

# Forest Act of 1878, *Trini* and Gujjar Community of Himachal Pradesh

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## Abstract

The paper is an attempt to trace the background of the Colonial Forest Policies in the region of Himachal Pradesh. Himachal Pradesh was earlier a part of the undivided Punjab and named as Shimla Hills States. Britishers established their sway in the region in 1846 after the second Anglo Sikh War. It was the time when Railway was spreading its roots in all parts of the India. Moreover the forests of these Hills was well wooded and the contractors of Colonial Government found it easy to take the woods from these parts of the Hills thus they move towards these Hills which resulted in the erosion of the Hills. To regularize the forest policies in the region Forest Act of 1878 was firstly implemented in this part. On the other hand Gujjars is a tribal community of the region and cattle rearing is their main occupation. Thus this act affected this community in a great way. *Trini* was the grazing tax which was implemented in the Hills after this Act. The paper is based on the *Wajib ul Arz* (unpublished Village Record of Himachal Pradesh), settlement Reports, gazetteers and Forest Settlement reports.

**KeyWords:** Trini (Grazing Tax), *Wajib ul Arz* (Village Unpublished Record), Gujjars (Tribal community Of Himachal Pradesh)

## Introduction

Forests are essential for the management of the environment and human ecology. Present state of Himachal Pradesh, with an area of 55,673 kilometer, is the seventh smallest state of India. As per the Annual administrative report of Himachal Pradesh Forest Department, an area of 14353 sq. Km is actual forest cover. This is constituted by 1,093 sq km. of very dense forests, 7,883 sq. km. moderately dense and 5,377 sq. km with open forests. In addition to this, 389 sq. km. area has been described as scrubs. Forests wealth of Himachal Pradesh is estimated at over Rs. 1,00,000 crore.<sup>1</sup> Most of precious coniferous forests are of such nature that these cannot be truly regenerated by human beings if these are cut once. The state Government has imposed a complete ban on commercial felling and the only removals from the forests are either by way of timber distribution rights to the people or salvage extraction.<sup>2</sup> In the state 67 percent area is classified as "Area under Forest". In fact actual effective forest cover is much lower than this area.<sup>3</sup> This is due to the reason that a very large area is either alpine meadows or is above the tree line. Forest Management in Himachal Pradesh started from the Colonial Period and Forest Act of 1878 was firstly implemented in this region. Gujjars is a tribal community of Himachal Pradesh. After the implementation of this act this community effected a lot who was totally dependent on the forests. A new tax *trini* was introduced after the implementation of this act. This paper is an attempt to make a clear picture of the very beginning of the forest Management in the region of Himachal Pradesh (since from Forest Act 1878) and its impact on the Gujjar community.

## Colonial Government and the Hills of Himachal Pradesh

During the Colonial period the state of Himachal Pradesh formed part of the Hill States of the Undivided Punjab. Prior to the British annexation of the Hills of Punjab there were a number of small princely states, governed independently. Geographically, all these states fall within one Himalayan region (Western Himalayas), and shared political boundaries and ecological environment. British established their sway over the Hill States by 1846, it was partly governed directly and the rest was left to be governed by the local Rajas/chiefs through the allotment of *sannads*. Although the Rajas of the Hills received *Sannads* by the British Government to rule independently, yet forests always remained in the charge of the British Government. In the Hills of Himachal Pradesh, deforestation is not a recent phenomenon. It has a long history, being well established in late eighteenth century. The degradation of the forests of the Himalayas has been started during this period. By that time, the British Government introduced Railway in Northern India. Transporting cost of woods from Bombay to the north was very expensive, thus to construct the railway in north India railway contractors move towards timber resources of Himalayan range which were available in the Hills of present Himachal Pradesh. Cleghor states that the chief purpose for which timber was required by the Ordnance Department was for shafts, wheel of carriage, platform planks and sleepers, ammunition boxes, helms of tools, musket-stock and plugs for Minie rifle balls.<sup>4</sup> The demand of timber in market increases the

<sup>1</sup>Annual Administration Report of Forest Department Himachal Pradesh, Himachal Pradesh Forest Department, 1977, p. 21.

<sup>2</sup> Forest Manual Vol.1, (Acts & Rules), Forest Department, Himachal Pradesh, 2015, p.12.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid

value of timber, thus British turns towards the hills to enable commercial demand of wood. This made entrepreneurs along with local wood merchants started exploiting the lower hill forests of the Hills falls in present Himachal Pradesh. Kangra and Hoshiarpur region which falls in Siwalik range had clumps of *sal* trees. And *chil* forests were also found in this region. *Chil* is used in quantities for charcoal. Thus the first priority of the British government in present Himachal Pradesh was to “stabilize and extend agriculture; second was to exploit and sustain the mountain forests.”<sup>5</sup> The arrival of the British and the exploitation of the forest resources of the Himachal Pradesh marked a new phase in the use of forest products in India. Free access to the forests by native people was not inhibited. At this time ownership of forests and wastelands of the country by the State had begun. Britishers considered that for the management of the forests in the Hills, and to save the hills from erosion three rights have to be discussed and managed properly.<sup>6</sup> These three rights were the right of grazing (which earlier was freely used by the pastoralists and villagers), timber for building purpose and logging of coniferous trees.<sup>7</sup> Thus Gujjars being the cattle bearing tribe were one of the greatest issues for the British Indian Government as in Hills they were in the good book of the local Rajas and were never indulge in any type of conspiracy neither with Government nor with native people. In 1878 British Indian Government introduced *Indian Forest Act* which affected the Gujjars of the Himachal Pradesh in a big way who were solely dependent on forests for their livelihood. Britishers realized that pastoralist Gujjars were significant contributor to the economy and in the development of the area. So in all their forest acts in different regions of the area different rules were implemented upon the Gujjars. Since Chamba was rich in forests, Britishers kept the entire control of the forests of the Chamba region in their own hand. In Kangra, Forest act was implemented by keeping in mind the priority of the *sawana* Gujjars (Gujjars having *warisee* rights over forests)<sup>8</sup> and they were allowed to use their forest skirts.

### Impact of Forest Act of 1878

To know the impact of Forests Acts including the imposing of *trini* (grazing tax) on the Gujjars of Himachal Pradesh its essential to know the strategy of the Colonial Government towards the forest and forest dwellers of India. By the mid of 19th century, the British Government realized that the forest resources in India were not inexhaustible. Thus rapid depletion in forest cover was observed which forced the British government to formulate regulations to preserve the forest resources. The early years of railway expansion saw an unprecedented assault on the more accessible forests. Great chunks of forest were destroyed to meet the demand for railway sleepers. No supervision was exercised over the felling operations and a large number of trees were felled, whose logs could not be utilized. The *sal* forests of Siwalik Hills were destroyed. “Thousands of trees were felled which was never removed, nor was their removal possible.”<sup>9</sup> The alarming situation in the Siwalik range<sup>10</sup> of the Himalayas made the British Government to take serious steps. Ribbentrop (1900) in his work *Forestry of India* argued that the destruction by Hoshiarpur *chos* (known for havoc of flood in these *chos*) was one of the major causes for making a proper management in the Forest policies in India.

In 1856, Lord Dalhousie laid down a definite forest policy which realized the Impact of forest destruction due to huge usage of timbers in railways and Government of India decided to take energetic steps to protect from further destruction the forests that still survived. In 1864 Indian Forest Department was established under the guidance of three German inspectors named as- Dietrich Brandis, Wilhelm Schlich, and Bertold von Ribberstrop. The forest governance established by the British was autocratic in nature and it imposed restriction on the local forest dweller communities on the basis of the rule that makes forest as a national property. These policies acquired control of forest for commercial purposes and national development at the cost of local forest based livelihood, rights and privileges. To take the control of the forests in 1865 forest act was introduced and through this act British Government established the claim on the forests. By introducing the forests acts they started to establish their control on the forests and ignored the rights of the tribal communities on the forests. Simultaneously in 1860 British introduced tea plantation in the Hills and to promote tea plantation in the area they cleared land along with waste land adjoining to the villages and these waste lands were full of shrubs which were used by the villagers as well as by the Gujjars as grazing grounds. Most of the Forest land of the Siwalik Hills converted into tea states. These tea states not only provided them revenue but also given an opportunity to the settle down European soldiers.

The Forest Act of 1865 was first attempt in the direction of regulation of forest produces by the forest dwellers and asserting the State monopoly over the forest. British Indian Government has passed first national Forest Law in 1865.<sup>11</sup> Through this law British Government empowered to regulate the issues of forests and pastures, which the earlier land settlement officer, were failed to provide. The state was empowered to declare any land covered with tree as forest and to regulate it by notification, provided that such notification should not abridge or affect any existing rights of individuals or communities. Thus,

<sup>5</sup> Barnes, George Carnac, *Report on the Settlement in the District of Kangra*, Lahore: Hope Press, 1862, p. 20.

<sup>6</sup> *Report on Forest Settlement Sutlej Valley Bashar State*, Part 1, 1921, Lahore: Superintending Government Printing Punjab, p.10.

<sup>7</sup> *ibid*

<sup>8</sup> *Punjab Forest Manual*, Vol. I, 1916, p. 56.

<sup>9</sup> Person, G.I., *Sub-Himalayan Forests of Kumaon and Garhwal*, in Selection from the Records of the Government of the North West Provinces, Vol.2, pp. 132-33.

<sup>10</sup> Siwalik is the lower range of the Himalayas. Himalayas have been consisted three ranges; Greater Himalayas or the upper range and then Mid Himalayas range (Duala Dhār range comes in this category) then the lower one is the Siwalik range of the Himalayas.

<sup>11</sup> Stebbing, E.P., H.G., Champion, F.C., Osmaston, *The Forests of India and the Neighboring countries*, Vol.1., London: John Lane, 1922, p. 267.

socially regulated practices of the forest people were to be restrained by law. So, the customary 'rights' of using forest products were transformed as 'privileges'. The Act was applicable only to forests under the control of the Government and no provisions were made to cover private forests.

Later on Forest Act of 1878 gave power to British Government to make forest settlement and managed pastoralist's problem. Implementation of forest act 1878 'quickly brought to light a deep-seated conflict between the subsistence patterns of traditional village life and colonial system's methods of timber management.'<sup>12</sup> The Forest Act, 1878 was more comprehensive than the previous and extended state's authority over the forests. This act divided forest into three parts namely reserved forests, protected forests and village forests. The Act tightened the government's control on forest by prohibiting certain activities like trespassing or pasturing of cattle. Through this legislation, by one stroke of the executive pen, obliterate centuries of customary use of the forest by rural populations all over India. Thus, when the Colonial State asserted control over woodlands, which had earlier been in the hands of local communities and provided to work these forests for commercial timber production, it intervened in the day to day life of the Indian villages to an unprecedented degree. The first forest policy envisaged the supremacy of the State's interest over the people's interest. The sole objective of the policy was administration of the state forests for public benefit but it imposed restrictions on the inhabitants of the forest and neighbourhood of the forests. It also classified some forest as minor forest for fulfilling the needs of the communities. The commercial value of the forest has prompted the British Government to restrict the community use of the forest. This helped the British to augment their revenue but in the process the rights of the tribals has been curtailed severely. Consequently, this colonial forest policy not only alienated them from forest but seized their forest rights. This policy has made the forest officials to come in the scene and claimed the authority to limit and regulate the traditional tribal rights over the for Forest Acts. Introduction of *Indian Forest Acts* in 1878 affected the Gujjars of the Himachal Pradesh in a big way as Gujjars were solely dependent on forests for their livelihood. Gujjar, as a cattle rearing tribe, used to move in between two ranges of the Himalayas and its major chunk lives in between the Siwalik range or the lower range of Himalayas and the mid Himalayan range. As the part of the Greater Himalayas always remained covered with the snow thus the Gujjars never moves towards the Greater Himalayas They move in between the Una, Kangra, Chamba and Mandi parts of the Colonial Hill states. Under the Forest Act of 1878 major portion of the Kangra and Hoshiarpur which was in the foothill of the Siwalik was set aside as reserved forests.

According to the act 1878 in Kangra, forests were divided into four parts (a) Reserved (b) Unclassed (c) Demarcated Protected, (d) Undemarcated Protected Forests.<sup>13</sup> Reserved forests were in Dehra and Nurpur tehsils. The occupation of these forests was taken by the British from the village proprietors on the condition that 'Government would relinquish all claim to close any of the remaining forests in the village from which the "Reserved" were taken.'<sup>14</sup> Thus the part of the area which kept in reserved forests was totally prohibited for the villagers however in the remaining parts villagers were allowed to use. Middleton (1913) explains about this distribution that reserved forests were those parts of Kangra forests which were taken under Government in 1872-75. Twenty one villages of Nurpur tehsil and thirty eight villages in Dehra tehsil became part of the Reserved Forests.<sup>15</sup> The remaining waste tracts of these villages formed part of unclassified forests.<sup>16</sup> Gujjars were prohibited for reserved and protected forests. Nomad Gujjars in the region were highly affected by the restriction imposed by the British in their set route of migration. Nurpur which was the nearest place for the nomad Gujjars of Chamba to graze was totally prohibited for Gujjars. British took the occupation of all village forests in Nurpur, Dehra and Palampur from villagers by making an agreement through which villagers were allowed to use the waste land adjoining the village and in lieu of that they left all their right in the reserved forests.<sup>17</sup> In the pastures of waste lands, it was up to villagers that whether they allowed to graze the cattle of nomad Gujjars in the adjoining waste or not. Gujjars could only be allowed after paying the tax to the villagers to graze their animals in village.<sup>18</sup> Anderson (1898) in his *Report of Forest Settlement in Kangra* explains that, "Ban Gujjar [nomad Gujjars] have for many years come to the Nurpur Tahsil and to Boh in Kangra Tahsil, which places are conveniently situated for Chamba from which they come; but during the last few years they have attempted to establish themselves in other places."<sup>19</sup> This may be due to the reason that the Forests of Nurpur, Dehra and Hamirpur tehsil were occupied by the Forest Department and movement of Gujjars in that parts were restricted.<sup>20</sup>

Unclassed forests were in Palampur in those villages in which Government expropriated certain waste lands for the establishment of Tea states.<sup>21</sup> Remaining forests were demarcated by British Government Demarcated Protected Forests: "In the

<sup>12</sup> Tucker, Richard P., *The Forests of the western Himalayas: The Legacy of British Colonial Administration*, *Journal of Forest History* Vol.26, No. 3, Oxford University Press, Jul., 1962, pp. 112-123.

<sup>13</sup> *Kangra District Gazetteer*, 1926, p. 305.

<sup>14</sup> *Ibid*, pp. 305-06.

<sup>15</sup> Middleton, L., *Final Report of the Third Revised Land Revenue Settlement of the Palampur, Kangra, and Nurpur Tahsils of the Kangra District, 1913-1919*, Lahore: Superintendent Government Printing Press, 1919 p. 27.

<sup>16</sup> *Ibid*.

<sup>17</sup> Anderson, 1887, p. 7.

<sup>18</sup> *Wajib-ul Arz, Mauza Dasoa*, District Kangra, Record Office of Deputy Commissioner, Kangra, 1868.

<sup>19</sup> Anderson, A., *Report on the Forest Settlement in the Kangra Valley*, Lahore: Central Jail Press, 1887, p. 3.

<sup>20</sup> Anderson, 1887, p. 7.

<sup>21</sup> *Kangra District Gazetteer*, 1926, p. 306.

Undemarcated Protected forests cultivation can be permitted by the Deputy Commissioner and no record other than that in the vernacular record exists.”<sup>22</sup> Kangra Reserved Forests were further classified as Delimited Forests and Undelimited Forests. Delimited Forests were those which were near the village where grazing could not be stopped so Gujjars here were not affected much.<sup>23</sup> In Kangra all 69 forests were categorized as Reserved having an area of 18,186 acres under the Forest Department. In these forests all rights were with the government and villager’s entry was banned. For Demarcated Protected Forests right of each forests were recorded and thus special rules for Demarcated Protected Forests were made which were known as Rules for Protected Forests in Kangra.<sup>24</sup> Under Rule No 4 and 5 grazing was prohibited in these forests:

4. The grazing of cattle in demarcated Protected Forests is prohibited, except by right- holders in the exercise of a right admitted in the records-of-rights, provided that nothing in this rule shall prevent right-holders from grazing any number of cattle (not being sheep and goat) belonging to themselves and any number of sheep and goats belonging to themselves, not more than 30 per cent, in excess of the number they possessed at the last assessment of the revenue.

5.. (1) Except as provided in Rules 29, no person other than the proprietors of the soil of the undemarcated Protected Forests and the proprietors of the cultivated land in the five tehsils of Kangra proper, assessed to revenue and their agricultural tenants, shall graze cattle in the undemarcated Protected Forests.<sup>25</sup>

These were general rules for grazing in the Undemarcated Forests of the Kangra but under these rules Gujjars were not covered as in the clause 7 and 8 it has been clearly mentioned that these rules were not applicable for the *Sawana*<sup>26</sup> Gujjars, they were allowed to graze in the Undemarcated Protected Forests, even *Ban Gujjars* could also graze in these forests:

Clause 7: Nothing in Rule 4 and 5 shall prevent Gujjars from grazing in the sawanas in which under the record –of–right they have a right of grazing.

Clause 8 : Khewatdars and bartandars shall not lease their right of grazing in the protected forests nor give permission to others to graze, provided that the owner of the soil of the Protected Forests in the Nurpur Tahsil and in Mauza Boh of the Kangra Tahsil may allow the cattle of Ban Gujjars and of others who are not right-holders to graze without the areas of which they are owners and may take grazing dues from them, and notwithstanding anything in Rule 4 and 5 such Ban Gujjars and others may graze in such areas.<sup>27</sup>

The Protected forest was that parts where Gujjars were allotted the grazing rights. In case they trespassed the Reserved Forests, which was a frequent phenomenon, they were usually fined severely for crossing the reserved forests. The nature of fines for trespassing Reserved Forests has been explained in the *Indian Forest Act 1878*. It was as high as five hundred rupees or six weeks prison.<sup>28</sup> The article 25 (d) of the India Forest Act 1878 states that:

Any person who –

(d) Trespasses or pastures cattle or permits cattle to trespass; shall be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.<sup>29</sup>

Thus, though Gujjars got the right to use unclassified forest for grazing, they were not allowed even to cross the reserved forests. The procedure laid out in the Punjab Forest Manual is that, “The animal is brought to the officer in charge who enquires into the case and (a) release the animal, (b) compounds with the cattle owner or (c) if the owner is unwilling to compound sends the cattle to the pound.<sup>30</sup> Nomad Gujjars of the region were severely affected by the forest policies of the British by which they restricted the movement of the Gujjars in the reserved forests. We do not find any instance of the resentment by the villagers as well as by the nomad Gujjars against these sets of rules. However, in the *wajib-ul Arz* (unpublished village record) of village *Piasa* in Dehra district of Kangra where the entire land got converted from the *jagirdar* (land holder) to the British Government, villagers refused to sign the *wajib-ul arz* which clearly indicates that villagers were not in agreement with those rules and they

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> *Punjab Forest Manual*, Vol. I, 1916, p. 56.

<sup>25</sup> Ibid.

<sup>26</sup> Swana Gujjars were those Gujjars who have special privilege of grazing in some tracts of forests by the Raja of Kangra

<sup>27</sup> *Punjab Forest Manual*, Vol. I, 1916, p. 56.

<sup>28</sup> *The Punjab Forest Manual*, Vol. I, *Related to Punjab Forest Rules Under the Acts, and Other legal Matter*, Lahore: Superintending Government Printing Press, 1916, p. 126.

<sup>29</sup> Ibid, Appendices, *The Indian Forest Act 1878, Act No VII of 1878, An act to amend the law relating to forests, the transit of forest-produce and the duty leviable on timber*, Article 25, Part –d, p. 134.

<sup>30</sup> Ibid, p. 114.

refused to sign. However, in spite of their refusal the rules were implemented in the region and the land was occupied by the British Government.<sup>31</sup> Thus different set of rules were enforced on the Gujjars in the region which effected the movement of the nomad Gujjars who had their set track of route of movement since time immemorial.

In Una district (earlier a part of Hoshiarpur) there were well wooded forests in the Siwalik range and forests were situated in between Jaswan Dun.<sup>32</sup> The forests were placed in the control of Deputy Commissioner and during the first settlement (1852) Panjal forests were demarcated as reserved forests. In 1855 "Rules for the conservancy of forests in hill tracts of Punjab" were sanctioned by the Government of India; under which Melveill (the then Commissioner of Jalandhar) framed a set of rules which were enforced from 1860. In 1866 the forests of Una were transferred to the Forest Department of Punjab province. In 1869 the conservators of Forests represented that management under Melveill's rules was impracticable and suggested that an attempt should be made to obtain certain tracts as the absolute property of the Government, and that Government in return should give up or considerably modify its right in other tracts. These proposals were accepted.<sup>33</sup> However in the Villages permission to cut inferior trees was started to give after the payment of one *annas* four paise per tree, which raised the revenue amount of the colonial Government. Similarly, in the case of Chamba, Raja of Chamba was allotted *sannad* in 1846, but the forests of Chamba were governed by the British. Forests were under the British Government and Gujjars here also have to deal with the British government who restricted Gujjars occupation on forests and were allowed to enter only after proper auction of the *Dhars* (forest areas) after taking *trini* (grazing dues).

### **Trini in Himachal Pradesh**

*Trini* was a grazing tax which was implemented in all parts of the Hills. It was introduced in the Punjab Hills (now Himachal Pradesh) after the introduction of Forest Act 1878. Although in the settlement reports of the Kangra and Una we did not get any information about the grazing tax *trini*, which was earlier only implemented in the plain area of the Punjab. But Britishers introduced *trini* in the hilly tracts to raise their revenue. However *trini* was not mentioned in the settlement reports but in *Wajib ul arzs* we got the reference of the *trini* and villagers were instructed to take *trini* from the Gujjars. *Trini* extracted from the Gujjars for grazing in the village pasture land. Earlier *trini* was prevailed only in that part of the plains where the tract was not fertilized and whole village depended upon the pastoralism and used the village tracts only for grazing their cattle. In the *Gazetteer of Jhung District* (now in Pakistan) a detailed description of extracting *trini* has been given.<sup>34</sup> It is stated that it was started by the Sikh rulers to raise their revenue.<sup>35</sup> However, after the British annexation of the area they changed its form as per their requirement. In Kangra it was clearly written in *Wajib-ul Arz* of village Jungle mauza Dehra that villagers were allowed to take grazing tax *trini* from the Gujjars and it was added in the collective tax taken from the village community by the British.<sup>36</sup> But in Chamba British Indian Government directly dealt with the Gujjars and here the pasture land was allotted to the Gujjars after the auction of *trini*. The alterations made in rules of *trini* can be cleared gleaned from the rules of Jung district (now in Pakistan) where instead of extracting *trini* from the Gujjars here British imposed *trini* upon the villagers for their own cattle. It is illustrated in the *Gazetteer of Jhung District* that, "Here villages were divided in two forms *trini* paid villages and non-*trini* paid villages. A *trini-guzar* village is one in which the whole of the village cattle pays *trini* every year, whether they graze in the Bar [village waste] or not. It is taken for granted that the -whole of the cattle graze in the Bar every year- The *ghair trini guzar* villages are those who are not attached to any *chak*. -It is assumed that the cattle of these villages -never do graze, - and they are therefore exempted from payment of *trini*."<sup>37</sup> Thus *trini* or grazing tax was changed by the British Government as per their requirements and interest. In Jhung district there was no cultivated land available so Britishers to enhance revenue have grazing tax (*trini*) not only on Gujjars but also on the entire village. Similarly in the Hills of Himachal they gave this right to the villagers because they don't want to indulge in any conspiracy with this tribal group in the Hills. Thus, Gujjars one side paid to colonial officers to get the grazing tracts in the forests and for getting the grazing facilities in the village waste land they used to pay to the village cooperative society and that tax was later on counted in the village revenue taken by the colonial Government.

In fact the India Forest Act of 1878 was amended by different Acts of local Governments. It was later on replaced by a very comprehensive Act called the Indian Forest Act, 1927. This has not only further regulated the people's right over forest but also codified all the practices of the forest officials. The forest officials, who played crucial role at the grass-root level, had direct interaction with the communities. They were very authoritative and used their power arbitrarily and played havoc with the lives of tribal people. Their coercive behavior and abuse of power forced many tribals to leave their native places. The Act deleted the reference to community's rights over forests, which were made in the 1878 Act. Persons were expected to put in their claims over forest lands and forest produce before the Forest Settlement Officer who was to enquire into their claims. This Act has put some control on the shifting cultivation, which was considered as biggest reason of forest depletion, with certain special provisions. The gravest consequence of colonial forestry working on commercial and imperial interest was dwindling of customary rights as well as the decline in traditional conservation and management systems. The restriction of communal ownership of forests by the State severely destabilized the subsistence economy of the forest people. It forced many

<sup>31</sup> *Wajib-ul Arz, Mauza Palsid, Tehsil Bilaspur, Record Room of Deputy Commissioner, Bilaspur, 1914.*

<sup>32</sup> Cunningham, *Gazetteer of Hoshiarpur District*, Lahore: Sang-e-meel publication, 1883, p.108.

<sup>33</sup> Bhardwaj P.K., *Working plan for the forests of Una Forest Division*, Government of Himachal Pradesh, p. 41.

<sup>34</sup> *Gazetteer District of the Jhang 1883-84*, Lahore: Arya Press, 1884, p. 155.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Wajib-ul Arz of Mauza Jangal, Tehsil Hamirpur, District Kangra, Record office of Deputy Commissioner Hamirpur, 1910.*

<sup>37</sup> *Gazetteer District of the Jhang 1883-84*, p. 155.

communities to change their occupation. To compensate for the loss of source of livelihood tribals have to be forced to explore alternative avenues of engagements. So, in the colonial period the legal and policy instruments transferred the right over forests from communities' hand to government's hand. The common property had become the state property and alienation of village communities from forest was begun.

#### Conclusion

This region of the Hills comes under the sway of Britishers in 1846. At the same time in the other parts of India forest have been occupied by the Colonial Government. But in these hills of Punjab British officers realized that the right of the pastoralist community on the forests is very strong hence they never indulge in any conspiracy with this pastoralist community. Earlier villagers or local people have all their rights on land and forests which they used for their domestic use only. Similarly pastoralists were also considered important part of hill economy. However after occupation of the region major alterations were made by the Colonial Government in the use of land and customary rights. The Colonial Government recognized the importance of forest and wasteland in the settlement of the Hill. The disappearance of forests in the 19<sup>th</sup> century was due to ruthless cutting of forests for commercial use. Extension of the cultivation was another reason of cutting the forests. The expansion of tea plantation in the Hills further accelerated the process. In the Hills, colonial forest policies imperil the customary rights of tribes over the forest. All the rights over forests were transferred from tribal and village communities to government's hand. In pre Colonial period Rajas of Hills provided a dignified status to tribes as the ruler had limited or no interest in the woodlands. As Guha (1983) quoted, "The waste and forest lands... never attracted the attention of former (pre-British) Governments".<sup>38</sup> Forests are treated on one side by professional foresters who believe that timber production can be ensured only through the exclusion of humans and their animals from wooded areas; on the other, the peasants, pastoralists, charcoal iron maker basket weaver and other such groups for whom access to forests and forests resources is crucial to economic survival.<sup>39</sup> No doubt forests are also required for economic survival, but the tribes who are forest dwellers also depend upon the forests.



<sup>38</sup> Guha, Ramchandra, 'The Prehistory of Community Forestry in India', published in *Environmental History*, Vol.6, No2, Oxford University Press, pp.213-238

<sup>39</sup> *ibid*