal title to the plot (image 1 below). Efforts to pursue the reclamation of the disputed *bigha* have been stymied by an apparent lack of clarity on how to proceed. While the legality of her claim cannot be in doubt, the GHADC has no powers of enforcement, and the local police have been unresponsive. The woman was planning to appeal to the social organisations, including the GSU, to physically remove the Bengalis from the land.

Image 8-1: GHADC land *patta*



In theory, the presence of *any* non-tribal settlement in the Garo Hills following the passage of the 1975 act is, by definition, illegal. Assessing who came before, and who arrived afterwards is, however, a complex and controversial topic. Bengali and Nepali communities have lived in the Garo Hills for at least a hundred years. Relations between communities are not necessarily inimical. There are thirteen Bengali households on the outskirts of Monabari. The *songhat nokma* said they were permitted to settle there in the 1980s by the *a'king nokma* and their presence is not controversial. Other villagers said that relations were amicable, including reciprocal gifts of food during respective religious holidays.

A common distinction is between original non-tribal settlers, who received formal permission from the *nokma* to make their homes on *a'king* land, and the later arrivals who followed kinship ties to expand the initial settlements without reference to the Garo community's sentiments. Dangpara's *nokma* had "no idea" how the township's bustling Nepali and Bengali communities came occupy *a'king* land as he had only been in post for two years. They had not asked him for farm land to cultivate, and was adamant he would refuse if they did so. If other "outsiders" attempted to settle in Dangpara, he would prevent them from doing so. The interview was facilitated by a local activist who afterwards voiced strong scepticism concerning the *nokma's* answers. Prior to becoming *nokma*, he had been *nokrom*, or husband to the heiress, a decade where he deputised for his father-in-law. The activist believed the *nokma* collected unofficial dues from the non-tribal community, and would have no compunction about allowing new arrivals to settle there.

The *songhat nokma* of the plains village of Gongpara, close to the Assam border, together with other members of the founding *mahari* said that the neighbouring village was entirely comprised of Bengalis who arrived in very small numbers during the 1980s. Relations were initially amicable, and the Bengalis playing a valuable role within the *a'king* supplying paid agricultural labour. Towards the end of the 1990s, their numbers increased, partly through continuing in-migration. Fascinatingly, the villagers reported that this Bengali village had adopted matrilocal marriage rules as a means of cementing their numbers in the area. At this point the harassment began.

Minor incidents such as permitting cattle to roam in Garo rice fields prior to the harvest, and the occasional physical altercation were followed, in 2000, by accusations made to the police that Gongpara villagers were abetting the insurgents. The Bengalis bribed the police, leading to three members of the Garo village being imprisoned for three months, before being released on bail at the

cost of 40,000 rupees each. To cover the costs, their families were forced to either sell or mortgage their land to Garo money lenders in Tura. The Bengalis continue to harass the Garo village and encroach on larger stretches of *a'king* land. Gongpara has sent several delegations to the *a'king nokma*, receiving assurances that he will act firmly to address these issues. On each occasion, however, the Bengalis reportedly also send a delegation to ply the *a'king nokma* with whiskey and give him small bribes in exchange for his acquiescence. An important aspect of this is that the villagers genuinely had no idea who else to turn to under these circumstances.

The village of Gopalgre, located very close to Tura, provides the most dramatic case of land alienation and dispossession I encountered. Here the *nokmaship* is disputed. The village was established in the early 1920s, and the founding *mahari's* heiress died in 1992. Towards the end of her life, she altered the succession based on preferences for a good marriage match. The original daughter chose to marry a Chambugong, rather than a Ritchil or a Rangsha, which had been the matriarch's wish. The matriarch's newly chosen heiress was respected as such following her death, but the order of succession with the GHADC had not been formally changed due to an oversight. The original heiress had launched a challenge early on, but the Chief Executive Member of the GHADC had decided in favour of the matriarch's choice. In 2006 the original heiress, together with her husband, tried again and succeeded in overturning the decision through bribery, paid for by her husband's salary as a government employee, and partly from a secondary village within the Gopalgre *a'king*. She had convinced the *songhat nokma* to support her financially in exchange for an allocation of land from Gopalgre.

Having successfully wrested control of the *a'king*, the "usurping" *nokma* began to sell land to the state government for the building of a new institute for Higher Education and an expanded headquarters for the state rural development agencies. This has come at the expense of the land holdings of as many as half of all households in the village, with areca nut and tea plantations cut down to make way for the new developments, as well as a portion of the village's reserve forest.

When I asked how the new *nokma* and his wife could continue to reside in the village, the first response was that they were "shameless", and used threats of physical violence to silence their critics as well as exploiting their administrative powers. A *nokma's* signature is required to attest to an individual's status as a member of the Scheduled Tribe, to their membership of the village, to their ownership of a plot of land. These are all necessary when applying for jobs, or for work as part of various development schemes, or when opening a bank account. Withholding this signature

represents a substantial threat. The legitimate *nokna's mahari* has been engaged in discussions about how best to move forward, and a consensus now exists within the *mahari*, including members living in other villagers, on the need for action, ranging from a direct legal appeal to the GHADC to engaging social organisations on the issue. A key point to highlight here is the role of the *Chtra* in the dispute. The respondents' account emphasises that the "usurper" *nokma* has the unqualified backing of their "in-laws" and that his wife, the heiress, is the chief agent in the dispute.

8.5 Mechanisms of dispossession

There are three important themes here. The first is the difficulty of enforcing legal claims, even when uncontested, as we saw in the Didangre example. In theory the entire weight of Meghalaya law and notional local Garo sentiment should have made this easy to solve. The lack of formal and established mechanisms for resolving this kind of issue also has terrible implications for the Bengalis in question. It is a difficult subject to broach with Garo elite respondents in Tura, but physically displacing families should be accompanied by a rehabilitation mechanism. The *caveat emptor* notion that "they knew the risks" is itself a product of uncertainty and the lack of appropriate and concretely implemented systems for resolving these issues. The example of intervillage land disputes highlighted by Gongdengre highlights another aspect of enforcement difficulties, which is often the paucity of information available to villagers at local level.

The second theme comprises further evidence concerning the transition of agrarian relations in the Garo Hills, as well as gender. The Didangre case illustrates the disproportionate economic power that accrues to families of service holders, to the extent that the plot-holder was, in effect, an absentee landlord. The fact that she was also a woman, with a *patta* in her name, further suggest that the specifically gendered impact of the transition have been limited thus far, as does the Gopalgre example. For all the adverse implications for community land rights, the contest is unambiguously between the two heiresses.

The third and most important theme, referenced in the introduction, is the extent to which individual discretion is the root cause of the problems discussed. This is a central contention of the chapter, and needs careful elucidation. First, it is helpful to detail the process whereby a *nokma* is apparently able to abuse their position. The immediate check on a *nokma's* powers is provided by their *Chtra*: the *nokna* and her relatives. The Gopalgre case is characterised by the unity of the usurper *nokma* and his in-laws in abusing the powers of the office. Conversely, the Chairman of the

Council of *Nokmas* recounted one episode where an *a'king nokma* was issuing land documents to Bengalis on his village's land in exchange for bribes and whiskey. He was deposed by his *Chtra* and they subsequently mobilised their kinfolk to drive the Bengalis off the land.

If the *Chtra* are unwilling or unable to check the *nokma's* powers, it is left to the ordinary villagers. Their ability to seek recourse is then limited by their own willingness to do so in the face of reprisals, their knowledge of the appropriate channels to pursue and whether they possess sufficient resources to pursue these channels. There are a number of variables at work institutionally in cases of abuse even before we approach the question of why people choose to abuse their power. Considering the case-study evidence, the most powerful term that struck me was "shameless", applied to the Gopalgre *nokma*. Whatever its normative connotations, it carries deep, practical meaning, in that the people so described are able to disregard the feelings of the majority of the village.

This stemmed from the family's close links with bureaucrats in Tura and Shillong, and the *nokma's* service job. This is unusual, most *nokmas* I met were not significantly better off than many of their villagers. The Gongdengre headman did not even own a mobile phone. A reasonable assumption is that, beyond the *Chtra*, if a headman is reliant on his fellow villagers for support, in reciprocal labour-trading, or vehicle-pooling for journeying to markets, or simple social intercourse where they cannot easily travel to Tura to meet with other friends from outside the village, attempts to dispossess their own people will be less likely. On this point, in the Gongpara case, one wonders if the problem occurred in the *a'king nokma's* own village, rather than a satellite village, whether he would have been as desultory in taking action.

Wealth is also a factor in respect to the biophysical characteristics of the territories in the hills. Seizing land is often pointless because it is largely unprofitable to farm, certainly without a large pool of willing patrons to do so. In Gopalgre the land derives its value as a potential target for alienation because it is sought after by state agencies for development purposes, not because of its intrinsic profitability through agricultural use. This in turn is a direct result of the *topographic* character of Gopalgre, in that it is geographically close to Tura, a choice location for developmental projects. This aspect is also apparent in the case of Gongpara, with its proximity to the Assam border. This goes hand in hand with *topology*, where hilly regions are even less profitable because of the lack of rice cultivation and lack of access to either Assam or the peri-urban regions. It is the sheer number of different variables at work in this equation, and the way they interact that, in the absence of strong

homogenising governmental forces, makes the variety of outcomes concerning dispossession in the Garo Hills unsurprising in retrospect. These tendencies recur when discussing deforestation.

8.6 Mechanisms of Deforestation

“It used to all be forest, all of it. Now...so many gardens,” was the response of an elderly woman in Didangre when asked what the main changes in the locality she had seen since she was a girl. Her opinion was “it is good. Now we have money.” As alluded to in the introduction, villages now support a large variety of different cash crops, including tea, coffee, oranges and areca nut. There is no doubt based on village fieldwork that the slight decrease in biomass detected in my remote sensing findings in Chapter 5 masks substantial changes in land-cover and land-use in a similar fashion to that encountered in Madhupur, with deforestation taking place to make way for sedentary agriculture. I agree with Karlsson’s assessment, therefore, that there has been massive deforestation in the Garo Hills in recent years. Where I depart from his line of thinking is viewing this, *per se*, as a bad thing. In what follows, I interrogate the trend to identify the agency and ownership of local communities in these land-use change decisions, the model of conservation at work and the systems by which it is implemented. This permits a judgement as to whether a conservation regime is present alongside *selective* deforestation and the extent to which this might be considered sustainable by those charged with its implementation, ie. the staff of the GHADC’s Forest Department.

Concerning the question of agency, the shift to individual plots hosting various commercial crops came at the instigation of individual households, often with some form of support from *state* line agencies, including the Meghalaya Soil Department. This was not always plain sailing. In one case the Meghalaya Government had provided free saplings for expanded tea cultivation. After a few years the resulting crop had died. An outside expert brought in to assess the problem concluded the State had provided the wrong tea variant. Instead of Darjeeling, suited to the highlands, the villages had been given Assam tea, which needs the warmer temperatures of the Assam foothills in order to thrive. The chief limiting factor for families is often the amount of deployable man power they had to work such plots. *Nokmas* have responded to requests for land to be allocated from the communal *jhum* stock only if they could be used for a specific purpose. This trend was driven by the requirement for a cash income, not subsistence needs. While primary education may be free at the point of use in most cases, and generally available within the village itself, school books are expensive. Higher education is a heavy financial burden, including the costs of food and rent in Tura,

or even distant Guwahati and Shillong. Medical expenses for all but the simplest of procedures are substantial.

Despite these dramatic changes in land use, an ecological regime is in place in several villages. All of the hill villages maintain a “village reserve”. Rules vary, but in general any cutting of wood or bamboo is forbidden, with stiff financial penalties for those caught breaking the rules, and financial rewards for those who report infractions. Tellingly, such reserves existed even without official District Council registration or enforcement, in Gongdengre, Chidekgre, Chidaugre and even Gongpara in the plains. In addressing why certain villages do register their reserves with the GHADC and others do not, there are two aspects to consider. The first is the GHADC’s limited resources. The Chief Forestry Officer, Rangku Sangma, has prioritised his limited means to proactively encourage only those villages based near important watersheds to do so, as a key priority. The second priority concerns a number of plains villages where forested land comprises important elephant corridors.

On the “demand” side, the plains “satellite” village of Gajinpara explicitly used the machinery of the GHADC to resist dispossession from the *a’king nokma*. In the 1980s, he had allocated an area of Gajinpara’s forest reserve for a rubber plantation, the financial benefits accruing to him personally. The Gajinpara *sardar* (*songhat nokma* equivalent), in consultation with the other villagers, sought out the GHADC Forest Staff to formally register the remainder of the reserve in 1995, in the belief that this would prevent the *a’king nokma* from any further incursions. Interviewing the current *sardar*, this strategy has been successful. The Gajinpara reserve remains the oldest and longest continuously constituted VRF in the Garo Hills.

On the other hand, there may be reasons for a village community to decide against formal registration. Gongpara, along with other villages in the same *a’king*, has access to a substantial reserve, several kilometres across. Every six years, an area of the reserve is selected for felling by the *a’king nokma*, and all Garo villagers from the area are allocated a discrete plot, and are permitted to sell the timber. The reason that they have not registered the reserve with the District Council is because they would not be permitted to continue doing so. In the Gongpara context, this is not ideal. In addition to Bengali encroachment on Garo land, discussed at length above, there is also illegal felling in the reserve close to Gongpara, another problem the *a’king nokma* ignores in exchange for a bribe.

I visually inspected two registered VRFs at Chandigre and Gajinpara, walking around the full perimeter of both forests. Although hardly a scientific exercise, both seemed dense and undisturbed, with many large trees that have long vanished from Madhupur. It was tough going, with hilly terrain and a lack of dedicated paths. In addition to its VRF, Chandigre maintains a sacred grove, which is absolutely inviolable. It covers a small area, but contains some very large trees. When asked about sanctioning arrangements, the *nokma* shrugged. People who cut the trees in the reserve, or who even traverse it, have been known to suffer sickness, and in many cases even die. Finally, Chandigre also has a smaller reserved patch that functions as a habitat for the endangered Hoolock Gibbon. Villagers report that they were given some technical support (but no money) from the State Wildlife agency to establish this wildlife preserve, but the oldest man in the village reported that the locals took very little convincing. “It makes us happy to hear the sound of the gibbon” was his simple explanation.

The idea that wildlife constitutes “the pride of the village” was mentioned by the Gajinpara *sardar* as an additional reason for maintaining the reserve. In Gajinpara, these rules were particularly strict, with villagers even forbidden from harvesting dead wood and bamboo from within the reserve. As part of the Reserve Forest registration process, both villages established a set of rules based on agreements made with all of their respective members, and maintain voluntary forest management committees to enforce these rules. A copy of each set is held by the GHADC, along with the respective rules for the other 28 registered Village Reserve Forests.

The final important issue here concerns the *jhum* cycle. As practiced by Garo communities in the past, this entailed designating one area for burning, planting crops, harvesting and then a fallow period to allow regeneration. In the past there would be a gap of up to twenty years before returning to the same spot, but numerous reports are that in many villages this gap has shrunk to as little as two or three years, degrading the forest substantially. My findings are consistent with this argument, with Chandigre boasting the longest *jhum* cycle. At seven years, Forest Officers told me this is at the absolute limit of what might be considered sustainable.

While accepting the problem exists, there are three points to be made here. Unsustainable *jhum* cultivation, like land-use change to fruit gardens, co-exists with an established conservation regime of Forest Reserves. The common reference to population growth as an engine of shorter *jhum* cycles seems to lack documented evidence. It is not clear to what extent population growth is powering this trend, compared with the land-use changes mentioned above, for example. Finally, there is

some evidence that villages are partially adapting through the reduction of land allocated to each household from the total *jhum* plot. One or two *bighas* per household were the most commonly referenced amounts, which is certainly not sufficient to satisfy annual food requirements. The implication is that *jhumming* tends to function in the current context as a supplementary “safety net” for poorer households, as well as a cultural practice for the village. On that basis, there seems little basis for fears that this technique is any more or less “ecologically disastrous” than transforming forest into an orange garden.

Notwithstanding these signs of a robust conservation regime co-existing with land-use transformation in certain locales in the Garo Hills, the illegal timber trade does pose challenges for both the state and GHADC Forest Departments. Following my visit to Gajinpara, I travelled to the local Range Office in Mendipatta. There the Forest Range Officer (FRO) was visibly frustrated that his officers’ ability to limit the trade was stymied by a lack of fire arms. He described several incidents where he and his officers had come across a timber gang at night, only for the perpetrators to train their weapons on them. “Small lights, torches used for signalling, were suddenly all around us. They wanted us to see we were surrounded. What could we do?”

The timber gangs are generally all Garos, many with homes in the plainlands districts of Assam. They generally work for low pay on behalf of non-tribals across the border, a situation that CFO Rangku Sangma explained is mirrored exactly on the southern border with Bangladesh. The FRO and his deputy discussed death threats, sometimes sent by post, sometimes via SMS. The deputy showed me two stitches, one on either side of his arm, where he had been stabbed with a long knife by one timber merchant’s Garo henchman. Regarding the complicity of the traditional leaders, both men depicted an uneven picture. Sometimes the *nokmas* are approached by the gangs and paid nominal sums for the trees. Sometimes they are simply ignored, this in a context where *nokmas* have been assassinated by insurgent groups on various pretexts.

Both men seemed more certain concerning two other structural features of the trade. The first is that, in the North Garo Hills at least, it enjoys the backing of three key groups for a share of the profits. The first are the various insurgent groups active in the region. The FRO jokingly described a written demand he had received for two lakhs (200 000 rupees / 2000 euros) from one insurgent group, on pain of kidnapping or worse. “We quickly got together what we could, I think maybe 15,000 rupees, and gave that to them. That seemed to satisfy them!” In certain areas the trade is also protected by subordinate regional chapters of the main “pressure groups” in the Garo Hills,

including the Garo Student Union (GSU) and Federation of Khasi-Jaintia and Garo People (FKJGP). Finally the trade, which stretches all the way to Williamnagar in the East Garo Hills, has to pass through three police checkpoints to reach Assam. Police complicity is, in their view, undeniable.

Once again, this picture was not universal. The Range Office received very good co-operation from the “Resu-Belpara side,” but none at all from the neighbouring block of Bagindoba. When I asked what the reasons were for this variation, a local Garo businessman who had joined us stated simply “not every brain, is the same”. The Chief Forest Officer, Rangku, further strengthened this impression when he discussed an attempt at deforestation he was able to counter. He received a phone call from an inhabitant of a village with a registered VRF, asking him to come quickly. Another villager, in league with a local insurgent outfit, was trying to compel the others to illegally fell some of the forest for money. The *nokma* could not do anything as he was afraid of the insurgents. Rangku said that, because the village was located close to Tura, he was able to mobilise a large number of staff. Defying the ordinance banning firearms from the Forest Department, he headed to the village and stopped the attempted felling.

8.7 Causal mechanisms in theoretical terms

Having reviewed the empirical evidence from village fieldwork it is worth recapitulating the causes of dispossession and deforestation in theoretical terms. For all the power of *de jure* protections over lands and forests, satisfying Ostrom’s criterion of “minimal state recognition”, the actual institutions for this self-governance are imperfectly nested in higher administrative arrangements. This is encapsulated in the concept of the “absentee state”. This requires some further analysis, as in many ways the state is *not* absent in the Garo Hills. There is the Meghalaya state bureaucracy, including the police and the block development officers, administering road building schemes, schools, and programmes like the Mahatma Gandhi National Rural Employment Guarantee Scheme. There is the IBDLPP with its various initiatives concerning agriculture, market access and credit. Even the GHADC Forest Department has a presence, and has succeeded in formally registering 30 VRFs.

Notwithstanding these manifestations of governmental support, the state remains largely absent *where it counts*, on issues concerning land and forest governance. Some villages have forest reserves, some do not. Some reserves are registered with the District Council, some are not. Some villagers have simple *nokma* documents to prove their ownership of a plot of land, some have formal *pattas* authorised by the district council. Even accepting that the GHADC Forest Department at least

has some presence in the villagers, it is clear that there is no uniform system of governance in the rural areas.

This absence is most keenly felt when things go wrong. In Didangre, even when the law is unambiguously on the side of the complainant, enforcement is extremely difficult. In the face of a shameless *nokma*, determined to dispossess his people with the firm backing of the *Chtra* and with their own financial resources, as in Gopalgre, recourse to justice faces nearly insuperable obstacles. This is true even when the complainant possesses their own formidable knowledge and countervailing financial resources. The Gongpara example illustrates how powerless villagers can be, not knowing who to turn to when the *a'king nokma* refuses to act and the local police have been bought off. Even an ordinary villager, if allied with external groups like insurgents, can pose a threat to forest governance. In the case discussed, it was pure contingency in the proximity of the village to Rangku's office and the bravery of the villager to call him and ask for help and even the fact the villager in question had his phone number in the first place, that prevented the success of this ploy.

To reiterate, the ability of a *nokma* to dispossess his fellows relies on the ability and willingness of the *Chtra* to resist him and then, in the absence of this, the ability and willingness of the villagers to resist him. The decision to even make the attempt is shaped by the various resources available to the *nokma*, the extent to which they are willing to sunder themselves from social relations in the village, and the opportunity and benefits of doing so. This opportunity flows from local biophysical characteristics but also topological considerations including the proximity to Tura etc and their concomitant impact on the land market. Finally, the decision to attempt or not to attempt dispossession flows from the sheer contingency of the fact that "not every brain is the same". It is this large number of variables, with biophysical and population characteristics looming large, and the enormous variety of ways in which they interact that leads to this bewildering variety of outcomes.

Where, then, do discourses fit in? This is a complex question. Discourses do not seem to play the central role in these issues that they do in Bangladesh. At the same time, one can imagine that if challenged on his wrong-doing, the Gopalgre *nokma* might cite the law empowering him to do what he has done and appealing to the discourse of community-rights that underlies the framing of the legal arrangements in the Garo Hills in the first place. This is a bit thin in that on paper the law was definitely not intended to empower *nokmas* to do what they wish with community resources. Also, not an unimportant point, Gopalgre respondents suggest the *nokma* feels no need to explain their actions because they have all the power. This question of community rights, however, comprises the

heart of debates surrounding special protections in general and the empirical literature on Meghalaya in particular. The central concern is whether such dysfunction is the inevitable result of particularistic protections *per se*, or whether it results from the manner such protections are implemented in practice. This debate leads logically to a higher geographic and administrative scale above the village, and wider issues of governance in the region. In particular, it leads us to the various tensions and ambiguities in the relationship between the state government and the GHADC.

8.8 Institutional dissonance and imperfectly nested local institutions

At the time of fieldwork, the GHADC had contracted an outside agency, the Centre for Good Governance in Bangalore, to carry out an audit of governance in the Garo Hills and make recommendations on how to improve it, this at considerable expense. The irony was that many Garo bureaucrats and civil society members had no end of sensible-sounding suggestions on what to do, made for the price of a cup of tea and some biscuits. Chief Forest Officer Rangku Sangma and Secretary to the Executive Committee of the GHADC Ricardo Marak argue convincingly that a comprehensive, integrated survey of land use and *a'king* ownership, held electronically and available to all, would serve a number of important goals. It would cement the land rights of local individuals, and make them less vulnerable to the abuses of elites, whether corrupt *nokmas* or District Council officials. It would also facilitate the practice of active land-use planning, and the creation of an integrated policy, where ecological concerns could be effectively balanced with local livelihoods, in consultation with the local community.

The problem is that the GHADC has no resources to carry out this kind of exercise. Land documents, including the *a'king* maps and records of rights discussed above, are still the original copies from the colonial period, bundled together chaotically in various manila folders in the District Council officers. Moreover, even its legal power to do so might be contested. This key problem of “institutional dissonance” is the mismatch in mandates and funding between the Government of Meghalaya and the GHADC. Only the GHADC has the mandate to appoint (and dismiss) *nokmas*, to make formal rulings on the boundaries of *a'kings*, grant land *pattas*, recognise Village Reserve Forests, and make assorted other decisions regarding forest management. These competencies are enshrined in the Constitution of the Republic of India. Linked to these competencies are other mandates, including capacity building of the traditional leadership system, and justice provision in the case of intra-tribal disputes. Quite apart from the GHADC's legal standing, a practical rationale for the above is that State level courts invariably lack expertise on the specific provisions of Garo customary law to make

a judgement, and in many cases where cases are appealed to the State High Court, the latter sends them back to the District Council.

No-one was able to tell me the amount of money the GHADC has at its disposal to discharge these responsibilities, beyond the assertion that “it is not enough”. The GHADC does not publish a budget, and the state budget does not disaggregate those funds it channels to the District Councils. Reportedly, such funds are allocated on an irregular basis as “advances” that are then deducted from revenues due to the ADCs from mineral and (legal) timber taxes. The process by which this occurs is similarly opaque. A major complaint from GHADC staff is that they never receive the share they are legally due. Compounding this is the corruption that plagues each level of administration. One symptom of the resulting “funding crisis” is that, during my fieldwork, District Council workers went on strike to protest the fact that they had not been paid their salaries in eleven months.

India’s party politics introduces a further layer of complication. India’s national election of 2014 ushered in the BJP government of the controversial former Chief Minister of Gujarat, Narendra Modi, shattering the hitherto near-monolithic grasp on power of the Indian National Congress. The GHADC elections of 2015 brought a multiparty coalition to power, also at the expense of Congress. With State elections not due until 2018, this has left Congress maintaining an increasingly fragile hold over the Meghalaya state government, under pressure from a hostile national government in Delhi, and with every incentive to undermine the GHADC’s governing coalition. Most respondents were pessimistic about solving these issues in this context of party-political deadlock.

One exception was a GHADC bureaucrat who revealed that a bill is before the lower house of the Indian Parliament (*lokh sabha*) proposing that the Centre be given authority to channel funds directly to the District Councils, bypassing the state government. The bureaucrat was wise to the party-political dimension. Such a step would advantage the BJP by strengthening anti-Congress political forces at local level, as a preparatory step for an electoral push on the Meghalaya Assembly in 2018. Regardless, it would still allow the GHADC to pursue its various mandates with greater vigour.

Turning from resources to the question of the GHADC’s powers. The GHADC is not formally subordinate to the Meghalaya state government, but it is not empowered to pass any law that conflicts with state law. Moreover, any law it does pass must be assented to by the state’s Governor, *in consultation* with the elected ministers. If, for example, the GHADC wanted to pass a more

comprehensive land-use law, as recommended by Ricardo and Rangku, it might be blocked by the state government purely for the party-political reasons discussed above, regardless of the fact that this would notionally fall within the District Council’s formal mandate.

In contrast with this enfeebled state of the District Councils, the state government commands significant financial resources, but without any legal authority to channel them towards effectively addressing the “governance gap” in terms of land administration, except by channelling them directly to the District Council. For reasons explained above, including Party Political competition, the state government declines to do so and herein lies the reason for the state in general being largely absent on these questions. This tendency is also explicable in terms of rent seeking, albeit from the opposite direction, that is from the top down. By way of illustration, Table 1 (below) shows the budget of the Government of Meghalaya, 2014 – 2017, taken from Meghalaya’s Chief Minister Mukul Sangma’s most recent budget statement (GoM, 2017: 9).

Table 8-2: Summary of Meghalaya State Budget, 2014 - 2017³

Line Item	Fiscal Year		
	2014 – 2015 (Actuals)	2015 – 2016 (RE)	2016 – 2017 (BE)
Total Revenue (crores of rupees)	6428	8403	8981
State taxes	939	1036	1269
State non-tax revenues	343	312	466
Central tax devolution	1382	3371	3669
Central grants	3764	3684	3577
Central grants (% of total revenue)	58.6	43.8	39.8

Note: RE are “Revised Estimates” and BE are “Budget Estimates”, the former incorporating provisional and partial actual expenditure figures for the calendar year when a budget is published.

There is no scope here for an in-depth discussion of the intricacies of Indian fiscal federalism. It is enough to note that Central grants comprise direct and interest free transfers of funds from New Delhi directly to the Meghalaya government. Mukul Sangma’s projected reduction in the share these play in the state budget to below 40% is based on the heroic assumption that total state revenues

will increase by 28% in 2016 - 2017. For the sake of precision, however, it is also necessary to explain “horizontal devolution of tax”. Since Independence, it has always been the case that certain taxes accrue to the central government (including income tax) while others go directly to the state government (and others to lower level administrative bodies, including municipalities and, as we have discussed earlier, District Councils in the Sixth Schedule Areas). In 2015 the recommendation of the 14th National Finance Commission that the share of central tax revenue devolved to states be increased from 32% to 42% was implemented, which is obvious when we look at “Central Tax Devolution” in the table.

What is crucial to note is that this does not represent taxes collected in Meghalaya being “returned” to Meghalaya; it represents a share of the overall national tax pot being allocated to Meghalaya based on an established formula recommended by the 14th Finance Commission and accepted by the Indian Parliament. In very crude terms, based on how the formula is structured, it represents at least partially an additional subsidy to Meghalaya; members of the scheduled tribes do not pay income tax for example, which is one of the more important taxes levied by the Centre. This constitutes a vast amount of money flowing into the state channelled through the Meghalaya Government to subsidiary agencies, including the District Council, with few systems of accountability. The results are reportedly exactly what one would expect.

The GHADC continues to hold the mandate to regulate land management, as well as 95% of the regions’ forestland, with such scant funding as is forthcoming from the state government. This is particularly apparent in the case of forests. Rangku is enthusiastic about a number of plans that he would implement if he had the resources. Certain tasks, such as painstaking negotiation with *nokmas* about setting aside forest land for elephant corridors for example, are intensive in their requirements for time and people power. There is no question that the process of registering Village Reserves could be rapidly scaled up if the resources were available.

Meanwhile, the state government directly funds projects, including the IBDLPP, that run parallel to District Council efforts, rather than working through the GHADC’s departments. The State Government also works through the district administration, also in parallel to the GHADC, controlling agencies such as the police and “Block Development Officers). Bureaucratic animosity and the lack of co-ordination between the two authorities is amply demonstrated by the unwillingness of state police to enforce District Council judgements over land or forests, discussed above. There are two key points to be made on this issue. The first is that “resistance” to this state of affairs is fragmented

and ad hoc, reflecting a very weak civil society in the area, as noted in the introduction. The second is that the status quo is in itself a product of the unfinished project to establish Garo autonomy from the state of Assam in the 1960s.

8.9 The status quo as a result of an unfinished project of resistance

This imperfect embedding of institutions, and the clash between the state government and the GHADC makes more sense when historicised, and when we recall that all the ADCs were established in hill areas that were, in 1950, part of the state of Assam. We saw in chapter 2 how the movement for a Hill state under the All Party Hill Leaders Congress (APHLC) is frequently explained in terms of identity, as a reaction to the Assam language movement, and fears of “Assamese domination” in abstract, discursive terms. Less discussed are the implications of legal control of resources. This is illustrated by a legal case where, in, 1953 the Khasi and Jaintia Hills Autonomous District Council attempted to make transfers of land from tribals to non-tribals illegal. This was vetoed by the Assam state Government. When it was appealed to the Supreme Court, the Court found in favour of the state Government on the basis that the ADCs had only the power to set aside land, not to pass laws relating to its transfer or sale. One of the first laws passed by the newly established Meghalaya Government was the land transfer act alluded to above.

Even less well discussed is the issue of real, tangible financial resources and how they are allocated under Indian fiscal federalism. Discussing the motivating animus behind Garo participation in the movement, one elderly ALPHC activist did not mention the Assamese language movement once. Instead, he kept referring to the lack of schools in the Garo Hills, and how the Assamese would never effectively channel needed resources to the Hills. He saw this less in terms of normative concepts of justice and more as an intrinsic threat to the Garo people because “if we are uneducated, they [the Assamese] will make us their slaves”. With only two elected Garo MLAs in Assam’s 126 seat legislature, the Garos lacked the power to ensure that largesse from the Center was channelled where it needed to go, the underdeveloped Hill regions. The activist was in the room when delegates from the Assamese government visited Captain William Sangma, leader of the ALPHC, to convince him to give up the movement for the Hill state. In turn, they offered him money, a foreign sinecure and the post of Chief Minister of Assam. He turned them down.

Assamese bitterness at the carving out of the Seven Sisters is an underexplored issue in the secondary literature. Tribal respondents themselves make the distinction between people like the

academic Sanjoy Hazarika, “old Shillong Assamese”, who are “enlightened” and harbour no grudges, and those who still do. Discussions might focus on identity issues, but the resource issue is vital. Making the very crude assumption that, if the 1950s status quo had held, all of the central funds channelled to Meghalaya would reach the Hills only via the Assam state government, the victory of the ALPHC costs Assamese elites a major chunk of 3,000 crore rupees⁴ *annually*. This in itself is quite enough of an incentive to resist the Hill state movement, and to limit wherever possible its ancillary demands.

The activist said that the ALPHC had wanted to reform the District Councils, and also incorporate Garo communities in the Assam plains districts of Kamrup and Goalpara into the new Hill state. Indeed, delegates from these areas were involved in the movement. In the end, these demands were dropped due to the intransigence of the Government of Assam. The ALPHC settled for what they could get which, bearing in mind the lack of violence, was still a major achievement. But because of this, the problem of the institutional dissonance between ADCs and the state government was never resolved, and the fact that Garos now comprised a third of MLAs has not removed the problem by default.

The Achik National Volunteers Council (ANVC) took up both issues in their war for “Garoland”. At a discursive level, Garoland was to be an independent state, incorporating Garo majority districts in Assam, the Garo Hills, fourteen Garo *a’kings* included in the Khasi Hills through rushed and incompetent boundary drawing during the British period, and the “six thanas” in modern day Bangladesh, comprising the Mymensingh border belt and Madhupur. The ANVC’s claims to areas of Bangladesh were abandoned, not least because the ANVC used its territory as a base for its attacks over the border. They also demanded expanded powers for the GHADC, along the lines of the Territorial Council secured by the Bodos on the other side of the Assam valley as a result of their own armed struggle. A peace agreement signed in 2007 between the ANVC and the Governments of India and Meghalaya has led to few tangible results. Indeed, I was unable to locate a copy and no-one I spoke to is entirely clear on what exactly was agreed. One former activist described it as a missed opportunity to “clean the stables” at the GHADC, with a caretaker government insulated from party political tactics and the corruption that lies at the heart of electioneering. “Social welfare” organisations, including the GSU and FKJGP introduced earlier, continue to lobby for Garoland as part of a portfolio of advocacy objectives. These different projects of resistance are depicted in Figure 2 and Figure 3 below.

Figure 8-2: Lobbying for the Hill State in the 1960s

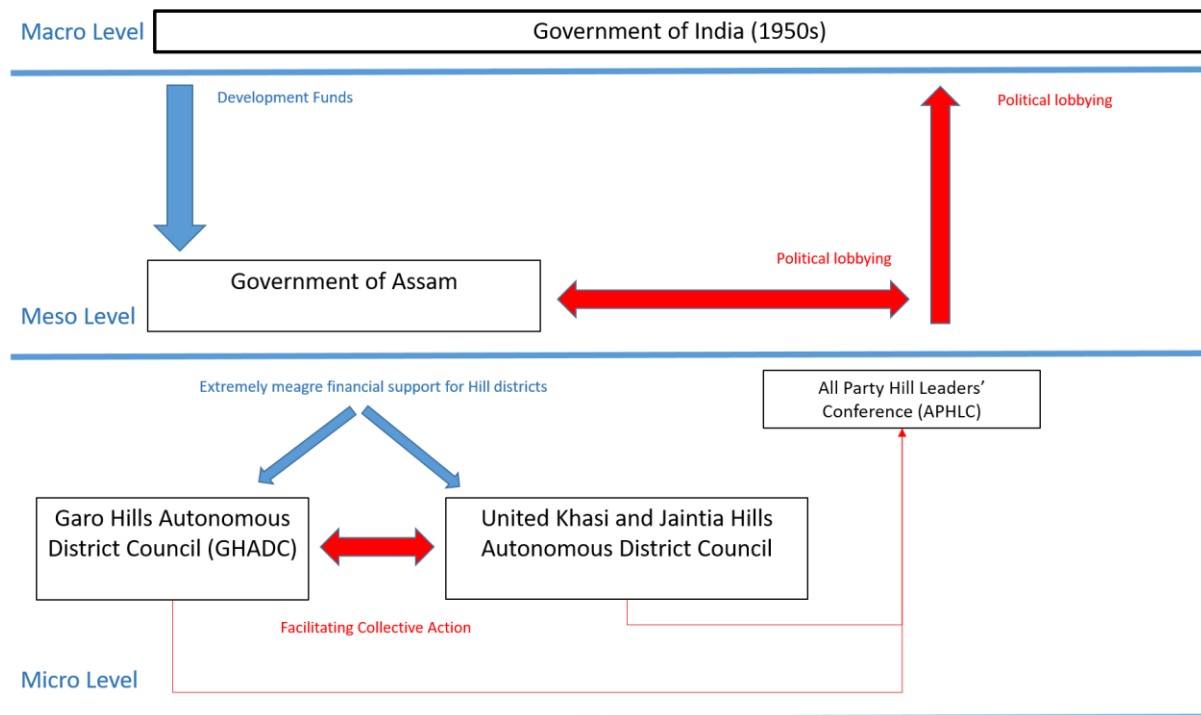
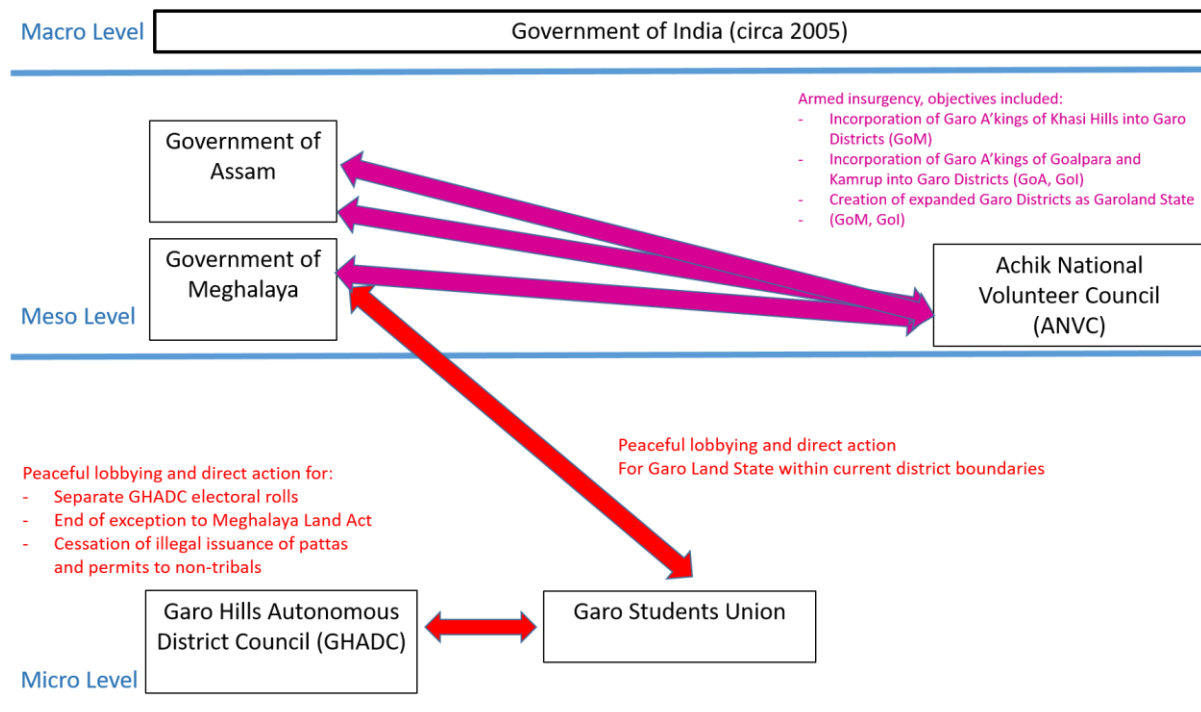


Figure 8-3: The fight for Garoland, circa 2000



One key feature of note is that both projects were necessarily multiscalar in approach. The APHLC was concerned with the establishment of a new state, lobbying the national government but also

that of Assam, the objections of which needed to be overcome. The ANVC's goals included the incorporation of areas of Assam into a new Garo state, carved out of Meghalaya. They were calling for institutional change across three different administrative architectures: the nation state, and two of its constituent units, in the state of Meghalaya and Assam. A second is that they both called on existing governmental practice, or patterns of constitutional rule-making in Ostrom's theoretical lexicon, to achieve these goals.

In this sense neither the APHLC nor the ANVC fought on solely ideological grounds of an imagined homeland. They sought to permanently alter the administrative and institutional geography of India, guided by practical lessons, of colonial vintage, concerning the importance of concentrated populations when accessing resources from the state. This issue cannot be overstated, and reflects how the claims-making of certain groups emerges from established precedent and the practice of rulers, be they British or Indian. These groups also fought for the practical need of Garos to be administered by Garos if customary rights over lands and forests were to be secured.

The implication is that institutional dissonance, and the concomitant weak embedding of community rights in larger administrative orders, is not the inevitable result of particularistic measures for certain groups, but built into the system *by design*, in order to more effectively control these groups. It is an example of the State recentralising while decentralising. As one activist put it "the problem with the Autonomous Council, is that it is not very autonomous."

As discussed in the introduction, currently elements of "resistance" are thin on the ground in the Garo Hills, and are of an ad hoc nature, often aiming to address the information gap alluded to previously. The Nokma Council comprises a voluntary, private association that, despite its limited funds, seems to command a great deal of respect and legitimacy in the Garo Hills. Run by a small secretariat in Tura, it is led by Skylance Momin, himself a *nokma*, as well as being a retired police inspector. The Council has a formal membership of over 1,000 nokmas across the Garo Hills, and they invest most of their efforts holding regular meetings, both centrally and in the districts, convening the traditional leaders for discussions around key topics. A regular fixture, reportedly, is the request to plains nokmas to stop issuing land documents to non-tribals. The council can act to advise and support its members, but obviously has no powers of enforcement. Despite its legitimacy, in the case of Gopalgre, the *nokma* has simply refused to join the council, knowing that it would result in his censure. There is also an unfortunate dynamic whereby the council has positioned itself in direct competition with the GHADC, leading to further confusion.

was not able to get a clear idea how they are formed, or how their officers are elected. The processes seem to be organic, and dependent on the different personalities involved. The largest such exercise in recent memory was the Joint Action Committee organised to oppose the relocation of the Teacher Training College from Tura to Shillong, in 2005.

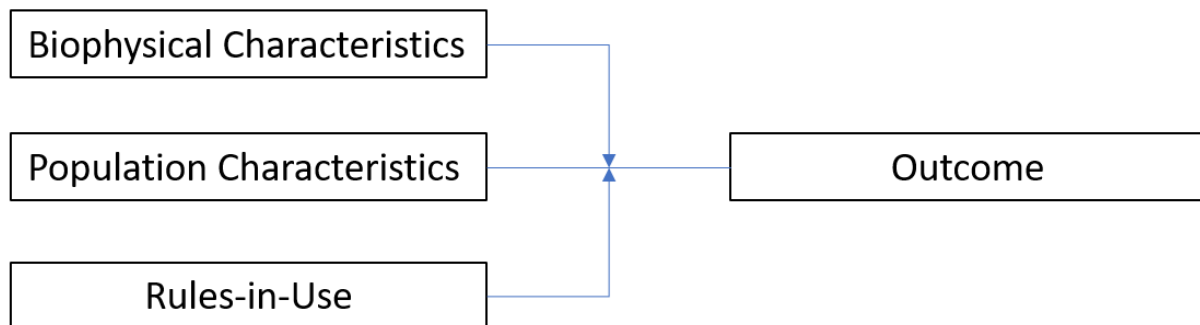
The Teacher Training College issue assumed totemic proportions: it is the only piece of state government headquarters infrastructure based in Tura. The threat to transfer it to Shillong resonated powerfully with existing feelings of marginalisation and neglect, and the purely practical issue of aspirant teachers from the Garo Hills having to travel to Shillong and seek accommodation there to pursue their career path. The JAC, chaired by Sengrak Marak, convened a meeting in the Dikibandhi stadium that was attended by thousands of Garos, many of them taking the unusual step of travelling in from the villages. Sengrak himself was surprised at the vehemence of the response. The meeting triggered a militarised response from the state government, with armed police firing into the crowd, and several of the key organisers being forced to flee into hiding in the villages near Tura. The strength of feeling on the part of the community, and the brutal response, is a stark illustration of the dynamics at work in the Garo Hills, a community who fought and won their own state, only to still see the “fruits of development” denied to them.

Karlsson’s characterisation of Meghalaya as a “resource frontier”, focusing on the “plunder” of natural resources including land and forests, needs some refining. While exploitation of these resources obviously takes place, the real story is to be found in the statehouse of the Meghalaya Government and, to a lesser extent, the GHADC. It is here that the rents are found in huge quantities, and easily procurable. There is far less to be gained for political elites from acquiring land, due to its lack of profitability. Even forests in this sense cannot offer the scale of enrichment at the level of convenience that elected office promises. It is telling that the phrase “bhalo manush thakte paren na” resonated with Garo Hills respondents, but in the specific case of elected lawmakers, rather than bureaucrats. Such is the perceived structural power of corruption for politicians, that one activist told me their credibility among local people was shredded instantly by their decision just to run for the District Council. The activist’s best friend subsequently told me “I will always advise him never to do politics again. He is a good man but he cannot help but be corrupted if he wins power.”

This institutional dysfunction, as the heart of the problem, is in many ways prosaic. It is a question of administrative plumbing, and its inherent design stemming from the State’s objective to maintain

control while offering ostensible decentralisation to a minority group. To that extent my argument is that discourses play a negligible role in cases of dispossession and illegal deforestation. These occur under specific circumstances, where key characteristics combine to offer an opportunity and incentive, in a context where local villagers lack the resources and / or willingness to constrain the attempt to abuse power. This is summarised in Figure 5 below.

Figure 8-4: the situation in the Garo Hills in schematic theoretical terms



8.10 Conclusion

Where does all this leave us theoretically? Dispossession is rare because of the lack of wealth to be found in the land, a product of biophysical and population characteristics. Deforestation is widespread but co-exists with a conservation regime robust in at least two cases, and this is predominantly a function of land-use changes that occur as a result of the agency of local, and generally poor villagers. Where dispossession and breaches of the conservation regime do occur, it is because of specific conjunctions of variables, where topological circumstances offer adequate incentives and the characteristics of the local population permit, through inaction or collusion, the abuse of the administrative powers of the local headman.

This is permitted to occur through by a controlling yet absentee state, unable to regulate and enforce the law. This absentee state is itself the product of a rent-seeking political economy, characterised by vast inflows of rents from the central government, and pre-existing institutional dissonance between the Garo Hills Autonomous District Council and the state government. This dysfunction was hard-wired into the system by an Indian State bent on recentralising while decentralising. Ayesha Jalal has written of the different iterations of authoritarian tendencies across the different states of South Asia. Despite its democratic pedigree, the Indian state often has behaved in as authoritarian a fashion as other states in the region under military rule, but using indirect means. This theme will be more clearly elucidated in the next chapter, where I compare

findings from the two research settings and offer conclusions on the differences in dispossession and deforestation encountered, and what role the differing institutional architectures have played in leading to these outcomes.

¹ On more than one occasion, I met Garos who drew the distinction between “Bengalis”, Hindus generally from West Bengal, and “the Bangal”, Muslims from Bangladesh, which has far more pejorative connotations.

² One bigha is equivalent to one third of an acre.

³ Government of Meghalaya, ‘Budget at a Glance, 2016 – 2017,’ *OpenBudgetsIndia* (19th January 2017) 9, retrieved from <https://openbudgetsindia.org/dataset/meghalaya-budget-at-a-glance-2016-17>, last accessed 4th April 2018.

⁴ Very roughly equivalent to 300 million euros.

Chapter 9: Comparing the Predatory and Absentee State

9.1 Introduction

This chapter will analyse in depth the variation encountered across research settings in order to reach a conclusion to the research question. First I summarise the empirical evidence presented in Chapters 7 and 8, and justify the conclusion that dispossession of Indigenous peoples and deforestation are both more severe in Madhupur than in the Garo Hills. This discussion places greater emphasis on deforestation, as the judgement is more contentious. Secondly I discuss this variation in theoretical terms, emphasising the lack of minimum recognition afforded Garo land rights in Madhupur, contrasted with their counterparts in the Garo Hills. This is readily explicable with reference to differing biophysical and population characteristics, rules-in-use and discourses giving rise to distinct political economies, with the Bangladeshi case characterised as a “predatory state”. Thirdly, I emphasise the fragility of the Garo Hills context where the political economy of the “absentee state” has left legally recognised rights poorly embedded in India’s wider institutional architecture. Changes in the variables of note may therefore easily give rise to higher incidences of ecological damage and dispossession. Addressing these problems is obstructed by competing discourses surrounding marginalisation and nation-hood. Counterintuitively, better outcomes are not noticeably the result of superior institutions.

I conclude by making the case that, existing problems notwithstanding, the reasons for the continuing presence of forested terrain in these locales is due to the presence of Indigenous populations and their resistance to State enclosure projects. By reading the archival evidence, as well as practical problems intrinsic to the research design against the grain, from the perspective of the last one hundred years, the story here is not the “disappearing” forest, but rather its mysterious resilience, which is explicable in terms of the existence of “tribal” information orders in these locales. I then discuss the implications of these findings for current debates, as well as development practice. There follows a summary of the limitations of the study and potentially fruitful avenues for future research. I then offer a few concluding remarks.

9.2 Answering the research question

Empirical findings from Chapters 7 and 8 are presented in Table 1 (below). On the subject of dispossession, my findings are unambiguous. In Madhupur, 40 quasi-random village interviews

revealed 15 successful and unsuccessful attempts at dispossession, reinforced by published accounts of displacement in the local media and activist narratives of repeated encroachment and attempted mass dispossession. In the Garo Hills, only one out of 35 village interviews led to a similar testimony, and two other more serious cases resulted from purposeful attempts to “look for trouble”. Turning to deforestation, the question is more complicated.

As previously discussed, the crude NDVI exercise from Chapter 5 is not very useful, because it masks substantial land-use change where forest is converted to agroforestry in Madhupur and fruit gardens in the Garo Hills. Notwithstanding the fact that mass deforestation has occurred in the Garo Hills, I argue that deforestation is a larger problem in Bangladesh for a number of reasons.

Table 9-1: Summary of research findings

	Dispossession (defined as the ejection of indigenous peoples from their ancestral lands by private and state agencies)	Forest Degradation (defined as the conversion of reserved forest land to other land uses illegally, ie. in contravention of agreed regulations for land use)
Bangladesh	<ul style="list-style-type: none"> • Substantial historical dispossession of Garos from their lands in Madhupur. • Substantial flight of Garos from their lands in Madhupur in anticipation of dispossession. • Dispossession largely at the hands of state agencies: rubber plantation, bombing range, forestry department. • Continuing de jure denial of land rights by Garo Communities by GoB, in favour of Forestry Department claims to the land. • “Micrograbbing” / encroachment against Garos by private individuals. • Garo land documentation 	<ul style="list-style-type: none"> • Moderate increase in biomass between 2001 – 2011. • Fieldwork suggests overwhelming likelihood is this results from expansion of foreign species (eucalyptus and acacia). • Forestry cover remains a tiny fraction of what it was previously, even in the relatively recent past (1980). • Sweeping changes of land use on land hitherto declared as “reserve forest” or a “national park”, again from state agencies (rubber plantations, bombing range) responsible for this. • Some changes due to conversion of land to agriculture by local smallholders. • Some changes due to conversion of land to agriculture by private political power

	<p>extensive and transition to private tenure system largely complete by the 1950s and the removal of its recognition largely accomplished over a very brief period between 1982 – 86.</p>	<p>holders (proportions impossible to guess without further research).</p> <ul style="list-style-type: none"> • Substantial reduction of original forest in favour of acacia and rubber plantations arguably constitute environmental degradation, despite not affecting “forestry cover”. • Cross over issue with dispossession – use of social forestry programme to divest Garo families from legal ownership of land.
India	<ul style="list-style-type: none"> • One case of substantial land theft by the village headmen, one case of minor land theft by Bengali settlers, one case of “encroachment”, one case of unproblematic Bengali settlement on <i>a’king</i> land reported across the study site. • In addition, anecdotal reportage of substantial alienation of <i>a’king</i> land in plains and peri-urban areas by activists in Tura, but few hard examples, and no suggestion this came at the expense of Garo families. • No mistaking the bemusement of Garos in hill villages concerning sale or mortgage of land to non-Garos. 	<ul style="list-style-type: none"> • Difficult to generalise in view of far larger area encompassed by the administrative unit of analysis. • Firm conclusions regarding the two villages visited are that a) reserved forest registered with District Council reported to be in very good condition, b) this is remarkable in the case of one village which is in the plains close to the Assam border and therefore vulnerable to timber trade, c) in the other village there is also a smaller reserve for gibbons, and a sacred grove and the jhum fallows look, to the naked eye of a layperson, to be in very good (ie. sustainable) condition. No presence of agroforestry apart from small rubber plantations. • Suggestion that conclusions may travel further include the fact that a) another 28 villages have reserved forests registered with the District Council, b) of

		<p>villages visited during fieldwork, another six had forest reserves not registered with District Council, therefore many, many other villages, particularly in the hills, are probably maintaining their own reserves, c) no firm figures on how much jhum fallow forests remain sustainable.</p> <ul style="list-style-type: none"> • Significant deforestation across the area, both for the illegal timber trade, and for villagers converting land to agricultural use. • Two cases reported of traditional leaders abusing power and converting reserved forest to either cash crops they own personally or for land to sell to the state government.
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It makes sense to distinguish between land that is and is not covered by an explicit conservation regime, formal or informal, and the extent to which this has been subject to deforestation. If we recall that the entire Madhupur Garh has been governed under some form of “national park” rubric since 1962, overseen by the Forest Department then the collapse of the original sal forest represents significant ecological degradation in defiance of a notional conservations regime. The Garo Hills is home to a number of conservation regimes. The most formal arrangement, the Village Reserve Forest (VRF), was directly observed in two contexts and appeared to be robust. This is particularly striking in the case of Gajinpara which, with its proximity to Assam, should in theory be among the most vulnerable to the illegal timber trade.

Of two concrete cases of successful forest management encountered across both field settings in a year of fieldwork, both were encountered in the Garo Hills. In addition, there are the other 28 registered VRFs to consider, as well as the myriad less formal arrangements. In Chandigre alone, this including a sacred grove and a Hoolock gibbon sanctuary, in addition to their formal VRF. Informal village reserves were encountered in all of the hill villages and one, again remarkably, in the plains near Assam. Although less concrete, there are certainly hundreds of such arrangements across the

Garó Hills, accounting for thousands of acres of high quality forest cover. At least a proportion of them are likely to be robust.

Turning to areas outside of conservation regimes, my arguments are based around the specific nature of land-use change. A great deal of deforestation in the Garó Hills has come with the conversion of natural forest to fruit gardens. Fruit trees, while representing less potential as “carbon sinks” are ecologically benign. This process has also been accompanied by the preservation of “clumps” of original trees on homesteads. Finally, it is likely that some *jhum* fallows at least are still sustainable from an environmental perspective, and moreover have the potential to be converted “back” to a forest reserve, depending on the views of the villagers and adequate support from the GHADC. In contrast, the vast rubber plantation to the west of the Madhupur Garh is ecologically damaging for the local water table. The Bangladesh Air Force bombing range replaced *sal* forest with agricultural land and bare soil, and by displacing communities caused an additional loss of forest as these refugees cut down additional forest to make way for homesteads and their own gardens.

My final argument is necessarily more tentative as it concerns prospects for the future. As discussed in Chapter 7, the remaining stands of *sal* forest in Madhupur are likely doomed to be replaced by agroforestry at the hands of state agencies in collusion with politically powerful local individuals. This dynamic is entrenched and extremely powerful. This has been to some extent aided by “tyrannical” participatory mechanisms overseen by the CREL project, where “community forest groups” have been colonised by these same state agencies and local power brokers to legitimise their activities, camouflaged by “local consultation”. In contrast the fragility of the system in the Garó Hills is due to the lack of resources of the GHADC’s Forest Department. This point leads directly to the reasons for such divergent outcomes in the first place, and the distinction between the predatory state in Bangladesh and the absentee state in the Garó Hills.

9.3 A tale of two political economies

A summary of my key variables of interest and how they vary across the two research settings is captured below in Table 2. The “predatory” state in Bangladesh has emerged as a function of its rich rice lands, governed by individual freehold tenure but in the presence of enormous power differentials created by a landlord system that the 1950 East Bengal Tenancy Act could not eradicate. In this context, possession of land directly translates to wealth and political power. This equation came to incorporate the highlands of Madhupur following the emergence of agroforestry, with the

financial assistance of foreign donors. Rents flow from the bottom to the top, from control of the land. In this context, any group or individual who does not have access to countervailing political power is vulnerable to dispossession, including the very poor and women. What makes the Garos particularly vulnerable is the fact that this political economy is also religiously and ethnically bounded. Wealth and political power circulate among Bengali kinship groups from which the Garos are excluded. Garo-held land is not legible to this system, resulting in powerful pressures to appropriate it, thereby releasing valuable resources into networks of ethnically bounded political exchange.

These processes of exclusion and dispossession are enabled by legal mechanisms like the explicitly religiously delineated Vested Property Act and the Forestry Department enforcing the Forestry Gazette of 1984. This is facilitated by powerful discourses of increasingly exclusivist nationhood and colonial era ideas of deforestation resulting from the local livelihood practices of poor people. These mechanisms work by targeting a concrete list of names so that, although the system used by the Garos enjoys full recognition on the part of the state, individual claims to land do not, based on ethnic criteria.

The *sal* tree is similar to the Garo small-holding in this sense. It simply does not count as legal tender in systems of political-economic exchange in Bangladesh and has therefore been replaced by lucrative but ecologically ruinous agro-forestry plantations. Deforestation and dispossession are united in this combined transition of biophysical characteristics and tenure regime, from Garo owned land to an acacia plantation “protected” by the Garo household but owned by the Forest Department. The conservation discourse plays a dual role here, both justifying expropriation and retroactively exculpating the Forest Department from responsibility for environmental degradation through allusions to the devastating consequences of “local livelihoods”.

Table 9-2: Summary of differences in key variables across research settings

Variable	Madhupur context	Garro Hills context
Biophysical characteristics	Land highly profitable	Land largely not profitable
Population characteristics	Marginalised Locally concentrated but fragmented	Locally dominant Demographically concentrated “in a way that counts”
Rules-in-Use	Individual freehold tenure Land rights of <i>individuals</i> not	Various forms of collective tenure

	accorded minimal recognition Exclusionary practices by Forest Department	Strong social norms against alienation Collaborative / supportive approach taken by GHADC Forest staff Poor co-ordination / regulation / supervision by underfunded District Council
Political Economy	Predatory, ethnically-bounded, “bottom-up”	Absentee, focused on central rents, “top-down”
Discourses	Bangladeshi nationalism, ethnic exclusion, forest destruction due to local livelihood practices	Local ethno-nationalism, community rights, calls for Garoland state, anti “infiltrators”

In contrast, the topography of the Garo Hills alone makes land far less profitable. This is compounded by the lack of Green Revolution technologies. The absence of a universal system of individual freehold tenure and social attitudes strongly opposed to the sale of land at village level have limited the creation of a land market, especially in hilly regions, and this is complicated further by the Meghalaya state land act preventing a sale from a tribal to a non-tribal. This is not quite an ethnically-bounded political economy in exact symmetry to Bangladesh for two reasons. The first is that these social prohibitions at village level do not simply apply to non-Garos, but generally to non-villagers. Secondly, as noted, the land is not nearly as profitable. These interrelated issues of a fragmented land market, and lack of financial return on land, means that the agrarian sector plays a far smaller role in the “economy” of the “political-economy”.

In addition, because control of land-use is so inflexible, observed ecological outcomes are generally superior. The conversion of forest land to fruit gardens has been limited by the pace that villagers, with circumscribed access to capital and human resources, can bring such areas under cultivation. This has in turn permitted the preservation of certain areas of village forest as reserves, under both formal and informal arrangements. Crucially, the institutional distinction that combines land ownership and forest ownership indivisibly under village authorities has limited the growth of a separate bureaucracy with allocative command over agrarian resources that can be exploited by

State agents. This is firmly part of the GHADC's laws, it has no ability to legally own forests, merely to set aside certain areas of a village, in consultation with its inhabitants, as a registered reserve.

The characteristics of the population are important here. Garos in both India and Bangladesh comprise a tiny minority (see Table 3 below), with the Bangladesh population actually comprising a slightly higher proportion of the total. The difference is that the Garo Hills population is far more concentrated in space than its Bangladesh counterpart, with even the tight knot of Garo communities in Madhupur somewhat fragmented. More importantly, the Garo Hills communities are concentrated within the constituent political-administrative units deployed by the State. They comprise over a third of the population of a state of the Indian Union, the central subsidiary unit of the country. They are able politically to exercise far greater control over their locale, a situation entrenched by Sixth Schedule protections and their ADC, however imperfect. An important result has been that Garos comprise the majority of state and GHADC agents in the area. This is not to suggest that this excludes the possibility of such staff being corrupt, but it does mean that generally the state apparatus views the people within its jurisdiction as fellow human beings, rather than odd and backward people following a strange religion, speaking an unintelligible language and indulging in barbaric practises like the consumption of pork and alcohol. Another important issue here has been the specific *constitutional* rules-in-use in India, emphasising, at least notionally, decentralisation and legally recognising arrangements for local autonomy.

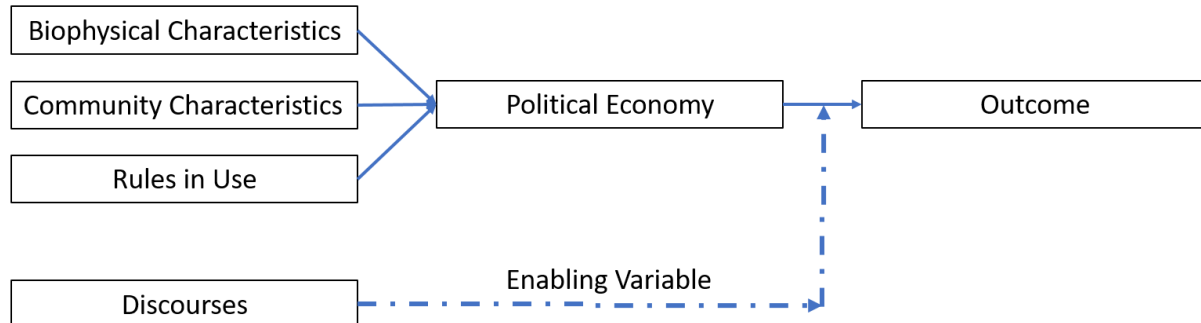
In contrast, repeated attempts to amend the humble boundaries of the political unions in Madhupur so that one union at least would have a Garo majority have come to naught. There the Garo community is fragmented among political units of importance to and recognised by the State, rendering them a minority concern even at the most granular level of spatial political arrangements. The ability of both non-Garo bureaucrats and political leaders to “other” the targeted victims of land grabs is an important factor, again in contrast with the Indian context, with many such State agents demonstrating an “auto-orientalist” mindset towards the Garos. Again, this situation is compounded by Bangladesh's constitutional rules-in-use, which emphasise centralisation and, in parallel with discourses of nationhood, administrative myopia when it comes to ethnic distinction. As noted in Chapter 2, 1991 was the last year where the census of Bangladesh was ethnically disaggregated. These variables and their impact on outcomes are again depicted in Figure 1 below.

Table 9-3: Comparing the Garo Population in India and Bangladesh

Country	Population	Population as a proportion of the national population
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India	735,000	0.058
Bangladesh	99,000	0.061

Figure 9-1: Relationship between key variables affecting different outcomes in the study area



There is ample evidence from fieldwork in the Garo Hills that important variables are changing in certain locales and as a result these relatively more positive outcomes are corroding. Important case studies include the encroachment on *a'king* land and deforestation in Gongpara and large-scale dispossession and deforestation in Gopalgre, once again at the hands of the headman and his *Chtra*. There is an important topological dimension here, with Gongpara located close to Assam and Gopalgre close to Tura. The former case makes the Gongpara reserve vulnerable to illegal logging, with small scale artisanal deforestation finding ready access to a timber mill over the border. The latter comprises a shift in the value of land, necessary for State development projects, overturning the local incentives for traditional leaders to practice corruption. This gives a sense of both the unevenness of these trends geographically and how this corrosion may expand in space depending on how land values change relative to development emerging from urban and peri-urban cores.

These processes are facilitated by the absence of the State *where it counts*. This absence comprises the lack of a sound and accessible appellate authority in land disputes, the education of traditional leaders and the general population on their rights and duties under the law, and adequate enforcement mechanisms against those who break the law. This again flows from the political-economy, comprising heated competition for prodigious rents procurable through central subventions to the state government and to a lesser extent, the District Council.

The distinction between “top-down” and “bottom-up” rent seeking is obviously a crude one. Bangladesh elites in both the government and aid industry siphon off funding from central and international sources. Meghalaya government officials in the Garo Hills levy illegal cesses on coal

and, as we have seen, the illegal timber trade at locations dotted across Meghalaya's periphery. When we consider the relationship of rent seeking to the specific problem of dispossession, however, the distinction remains useful. There is gold in the completely commoditised Bangladesh countryside for anyone unscrupulous and powerful enough to grab other peoples' land in a way that there is not in the Garo Hills. This highly diffuse rent-seeking from below is the key cause of dispossession.

In India, this "top-down" flow of rents is further compounded by party political machinations and an intrinsic tension between the state government and the GHADC arising from a mismatch between funds and mandate. This is a direct legacy of the implicit original function of the ADCs as a tool for the State in India to recentralise while decentralising as a means to control restive border populations following Independence and the contested integration of these populations into the Union. In theoretical terms, the result is that local rules-in-use are imperfectly embedded in the wider administrative structure in India. The highly circumscribed land market limits the potential for traditional leaders to exploit this state of affairs, but a radical shift in the monetary value of the land can overwhelm social constraints on abuses of power, overriding effective local collective choice arrangements and leading to dispossession.

Theoretically this makes for a fascinating comparison. In Madhupur, where the *system* of land ownership is accorded full legal recognition, a list of names delimited by ethnic identity is denied it, circumscribing the "nesting" of Garo land rights within the State administration. In contrast, the system in the Garo Hills also has full legal recognition, but individual rights are circumscribed by the absence of State mechanisms to enforce them, leading to a fragile and imperfect "nesting" of such arrangements. Robust protections against dispossession and deforestation are largely the result of solid "collective choice" arrangements at village level, undergirded by primarily *social* limitations on the power of the *nokma*. These remain, however, fundamentally insecure and dependent on the continuing lack of monetary incentives to render corruption an unworkable financial position.

That a complex system of customary tenure should be imperfectly embedded in a nation-state where an individual freehold tenurial regime is prevalent might, on the basis of the literature, be expected. That a given population's documented individual freehold land titles should be imperfectly embedded within a nation state of individual freehold property rights is remarkable. This difference is reflected in the different claims made by Garo populations in each location. In the Garo Hills, activists pursue various objectives that would be recognisable to many indigenous activists in other

contexts, including better security for customary lands and forests and the traditional leadership, notionally to be achieved through the creation of Garoland as an Indian state. In Madhupur, the Garos are simply arguing for their individual land titles to be returned to them. Both sets of claims making are fundamentally a call for either further security for the existing status quo, or a return to the status quo ante.

9.4 Historicising Indigenous land rights and the Forest

Focusing on the specific issue of the environment, and historicising the link between tribal land rights and deforestation, I am prepared to go one step further and argue that the reason forests are still intact in these locales is because of the presence of Indigenous People. This is an obviously contentious answer in principle, echoing all the problems of the “ecosavage” narrative, colonial notions of the “noble savage” and at the very least an uncritically monolithic view of communities and their political dynamics. Consequently, this necessitates a careful and closely argued case, anchored firmly in the theoretical framework.

The first piece of evidence comprises my own research design, the practicalities of site selection and the resulting problem of the asymmetric spatial extents of the research settings under comparison at the heart of the present study discussed in Chapter 4. I am not the first person to go in search of Indigenous Peoples and forests, but the practical issue of why specific regions are often home to both is not regularly problematised in theoretical terms. That this might be the result of simple randomness is *prima facie* an unlikely explanation. So why do we regularly find this combination of biophysical and population characteristics? Put another way, why is it comparatively rare to find substantial forested regions across Bengal and Assam where Indigenous Peoples are not also present?

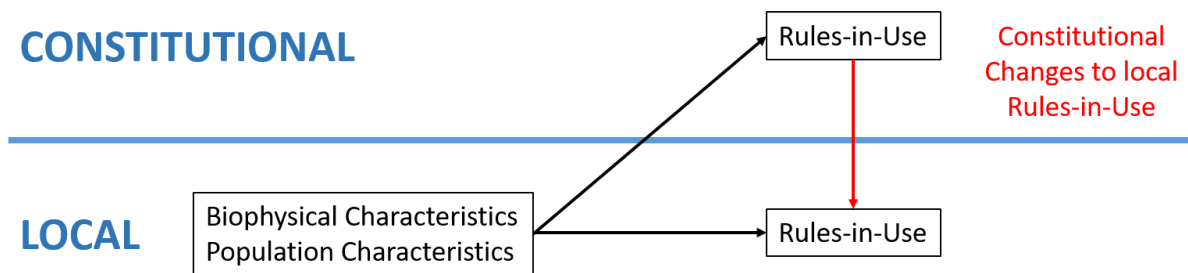
This leads to critical appraisal of a number of core assumptions within political ecology that are largely unproblematised. Political ecological questions gained prominence in the wake of various developments concerning the World’s climate and the comparatively new problem of the alarming scarcity of forests. This unconsciously shaped an entire research agenda where selected study sites (the “last forests”), temporal scale (largely the period since the 1980s) and the core problem statement (why is the forest disappearing?) remain largely unchallenged. One of the most important aspects of Melissa Leach and James Fairhead’s pioneering study on West Africa is that it served exactly this end, but remains subject to criticism, including by Bengt Karlsson. This uncritical

approach has been blurred further by muddled thinking discussed in Chapter 3 concerning whether the “eco-savage” narrative is purely a discourse, or in addition the simple re-articulation of the thesis that local groups, *under certain circumstances*, manage their forests better than the state. Moreover, as a thesis it is eminently testable and, where it has been tested, has returned a broadly positive verdict.

The reason why Madhupur and the Garo Hills, among many other examples, have been logical study sites for examining these questions becomes clearer when explicitly historicised, focusing on five major changes to constitutional “rules-in-use”: the 1793 Permanent Settlement, the 1878 Forest Act, de-colonisation in 1947, and the creation of Meghalaya and Bangladesh in 1971. The Permanent Settlement set in train a process of establishing a system of individual freehold tenure in British India. As we have seen, a combination of biophysical and community characteristics prevented the implementation of this system in either the Garo Hills or Madhupur, despite the latter area falling within a regulation district. It is an interesting and open question as to whether the relative lack of profit to be gained from highland rice cultivation, the potential for Garo reprisals or the religious attitudes of the Rajas of Natore restrained them from cutting down the forest and reducing the Garos to sharecropping.

The same reserved approach to the Hills regarding the imposition of individual tenure also governed the British attitude to the implementation of the 1878 Forest Act, with only tiny areas of forest falling under State control. In Madhupur, the very system of private property ushered in by the Permanent Settlement, by recognising the forest as a “Private” or “Zamindari” forest achieved a similar effect, debarring the Forest Department from the locale. The overall impact was to preserve a unitary system of land and forest management in both the Garo Hills and Madhupur thoroughly distinct from the administrative separation of the two that occurred across the majority of “Regulation” British India. The manner in which local arrangements limited the imposition of new constitutional rules-in-use is depicted in Figure 9-2.

Figure 9-2: Local biophysical and population characteristics and constitutional decision making



In this sense, Independence in 1947 marks the key point of divergence. In India, constitutional rules-in-use emphasising ethnic diversity and legal and administrative pluralism permitted the establishment of the Sixth Schedule areas notionally granting significant autonomy to local groups. Even if, as discussed above, this remained a stratagem whereby the Indian state “recentralised while decentralising”, crucially the same unitary system of land and forest management was maintained in the Garo Hills. Over the border, the Pakistan government initially wrestled with the tenurial status of the Madhupur *Garh*, before eventually deciding that it should be turned over to the Forest Department. Although Garo resistance enabled a significant proportion of the population to remain in the area, this was in a new context of unclear tenurial relations and the *de jure*, if not always *de facto*, sundering of the management of land and forest.

The establishment of Bangladesh and Meghalaya in 1971 exacerbated and entrenched both trends. Bangladesh, inheriting the Pakistani State’s emphasis on highly centralised governance and rejection of administrative decentralisation, cleaved to an ever more exclusionary idea of ethnic citizenship. The separation of the land from the forest was completed, and accompanied by more severe and direct attempts to then separate the people from the land, particularly during periods where the constitutional rules-in-use, in the form of dictatorship, meant that conditions for these attempts were most propitious. North of the Indo-Bangladesh border, the powers of statehood gave even great *de jure* protections to Garo customary rights, and the maintenance of a unitary system of management over lands and forests.

Turning back to our political ecology research design, instead of asking “why is the forest disappearing” in places where forests still exist, limiting the temporal scale to the recent past, an examination of ecological processes over a longer period, say 100 years, reveals that forestry cover across Greater Bengal used to be enormous. If our focus shifts to areas where forests used to be, we observe vast historical changes in land-use, where forest “wastes” were converted to rice agriculture under colonial rule, a process that continued after Independence. Where we see original forests still

standing, the most immediate question that comes to mind is not “why are they disappearing?” but rather “why are they still here?”.

In the Garo Hills, the answer is that tribal resistance in a context of British reluctant imperialism prevented the incursion of political landlordism into the Hills. Following Independence, this resistance has preserved a highly limited land market in the hills, continuing to limit the incentives for land grabbing by powerful political economic elites, as well as blocking the advance of State forestry agencies that might ally with such elites. By maintaining a unified system of land management at village level, governed by powerful local collective choice arrangements, they have preserved large areas of forest. The current situation is not perfect, and the potential for wide-scale deforestation and ecological destruction in the future remains, arising from changes in land values and the institutional dysfunction at intermediate administrative levels. As emphasised repeatedly, local arrangements for forest management can work only under certain conditions. The potential for governance arrangements in the Garo Hills to meet these circumstances remains.

In Madhupur, the answer is more complex. The reasons for the local *zamindar* to refrain from implementing policies of deforestation and forced share-cropping are less clear and appear to favour biophysical factors. The entry of the Forest Department into the region could not be prevented, and there is consequently very little actual forest left. Garo respondents point to other former forested areas in the wider Madhupur tract, arguing that if they disappear the last vestiges of *sal* will vanish as well, replaced by agro-forestry. It is obviously impossible to make a judgement either way. At the least, however, local Garos preserved the forest physically until the early 1970s and today *discursively*, in that they preserve the reasons for the forest’s disappearance, in defiance of powerful discourses that summon the ghost of Malthus in emphasising the role of local livelihoods as the chief culprit. These conclusions pose implications for a number of current debates in the theoretical literature, which I have grouped into discussions of Indigeneity, Ecology and Property Rights.

9.5 Implications for the Indigeneity Debate

As discussed in Chapter 3, the concept of “Indigenous Peoples” has had a troubled history in academic debates, both in general terms and in the specific context of South Asia. In this section I argue that the concept needs to be taken more seriously, addressing theoretical problems with its critique, empirical evidence for ethnic distinctiveness from the study and introducing wider debates

from the literature on the emergence of nationalism. The exclusion of this literature from the indigeneity debate has been to its detriment.

The most problematic aspect of the critique of indigeneity in general, and in South Asia in particular, has been the *selective* application of constructivist approaches and then the often partial consideration given to how tribal identity evolved in an iterative fashion alongside developing ideas of nationalism in the wider territories of South Asia. One cannot be selectively constructivist and a theoretically consistent position establishes from the outset that all identities are artefacts. This key point is missing from a panoply of studies that dutifully excavate the colonial record to produce evidence that specific tribal identities are, in fact, artefactual and, more problematically, simply the product of flawed British anthropology. As a result, these studies conclude that such identities are not *valid*. Even excepting it is the role of academic work to make such judgements, to be successful it would need to demonstrate that such identities were to some extent *more* artefactual and therefore *less* valid than others.

G.S. Ghurye, focusing on peninsula groups, bemoans the lack of efforts made by the British to ensure their “integration with the plains Hindus¹” on the basis that they are all “Backwards Hindus²,” evincing a strong Hindu-nationalist worldview that he does not engage with as critically, if at all. Sanghamitra Misra views the administrative separation of the Garo Hills from Goalpara through a similar lens, arguing that the artificial distinctions between hills and plains disrupted long-standing ties between hill communities and the plains zamindars³. The proposition for a separate Kamatapur state, incorporating Goalpara, the Garo Hills, Jaipalguri, Cooch Behar and Darjeeling may well be, in her words, “a powerful instance of the post-colonial afterlives of the borders that has refused to limit itself to the dominant grid of territorial nationalism and hence of the colonial spatial ideology as well.⁴” But this is surely equally true of Meghalaya, the movement for which had substantial Garo participation. It is not clear the extent to which the Garos were involved in or supported the former effort. Sanjib Baruah views the “break up of Assam” (the carving out of the six predominantly tribal states from Assam’s administration) as a cause of Assamese sub-nationalism “as a mark of Assam’s lack of control over its own destiny⁵”. The British Inner Line policy likewise, according to Baruah, disrupted pre-existing and close connections between the Nagas and the Assamese, artificially segregating the former⁶ and that the break up of Assam was, to an extent, shaped by this “colonial geography.⁷”

No study of which I am aware has recognised this to be the principal task, let alone undertaken it. Instead, such studies implicitly counterpose artefactual and *therefore* invalid tribal identities against unexamined, essentialised national or sub-national counterparts, including the tribes of Peninsula India and the Indian Union⁸, the Santals and West Bengal⁹, the Nagas and Assam¹⁰, the Garos and Goalpara¹¹ and the Chittagong Hill Tracts peoples and Bangladesh¹². The subtext either lays territorial claims in support of their authors' own imagined homelands, or seeks to exculpate current nation-state building projects from responsibility for the catastrophic effects of strategies chosen to integrate subaltern peoples and peripheral regions into the motherland.

Common to most of these studies are a number of contentions, including the argument that some form of tributary relationship between pre-colonial polities and tribal groups evinces *integration* of the latter into the former and British policies disrupted this integration. On the other hand, "fuzzy ethnic boundaries", often synonymous with blurred lines between caste and tribe, demonstrate the weakness of claims to distinct ethnicity. These two points often coalesce into the contention that the peninsula groups were well on the way to being fully "Hinduised" before the British intervened. There are also the counterfactual propositions that the exclusionary measures enacted by the Inner Line in 1873, and then blocking tribal membership from representative institutions established under the 1935 Government of India Act, decisively prevented the participation of tribal communities within the national struggle, with ruinous consequences following Partition.

The institutional variation at the heart of the present study's research design as well as empirical detail covered in previous chapters, are central to addressing these issues. The selective implementation of specific administrative measures by the British that were not coterminous with tribal "races" has been discussed at length in Chapter 5. Any study seeking to pin the blame for the emergence of specific ethnic identities on the spatial provisions enacted by the British has to account for the reason why similar feelings emerged among groups that populated adjacent spaces administered in different ways. How was it possible for a man from a historically regulation space to cross a national border into a formerly excluded space and be welcomed by the people there as ethnically identical to themselves, to the extent that he is now the *nokma* of Gandhipara? Santhals and Garos inhabited spaces that were excluded, that were regulation and that were part of princely states at the time of Independence in 1947, but maintained emic ideas of distinctiveness, encapsulated in endogamous marriage practices within a number of clans (Tudu, Marandi, Soren¹³ etc for the Santhals and Marak, Sangma etc for the Garos).

Where such boundaries are fuzzy, there has been inattention to the work of, *inter alia*, Hobsbawm and Ranger¹⁴ and Benedict Anderson¹⁵ about how nations are constructed in a positive sense. Such processes have required the deployment of various resources and technologies including measures taken by the State, but also, for example, the establishment of a vernacular press. When confronted by fuzzy ethnic boundaries, the question is therefore whether they are evidence of an intrinsic absence of “genuine” ethnic identity or whether they are the contingent and logical result of a lack of access to such technologies for manufacturing such an identity? Based on the importance of the vernacular press in the establishment of “Bengali-ness”, for example, I argue that the latter proposition is the case.

This brings us to the concept of Hinduisation and the various ways in which ethnicity can be constructed in a negative sense, through being “othered” by neighbouring communities. We know from Thapar that there was a long-standing distinction made separating the pre-colonial polities from tribal communities, with tribals referred to as *mlechha* and tribal areas as *mlechha desa*¹⁶. In 1858, the Bengali scholar Tarinicharan Chattopadhyay asserted there were two distinct communities in India, one Hindu, and one “short, dark and extremely uncivilised” called the *jangla* (jungle) *jati*¹⁷. Ritual exclusion, governed by notions of impurity, was clearly important here, and this came to have political-economic implications. For example, G.S. Ghurye draws on Ambedkar’s remarks concerning the differences between the Peninsula groups and those of the Northeast. Ambedkar was justifying the different administrative measures, in the form of the Fifth and Sixth Schedules of the Constitution respectively, accorded to each area.

Concerning the peninsula groups, Ambedkar noted “they are more fully Hinduised”, a statement Ghurye takes at face value¹⁸. But what was Ambedkar getting at? He cannot have meant that there were no adherents to the Hindu faith in the Northeast (the Karbis, Reangs and Meiteis being three examples). Equally he could not have meant that all the tribal communities in Peninsula India were Hindu converts, with substantial Christian communities having emerged, for example, among the Santhals and Mundas. Ambedkar’s statement makes more sense when we consider the political-economic aspect of the distinction. Hinduisation in this sense refers to the incorporation of a population into the lowest rung of the agrarian ladder, a process accompanied by their ritual exclusion as if they were Sudras, regardless of the faith they actually professed. This is evident today in Dinajpur and Rajshahi in Bangladesh, where Santhal Christians are often excluded from restaurants for reasons of ritual impurity.

These strong links between ritual exclusion, and incorporation into established information orders only on adverse political economic terms are extremely resilient in the South Asian context. It is prevalent in Madhupur with conversion to Islam simultaneously being the only gateway for Garos to access the ethnically bounded political economy, while also representing a non-negotiable renunciation of their kinship practices. A related issue relates to Anderson's concept of the "administrative pilgrimage" and debarring certain groups from access to offices of State is a major driver of nationalist feeling among such groups. Garos in Bangladesh have to negotiate with State agents every day who do not speak their language or understand their culture and who often hold auto-orientalist and racist views. The Garos are acutely aware of how few of them there are who have *cakri* jobs with the government, even proportionally speaking to their community's size. This is, for obvious reasons, less of a problem in the Garo Hills, but there are always stories of high caste "mainstream community" government visitors who visit villages and refuse to eat the food.

Sumit Guha's related argument¹⁹ is that historical examples of tribal chiefs aspiring to "Rajah" status and incorporation into the caste system at a higher level (Rajputisation) demonstrates tribal communities' pursuit of integration into wider pre-colonial polities, a quest that was then disrupted by the British. This ignores the complexity of such hybrid polities. If tribal Rajahs got too big for their boots, relations between them and their former kin in the hills broke down, a situation that seems to have occurred in the cases of Chotanagpur, Tripura and Keonjhar. Rajahs could seek sanskritisation, but their powers remained limited, and attempts to make financial exactions on their hill populations resulted in swift revolt. Crucially this process seems to have been triggered by the changes made by the British in the plains, where Rajahs were transformed from ritual leaders of populations into landlords. As the Jaintia kingdom discussed in Chapter 5 demonstrates, the Rajah never attempted to levy taxes on his hill population and the Dolloi leaders in the hills continued to be highly autonomous.

Instead of integration, was Rajputisation therefore pursued to secure continued autonomy? If legitimacy and recognition by the external powers with whom they had commercial intercourse required tribal groups to have a Rajah, then a Rajah they would have. This idea of Rajputisation as a tactical mechanism to control the terms by which tribal groups interacted with external populations is compelling because of the evidence that other mechanisms have been employed in exactly the same fashion as part of the "art of not being governed", and I agree with James C. Scott that indigeneity comprises the latest example, a topic to which I will return shortly.

The argument that pre-colonial tributary relationships translate into an argument for pre-colonial integration and therefore British disruption is problematic for three reasons. The first is it fails to recognise the phenomenon of tribal resistance provoked by a break down in commercial relations with the plains noted above. The second is that such arguments have troubling precedents in the 20th century. Chiang Kaishek famously published a map of the Republic of China's territorial claims, based on Imperial tributary relationships, which included Vietnam, Laos, Cambodia and, of course, Tibet. This comprises another confusion of theory for discourse, but in the opposite direction, and introduces the third problem, which is that such arguments do not engage sufficiently with ideas like the "geobody." The concept is Thongchai Winichakul's and emerged from a discussion of the "mapping" of Siam and how the establishment of national borders was intimately linked with the creation of a new national-identity. The establishment of territoriality, according to Winichakul, cannot be unbundled from other processes that manufacture "nationhood", and represents in fact "the most concrete feature, the most solid foundation, literally and connotatively, of nationhood as a whole." One of the results is that borders are among those "traditions" invented by nation-states, anachronistically imposing them on areas and periods of time. A great deal of the literature concerning pre-colonial links between tribal communities and Indian polities does the same.

Finally, there is the issue of exclusionary measures of 1873 and the failure to incorporate tribal membership within representative institutions established by the 1935 Government of India Act. Counterfactual arguments must at least attempt to engage with alternative examples that demonstrate the case they are making. There are two questions here. Where tribal communities subsequently were included in representative bodies in India and Pakistan across Bengal and Assam, did they find it satisfactory? Were there geographic regions and peoples elsewhere in South Asia, not subject to these measures, that subsequently objected to the manner of their incorporation into the nation-states of India and Pakistan, based on vernacular notions of ethnic or sub-national distinctiveness and the perception of political-economic marginalisation and exploitation? The answers are "generally no" and, to put it mildly, "yes."²⁰

Finally, there is the underexplored issue of tribal resistance in the context of "Collective Action". This would view the very fact of rebellion as evidence for the existence of discreet indigenous information orders. Consider the Santhal Rebellion. An illiterate, acephalous population inhabiting rugged terrain with no roads abandoned their harvest to put thousands of fighters into the field against the most powerful military force of the age. It is an understatement to observe that this demonstrated the Santhals' ability to overcome a significant "Collective Action Problem" *before* the

enactment of the special administrative arrangements in the Santhal Pergannahs that Ghurye et al have argued were the primary reason a distinctive Santhal identity emerged.

This manifestation of organisational capacity is an integral feature of the interaction between self-identifying tribal orders and their neighbours from 1776 until the present day, including the Garos of Madhupur from 1962 and their Indian counterparts' participation in the Hill State Movement from the 1950s. This is important in its own right, but also bears directly on the "indigeneity" debate and specifically the recent emergence of the term "Indigenous Peoples" when discussing tribal populations in South Asia. One criticism has been that the deployment of this concept has been completely top-down²¹ and has actually either created or inflamed ethnic tensions. Notions of "firstness", powered by an attendant infrastructure of organisations and funding, but betraying a quasi-fascist ideal, decried by Milton Weiner in an earlier formulation as a "Sons of the Soil" narrative that drives ethnic conflict in the region.

The resilience of tribal revolt as an institutional form in South Asian across two hundred and fifty years demonstrates that this is once again getting history backwards. Crucially, the rationale for tribal rebellion is demonstrably almost as old. "They (the outsiders) have taken away from us our trees, fishes [and] lands," was the explanation given by a Kol respondent for the Chotanagpur rising in 1832. It could just as easily have been offered by a Garo respondent in Madhupur today. Specific mechanisms, most prominently the abuse of a legal system not understood by tribal groups to exact money or steal land are similarly remarkably durable in time and expansive in space. The idea that indigeneity in this sense is a tactical move by communities to manage the way in which they are incorporated into nation-states has been understudied. It falls within the same family of responses as "having a Rajah". Notions of precedence in space are common to many systems of property rights, not least individual freehold tenure. Indigeneity is thus a new way to articulate old claims, adjusting to changes in the rule book which tribal communities played only a very limited role in writing.

In stressing indigeneity's "top-down" nature, and the artefactual nature of "imagined homelands", the manner in which these ideas articulate with vernacular perceptions of threat and loss has been almost entirely ignored, as has the obvious spatiality of cultural practice and political power. The rearing of pigs, the consumption of alcohol, the role of land in religious celebration, the use of vernacular languages all have an obvious spatial component that is eroded with the movement of people into an area for whom pork and alcohol are anathema and the land holds little spiritual

significance. Control of land in agrarian societies is also intrinsically political. It facilitates dialogue with other communities from a position of strength, demographic concentration being key to securing resources from the State, political influence in democratic contexts, as well as mobilisation to resist particularly adverse State policies often enacted in authoritarian contexts. It is a matter of life and death for marginalised groups navigating their way in a political society from which they are excluded by virtue of their own distinctive kinship practices.

Indigeneity in general and specific claims to ethnicity by certain groups needs to be taken far more seriously, which is not to say uncritically, as a variant of ethnonational assertion, open to the same broad family of theoretical analysis and fit for comparison with all similar movements and processes in time and space. Indigeneity's defining theoretical characteristic that makes it distinctive from simple nationalism is that it has made its peace with the territoriality of the nation state, largely from a practical recognition of the severity of power-differentials. Instead it contests the imposition of a universal law within the nation-state's boundaries, generally with reference to specific spatial contexts. Until we move away from moribund investigations into the "artificiality" of tribal identity, this potentially fruitful avenue of enquiry based on situating such claims-making within the far broader topic of nation-state building will be barred to us. As Sundar argues in a heated exchange with Alpa Shah²², the way such claims making is addressed by the State in India and Bangladesh is intimately related to the way in which such nation-state projects progress in the round.

The question of what happens to Indigenous Communities and why poses implications far beyond the individual communities concerned and this question is obviously not merely confined to South Asia. The question of "who we are" seems to become more charged every month across the world. The importance of taking indigeneity seriously is that the reasons for such claims making, and the way they are resolved, has salience for other debates occurring in Washington DC, Dublin, London and Madrid. If indigeneity has become a way of restating old claims using a new nomenclature, it is only one of several discursive approaches. Others draw on the administrative lexicon created by the new States, whether through demands for separate statehood within the Indian Union, or the claim to land on an individual basis already comprehensively documented by the legal system in Madhupur. Another approach has been to assert their role as the traditional guardians of the Forest.

9.6 Implications for the (Political) Ecology Debate

The study adds to the growing body of evidence that under the right conditions local communities are more capable of effectively managing their forests than the State. “Better outcomes” are defined by Ostrom as both more sustainable and more equitable for resource users. On this point a contrast between the agency in decision making and access to resources of local communities in Madhupur and the Garo Hills is instructive. The decision to replace natural forest with agroforestry in Madhupur was not made with the consent of local communities, and the benefits generally flow to elites. In the Garo Hills, the growth of fruit gardens at the expense of natural forest was pursued by and generally benefits local villagers. One minor additional point concerns the lengthy debates in the literature about how “community management” is best implemented, including the tenurial status of conserved areas and the closely linked balance of competencies and power of Forest Department officialdom and local “user groups”. The superior outcomes in the Garo Hills result from a consultative approach taken by the GHADC’s Forest Staff, with formal “ownership” of Village Reserves remaining vested in the village. The Madhupur model of State ownership and, more recently, community management groups demonstrates far less positive outcomes.

There is scant support for Malthusian or neo-Malthusian models’ explanation for deforestation. This may appear strange in light of the huge differences in population density present in Bangladesh and the Garo Hills, depicted below in Table 4. There are a number of points to make here. Most Malthusian notions of “resource use”, clearly articulated in the impact of “local livelihood needs” on the Madhupur forest, draw a linear link between rising population and the *use* of a given a resource, leading to its collapse. This implicitly frames the problem as poor people cutting down trees for use or sale. This is not what is happening in either research setting. Forests have not disappeared permanently because they were cut down, but rather because a change was made in land-use. This was not a linear process. As discussed above, the major damage to the Madhupur forest occurred in a brief period between 1982 and 1984.

The question then becomes whether rising populations drove these major land-use changes, and this remains unclear. In Bangladesh large areas of forest have been turned over to permanent rice agriculture. While it is intuitive to argue in a “land-starved” country, this is inevitably due to low access to arable land per capita. But is this simply due to Bangladesh’s large population, or is it a product of the deeply unequal structure of land-ownership and production relations in the Bangladesh countryside? Recalling debates around land reform programmes in Chapter 2, I argue the latter is the case. The apparently insatiable appetite for more land is a product of the dependency of two thirds of Bangladesh’s population on farming for survival, which in turn stems

from unequal land ownership and the stubborn resilience of share-cropping as a means of allocating agricultural surplus.

In the Garo Hills, again the strategy of converting forests into fruit gardens is a product of agrarian poverty. In theory, expanding village populations should logically lead to more fruit gardens and less forest. This may be the result in the near term, but linear projections here are unsound. First it is not clear whether educated children of fruit farming parents will remain in the village. Second, a major determinant of what happens in the Garo Hills will depend on the highly unequal economic structure. Massive central subventions have more productive uses than as rents for ambitious politicians. If, as a result of a better educated population, these resources find their way to investment in developing the skills of Garos and a more diversified economy, there is no reason to assume a permanent and growing population dependent on the countryside. Land-use change in both locales is thus dependent on the different structures of “bottom up” and “top down” rent-seeking in Bangladesh and India respectively. Crucially, these most important decisions for ecological outcomes will be made by urban elites, not village dwelling subsistence agriculturalists.

This also inclines me to a degree of scepticism concerning Arun Agrawal’s concept of “Environmentality” (2005). Agrawal’s thesis, based on extensive fieldwork in Uttarakhand in the Himalayan foothills, combines the notion of governmentality in a Foucaultian sense with environmentalism. Having surveyed 46 villages in the region, he notes that over significant time scales (just over one decade) a very large number individual villagers have internalised concepts of conservation as a result of community forestry projects. Agrawal speaks in positive terms of this creation of “environmental subjects” and its potential for enhancing conservation projects. My own findings suggest that Agrawal’s emphasis on the need to educate poor villagers on the requirement to preserve the forest is of less importance than addressing complex changes in land use, generally decided by powerful state agencies, often in concert with powerful private actors.

This debate remains at the cutting edge, and its practical implications are huge, as revealed in recent controversies surrounding the ebola outbreak in West Africa. The Institute of Development Studies at Sussex has been robust in combating a narrative of a spontaneous outbreak event that had its roots in poor Africans cutting down too many trees and hunting for bushmeat (Huff, 2015). Drawing on the classic Lead and Fairhead study on misreading the West African landscape (1994), Amber Huff notes that “The primary drivers of environmental change in contemporary West Africa, including the countries of the Mano River Union (Guinea, Liberia, Sierra Leone and Côte d’Ivoire), today involve

expansive ‘land grabs’ encouraged by generous reforms designed to attract international investment in large-scale export-oriented mineral extraction, timber extraction and agribusiness activities, especially palm oil production,” (Huff, 2015: 2). The evidence from my own findings supports a similar interpretation in the context of Bangladesh and Meghalaya state in India.

There are also implications for the empirical political ecology literature on the Garo Hills. While my conclusions might appear to run counter to those presented by Bengt Karlsson, our empirical data are similar. We both identify substantial forest degradation as having taken place. Yet his view is far more pessimistic than my own about the seriousness of this degradation and its implications for the region and, indeed, the world²³. At least part of the reason for this is that we “saw” different things in Buroway’s sense of the term when we conducted our respective periods of fieldwork, in that we brought different theoretical lenses to bear. Karlsson’s background as an environmentalist potentially inclines him to a very negative view of *any* deforestation. My view that *some* deforestation is a price worth paying for poverty alleviation in turn possibly betrays an unreconstructed modernist view of development.

On this issue, Karlsson’s arguments are strongest when he alludes to the *local* costs of deforestation, in terms of biodiversity but most especially in the damage to watersheds that ultimately harm local resource users. It is worth recalling here that securing important watersheds has been the priority for the GHADC forest staff when working with villagers to establish registered VRFs. I disagree with Karlsson’s deployment of climate change as a reason for concern over deforestation in the Garo Hills, for reasons of global equity that are at the heart of climate change negotiations. As famously noted by Anil Agarwal and Sunita Narain²⁴, a tonne of carbon emitted by a westerner cannot be considered equal to that emitted by a subsistence agriculturalist in the Global South. I would argue further that this must also apply *within* Global South economies, particularly those characterised by vertiginous wealth differentials. A tonne of carbon emitted by a Bangalore tech millionaire, or the scion of an old *zamindari* family in Dhaka, cannot be considered the same as one emitted by a Garo farmer. The meteorologist and leading Climate Change authority Professor Mike Hulme has demonstrated that while science can tell us what is physically happening to the world, it cannot tell us definitively and specifically what to do about it. That depends on the things we value, and deeper ideological convictions which obviously vary from individual to individual²⁵.

Having said this, it is also possible to draw very different conclusions from Karlsson’s own evidence. He describes at length the “scam” involving the mass logging of *state* forest reserves at Chimabangsi

in the late 1990s. He notes that the *nokma* of the nearby village of Doracha was implicated, but received very little of the profits reaped by the four contractors he allotted concessions to. The village was engaged in a legal dispute with the state government over five hundred hectares of land covered by the state reserve, and this appears to be the locus of the deforestation, with 100,000 – 200,000 trees lost. The *nokma* had been dragged to the High Court in Shillong over the dispute repeatedly, which was very expensive. The High Court had eventually supported earlier rulings made at the District Court in support of the *nokma*'s claims, but the implication is this took place after the area was logged²⁶. Referring to other cases, albeit with less detail, where *nokmas* have sold off entire hills Karlsson concludes "many have not shouldered the responsibilities of a custodian and have acted in a short-sighted manner" due to "personal shortcomings."²⁷

With the Doracha example, it is possible to read this as an act of subaltern resistance to a State enclosure project when conventional legal channels failed, with the aim was not to profit from deforestation, but to re-assert control over the land. With the other examples, Karlsson does not supply details of what happened to the land after it was logged. It is possible this was carried out for profit and owing to personal corruption. If, however, the decision had been taken to allocate the land to villagers to establish fruit gardens, then the examples appear in a very different light. Regardless of the small proceeds garnered by the *nokma* or village, they either did not pay anything for the labour or potentially benefitted from the short-term employment doing a job they would have to have carried out anyway. Both sets of examples can be thus potentially viewed as entirely sensible strategies employed by savvy and purposeful villagers.

On the basis of his findings, he criticises what he terms the "environmental alarmist discourse"²⁸ typified by the work of Fairhead and Leach²⁹. He finds no evidence, for example, to suggest that the India High Court timber ban was meant to further the appropriation of rights from local people by State agencies. Yet sixty pages later, he discusses how twenty *a'kings* were affected, and one displaced entirely by the establishment of the Balpakram national park by the Meghalaya Government, and promised compensation failed to materialise³⁰. To reiterate, my argument is not that there are no problems in the Garo Hills. My own evidence demonstrates that there are. But Karlsson's findings do not support the extremely pessimistic view he presents, while my own supports the view that under certain circumstances, community ownership of forest resources is robust from a conservation perspective. Conversely Karlsson's findings demonstrate, to a far greater extent than my own, that even in the Garo Hills the conservation debate is a proxy for contests

between the State and local villagers over rights to land, which in turn actually supports Fairhead and Leach's theoretical position.

The question for public policy in the Garo Hills is "how much original forest is enough?", for biodiversity, the protection of watersheds and the contribution of natural forest to India's environmental commons. This can only be answered by local communities and their elected representatives and through overcoming the institutional dysfunction at the heart of governance in Meghalaya. On this issue I would not choose to characterise the processes driving deforestation in the terms Karlsson uses when he quotes Blaike and Brookfield saying "one person's degradation is another's accumulation"³¹. "Accumulation" is a loaded term that I do not think fairly describes the decision by a poor Garo family to establish a fruit garden to earn cash money so they can send their child to school. In view of the enormous information gaps evident in both Karlsson's study and my own, a well-educated Garo population seems to be the *sine qua non* to resolving these governance problems and reversing the adverse terms under which it has been incorporated into the Indian Union. It is also vital for the Madhupur population in their quest to secure their property rights.

9.7 Implications for the Study of Property Rights

On the specific issue of property rights, recalling Hernando de Soto's forceful advocacy of the universal enforcement of individual freehold tenure as the key to poverty alleviation, there are some relevant insights from the present study. First, a large proportion of the criticism of both Hardin and de Soto focuses on the transition from one tenure system to another, from customary / collective to private / individual. From Bangladesh, it is clear that the Garos had already transitioned to a private land tenure system, fully embedded within the national legal system, as attested by a substantial documentary record, and yet this was not sufficient to protect their land rights. De Soto's prescriptions are problematic on this basis, even assuming a successful transition from one tenure regime to another, because they ignore the possibility that under certain political conditions of ethnic and religious exclusion private land rights can be simply extinguished by state agencies in collusion with powerful actors.

This is of crucial importance because de Soto explicitly pitches his policy prescriptions as the silver bullet to vanquishing poverty. The poverty debate, however, is more sensitive today to precisely those issues of political and ethnic marginalisation most likely to pertain to communities like the Garos. The "new bottom billion" of the world's poorest people now inhabit middle income

countries, including India, and notions of “adverse incorporation” emphasise the fact that “poverty is political”. In such a context of political and ethnic marginalisation, the Garos of Bangladesh demonstrate that firm documentary evidence of individual ownership is no defence against dispossession. In a similar vein, Madhupur demonstrates that Hardin’s argument is vulnerable from quite the other direction to that used by Ostrom, which is to say the tragedy of the commons may occur under either state or market management.

On the other hand, to my surprise I found myself agreeing with de Soto’s argument concerning access to credit, and the problems arising from collective land management systems like those still practiced in the Garo Hills. Secure customary tenure poses obstacles to securing a loan for many local villagers, which imposes important economic limitations. This underscores the importance of current work on “greening the cadastre”. By institutionalising property rights in a manner that accurately reflects subaltern rules-in-use concerning land, the myopic state can be thus equipped with bifocals. Such an institutionalisation would also lead to different mechanisms for accessing credit that are not dependent on the potential for alienating resources held in common in the case of default. There are signs of an improvised approach of this kind in the Garo Hills, where villagers report they would “chip in” to repay a loan secured by *a’king* land so that it would remain under the village’s control, with the defaulter’s financial obligation shifting to those who do so. This can be built on.

A green cadastre would also ameliorate the potential of myopic titling programmes to inflict potentially vast changes on the society where they are carried out, reducing the damage inflicted by tenure transformation. On this issue, probably the most important recent study has been Tania Murray-Li’s major work “Land’s End: Capitalist Relations on an Indigenous Frontier³²”. The work is the culmination of almost two decades of field research in the Sulawesi Highlands of Indonesia. Murray-Li discusses how an indigenous society voluntarily converted common land to individual land tenure in order to plant a commercial cash crop. This process led to the emergence of class differences within the indigenous community, leading to wealth inequalities and landlessness. It is a highly nuanced work which criticises both the modernist narrative that “inefficient” farmers who become landless can inevitably find other jobs when such jobs might not be available, but also the discourse from social movements that argues the transition from communal to individual tenure is inevitably the result of exogenous pressure, often at the hands of “globalisation” or “neoliberal capitalism”.

There is much from my own findings that resonates with Murray-Li's story: the Garos of Bangladesh but also of the plain areas of the Garo Hills provide another case study of a more or less voluntary transition to an individual tenure regime from a collective one. This has also been accompanied in both areas to a move from shifting cultivation to sedentary cultivation, often of fruit crops. At the same time, the study raises questions about how generalisable Murray-Li's findings are. Her work comprises a welcome and necessary corrective to lazy assumptions about the lack of local people's agency concerning tenure change, and a fascinating exposition of how many complicated and interrelated forces are at work concerning these questions. But some of the truisms in her cross-hairs are truisms for a reason. While the Madhupur Garos' transition to individual tenure went comparatively smoothly, that of the Santhals and Oraons in northwest Bangladesh did not. The titling programme following the 1950 East Bengal Tenancy Act largely stripped them of their rights, because they were totally marginalised in the process³³.

This moves the discussion away from a "beauty contest" between tenure regimes and the nature of tenurial transition itself. Who implements it and how? Is everyone informed of the process and what it means beforehand? Is there adequate transparency in the process and is there scope for proper efforts to resolve disputes where they occur? Is there a special effort to reach excluded populations and support them during the process? That Murray-Li rightly demonstrates the agency of villagers in tenurial transformation in one locale does not invalidate the fact that such agency has been ignored in others, in a context of severe power differentials. Where villagers themselves cannot organise as effectively as the Garos in Madhupur, securing their agency might be possible with a dedicated group of impartial intermediaries to pursue this objective. This is not as far-fetched as it might seem, recalling Bakshi's study from Chapter 2. Bakshi demonstrates that excluded tribal populations in West Bengal were able to secure their land to some extent during the Operation Barga land reform processes in the 1970s. The key to this was the dedication of Communist Party cadres flooding the countryside to ensure that such populations were actively included in the process. This has relevance for development practice, which I address in the next section.

The study findings also speak to Prof Peter Ho's recent special issue in the *Journal of Peasant Studies* concerning the "endogenous theory of property rights"³⁴. Crudely, the collection emphasises the importance of local conceptions of property rights in practical terms, highlighting their resilience in contexts where they may operate in opposition to the formal "law of the land" as well as underscoring the failure of projects to impose "exogenous" notions of property rights. The examples in the collection are as fascinating as well as compelling and I would broadly agree that *purely*

exogenous efforts to impose property rights are unlikely to succeed. At the same time, my findings illustrate how different tenure regimes in the post-colonial context have been *co-produced* to one extent or another. This is as true for Garo customary systems as for the individual freehold systems in the plains. The key point is that “co-production” is not a single event, but an ongoing process of negotiation and contestation where, depending on the political context and power dynamics, there will be winners and losers.

The Bangladesh example has seen a community integrated into an individual freehold property regime following exogenous pressure, only to then have these rights removed summarily. The Garo Hills example is more complex, with fieldwork revealing a slightly different property regime in each village, and each regime incorporated into the broader political-economic and administrative picture in different ways. Sometimes, as in the case of Gopalgre, the results have been highly detrimental to the community. When gauging the importance of “exogamy” in a property regime versus endogamous rights, it is necessary to assess whether there is differential access to appellate authorities at the top of the “pyramid”.

In both study settings, where two parties have conflicting land claims based on a different subjective understanding of endogenous rights which, accordingly, cannot be resolved within the locality, the party who has a better understanding of and access to this exogenous, formal system will win out, regardless of the merits of the case. In certain cases, this superior knowledge of the exogenous system including a keen awareness of its final “appellate” status has been consciously utilised by powerful private actors to simply strip less powerful people of their land. Indeed, tactical awareness of the disparity in access on the part of such actors is often the motivating factor for them to lodge a dispute in the first place. Frequently this divide operates across ethnic and religious lines and in a context of the political marginalisation of one of the parties involved. This is an old story of which my findings provide yet another case study, but an important corrective to the argument made by Ho et al.

The study also strongly supports arguments made in an influential collection edited by Arun Agrawal and K. Sivaramakrishnan, “Agrarian Environments: resources, representations and rule in India³⁵”. The broad argument made by all of the essays in the collection is that the division between land and forest epistemologically, in discussions of “environmental” versus “agrarian” studies, is an artefact of colonial rule that bears little relation to how “agrarian environments” function in reality. This is a crucial point that, presumably because it was made by anthropologists, sociologists and historians,

has not been nearly influential enough in other disciplines, especially the main “technical” disciplines concerned with these subjects, Land Administration and Natural Resource Management (NRM). By way of illustration, these two areas constitute discreet and mutually exclusive alternative tracks on the MSc course in Geoinformatics taught at ITC University of Twente, Enschede, a world-leading centre on these issues. There needs to be far more intensive scholarly dialogue with these technical disciplines in order to break down these actively damaging epistemological barriers dividing the study of land and forest.

A final brief point brings together all of these areas, indigeneity, ecology and property rights. Another collection entitled “Ecological Nationalisms³⁶” traces the use of debates over forestry conservation in ethno-national assertion in South Asia. Integrating insights from this collection with those above would support the view that Indigenous Peoples’ movements are “Agrarian-Ecological” or “Agrarian-Environmental” movements. This has the specific and often ignored corollary that such movements argue for a reversal of the division of forest and land in the colonial period, still so influential, and to recombine both “competencies” in a unified system of land ownership.

9.8 Implications for Development Theory and Practice

Implications for development theory and practice concern appropriate interventions during titling programmes, the importance of education, and the principle of aid effectiveness. Concerning titling programmes, I addressed above the need for impartial intermediaries to engage in outreach to marginalised populations to ensure they are aware of and engaged in such transformative processes. I was lucky enough to witness the activities of the Bangladesh NGO Uttaran during the current titling programme underway in the country. Uttaran, funded by the EU, worked in three pilot districts towards two goals.

The first was to have field staff at work across the different villages making local people aware of the process, informing them of their rights and often physically helping them to make applications and participate in the registration meetings. The second activity was to lobby Land Ministry staff to change the process itself, so that it included more public meetings, including an open-access display of the newly registered plot boundaries so villagers could inspect it and raise objections. I cannot comment on how successful this was, except to note that the Programme Manager Mamun Rashid keeps a copy of an open-letter from the Bangladesh Surveyors Association to Prime Minister Sheikh Hasina published in a national newspaper objecting to Uttaran’s activities by name. “They cannot

make any money now,” was Mamun’s verdict. Regardless of the result, in principle this is a laudable approach to ensuring the participation of marginalised communities in a land titling process.

The study also highlights the vital importance of education for addressing the significant “asymmetries of information” that plague both study contexts. On this point, Garo respondents speak highly of Oxfam’s initiative to introduce mother-tongue primary education in Madhupur in the period 2005 – 2010. Many Garo children drop out of school because of their lack of skill with Bengali, leading to bullying by both fellow pupils and teachers. Dual education at primary level in Bengali and their mother-tongue has proven to be very successful in addressing this problem.

Finally we come to debates around aid effectiveness. The modernist school, epitomised in the Busan Declaration of 2011, emphasises the need for different organisations to be more “joined up”, decreasing the fragmentation of the sector, and ensure that initiatives work together effectively in a given context. This fails to account for more extreme instances when different initiatives from different “sectors” are attempting to achieve mutually incompatible goals, as exemplified by Caritas projects in Madhupur designed to strengthen Garo land rights, and the USAID-funded CREL effort that is essentially supporting processes to take them away.

The study is also of some relevance for the post-development and “participation as tyranny” critiques. This issue of different development interventions working actively against each other is underexplored in both bodies of work. Perhaps more importantly for the “participation as tyranny” literature, the leadership of Caritas is acutely aware of how participation can be abused, and takes active steps to ensure this does not happen. A broader topic is that development is intrinsically flawed because it breaks down the link between citizens and their government through foreign organisations providing substantial quantities of unaccountable funding to elites. In contrast, taxation encourages citizens to hold their leaders accountable because it is “their” money being spent.

Angus Deaton, noble laureate in economics, has provided the latest and most high-profile iteration of this argument³⁷. The Garo Hills provides an interesting case study of an extremely limited international development footprint, but where a similar structure of unaccountable flows of rents, this time from the central government, seems to stimulate elite corruption and lack of citizen oversight. Are there wider questions then about whether this situation applies in all cases of large scale fiscal transfers, regardless of where they are from, and if not then why not? Among other

highly relevant areas of focus for such an inquiry would be European Union transfers to its poorer periphery for example.

9.9 Future avenues for research

I have consistently made the case for releasing the study of Indigenous populations and commonly associated topics, like forestry and the environment, from over-contextualised debates and overly narrow regional and sub-regional theoretical lenses. One of the principal reasons for doing so is that such a course would permit extremely fruitful comparative work with other contexts and empirical material where there is not necessarily an intuitive connection. One possibly promising example is the issue of affirmative action. Myron Weiner and Partha Chatterjee have both posed the question, in connection with the issues discussed in the South Asian context, of how the protection of particularistic rights can be reconciled with national integration and notions of universal citizenship³⁸. This resonates with the far broader issue of affirmative action policies worldwide, and finds a potentially fruitful avenue of comparison with spatial concerns very different from the specific issue of *agrarian* territorial protections running into South Asian state-building projects, in the form of housing policy, ghettoization and recent concerns over gentrification in the world's cities.

9.10 Study Limitations

As alluded to previously, the research design is not appropriate when analysing questions of intra-community inequality, including gender. This weakness was compounded by practical time constraints, particularly in the Garo Hills. From what little I saw, matriliney appears to be broadly intact in both research settings. Reading evidence of institutional breakdown against the grain, AMS was established in Madhupur to stop men pressuring their wives to sell land, and the contest in the chaotic situation in the Garo Hills village of Gopalgre is led by two heiresses over the nokmaship. Other intracommunity inequalities directly observed include the marginalisation of Sangsareks in Madhupur and the extremely precarious situation of young people in the Garo Hills, with land concentrated in the hands of the old. These observations cannot be considered as satisfactory when engaging with these questions, but equally there is only so much ground a single thesis can cover. Having said this, if I was going to repeat the exercise, I would have been careful to ensure more time in the Garo Hills, where I was forced to reduce the number of study villages to seven anyway because of time constraints. I would also have rebalanced the study design to interview more

women than men in the field. This would be unlikely to offer definitive answers to these major questions, but would have provided more evidence that might have supported firmer conclusions.

9.11 Conclusion

Madhupur evinces high levels of deforestation and dispossession because both the Garo smallholder and the *sal* tree are targets for incorporation into an ethnically-bounded political economy to which neither is legible. Legal measures relating to land specifically target the Garos on the basis of their ethnicity, employing the rubric of conservation in order to justify these actions. Compared with an area with practically no special protections for Indigenous Peoples' land and forestry rights, the Garo Hills demonstrates the partial effectiveness of such measures in limiting dispossession and deforestation. The system remains fragile, however, due to intentional institutional dissonance, and a political economy driven by the quest of political elites to secure rents from central government subventions. I end this thesis in the next chapter with a few concluding remarks.

¹ Govind Sadashiv Ghurye, *The Scheduled Tribes of India* (London: Transaction Books, 1980 [1963]), 79.

² *Ibid.*, 20.

³ Sanghamitra Misra, *Becoming a Borderland, the Politics of Space and Identity in Colonial Northeast India* (Abingdon: Routledge, 2011), 80 – 86.

⁴ *Ibid.*, 202.

⁵ Sanjib Baruah, *India Against Itself, Assam and the Politics of Nationality* (Delhi: Oxford University Press 1999), 91.

⁶ *Ibid.*, 91.

⁷ *Ibid.*

⁸ Govind Sadashiv Ghurye, *op. cit.*

⁹ Prathama Banerjee, *Politics of Time: "Primitives" and History-writing in a colonial society* (New Delhi: Oxford University Press, 2006), see also Susana Devalle, *Discourses of Ethnicity, Culture and Protest in Jharkhand* (New Delhi: Sage Publications, 1992).

¹⁰ Sanjib Baruah, *op. cit.*

¹¹ Sanghamitra Misra, *op. cit.*

¹² Tamina M. Chowdhury *Indigenous Identity in South Asia, Making claims in the colonial Chittagong Hill Tracts* (London: Routledge, 2017).

¹³ Edward Duyker, *Tribal Guerrillas, the Santals of West Bengal and the Naxalite Movement* (Delhi: Oxford University Press, 1987) 6.

¹⁴ Eric Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983).

¹⁵ Benedict Anderson, *Imagined Communities, Reflections on the Origin and Spread of Nationalism* (London: Verso, 2016 [1983]).

¹⁶ Romila Thapar, *Ancient Indian Social History, Some Interpretations* (Hyderabad: Orient Black Swan, 1978 [2009]) 149.

¹⁷ Tarinicharan Chattopadhyay, *Bharatbarser itihās* volume 1 (Calcutta, 1878 [1858]) 2, quoted in Partha Chatterjee, *The Nation and Its Fragments, Colonial and Post-Colonial Histories* (Princeton: Princeton University Press, 1993) 95 – 96.

¹⁸ Govind Sadashiv Ghurye, *op. cit.*, 385. See also Vijay Hansaria, *Justice B.L. Hansaria's Sixth Schedule to the Constitution Third Edition* (New Delhi: Universal Law Publishing, 2010) 9 – 18.

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²⁰ Assam and East Pakistan / Bangladesh are probably the most dramatic examples, see Sanjib Baruah, *op. cit.*, and Willem van Schendel, *A History of Bangladesh* (Cambridge: Cambridge University Press, 2009).

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Chapter 10: Problems in the City

“God created the village, man created the city,” according to Thomas, and there is ample empirical material from the research to support the claim that problems of dispossession and deforestation in both the Garo Hills and Madhupur have their origin both in the processes that take place in urban settings, and then the politics of their implementation in the countryside. The Ostrom-Clement framework, its focus on nested institutions, collective choice in the making of village level institutions and the minimal recognition of these institutions by the law of the city, through explicit consideration of rules in use, biophysical and community characteristics, discourses and the political economic context, is very effective in enabling us to “see” these mechanics at work.

The rich rice lands of Bangladesh, and the replacement of original growth forests with lucrative acacia and pineapple plantations, represent a treasure trove of wealth, and a huge store of allocative resources in the hands of both political and bureaucratic elites overwhelmingly drawn from one information order. To this information order, bound by exclusive kinship ties and cemented by discourses of ethno-religious nationalism, the inhabitants of other, smaller, and weaker information orders represent fair game, locking up valuable resources in a regime that has little purchase on the intricate ladder of political and economic power that governs Bangladesh. The dispossession of such weaker information orders, including the Garos of Madhupur, is necessary to unlock these resources, and introduce them into this ethnically-bounded political-economy. Legal-administrative mechanisms are the main tools through which this is accomplished, deliberately disrupting the legal recognition afforded to specific individuals, and the previously robust incorporation of those individuals within the individual property regime of the country.

In the Garo Hills, land still by and large cannot be freely bought and has less intrinsic value anyway. When it comes to resources, the chief sources are the huge subventions channelled into Meghalaya state by the central government, and the taxes derived from mineral and forest wealth. The locus for access to these rents are not found in the countryside, but rather in the seat of the state government in Shillong and, to a lesser extent, Tura. Flows of resources meant for building infrastructure, increasing the capacity of traditional leaders, comprehensive land-use policies and the education of the citizenry on their rights, including their rights of redress and how to pursue them when things go wrong, are diverted for the enrichment of elites in the city. As a result, the rural inhabitants of the districts are largely left to their own devices, notwithstanding road construction or the best efforts of the IBDDL or GHADC Forest Department. While legal recognition

is formally extended to local institutions, their embedding in the formal administrative system is thus incomplete. While the land market is non-existent across substantial areas, particularly in the more remote hills, this is changing in the peri-urban environments of Tura and Garobadha, where there is increasing demand for land for infrastructure projects. With this development comes the corrosion of customary law and intracommunity conflict. Rules-in-use are overturned in pursuit of profit.

The historical view appropriately sees these outcomes as a result of contingent processes and the iterative relationship between local communities and the State, first in the form of the reluctant and vacillatory British empire, the quintessential state without a nation. Clashes between subaltern information orders and those more closely imbricated in the new form of agrarian governance introduced by the British, sparred by the use of the law on the part of the latter against the former, resulted in administrative steps to limit economic relations between the two, and the abandonment of any attempts to enforce the benefits of individual freehold tenure in the hills. With the arrival of the nation-state, and the discourse of unfettered sovereignty, there came a substantial rupture. The same combination of community and biophysical characteristics however has proved to be an effective break on any ambitions the Indian state may have had to pursue assimilationist policies in the Hills. Whatever erosion the current *a'king* estates may be facing today, over the *longue durée* the retention of customary land holding systems by local communities, buttressed by legislation and constitutional provision, has had the effect of withholding lands and forests from the mainstream ethnic-political-economic nexus. It is to these efforts, however partial their success, that dispossession and deforestation is that much less in the Garo Hills than in Bangladesh. Looking forward, it seems likely that there is now a race against time for the necessary reforms to systematise and firmly entrench those rights already recognised as legitimate to occur before the complete corrosion of the customary regime in the face of the rising monetarisation of the agrarian economy.

In Madhupur, the key issue was not the transformation of the tenurial regime. The Garos had largely transitioned to individual tenure by the time of Pakistan's independence, and certainly by 1971. The difference was that they were subject to the anomalous authority of a Hindu zamindar prior to 1947 whose arrangements for the forest largely recreated the protections extended to their kin in the hills, largely for reasons of ritual. When these disappeared following Independence, and the authority of the Forest Department as introduced into the area, the recognition and embedding of their rights over land was immediately destabilised. The embrace of agro-forestry, as well as the increasing mobilisation of political Islam for political gain during the Zia and Ershad regimes,

permitted and legitimised steadily more aggressive forays against the Madhupur Garos. These peaked in intensity during periods of military or quasi-military rule. Despite this, drawing on the innate strengths of their own information order, the Garos have thus far been able to at least partially resist these attempts to dispossess them, though this has carried its own costs. The question is how far the Garos can permanently secure the re-establishment of their rights to the land, in the face of the instrumentalisation of conservation in pursuit of the opposite objective.

In terms of reconstructing theory, the Ostrom-Clement framework has demonstrated its value in analysing a broader set of problems than those relating purely to common-pool resource management systems. My own amendments have further tried to capture how the same framework can be used to capture the iterative relationships described above, how collective organisation in both the Garo Hills and Madhupur have constrained the top-down initiatives of the State, at various scales, with the result that the current circumstances reflect both the messy outcomes of contested processes and their ongoing interplay. There is much to be said from the empirical findings in support of Murray-Li's observations that tenurial transformation can be embarked on with the volition of the local communities concerned and that this need not necessarily lead to the destruction of existing subaltern cultural forms.

There is less support for Malthusian or neo-Malthusian approaches to the conservation of nature. The temptation is always to visit "the scene of the crime", to journey to the forest where, predictably, some socially excluded person will be caught red-handed, wielding an axe, ready to be convicted in the ongoing trial of the rural population in the court of colonial ideology. This must be resisted, and instead of focusing such enquiries on sites where the forest remains, and the specific modalities of how it is disappearing, questions of land use change over time must be confronted by visiting areas where the forest used to be. What is there now? When did the change occur and by what processes? Who was involved in making these decisions and to whose benefit? Are these the same people invoking the discourse of the axe wielding tribal and is this in itself not important? Such enquiries will take us away from the remains of the forest, and away from the village. They will lead us, inextricably, back to the city, to Tangail, Mymensingh and Tura, to Dhaka and Shillong. These are the sites where the problems will or will not be solved. It is here where the decision will or will not be taken to recall the absentee state, that it might redeem the promises made to the inhabitants of the Garo Hills by India's constitution. It is here that the predatory state will be restrained, and the siege of Madhupur will finally be lifted.

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Appendix A: List of Respondents

Note: In India it is customary for Garos to use clan names as surnames, with the first letter of the *mahari* name as the middle initial. Anonymised individual names are in quotes. Anonymised village names are bold and italicised.

Bangladesh (October 2015 – February 2016)

Elite Respondents		
Name	Role	Date of Interview
Sanjeeb Drong	General Secretary, Bangladesh Indigenous Peoples' Forum	22 nd October
Mamun Rashid	Uttaran SALE Project Co-ordinator	25 th November
Father Eugene Homerich	Priest, Pargacha Parish	9 th December
Eugene Nokrek	President, Jatiya Adivasi Union Parishad	17 th December
Ajay Mree	Former President, Jatiya Adivasi Union Parishad	18 th December
Benedict Mangshang	Former Aronkhola Union Parishad Chairman	19 th December
Justina Nokrek	Former Upazilla Vice-Chairman	20 th December
Sulehka Mrong	President, Achik Mithik Samity	6 th January
Maloti Nokrek	Chairperson, Achik Mithik Samity	10 th January
Apurbo Mrong	Greater Mymensingh Regional Director, CARITAS	14 th January
Yakub Ali	Chairman, Sholakuri Union Parishad	19 th January
Michael Simsang	Former President, Tribal Welfare Association (Madhupur Branch)	22 nd January
Habibur Rahman	Journalist	23 rd January
Mihir Mree	Chairman, Pargacha Credit Savings Union	24 th January
Shanti Atiora	Candidate, UP Member Elections 2016	28 th January
Anowarul Islam	Madhupur CREL Co-ordinator	3 rd February
Md. Abdul Malik	Assistant Commissioner (Land), Madhupur Upazilla	5 th February
Suchona Ruram	Co-ordinator, CARITAS Vested Property Team, Madhupur	7 th February
M.A. Hasan	Assistant Conservator Forests, Madhupur	8 th February
Ibrahim Sarkar	Chairman, Aronkhola Union Parishad	11 th February

Village Survey Respondents	
Name	Date of Interview
Bhutia	
Illa Marak	5 th January
Prakash Chandra Mree	5 th January
Benedict Chisik	9 th January
Jostna Chiran	9 th January
Saloni Dofo	9 th January
Chunia	
Pius Nokrek	9 th December
Mebul Daru	12 th December

Bijonti Mree	12 th December
Mejoni Mree	18 th December
Jotindra Rema	3 rd January
Edilpur	
Lovely Jengcham	12 th January
Sprian Chambugong	12 th January
Utpol Rema	12 th January
David Chisim	23 rd January
Sunil Sangma	23 rd January
Gachabari	
Jeno Simsang	19 th January
Karvenus Mankhin	19 th January
Ginet Nokrek	21 st January
Ejendro Dio	21 st January
Sumitra Mrong	22 nd January
Jalchatro	
Jugindra Bormon	13 th December
Dendohar Jolai	13 th December
Remu Chambugong	15 th December
Margaret Mrong	15 th December
Sourob Marak	15 th December
Jangalia	
Anoti Rema	2 nd January
Sanju Mankhin	2 nd January
Jinen Khubi	2 nd January
Maari Mrong and Donji Mrong	10 th January
Ponesh Nokrek	26 th January
Maghontinagar	
Bejinath Dofu	11 th January
Debita Hajong	11 th January
Toroni Hajong	11 th January
Diboti Chisim	11 th January
Rafol Ritchill	24 th January
Pirgacha	
Koshola Nokrek	19 th December
Martina Mree	21 st December
Kobori Nokrek	4 th January
Horoni Nokrek	4 th January
Shibli Mree	4 th January

Informal Group Discussions	
Group Composition	Date
Anonymous former timber gang members (2) and timber gang team leader (3)	5 th February
CARITAS Vested Property Team, including Sosanko Ritchill (Project Manager) and Suchona Ruram	6 th February
Anonymous group of villagers, including one matbor, discussing the CREL project	10 th February

India (August – September 2016, November 2016 – January 2017)

Elite Respondents		
Name	Role	Date of Interview
Dilash M. Marak	Former Chairman, ANVC	15 th August
Rangku T. Sangma	Chief Forest Officer, GHADC	25 th August
Sam R. Marak	Joint Secretary, GHADC	25 th August
Tengsak G. Momin	President, Garo Students Union	30 th August
Boston Ch. Marak	Chairman, GHADC	1 st September
Sky lance G. Momin	President, <i>Nokma</i> Council	3 rd September
Valentine Hembrom	Project Co-ordinator, IBDLPP	5 th September
H.A. Sangma	Secretary to the GHADC Executive Committee	28 th November
Daniel Ingty	Project Director, NRM, IBDLPP	4 th December
Sky lance G. Momin	President, <i>Nokma</i> Council	5 th December
Laban A. Sangma	Range Officer, GHADC	9 th January
Korak G. Momin	Forest Officer, GHADC	9 th January
A.C. Marak	Former Chief Executive Member, GHADC	12 th January
Kipston Ch. Marak	<i>A'king nokma</i> , Chandigre	23 rd September
Rinal B. Marak	<i>A'king nokma</i> , Chidekgre	20 th September
Mojin C. Sangma	<i>A'king nokma</i> , Chidaugre	20 th September
"Alex" Momin	<i>A'king nokma</i> , Dangpara	27 th September
Ronjit T. Sangma	<i>A'king nokma</i> , Gongdengre	15 th November
Nolen B. Marak	<i>A'king nokma</i> , Damalasim	1 st December
Raseng B. Marak	<i>A'king nokma</i> , Didangre	6 th December
Welnel T. Sangma	<i>A'king nokma</i> , Chigitchakgre	13 th December
Clement R. Marak	<i>Songhat nokma</i> , Monabari	20 th December
Shekhor R. Sangma	<i>Songhat nokma</i> , Gandhipara	30 th December
"Hannah" Momin	<i>Nokmaship</i> claimant, Gopalgre	12 th January

Village Survey Respondents	
Name	Date of interview
Chandigre	
Deiser Ch. Marak	23 rd September
Ninetina T. Sangma	23 rd September
Walnang Ch. Marak	23 rd September
Biarson A. Sangma	18 th September
Techak T. Sangma	30 th November
Gongdengre	
Minjin M. Sangma	26 th November
Hithenson Ch. Marak	26 th November
Grecilhda Ch. Marak	26 th November
Paul T. Sangma	26 th November
Ple Ch. Marak	26 th November

Damalasim	
Jotish A. Sangma	1 st December
Perishon B. Marak	1 st December
Rakson Birt A. Sangma	4 th December
Sabith P. Sangma	4 th December
Hirani B. Marak	4 th December
Didangre	
Susila T. Sangma	6 th December
Martina T. Sangma	6 th December
Watjeng C. Marak	6 th December
Kelsang T. Sangma	9 th December
Endorson C. Marak	9 th December
Chigitchakgre	
Rothmilla M. Sangma	13 th December
Smart K. Sangma	13 th December
Mongsin M. Sangma	16 th December
Sahith C. Marak	16 th December
Grecildha M. Marak	16 th December
Monabari	
Spenton R. Marak	20 th December
Sudendra B. Marak	20 th December
Maria C. Sangman	28 th December
Sajin C. Sangma	28 th December
Manjila S. Sangma	28 th December
Gandhipara	
Luship D. Sangma	30 th December
Albert C. Marak	6 th January
Benjulli R. Sangma	6 th January
Jodie T. Marak	6 th January
Chonchola R. Sangma	6 th January

Informal Group Discussions	
Group Composition	Date
Discussion of friction with neighbouring Bengalis, village of Gongpara with <i>Songhat nokma</i> and <i>Chtra</i>	4 th January
Discussion of Gajinpara VRF, with <i>sardar</i> Nycil G. Momin, VRF General Secretary Direndra G. Momin and VRF President Jacklin K. Marak	9 th January

Appendix B: Village survey standardised semi-structured interview format

- How do you live?
- What land do you own, if any (including homestead land)?
- How is this farmed? Do you hire labour? If so under what terms?
- What access do you have to communal land?
- What crops do you rely on?
- What access do you have to forests?
- What do you take from the forests?
- How else do you make a living?
- Overall, what is your rough income?
- If you have to work on other peoples' land, what price do you receive for the crops you produce?
- How expensive is the rent, if it is rented land?
- What do you think about this?
- If you wanted to change this, how might you do it?
- How easy is it for you to obtain credit?
- On what terms is it offered, and from whom?
- What do you think about this?
- If there was a dispute over land, what would you do and why?
- How secure do you feel about your rights to your own land?
- If you have access to communal land, how is it arranged, and on what terms?
- How secure do you feel about this?
- What do you think about this situation?

- If you wanted to change this, how might you do it?
- If you do rely on forest produce, how do you go about getting access to the forest?
- How secure do you feel about this?
- What do you think about this?
- If you wanted to change this, how might you do it?
- What key services do you use regularly? How satisfied are you with these?
- Who provides these services?
- If you had a problem, who would you go to and why?
- What would you do if they could not help?
- What contact do you have with elected officials? How do you feel about that?

Appendix C: Remote Sensing Methodology

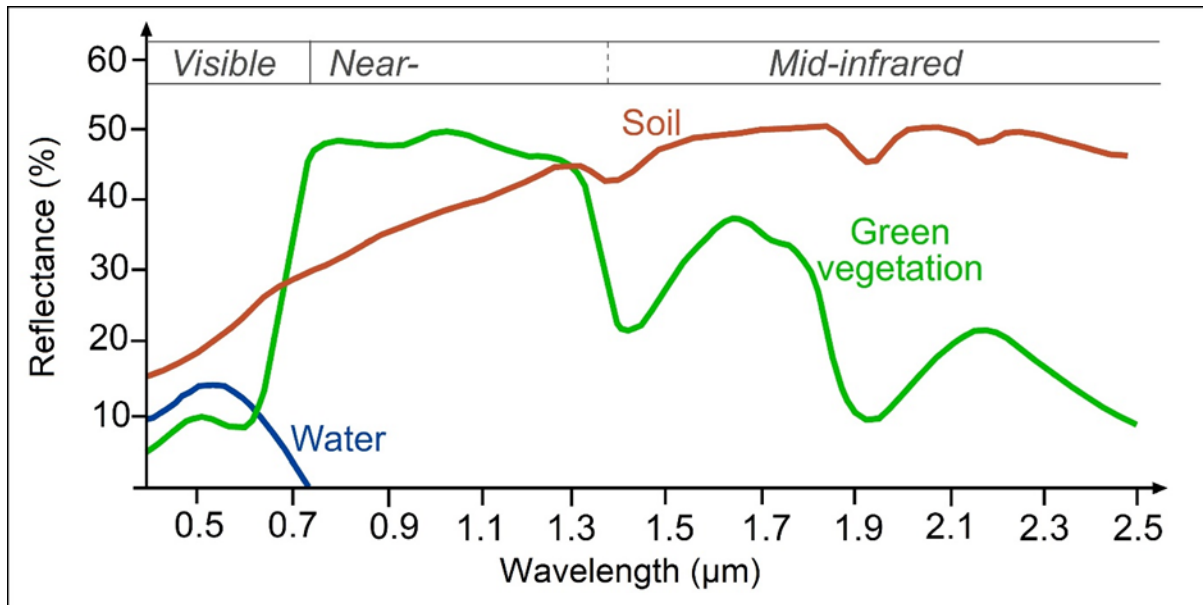
The principles of remote sensing, in brief, are straightforward. Remote sensing is any methodology that employs direct observation of the earth from a position above the earth's surface, and thus includes a huge array of different technologies and platforms, from aerial photography, to satellite imagery and, in one of the most recent developments, Unmanned Aerial Vehicles (UAVs). The increasing sophistication of these methods, combined with parallel advances in related fields (including the staggering increase in data compression technology and the mounting sophistication of Geographic Information Systems for example) makes their use far more intuitive and accessible than even as recently as five years ago¹.

Selecting which specific platform and technology to use is dependent on the research question, and then also practical considerations such as cost. Quickbird commercial satellite imagery, for example, is capable of very fine grain resolution (sub-metre per pixel) but is extremely expensive. For the purposes of the exercise, which is the change detection of forestry cover change over time, sub-metre resolution is also unnecessary. Land Use and Land Cover Change (LULCC) exercises have traditionally made very good use of medium resolution platforms, including Landsat, the benefits of which will be discussed further below.

Such platforms use passive sensors to detect light reflected from the earth's surface across a number of spectral channels (the exact number varies from platform to platform). Every material on earth has its own specific 'spectral reflectance curve', comparable to a light finger print, based on the amount of light it reflects back into space versus the amount it absorbs, at different wavelengths. Some basic reflectance curves are depicted in fig 1 below.

In fig. 1 we see that green vegetation absorbs almost all light at wavelengths shorter than roughly 0.6 micrometres, while reflects nearly half of all light at wavelengths longer than 0.7. In contrast, dry soil reflects less than 30% of light at 0.7 microns. By capturing simultaneous images of the earth's surface across a range of different and specific bands of the electromagnetic spectrum, satellite sensors based on this principle allow us to reliably distinguish between different points on the earth's surface by examining their spectral properties, with modern software providing a significant level of automation to the process

Fig. 1: a comparison of the spectral reflectance curves of green vegetation, water and soil



Source: <http://www.seos-project.eu/home.html>

Thus if a pixel in an image is very dark in a given band covering the wavelengths 0.52 – 0.60μm (eg. Band 2 of the Landsat 5 Thematic Mapper sensor), but very bright in wavelengths 0.76 – 0.90μm (Band 4) it can reliably be classified as ‘vegetation’. Depending on the research question, it is possible to make incredibly fine distinctions, up to and including different species of the same plant. For example, compared with the humble Landsat TM’s seven bands, the Hyperion ‘hyperspectral’ sensor collects data across 220, and can be used to assess changes in species composition. An important application for this is tracking the changes in scope of invasive species. Once again, for the purposes of my research question this is, to put it lightly, overkill.

For my purposes, it is sufficient to make relatively broad distinctions, for example forest / non-forest, as my overriding interest concerns forest cover and how it has changed over time. I will revisit this issue in greater depth below. Before moving to the precise application, however, it is necessary to note the limitations of remote sensing as a methodology.

First, the technology can only be used to gauge different land cover types, as opposed to land use. The satellite sensor might ‘see’ soil and green plants in a given area, but classifying that area as ‘rice field’ is an act of interpretation by the analyst. Secondly, and linked to the former point, regarding

issues of change detection, remote sensing technology makes a physical distinction only, between 'vegetation' in 1980, and 'no-vegetation' in 1990. Causality by definition cannot be robustly inferred from this alone. For this reason it would be entirely insufficient to use this methodology alone to answer my research question.

Pre-processing begins with calibration, whereby digital numbers are corrected to radiance values, correcting for sensor error. This is achieved using the following algorithm:

$$L\lambda = (L(\text{max}) - L(\text{min}) / 255) * DN + L(\text{min})$$

Where $L\lambda$ is the radiance value, $L(\text{min})$ is the lowest radiance measurable by the sensor and $L(\text{max})$ is the highest radiance measurable by the sensor.

These radiances were then converted to Top of Atmosphere (TOA) Reflectance values. Following these steps, the data now represents the reflectance of objects on the earth's surface 'at sensor'. This is achieved using the following algorithm:

$$P_p = (\pi * L\lambda * d^2) / (ESUN\lambda * \cos \theta_s)$$

Where P_p is the planetary reflectance, $L\lambda$ is the radiance, d is the Earth Sun distance in Astronomical Units (AU), $ESUN\lambda$ is the mean solar exoatmospheric irradiance and θ_s is the solar zenith angle.

¹ James B. Campbell and Randolph H. Wynne, *Introduction to Remote Sensing, Fifth Edition* (New York: Guildford Press, 2011).