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A MOVE FROM MINOR TO MAJOR

Competing Discourses of Nontimber

Forest Products in India

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A common story about the origin of *mahua* begins with a raja feasting his subjects. This version from Dumiripada, Koraput District, Orissa, was related to Elwin by Bondos: “After they [the Bondo and Gadaba subjects] had finished eating they sat around with full bellies and could think of nothing to say. Mahaprabhu came there and said, ‘What is the matter? Why are you so dull?’ They replied, ‘There is no fire in us.’ Mahaprabhu then showed them how to make rice-beer and how to distil spirit from the mahua flowers, and from that day there has been laughter and dancing in the world” (Elwin [1949] 1991, 338). If this sweet creamy flower (*Bassia latifolia*), gathered at the beginning of summer by entire villages across Central India from Gujarat to Orissa, brought laughter into the life of Adivasis, it brought wealth into the hands of traders. To Adivasis, mahua has meant food in the monsoon months when grain is scarce, oil in the days when kerosene was unknown or unaffordable, firewood, fencing, timber, and of course liquor. But drinking mahua liquor was not confined to Adivasis alone. Only in the early twentieth century did Parsi drinkers in South Gujarat turn to foreign liquor. As the British centralized distilleries and leased them out to Parsis and others, they extinguished famous indigenous brands of mahua.¹ Its illicit distillation symbolized popular resistance to state encroachments on customary usage.² In Bastar, the trade in mahua and other nontimber forest products (NTFPs) is the most important part of local cash income for villagers, and many traders have relatively rapidly made their fortunes from mahua.³ Thakurs from eastern Uttar Pradesh (UP) and Marwaris have settled in large numbers in South Bastar in the past few decades; the trade in mahua and *galla dhanda* (other NTFPs) has allowed them to grow from small, itinerant traders trying to sell inferior cloth and miscellaneous goods to Adivasis to great merchants who own fleets

of trucks and whose presence dominates the markets and daily lives of forest villages (Sundar 1997). For the postcolonial state of Madhya Pradesh (MP), mahua is also a substantial revenue earner, in 1979–80 generating about Rs 3 million or 3.4 percent of Forest Department revenue (Madhya Pradesh Forest Department 1981). The wealth of the forest can turn individuals from small-scale to wealthy traders, make or break political careers, and build or destroy lives.

The Indian state is currently changing the terms under which forest-dependent people in villages all across India can access all kinds of forest produce, mahua included, through the introduction of “joint forest management” (JFM), which creates local-level arrangements between villagers and the forest departments of the state governments. Villagers are helped to form forest protection committees that enter into agreements with the local forest department to protect a particular patch of (state-owned) forest land in return for a share of the benefits accruing from that patch — both intermediate benefits like grasses and other NTFPs and the final timber harvest. Since 1990, when the government of India directed the state forest departments to involve local people in the management of degraded forests, almost all states have passed resolutions to implement JFM. Donor agencies assimilated the concept into their funding programs: in 1996, nearly a third of the total outlay of Rs 17.6 billion (about U.S. \$500 million) coming into the country from fourteen large, externally aided forestry sector projects was earmarked for the development of “participation.” A new local government policy for “scheduled” areas has gone further and given ownership rights to minor forest products to village communities.⁴

Sponsors of this change in policy have argued that cooperation, reward, and negotiation will replace relationships between the state and forest-dependent peoples characterized by conflict, punishment, and evasion. The new policy is expected to reverse the process of deforestation, protect biodiversity, meet local subsistence needs, and contribute to sustainable development in forest areas. In this essay, we explore some of the competing ways of understanding NTFPs that underpin the new policy and the stakes of the different actors involved.

CONTESTED MEANINGS

Elsewhere we have traced in some detail different ways of characterizing JFM, each associated with different genealogies linking key events that led to JFM and stressing different aspects of it as the core or essential

elements (Sundar et al. 2001, chap. 1). Different actors prioritize different goals (biodiversity, economic benefits to the local population, reforestation, empowerment, and democratic renewal, for example). Village committees often contain competing visions of future paths, with those who look for cash returns preferring different management strategies from those who want to protect grazing or firewood collection. Multiple views of JFM have been described as a strength, allowing different social interests to find sufficient common ground to allow JFM to act as an intermediate path (Sushil Saigal et al. 1996), but they can also cause conflict.

We can unpack the different meanings of JFM by looking in more detail at the assumptions made about rights to nontimber forest products. The emphasis on NTFP in JFM arises for several reasons. In most states, villagers generally have much better access to NTFPs than they have to timber. Offering villagers an increase in NTFPs as a part of JFM agreements does not normally require any change in the legal rules or existing balance of power. Second, timber products take a long time (forty years in the case of teak) to come to maturity. Third, the degraded lands that are given for JFM may never be capable of supporting good marketable timber, whereas even the most degraded patch is probably capable of providing some NTFPs — fuel wood, grasses, and so on.

Many “minor” forest products in India have multiple uses in domestic consumption, manufacturing, and so on. These uses are set within a world of rights and concessions, ownership and access, which have been the subject of dispute and negotiation throughout recorded history. Access to forests and forest products has been differentially structured for different groups of people (the state, monopoly traders, villagers, men, and women) through the colonial and postcolonial periods. The conflicts over *nistār*, a term commonly in use in the erstwhile Central Provinces (including Sambalpur in Orissa) to refer to local user rights in forests for domestic use (fuel wood, grazing and minor forest products), exemplify this particularly well. We examine the assumptions underlying *nistār* policies, by considering mahua (both flowers and seeds), a common item that is crucial to the subsistence and cash income of many forest-based communities in Central India. The historical material is taken from a variety of published reports on *nistār* and forest rights in Orissa and the Central Provinces.⁵ It represents one aspect of our research on responses to forest policy initiatives and the negotiation of joint forest management arrangements in Dewas District, MP, and Sambalpur District, Orissa.

The term *minor forest produce* contains within it the entire history of “scientific forestry” in India and highlights the predominantly timber- and revenue-oriented development of the forest departments. The distinction between major and minor forest products is cross-cut by the distinction between plantation and nonplantation products. Some varieties of timber (such as teak) can be raised in plantations, whereas others (especially *sal*) have not adapted to plantations; some NTFPs can be raised in plantations, whereas others are collected only from standing mixed forests. Nonetheless, in many other respects a series of implicit dichotomies can be drawn between major and minor products. Major products involve a small number of (mostly) large items, which take a relatively long time to regenerate and have high unit values relative to their labor input. Their presence or absence in an area is easy for outsiders to assess. Minor products typically involve the reverse characteristics, requiring the gathering of large numbers of small items on a yearly, seasonal, or more frequent cycle, with large labor inputs depending on intimate knowledge of specific local forest environments.

Coined in the colonial period, the term *major forest products* included those that could be profitably exported, mainly timber, fuel wood, and charcoal (Prasad 1994, 81–91). Minor forest products initially referred to those that had largely local uses. They included a mind-boggling variety of items — animal products such as hides, horns, silk cocoons, ivory, bamboo, and about three thousand plant species, even by official definition, including canes, drugs, spices, fibers, flosses, grasses, gums, resins and oleoresins, lac, tans, dyes, vegetable oils and oil seeds, leaves, minor minerals (such as mica, lime, and shells), and edible items (Maithani 1994). Gradually, as these products gained in commercial importance, the distinctions between major and minor items became increasingly untenable and the term *minor forest product* rapidly became a misnomer. In the Fourth World Forestry Congress held at Dehra Dun in 1954, there was a move to call minor forest products “economic forest products other than wood.” The term was abandoned as being too unwieldy, however, and over the years has come to be replaced with “non-wood forest products” or “nontimber forest products” (Rajan 1994, 8). Yet organizational memory within the Forest Department lingers, and foresters routinely refer to these items as minor forest products (as, from time to time, does the Ministry of Environment and Forests).⁶

Increasingly, NTFPs have been sources of revenue for the state, espe-

cially since timber supplies have decreased. Estimates suggest that of the aggregate annual employment in forest activities, 80 percent is provided by NTFPs (Bennett 1991). The share of exports of NTFPs in total exports from India was about 12 to 15 percent on average between 1960–61 and 1990–91, and the share of forest product exports was 56.5 to 75 percent during the same period (Shiva 1993).

Village categorizations of NTFPs collected during our research in Sambalpur emphasize subsistence items — roots, fruits, leaves, mushrooms, and so on. In contrast, the official lists of products that earn revenue for the Forest Department concentrate on items that are inputs into other manufactured products and form part of a commercial chain. The villagers' lists tend to shorten as products become unavailable, while the number of revenue-earning items on the list provided by the Forest Department has increased dramatically, from nineteen items of NTFP in 1904–5 to sixty-five in 1979–80. Yet, the two lists are not entirely at cross purposes and not entirely opposed as subsistence versus market. Forest dwellers have long been integrated into the market economy through the trade in forest products, and it is this interface that we need to study further — the conflicts and the cooperation that come into play at the point where the trader or the state purchaser meets the forest products collector and its effect on the sustainability of the forest itself.

Historically, the label minor forest product illustrates the material efficacy of certain discourses over others. Under the banner of scientific forestry, forests were managed for timber or major forest products at the expense of a diversity of minor ones. By terming certain species and products minor, colonial forest management practices affected their future regeneration and sustainability. For example, multispecies forests have been transformed into pure stands and the “health” of a forest has been defined in terms of tree stems rather than canopy cover and density of undergrowth. Thus, plantation practices include close planting of saplings so as to force plants to grow higher to catch sunlight and in the process acquire cleaner boles. The entire science of forest management is based on thinning the bushier trees and ensuring straight boles.

The standard definition of *normal forest* taught to all forestry students brings out clearly, first, the emphasis on timber/stems and, second, the objective of sustained commercial yield: “A normal forest is an ideal forest which serves as a standard with which to compare an actual forest so as to bring out the latter’s deficiencies for sustained yield management. It is a forest which for a given site or given object of management is ideally constructed as regards growing stock, age class distribution and

increment and from which the annual or periodic removal of produce equal to the increment can be continued indefinitely without endangering future yields” (Mathur 1968).

Although in a narrow technical sense this includes minor forest products, the main object of forest management has usually been timber and everything else has been incidental or minor. Although in some “backward” areas such as Bastar there are working circles (sections of forest land) designated for “Adivasi upliftment,” which concentrate on income-generating NTFPs, historically the emphasis has been on production forestry and working circles have been divided accordingly. The existence of different working circles, each potentially with a selective emphasis on certain species, helped to establish the importance of minor forest products for their revenue function, but the forest itself is still hierarchically understood.

Contrast this to the situation described by Savyasaachi in an article based on field research among Kharias in the Simlipal tiger reserve in Orissa. According to the Kharia index of forest health, the state of the forest is determined by the abundance of honey available, which implies “a high canopy, having grown through a three-four story structure of a forest; a dense undergrowth, a rich diversity of flowering plants providing an important source of nectar” (Savyasaachi 1994, 34). This relatively holistic model is antithetical to the commercial emphasis on only certain specific species. However, in many cases rising commercial demand has also induced a change in forest dwellers’ attitudes toward forest products, leading to collusion in the overexploitation of certain species. Thus, the Kharias find themselves collecting honey before the proper time, and collecting it from shorter trees, as all the sal is being cut down. Both of these situations have accelerated the deterioration of the forest, as understood by forest officials and the Kharias alike (32–33).

To summarize thus far, the term *minor forest product* was an outcome of the Forest Department’s original preoccupation with timber or major forest products (initially to fulfill the need for railways, shipbuilding, etc.) and its predominantly revenue orientation (which was met by the commercial demand for timber) since the colonial period. As commercial demand for these products developed, they began to achieve a more respectable status in the hierarchies developed by forest administrations. Yet even this elevation in nomenclature and the consequent attention given to these forest products have not changed the basic state orientation toward forest management, which prior to the forest policy of 1988 was still largely oriented toward forest management for particular (commercially valuable) species rather than biodiversity in general. In the

following section, we explore the way in which access to minor forest products was structured in the colonial and postcolonial periods, affecting different classes of people in different ways.

RIGHTS OR CONCESSIONS?

Although the state (in various ways) attempted to define the access of villagers to forest products as “concessions,” villagers were often able to negotiate these into de facto (and sometimes de jure) rights of access and use, known as *nistār* in the Central Provinces and parts of Orissa.⁷ Although it is possible with hindsight to create a structured and systematic account of a coherent colonial discourse on who held what rights to forest resources, at the end of the colonial period different individuals and groups even within one province had varying rights and obligations. Conflicts were a recurring element in people-state relations in Madhya Pradesh and Orissa, leading to several changes in *nistār* policy throughout colonial rule. With respect to the commercialization of forestry, British policy was internally contradictory: on the one hand, colonial administrators were keen to promote capitalist penetration by encouraging the marketing of NTFPs on a national or international scale; on the other, they attempted to protect the rights of many of the groups dependent on forest products.⁸ Conflicts over *nistār* intensified in the 1930s and 1940s. The considerable local and regional variations gave rise to the dissatisfaction of one or another agent in the system, and the demands of many of the residents of Indian princely states in Orissa and MP were taken up by Praja Mandals as part of the nationalist movement. These conflicts gave rise to official enquiries and reports in Bengal, Orissa, and the Central Provinces written by officials deputed to try to make the system more uniform (Bengal Forest Committee 1939; Kamath 1941; Ramadhiyani 1941).

The Kamath report of 1941 attempts a precise delineation of different categories of persons, uses, and lands and provides a fascinating insight into the official discourse on minor forest products in the Central Provinces at the end of the colonial period.⁹ Kamath’s main problematic was to answer a question: on what basis, who has what rights to which forest products on what lands? Reading somewhat against this analysis, we can see how he classifies the bureaucratic or political “problem” posed by breakdowns in social order as a result of conflicts over these rights at the time he was writing and why he proposed the solution he did.

Kamath says that villagers defined *nistār* as follows: “the actual right

of user; an item or items of jungle produce required (for example, *Nistār lane gaye the*); the bona fide domestic use (for example, *Nistār ke waste laye hain*)” (Kamath 1941, 34).¹⁰ Nistār included grass for thatching, fencing material, creepers, roots, barks, leaves, fuel, and wood for agricultural implements, the erection and repair of houses, and other bona fide agricultural uses (Kamath 1941). This does not, however, entirely specify the answer to the question of what kinds of access villagers had to nistār — free or after paying some form of compensation to the “owner” — nor of what use was made of forest resources that fell outside the definition of *nistār*. The nistār rules were developed in conjunction with the reservation of the marketing of certain forest products, so they also had implications for cultivators who grew those products on their own land.

The forest and the field had coexisted in precolonial times as well, of course, generating interests that at times conflicted and at others complemented each other (Rangarajan 1994, 149–51). While emphasizing forests as spaces beyond the reach of settled agricultural empires, the frontiers of fealty in Mughal and Vijayanagar times, and consequently inviting military expeditions, several scholars have also emphasized the contribution of the forest to state finances and political stability. Chetan Singh, for instance, notes that in the early days of the Mughal empire income from pastoral products (*ghi* or “clarified butter”) was quite significant and only as the agricultural base expanded did land revenue come to be the mainstay of the empire. But interaction between pastoralists and farmers and fluctuations between the lands they respectively used (forests and fields) continued to be the norm, with one being converted into the other (Singh 1995, 33–35; see also Guha 1999a).

The trade in minor forest products symbolized an interface of mutual interaction between forest dwellers and settled agriculturists. Describing India in the eighteenth century, Bayly writes: “The tribesmen and nomads furnished the settled with beeswax, honey, spices, carriage, milk and soldiers. The settled provided the fringes with money, cloth and grain” (1988, 31). Banjaras, itinerant traders, and Gossains, Hindu ascetics and mercenaries, were instrumental in carrying out this trade (Bayly 1983, 29).

How far colonialism marked a watershed has come under some debate, with precolonial state controls over forests coming to light — for example, certain jungles were maintained for strategic reasons or for the exclusive hunting grounds of rulers, and local rulers reserved to themselves the right to certain valuable species. The Marathas also set up plantations for shipbuilding and revenue (Grove 1993, 321; Rangarajan

1994). But as Rangarajan (1994, 152) points out, these did not amount to a complete system of forest management. In the colonial period, in contrast, most aspects of forest management, including conservation, were subordinated to the paramount need for timber to feed the process of shipbuilding and railway expansion. In the process, local rights of usage were controlled, and access to minor forest produce was no exception. In their overview of the debates over the Forest Act of 1878, Gadgil and Guha note that the “annexationist” position, which sought to vest all ownership and control over noncultivated lands in the state, attempted to justify this by reference to practices in precolonial states (1992, 118–21, 136–39). The ostensible recovery of the state’s “customary” rights, which were then reduced and recorded as law, was in most cases, however, a legal fiction masking the right of conquest (124–34; for a more comprehensive view of the debate, see Pathak 1999).

The threefold distinction between prohibited (reserved), partially prohibited (protected), and open (village or *nistārī*) forests, enshrined in the Forest Act of 1878, has been well documented (Gadgil and Guha 1992, 134). In protected forests, duties on NTFPS were elaborated and extended under colonial rule. Between 1866 and 1890, they took four different forms in the Central Provinces: “the *kham* system; the system of leasing forests for *nistār*; the system of summary settlements; and the commutation system” (Prasad 1994, 113–16).

Under the *kham* system, the villagers collectively paid *nistār* dues to the state through the headman, while under the system of leasing forests, contractors were given monopolies on the extraction of forest products on payment of a fixed sum to the government. Contractors then “sold” the products to the villagers. In practice, the peasants themselves performed the actual work of extraction, effectively becoming wage laborers in addition to having to pay for their *nistār* needs. Both of these systems proved disadvantageous to the state since it lost both revenue and control over the forests. Under the system of commutation dues, which seems to have been the dominant form across the Central Provinces, households paid a fee in return for the right to take forest products for domestic consumption. Summarizing the position regarding grazing and *nistār* in the Central Provinces estates (or large *zamindaris*), a position similar to that which prevailed in the princely states, Kamath notes that people’s access to forests in the pre-colonial or early colonial period was generally unrestricted except for certain species of timber.¹¹ The practice of charging commutation dues was generally initiated in court of wards estates (i.e., those that came under direct British management generally due to the minority of a ruler or his so-called gross ineptitude)

as a source of additional revenue, the justification being that these estates were generally in debt.

But Kamath's report paints an extraordinarily complex picture of how the state intervened to qualify and distribute rights to nistār. The legal definition of types of land was basic. Kamath distinguishes between land in the princely states and British India (which could be further divided into land owned by the government, land settled under the *malguzari* system (or *khalsa* land), and land settled as zamindari land).¹² Only then could Kamath distinguish clearly the land to which his report related (only to trees and forest products on land in the zamindari areas) and then classify the land further into village forests and wasteland *mabals* (land far from villages that was owned by *zamindars* but not cultivated). Because all of these types of land could be mixed together in a patchwork, rights could vary dramatically even within a few miles and in a single local agro-ecological zone.

Kamath divides forest products into "large timber," grazing, and nistār, although he acknowledges that nistār rights require the maintenance of "large timber" so as to produce an environment in which nistār products could flourish. Types of people are distinguished, partly on the basis of their occupations (middle peasants vs. tenants vs. laborers vs. village nonagricultural classes) and partly on the basis of residence. Thus, in some villages residents had rights to grazing or nistār on the lands of other villages; elsewhere, rights were restricted to those tenants who paid more than a specified minimum rent. Under successive land settlements, (from the 1860s to the 1930s), obligations to provide labor in return for rights to nistār were in some cases commuted into dues and progressively refined.

Distinctions drawn between agricultural and nonagricultural or commercial classes of people were used to explain or justify a host of taxes and cesses, which differentiated between subsistence needs and access to commercial inputs. For example, "occupational nistār" was levied on shopkeepers and artisans for forest products used. When the Forest Rates in Indore State were revised in 1912, the shoemakers of Neemuch were charged twelve annas for a cartload of first-class fuel wood, while agriculturalists paid six annas. Also, with respect to grazing, agricultural cattle (i.e., those used for cultivation) were distinguished from nonagricultural cattle (those that met the household needs of the noncultivating laborers and artisans and those that were kept for commercial purposes). In addition, other restrictions were introduced on types of trees cut, areas in which nistār was allowed, and so on (Kamath 1941, 27–32). Finally, the collection of minor forest products from certain

classes of trees was increasingly taxed, whether on zamindari or state-owned forest or private land, but needless to say this situation varied considerably as well (27–32).

Mahua (described by Kamath as “the nistār fruit par excellence”) presents a complicated case, being both an item of domestic consumption and an important item of sale. Forcing tenants to sell to a lessee appointed by the government or zamindar was common, but in many places the right to collect mahua was also taxed. This tax was either in cash or kind, either a lump sum for the whole village (as in Dondi-Lohara) or the obligation to give the zamindar (or his appointed lessee) a certain portion of the amount picked (as in Kamatha). In some estates, the flowers and fruit from mahua trees were divided equally among all the households in a village, regardless of whose holding the tree was in, indicating (as Kamath notes) the importance of the tree to rural economies. In their statements to Kamath, landless laborers expressed their desire to retain this custom; not surprisingly, tenants who had a large number of mahua trees wanted exclusive rights. But virtually all agriculturists wanted the right to sell the products from trees in their holdings to anyone they liked (Kamath 1941, 78–79).

Thus, the possibility of profit was crucial to Kamath’s underlying model of rights and development. For example, in his proposal to divide people into agricultural and nonagricultural categories, “grazing is to be free for all cattle of agriculturalists, instead of for all agricultural cattle” (1941, 91). The purpose of this restriction was to reduce the number of excess cattle and to make grazing more expensive for all cattle kept by people who “are engaged in selling milk and milk products or in selling cattle *as a profession*” (97, italics in original) — in other words, people who trade in animals or animal products rather than those who keep animals to help them cultivate the land or to feed or clothe their own family directly. Similarly, when he writes of the needs of village artisans for jungle products Kamath is very clear.

The fuel which a blacksmith wants to feed his forge with is not a domestic necessity, but what might be called an occupational or professional necessity. He is not entitled to have it free. No objection can therefore be taken to commutation dues of this kind. The next question is whether they should be subject to any control by the State. Control of some sort appears necessary only in two cases —

- (a) where the artisan is an indispensable element in the life of the village; and
- (b) where the industry carried on deserves encouragement by the State, but might languish and die if overtaxed by the zamindar. (114–15)

Here and elsewhere Kamath contrasts the moral rights to subsistence with the lack of rights to marketable products. He presents *nistār* as entirely in the realm of moral claims for subsistence: “the general principle is that *nistār* is free only when it is required for carrying on a day-to-day existence and not what is required on the occasion of a rare, though inevitable, event [in this case, a marriage]” (1941, 115). For forest people proper, he employs something akin to a Chayanovian model: aware of class differences between households, he does not see these differences as allowing for the accumulation of surplus. His focus is on the fact that households of different sizes and landholdings will need access to differing amounts of subsistence products from the forests, whether it be grazing for plow animals or *mahud* for alcohol. Economic relationships based on the market are almost all presented as resulting from relationships with outsiders, or those brought in from outside, who are the ones likely to profit from the exchange.

Kamath presumes that forest people are incapable of handling such relationships satisfactorily. He discusses the loss of large timber in the nineteenth century, blaming petty zamindars who were unable to negotiate a good market price for their timber. He claims that the unrest of the late 1930s was generated by the increasing indebtedness of the zamindars and their consequent need for new sources of revenue, which led them to remove rights previously enjoyed by other forest-dependent people (1941, 32). Kamath defines his own role as one of protecting the “ignorant and backward in wild and remote areas” from unreasonable demands by absentee zamindars bent on transforming feudal relationships into cash ones. The move to the law of supply and demand was both undesirable and inevitable (101). The problems for his analysis posed by those forest dwellers who were part of the market economy — cattle breeders and milk sellers or migrant grazers — and by the subsistence interests of those involved in the market, are glossed over.

Kamath presents the state as holding the ring between the competing claims of zamindars, tenants, outsiders, and state officials, but he recognizes that the state has its limitations. In the nineteenth and early twentieth centuries, according to his presentation, the state was unable to enforce the rules that it drew up for forest management. It could not implement the surveillance necessary to know if the rules were being followed; it could not control the activities of zamindars; it did not have enough professional advisers to carry out its own prescriptions in favor of scientific forest management; and, through the rules it passed, it made forest people vulnerable to harassment by forest guards through false accusations and arrests.

Agricultural laborers and landless tenants (known as *thaluas*) were the worst hit in this situation. They had to pay for both grazing and *nistār* at nonagricultural or commercial rates, which were often double the agricultural rates. In Pagara zamindari, the definition of *thaluas* was enlarged to include marginal tenants who paid less than Rs 2 in rent, another case of the more marginal farmers being most affected (Kamath 1941, 58). Commutation dues also varied between areas set aside for *nistār* and the “zamindari reserves,” commercial rates being charged for the latter. The attempt to limit or strictly define these *nistār* areas formed an important part of the struggle between peasants and landlords or the colonial administration itself. Landlords sometimes (e.g., in Bhadra zamindari) appropriated reserves carved out of village forests, while in others, even in the allotted *nistār* areas, villagers were allowed to remove *nistār* only once a year and then in the presence of a forest guard. In another zamindari, Kamtha, “whole village communities have to join together and take on lease at an auction what areas are necessary for them for ordinary *nistār*. As the lease is given to the highest bidder, they have also to provide the middleman’s profit, where it goes to a professional *thekedar*” (62).

Petty controls were inevitably intensified by the variety of legal restrictions. Forest guards and others invaded peasant homes in the hope of catching out illegal *nistār* removals: “Complaints have been made that structures have at times been demolished. A single pole brought from the jungle if cut in two or more parts while building the house or *kotha* is counted as two or more as the case may be and penalties are levied, and sometimes the ‘excess quantity’ is also seized” (Kamath 1941, 70). Kamath’s conclusion is worth quoting here in full. He observes that

the grazing and *nistār* “customs” are frequently breaches of the old rights, which the tenants have been unable to maintain. . . . This does not of course mean that the conditions of the 1860s must be or can be reproduced today. That is frankly impossible. For we cannot possibly ignore the changes that have taken place since then — the expansion of cultivation, the decline in the area of forest and waste, the increase in numbers both human and bovine — all of which must alter the grazing and *nistār* position. But at the same time, it would be well to bear in mind that the tenantry has lost all along the line in the matter of grazing and *nistār* rights.

The tenantry obviously was unlikely to suffer this without protest. Major rebellions in Bastar in 1910, and the forest *satyagrahas* (civil disobedience movements) of 1930, are examples of direct opposition; at other times, peasants used the “weapons of the weak”: poaching, illicit

grazing, and taking whatever products they needed (Baker 1984; Scott 1985; Sundar 1997). In 1929–34, the number of forest offenses in the Central Provinces and Berar as a whole amounted to 22,258; following the onset of the depression, they increased to 27,137 in 1934–39. More than half of this amount in each case was for illicit grazing and the removal of NTFPs (Grigson [1944] 1993, 340). Since forest guards and zamindars alike preferred to avoid the courts if possible, these figures almost certainly heavily understate the extent and significance of disputes over NTFPs in this period.

MAJOR MONOPOLIES ON MINOR FOREST PRODUCTS (1900–1947)

Not all of the encounters between the state and peasants were of a confrontational nature. Nothing reveals this more clearly than the marketing of minor forest products. The terms of trade were often structured against peasants by granting lessees monopsony rights, and there was inevitably scope for conflict there, but there was also an element of mutuality involved.

A distinction generally existed between those items of nistār deemed to have only domestic uses and those with commercial value such as *harra* (*Terminalia chebula*), mahua (*Madhuca latifolia*), or *chironji* (*Buchanania lanzan*). With the exception of mahua, in much of Orissa and the Central Provinces collection for domestic consumption of these commercially valuable items was free, but any amount beyond that had to be sold to a monopsonist appointed by the state or zamindar (Orissa Forest Enquiry Committee 1959, 47; Kamath 1941, 77). People had to accept whatever rates they were offered, not only for products collected from the forest but for any plants cultivated on their own land. As Ramadhiani noted, such arrangements effectively turned cultivators and collectors alike into laborers on a meager wage—if indeed the full price was actually paid (1941, 35). An additional problem was one of nonstandard measures: in Pagara zamindari, peasants complained that the measure used was three times the normal one, thus reducing their wages threefold (Kamath 1941). Prices of some NTFPs, particularly harra, were linked to prices in the London market, and the state experimented with different collection methods, depending on its perception of profitability and future preservation. In Bastar, a duty was initially charged per maund of harra. In 1906, the forest administration organized the trade themselves, advancing money to peasants for the collection of harra and buying it

from them. As prices of harra fell during World War I, the state decided to grant long-term leases to merchants (Sundar 1997).

The escalating global demand for certain items of NTFP in the early twentieth century also led to a new kind of symbiosis among the state, capitalist firms, and forest dwellers. Tracing the penetration of capitalism in the Central Provinces from the second half of the nineteenth to the mid-twentieth century, Archana Prasad uses lac as an example to show how this occurred. Local artisans (bangle and toy makers) used lac; forest dwellers collected it and marketed it to them. In the second half of the nineteenth century, there was a growing export demand from America, England, and Germany: lac was used in gun factories, as an insulating varnish, as a preservative for wood, and so on (Prasad 1994, 123–25). Contracting with large firms for collection solved the problem of reconciling the government's interest in revenue with efficient extraction. The end result was that "The imperial government benefited either way. It got royalty from the firm which got the contract for trading in lac and it levied taxes on lac collection by individuals. Though it preferred to give the lac collecting contract to the firms, the forest communities possessed the required knowledge for breeding lac cocoons and were experts at the labour processes involved. In the second half of the nineteenth century they were to be used by the Colonial government for the departmental control of lac" (90).

Prasad concludes that this new development had a differential effect on collectors and local artisans. The former benefited from the new labor opportunities, particularly in the wake of other restrictions on their gathering and cultivation activities, but the artisans lost the source of their raw material, as the lac was diverted to the international market. In the process, local links between artisans and forest dwellers were broken (Prasad 1994, 128).¹³ Because the legality of tree ownership changed and zamindari was abolished, the relative benefits of NTFP trade shifted for different classes of people.¹⁴ The practice of granting monopolies for the purchase of NTFPs is still a feature of forest policy in one form or another, however, despite repeated objections.

NISTĀR IN THE POST COLONIAL PERIOD (1947–95): MADHYA PRADESH AND ORISSA

The nistār situation changed after the merger of the former princely states, the abolition of the zamindari system, and a new land revenue code (in 1959). In MP, the new post-Independence government promised

to honor existing nistār rights as recorded in the village *wajib-ul-arz* and appointed nistār officers to assess people's nistār requirements.¹⁵ The responsibility for nistār was given to the revenue department. However, lack of experience led to the formation of nistār zones that did not match actual availability; this in turn led to an increase in "offenses" as pass holders took their nistār from nonspecified areas or reserved forests (Madhya Pradesh Forest and Nistar Products Committee 1959, 23–25). In 1949, nistār forests were converted into protected forests and transferred to the Forest Department (133–35).

In 1957, the MP government issued a revised Nistār Forest Policy in which forests closest to villages were to be managed to meet nistār requirements. In response to complaints about the existing policies — including the nonavailability of materials, wide variations in the value of concessions granted in different regions, and a flawed method of distribution — twenty coupes (forest sections) were earmarked in each zone to satisfy nistār requirements. Other changes included reducing the number of contractors working these coupes in favor of departmental employees and working through the collector and a chain of village heads and village *panchayats* to issue permits. Nistār holders were charged half the commercial rates of royalty for material gathered from reserved forests, while rates in protected forests (which included the erstwhile nistāri forests) continued on the existing nominal terms plus the cost of felling (Madhya Pradesh Forest and Nistar Products Committee 1959, 133–35). For a while, the system of commutation continued in some parts of MP, for example, in Vindhya Pradesh (Rewa and surrounding regions), while in others (e.g., Mahakoshal), it was abolished by 1959 (108).

In 1957, the value of nistār concessions was estimated to be more than Rs 2.5 million per year (Madhya Pradesh Forest and Nistar Products Committee 1959, 135). The *nistār* facility, which following Independence was unique to Madhya Pradesh, extended to all villages, not just those bordering nistār forests. By 1992, there were 2,496 nistār and 725 commercial depots where products were sold (Khare 1993, 15). In 1995, there were five different categories of nistār: free (for minor forest products), concessional (for timber poles at 50 percent of royalty rates and fuel wood and bamboo at 5 percent of market rates), occupational (for basket makers, *beedi* frame manufacturers, and so on), commercial (for bamboo and timber at 80 percent of royalty rates for villages not covered under concessional nistār), and finally consumer (for timber up to half a cubic meter for commercial fuel wood depots) (Singh 1993, 9–10). In his study of forest products marketing in MP, however, Khare estimated that the rates charged to various categories of nistār holders have increased

rapidly in recent years and are fast approaching the rates charged to commercial or industrial houses. For instance, rates on nistāri bamboo rose from 25 paise per piece in 1985 to Rs 1 per piece in 1992. The average gross revenue per notional tonne for the entire state from nistāri bamboo (including that supplied to occupational groups) was Rs 559.88 per notional tonne, while for Orient paper mills the figure came to Rs 550 per notional tonne. On the other hand, the supply of bamboo met only 1.5 percent of the demand, while the supply of fuel wood met about 10 percent of the demand. The gap between demand and supply, Khare points out, led to several abuses of the system, giving forest officials arbitrary powers and leading to the sale of nistāri materials on the open market (1993, 14–16).

Following several studies in preparation for a World Bank Forestry project launched in October 1995, the MP Forest Department decided to eliminate the nistār system in April 1996. Villages engaged in protection are now given royalty-free nistār in return for their efforts; all others are charged commercial rates, in keeping with the philosophy of joint forest management in which rights are associated with responsibility for protection.¹⁶ In practice, despite all the legal arrangements regarding depots, villages that abut forests continue to supply their nistār requirements directly.

In Orissa after Independence, the Madras Forest Act of 1882 affected the southern districts of Ganjam and Koraput and parts of Phulbani District, and the Indian Forest Act of 1927 applied to the rest of the state. The former princely areas also had different rules. But, despite the variation in rules, overall the practice was broadly similar. In the reserved forests, or “A” reserves, the only concession was the free removal of NTFP, while there were expanded rights in the protected forest, or “B” reserves, rights to take reserved species at concessional rates, free grazing and removal of NTFP, and so on. Village residents were charged a nistār cess or commutation dues, usually assessed on the basis of annual land revenue paid; once a cess was paid there was usually no restriction on the amount of products extracted. According to the Orissa Forest Enquiry Committee of 1959, this led to gross denudation of nistāri areas, and the nonavailability of products in turn led to a demand for the abolition of cesses. The committee estimated that the state lost more than Rs 60,000 annually from the supply of concessional nistār (Orissa Forest Enquiry Committee 1959, 26–28). It recommended the abolition of the cess and, among other things, the allotment of forest patches (B class, protected or village forests) to villages within a ten-kilometer radius, with distribution to be determined by village panchayats or special committees ap-

pointed for the purpose. Where there were no such forests, it recommended converting a portion of the A reserves into B forests to meet villagers' demands (48–52). In a note of dissent, P. K. Deo, Member of Parliament, argued that to abolish *nistār* cesses and charge a uniform rate across the state, for adivasis and traders alike, would be a “gross betrayal.” The blame for forest denudation, he pointed out, should not be attributed to villagers' exercise of *nistār* rights but to the inadequacy of the Forest Department (2–3).

Thus, *nistār* policy in both Orissa and Madhya Pradesh has been subject to conflicting pressures both from villagers who see changes in the policy and the increase in rates as encroachments on their customary rights and from forest officers who view villagers' overuse of *nistār* as the main problem.

In Madhya Pradesh, discussions with field officers indicate that throughout the last two decades two processes led to fast deforestation. One, arising out of political populism, to allow people to harvest in an unsustainable manner more and more in the name of *Nistār*, and the other pressure on officers to contribute more to revenues. . . . Ironically, before an election, according to these officers, it was common for a Minister to order that the forest be opened for *nistāri* for both tribals and non tribals without penalty. But after the election, the same Minister was likely to demand more revenue from the same forest. (Saxena 1993, 2–3)

CONCLUSION

The multiplicity of rules, rights, and concessions described by Kamath and Ramadhiyani remain important today for two reasons. First, there is still a crazy patchwork of customary practices, many of them unrecorded, that surface in times of dispute. Grazing at certain times of the year or collecting certain kinds of NTFP from a particular forest may be allowed, but the same behavior by different people, at different times of the year, or in relation to other NTFPs may generate bitter disputes. Thus, JFM agreements are not introduced in an uncharted sea but are superimposed (often by people unaware of the existing patterns of rights) on complex patterns. Villagers themselves differentiate between different interests when they manage their JFM forest patches. In Lapanga, Orissa, for example, the forests are managed for timber for house repairs and firewood but not for *tendu* leaves, so the poor who depend on this particular NTFP are forced to go elsewhere. In general, men and women of different castes and classes are differentially dependent on NTFPs and

have different kinds of access to them. In Dewas, MP, only Nals collect NTFPs, and so they have an interest in helping the Forest Guard to catch offenders. In Panchmahals, Gujarat, only Naiks (low-status adivasis) collect a particular gum, and they do not collect tendu leaves. Similarly, in Haryana, low-status Banjara women process grass into rope, but Gujjar women refuse to do such work (Sarin 1996b, 9).

Second, the government still structures people's access differently, though not along the old lines. No doubt, deciding competing claims is part of the government's *raison d'être*, but in India, despite the occasional radical rhetoric, propertied classes have benefited from most such decisions (Bardhan 1984). Joint forest management is one more mechanism through which the government is intervening to differentiate between populations. Thus, villagers living near high forest enjoy different rights from those living near degraded patches, and within small areas JFM agreements have often generated new disputes within and between villages (Sundar et al. 2001). In some cases, women have argued that the only change is that the guards who stop them from collecting fuel and fodder in neighboring forests are now men from their own villages rather than Forest Department employees.

Instead of contrasting categories, then, we need keep in mind the source of variation among forest-dependent people. Furthermore, the presumed hostility between the values of those relying on NTFPs and those who want to use major or minor forest products for commercial purposes must also be questioned. *Down to Earth* (30 November 1995) reported an interview with the headman of a Madia Gond adivasi village in Gadchiroli District, Maharashtra. He was asked how the government policy that gives forest lands to the paper industry for captive plantations will affect him. After stating his opposition to such a venture, he responded as follows.

If the industry wants wood, they can buy it from us. But they will have to ask us. We will decide whether we will sell at all, and if so, on what terms.

So you are against industry?

No, we are very much for industry. But we have to ask who benefits from industry. Are they for the people, that is *adivasis* like us? Or are the *adivasis* fodder for industry?

By starting from the differential power and economic interest among the groups involved in JFM, we can see that it does not resolve all the issues such differentials generate. Supporters of JFM often assume (wrongly) that subsistence is the appropriate use for NTFPs. By critiquing commercialization yet failing to propose an alternative, such JFM agree-

ments threaten to leave forest dwellers on the margins. To expect a single policy like JFM to solve questions of availability, access, and equity in forest products as well as preserving biodiversity is perhaps to invite not only disappointment but an enhancement of the conflicts it was supposed to reduce.¹⁷

NOTES

- 1 Hardiman (1985, 181, 190, 192) notes that mahua liquor is mentioned in the *Vishnudharma Sutra* (ca. A.D. 100–300).
 - 2 Hardiman writes of illicit distillation in early-twentieth-century Gujarat that “Among the poor and landless no stigma was attached to breaking the law in this manner; rather it was considered admirable to thus outwit the Parsi and the police” (ibid., 192).
 - 3 A study by D. N. Tewari in 1981, quoted by Arvind Khare, found that on average households earn Rs 1,500 out of a total income of Rs 1,750 from the sale of NTFPS (Khare 1993, 17).
 - 4 Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.
 - 5 Sambalpur was part of the Central Provinces until 1912, when it was merged with the province of Bihar and Orissa.
 - 6 See, for example, the letter of the secretary, Department of Environment, Forests, and Wildlife, 1 June 1990, reprinted in Poffenberger 1990.
 - 7 There are close similarities with *mafikat* (literally, “free cutting”) in Gujarat.
 - 8 For similar arguments with respect to agriculture, see Dirks 1992b; and Washbrook 1981.
 - 9 We are grateful to Dr. Crispin Bates for drawing our attention to, and providing a copy of, the Kamath report.
 - 10 These phrases can be translated as “gone to get nistār” and “brought for nistār.”
 - 11 Commutation dues and differential rates for agriculturists and commercial users prevailed in zamindari areas, the princely states, and British India.
 - 12 Zamindars had higher status than malguzars, had certain powers concerning law and order, and could not (in principle) divide their holdings nor alienate them to others, whereas malguzars were not controlled in the same way. Zamindari estates might also be taken over and managed by the state if they fell into debt or maladministration. Furthermore, malguzars had no right to the income from their forests, whereas zamindars did.
 - 13 However, Prasad cautions against generalizing this trend to all products, using the case of silk and iron ore to show that the penetration of capitalist firms had very different effects on different categories of artisans.
 - 14 See Gold 1999b for a discussion of the effects of zamindari abolition on forest cover in parts of Rajasthan.
 - 15 The wajib-ul-arz contained a specification of village “customary relations
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and mutual obligations” on zamindari estates when they were first settled by the British (Kamath 1941, 162). Village “customs” were listed, but there was some doubt as to whether these had the force of law unless this was explicitly stated (Baden-Powell [1892] 1972, 2:482–83; Kamath 1941, 161).

- 16 A. K. Khare, Chatrapati Singh, N. C. Saxena, and others have recommended an additional relaxation of the rules for felling trees on private lands. Khare has advocated that nistār rights for fuel wood should be allowed to continue, however (1993, 16).
- 17 How JFM may exacerbate intra- and intervillage conflicts among forest-dependent peoples is discussed in Sivaramakrishnan 1996b. See also Sarin 1996a, 1996b; Sundar et al. 2001; and Hobley and Wollenberg 1996.