

# John Locke and the Governance of India's Landscape: The Category of Wasteland in Colonial Revenue and Forest Legislation

JUDY WHITEHEAD

The influence of John Locke's theory of property on the policies governing India's landscape is examined in this paper. Locke's concept of wasteland, as opposed to value-producing land, constituted a founding binary opposition that constructed how landscapes were categorised. The period under study covers the Permanent Settlement (1793), the Ryotwari Settlement of Bombay, and the India Forest Acts (1865 and 1878). It is shown as to how the categories of waste and productive land were applied to groups supposedly attached to different landscapes, i.e., "tribes" and "castes". Associated with wildness, wilderness, and savagery in the 19th century, the category of wasteland also defined who would and who would not become most vulnerable to dispossession and/or enclosure.

Recent considerations of John Locke's *Two Treatises*, especially its labour theory of property and its chapter on conquest, have focused on the ways these writings were forged in debates about early English settlement in America and the subsequent conquest of the "New World" (Arneil 1996; Harris 2004; Parekh 1995; Tully 1993). Arguing that a "state of nature" could still be found in America in the 1600s, Locke maintained that by bringing more lands into intensive cultivation, English colonisation of the Americas would raise agricultural productivity and individual wealth worldwide and provide a source of increased trade from which England's population as a whole would benefit (Arneil 1996: 10). In this argument, settled cultivation upon "individually enclosed" lands became the defining feature of the passage from a state of nature to nationhood and a state of civilisation (Arneil 1996; Parekh 1995). While Locke denounced the conquest of the already-inhabited territories, this principle did not apply to territories in which settled cultivation was non-existent and land was lying "waste". Since wastelands existed in a state of nature where people enjoyed the fruits of the earth "in common", their inhabitants could not truly claim a proprietary right over such territories, i.e., "nationhood" (Tully 1993). Through the conceptual equation between states of nature with non-settled cultivation and "wilde wastelands", the doctrine of enclosure trumped that of territorial sovereignty. Here, Locke neatly squared several political economic circles: first, that between the "natural right" to survive and the English enclosures which dispossessed thousands of English and Scottish peasants, especially in the 17th century (MacPherson 1964; Wordie 1983), and second, that between political liberalism dictating the recognition of pre-existing territorial rights, and English colonial settlements in North America (Parekh 1995).

Despite recent attention paid to the relation between Locke's doctrines and the conquest of America, few academicians have focused on Locke's influence upon the conquest and governance of India. This neglect may be partially explained by the separation in time between the publication of Locke's *Two Treatises* (1690) and the actual conquest of India that began with the Battle of Plassey (1757). Despite this temporal gap, it is worth revisiting the relationship between Lockean doctrines and the different land and forest settlements instituted in British India. Given Locke's importance to English common law and policies of conquest, it could be maintained that the labour theory of property formed the *doxa* of British policies regarding land-use and ownership in India.

Judy Whitehead ([whitjao1@uleth.ca](mailto:whitjao1@uleth.ca)) is with the Department of Anthropology, University of Lethbridge, Alberta, Canada.

By *doxa*, I mean the non-verbalised taken-for-granted assumptions of the world that establish coherence between a habitual set of practices and particular fields (Bourdieu 1990: 204). In this case, the particular fields would consist of English foreign policy and the application of English property law to Britain's colonies. The main argument of this paper is that there are close discursive similarities between Locke's labour theory of property and more widespread practices of accumulation by dispossession that involve the appropriation of landscapes of already-inhabited or already-used territories (Harvey 2003). This may be because the labour theory of property simultaneously validated the expansionary tendencies of capitalist accumulation (MacPherson 1964), upheld private ownership as a natural right even under conditions of over-accumulation, and provided a racialised class component to ongoing practices of dispossession that occurred during phases of capitalist expansion (Harris 2004).

A discursive examination of Locke's category of "wasteland" and the way it was applied to India between 1793 and 1878 shows that Locke's theory of property remained a major influence guiding laws, attitudes and practices to the south Asian landscape throughout much of the colonial period. It also excavates major fault lines in the colonial administration. While all subjects in India were colonised, they were not homogeneously governed, but were differentiated in terms of essentialised subject positions (Skaria 1997). In particular, castes were differentiated from tribes as a foundational binary opposition that influenced policies regarding land settlements and land-use. Differences in the major property regimes established in India, i.e., the zamindari settlement of eastern India, the ryotwari settlements of the south and western plains, and the forest legislation of hill areas, show how the lands of "castes" and what became known as "tribes" were unequally and differentially constituted in property law and administrative practices (Guha 1984; Guha 2001; Chaturvedi 2007; Whitehead 2010). Analysing wasteland as a social and historical category, rather than a natural one, also shows how populations thought to inhabit socially differentiated landscapes were also deemed to be essentially, racially dissimilar in ways that closely adhered to Lockean distinctions between the settled and the savage, states of culture and states of nature, and the propertied and the propertyless.

This paper will briefly review Locke's theory of property and the category of wasteland as it was applied to discourses of property, land-use, and personhood in the zamindari settlement of Bengal (1793) and the ryotwari settlements of western India (1830s-1840s). It then turns to the debates about forest legislation during the latter part of the 19th century. Forest legislation is not often examined as a land settlement on par with the zamindari and ryotwari revenue systems, due to the disjuncture between "the field" and "the forest" that has characterised recent environmental history (Menon 2004). Bringing the forest laws into correlative comparison with the major revenue settlements of the plains can reveal the relational nature of policies towards field and forest, castes and tribes. It can simultaneously destabilise the foundational dualisms that constructed historical boundaries between them. In comparing discourses about the productive or unproductive uses of land in these three land settlements, the category of wasteland will be shown not only to have constructed

different landscapes of value, but also different social subjectivities of groups inhabiting specific territories. Locke's foundational binary between a state of nature and a state of culture, wastelands and settled agriculture, was elaborated in the late 19th century into a four-stage evolutionary scheme. Hence, the basic opposition between "the civilised" and "the savage" continued to inform British revenue, land and forest policies throughout most of the colonial period.

### Locke's Theory and Wastelands

As is well known, Locke grounded his labour theory of property on precepts of natural law that were derived from both medieval theory and puritan ethics (MacPherson 1964; Tully 1993). In the natural state, all men (sic) were equal and therefore had rights to life, health, liberty and possessions. Locke included possessions as a natural right because humanity had a right to survive and at least some possessions were necessary to do so. While Locke believed that the earth and its fruits belonged to humanity in common, the natural right to life necessitated individual rights to at least some property. The transition from holding lands in common to private possessions occurred through the application of labour to land and was visually marked by the spatial enclosure of individually-worked land (Davies 2007). Those who had worked the land and enclosed it had a "natural" right to it as property. Individual appropriation of land was necessary and desirable because it supported the natural right to life, as long as it did not infringe on others' rights to survival. Such interference would not occur if "there was enough and as good (land) left in common for others" (Locke 1971 (1690); MacPherson 1964).

Locke acknowledged that with the use of money, land came to be concentrated beyond the useful needs of single individuals. This could occur to the point at which there no longer existed "enough and as good (land) left in common for others". However, he sustained his support for the private concentration of land in two ways. First, he argued that lands privately appropriated, enclosed and intensively cultivated possessed a higher productivity than lands held in common by a multitude of subsistence-based peasant households. This was doubly true for other land users, such as hunters and gatherers, or pastoralists. Thus the accumulation of money and land enabled a few to increase productivity to the extent that others could acquire the necessities of life through barter or trade. Hence, the greater productivity of the appropriated land more than made up for the lack of land available for others (MacPherson 1964: 212). Here, the notion of "higher and best possible use of land" trumped the condition that private appropriation was desirable only if enough and good land was left in common for others: while there might not be enough good land left for others, the higher productivity of enclosed land, combined with the mechanism of trade, ensured for Locke that there would be enough good living left for others. Locke argued that subsistence levels in a country in which all land is fully enclosed and intensively cultivated was far better than the standard of any member of a society in which the land is held in common or not fully worked.

...For the provisions serving to support human life, produced by one acre of inclosed and cultivated land are ten times more, than those

which are yielded by an acre of land, of equal riches, lying waste in common. And therefore, he that incloses land and has a greater plenty of the conveniencies of life from 10 acres than he could have from 100 left to Nature, may truly be said, to give 90 acres to mankind (sic). For his labour now supplies him with provisions out of ten acres which were but the product of an hundred lying in common (Locke 1971 (1690): 12).

Locke's second argument allowing for the private concentration of land was that while there may not be enough unenclosed land left in England, there was certainly sufficient throughout the world for enough common land to be left for others to appropriate. The example given repeatedly was the common and wild lands of America. "Full as the world seems, a man may still find enough and as good land in some inland, vacant places of America" (Locke 1971 (1690): 14). In addition, both the peoples and lands of the Americas existed in a state of nature, where there was no improvement on the land, so that 1,000 acres of land underutilised by the aboriginal population yielded only one/100th of the necessities of life of an "enclosed" farm in Devonshire. Hence, in order to provide dispossessed English farmers with enough and good land for private use, colonial expansion was necessary and desirable. It supposedly had the added benefit of increasing agricultural productivity worldwide.

These wastelands became the unmarked, subliminal "others" to private land or state-appropriated property and provide a pragmatic buttress to his labour theory of property. In other words, for the goals of Locke's political liberalism to possess practical validity, some "common, good land" left for others had to exist and hence, a large mass of "wasteland" had to be found somewhere in the world. The category of wasteland became the hidden opposition to the category of value in Locke's *Second Treatise*, in the sense that it is land that lacked value because it had not (yet) been enclosed, privatised, and commodified. Wasteland and value-producing land became a foundational binary for multiple, ramifying oppositions that Locke constructed between the state of nature and a state of culture, savagery and civilisation. Indeed, it could be argued that it was the foundational binary upon which a great deal of the logical architecture of the labour theory of property rested (Culler 1984).

The fact that the category of wasteland was used 14 times in his chapter on property that consisted of seven to eight pages, indicates that it is of some importance in Locke's labour theory of property. The meanings he attaches to the term are instructive. At most points, Locke equated the category of wasteland with common land and used it in opposition to land that was privately owned, cultivated, commodified, and enclosed. For example, "he who appropriates land to himself by his labour...increases the stock of mankind, for the provisions from an area of cultivated and inclosed land are ten times more than those...yielded by one acre lying waste in common" (Locke 1971: 11). But it can also refer to "neglected" land, e.g., "the inhabitants think themselves beholden to him, who, by his industry on neglected, and consequently wasteland, has increased the stock of corn" (ibid: 16). It is also identified with unproductive land, e.g., "land that is left wholly to nature, that hath no improvement of pasturage, tillage, or planting, is called, as indeed it is, waste; and we shall find the benefit of it amount to little more than nothing" (ibid: 13). Indeed,

Locke here is following existing legal usages of wasteland in the sense of land being left unused, a category introduced into English common law in the 13th century to curb the rights of tenants to do anything they pleased with rented land, and to disallow them from leaving it idle (Joyes 1936; Davies 2007).

Despite its apparent idleness, neglect and/or common ownership, however, the existence of wasteland was important in order that the proposition "enough and good land be left for others" would hold as a possible option, realised through colonial conquest. Hence, Locke frequently looked to America as a source of "those wild woods and uncultivated waste (territories) where enough vacant land" exists so that "the possessions each human being could take would not be large enough to prejudice the rest of mankind". Yet by using North America as an example of wasteland, Locke was also potentially expanding its geographical scale to all areas of the world in which lands were supposedly not worked through settled cultivation. Not only did supposed "wild woods and waste" exist in many continents, but the apparently wasteful use of them seemed to necessitate their appropriation by an "improving hand" from England. Hence, Locke has been criticised for using the labour theory of (enclosed) property to support the colonisation of the Virginian territories by British settlers in an era in which British colonialism was first launching itself and in which English public support for it was by no means firmly established (Arneil 1996; Parekh 1995; Tully 1993). That the labour theory of property was utilised repeatedly to support successive waves of English settler colonialism in North America, Australia and New Zealand in the 19th century, mainly by people dispossessed by English and European capitalism, has by now been well-established (Arneil 1998; Harris 2004; Tully 1993; Marx 1976). However, its influence elsewhere has been less well-examined.

### **Wastelands in India I: The Permanent Settlement and 'Indolent Zamindars'**

The introduction of the category of wasteland into Indian law and land revenue policies dates from the Permanent Settlement of Bengal in 1793 (Guha 1984; Gidwani 1992). In its first incarnation in India, the notion of wasteland closely followed Lockean usages of the term. The desire to vest permanent property rights in a class of gentleman farmers through the Permanent Settlement was due not only to the abuses of the farming system under Warren Hastings, but also to the by-then prevalent ideas, derived from Locke and Bentham, that secure private property rights in land provided the best incentive for value-creating labour that would increase political stability and land revenue, and hence wealth in general. According to Cornwallis, in the late 19th century, one-third of the land in Bengal was lying waste, although its precise amount could not be specified. The framers of the Permanent Settlement (Grant, Francis, Shore and Cornwallis) also believed in a physiocratic theory of value, in which the surplus generated from agriculture was the source of all economic value. Given the fact that wasteland here seems to mean land lying fallow, the framers of the Permanent Settlement probably exaggerated the area of wasteland in Bengal. Since the number of revenue villages in Aurangzeb's reign was similar to those in 1881, Habib

has estimated that most of the province was fully occupied and cultivable during Mughal times (Habib 1964: 10). In mis-recognition of the extent of the cultivated land in Bengal, Cornwallis' usage of wasteland corresponds to Locke's unstated meaning, i.e., as a rhetorical device to justify state appropriation. "Land left lying idle" supported both the conquest of new territories and the enhancement of state territorial control.

As Gidwani shows, the pejorative connotations of waste as common land or land used unproductively or left idle also seeped into negative categorisations of the users/possessors of such land in Bengal.

With productivity as the ordering criterion, it was now possible to view "wasteland" as a synonym for "idle land", that is, land untapped – or perhaps more accurately – nor *being tapped* for its commercial potential. For example, in the debates concerning the Permanent Settlement, Shore makes the following comment:

They (the zamindars) have been decried as an useless, idle, oppressive race, practising every species of extortion, or countenancing it by their inactivity and ignorance. It is no wonder that so much land lies waste (Gidwani 1992: PE 45).

However, the Permanent Settlement was made in the zamindars' favour for reasons of political expediency and stability. In addition, as Cornwallis noted,

If laws are enacted which secure to (the zamindars) the fruits of their industry and economy, at the same time, leave them to experience the

consequences of idleness and extravagance; they must either render themselves capable to transacting their own business, or they will dispose of their lands to those who would cultivate and improve them (ibid: 47).

The concept of wasteland began its career in India not as we understand it today, i.e., as a natural category applied to infertile, barren lands or rocky outcrops. It was a social category that applied both to the supposedly unproductive uses that lands were put to, to lands held in common, or to land left idle. Hence, it conflated specific types of land-use with a singular form of ownership, naturalising this combination in the process (Menon 2004). Hence, not cultivating the land, letting it lie fallow for long periods, utilising the land for gathering, hunting or pasturage activities, or not applying capital to land, would all serve to qualify specific groups of people as unproductive and potentially undeserving of land ownership. According to Lockean theory, such individuals not only squandered resources, and ignored the imperative to create the highest possible value from land, but also forfeited the natural right of property or possession in land. It was only following productive cultivation on enclosed land that individuals acquired their natural rights to landed property.

In areas in which land appeared not to be so worked, the labour theory of property not only buttressed the right of the colonial state to territorial acquisition. It also supported later activities to classify populations according to their productive or wasteful use of the landscape and of the resources contained therein. While

### **MAHANIRBAN CALCUTTA RESEARCH GROUP requires:-**

1. **Research and Programme Associate/s** (consolidated pay of Rs. 14,000-25,000/- per month, depending on qualification and experience) for a period of one year, extendable to 2<sup>nd</sup> year in case of requirement. The candidate must have Ph.D. or M.Phil degree in Social Sciences or humanities with publications and/or minimum of five years working experience in the field of Human Rights and human development. The candidate should be below 40 years in age. Candidates with proficiency in English, readiness to do fieldwork and having interest in any of the following themes, such as, citizenship, forced migration, gender rights, human rights, peace studies, autonomy, globalization, development, labour studies, and agrarian studies will be preferred.
2. **Research and Programme Assistant/s** (consolidated pay of Rs. 10,000-13,000/- per month, depending on qualifications and experience). The candidates should have a Master Degree in Social Sciences or humanities. Research experience or practical experience in participation in human rights or development activities are desirable. Experience of working in libraries and documentation centres will be an additional qualification. The candidates should be below 30 years of age. Candidates with proficiency in English, readiness to do fieldwork and having interest in any of the following themes, such as, citizenship, forced migration, gender rights, human rights, peace studies, autonomy, globalization, development, labour studies, and agrarian studies will be preferred.

Detailed applications along with two recommendation letters may be sent by post or by e-mail **within 31 December 2010** to the Office Secretary, **Mahanirban Calcutta Research Group, GC-45, Sector-III, First Floor, Salt Lake, Kolkata 700106** (e-mail: [chatterji@mcrj.ac.in](mailto:chatterji@mcrj.ac.in) phone: 91-33-2337-0408 and Fax: 91-33-2337-1523). Travel by outstation candidates will be reimbursed (Railway fare by Sleeper Class by shortest route). Applicants are requested to consult MCRG website [www.mcrj.ac.in](http://www.mcrj.ac.in) for information on the institution.

Cornwallis' view that one-third of Bengal was wasteland strikes contemporary observers as absurd, the lens of Locke's legal precepts were naturalised common sense during the late 1700s, a period which in England marked the high point of England's own enclosure movement (Wordie 1983). Large parts of the world that possessed property rights that were not homogeneous with English property law – such as the hereditary, transferable, but overlapping rights of Mughal India – could be labelled as Lockean wastelands and justifiably conquered.

When Bengal's zamindars failed to sufficiently commercialise agriculture on their tenants' holdings according to utilitarian calculations, the blame was wholly on their supposedly idle and indolent habits (Gidwani 1992). Subsequent revenue settlements that followed the British East India Company's conquests in western and southern India in the early 19th century – termed ryotwari settlements – were thence contracted with those castes considered to be direct cultivators, or ryots. In the process, those deemed “non-cultivating castes”, including many “scheduled castes”, were divested of rights of possession in common lands in western India (Chaturvedi 2007). Ricardian disdain for “parasitic landlordism” was now wedded to Lockean definitions of value, productivity and wasteland, bringing about an overturning of physiocratic doctrine in favour of utilitarian policy (Stokes 1959). In India, all lands that could be privately settled, or were otherwise under the direct control of the government, were no longer registered as wastelands.

### **Wastelands in India II: The Ryotwari Settlements and ‘Hardy Cultivating Castes’**

After the British East India Company subdued large areas of southern and western India in the early 19th century, it implemented a series of land settlements with what were referred to as direct cultivating castes. It hoped in this way to circumvent the power of landed intermediaries and extract taxes directly from the peasantry. In addition, land revenue was not to be permanently fixed, but was to be raised periodically given differential capital investments on land, differences in soil fertility and even differences in the castes who cultivated the land. The major groups who were vested with the responsibility of paying revenue fell into a narrow spectrum of castes, such as the Lewa Patidars in Gujarat and Kunbi Marathas in Maharashtra. These castes were believed to belong to a sturdy farming stock that had the potential to become a productive yeoman peasantry, the agents of commercialised agriculture and modernisation.

The revenue settlements of Bombay Presidency covered several decades following the conquest of the Maratha kingdoms in 1818. An influential voice urging the application of Ricardian principles of rent, in which the state appropriated that amount due to a landlord and the cultivator was left with surplus capital for investment, was that of James Mill. He condemned Mughal policies as ruinous, since its gross produce assessments ignored differential soil fertility. These assessments, he argued, “comprised the deleterious standard of rude governments” (quoted in Klein 1965: 576). Utilitarian policy was strengthened by the appointment of R K Pringle, a devout Ricardian, as Bombay Settlement Officer in the late 1820s. He believed that the principles

of Ricardian political economy could and should apply to property rights and land revenue, disregarding previous village right holders, such as Meerasdars, Deshmukhs, and Patils (Kumar 2004: 94-106). He believed that only by strengthening the rights of individual kunbis could individual initiative in farming be encouraged. By ignoring village-level intermediaries, and pitching the revenue demand at 55% of net produce, on the basis of differential fertility of soils, Pringle believed cultivators would be encouraged to apply capital to their holdings, increase production and enlarge state revenue for the state. However, when both high revenue rates and the collusion of surveyors with local notables led to peasant devastation in Pringle's ryotwari districts, a modified form of ryotwari settlement was concluded for the rest of Bombay Presidency by Wingate and Goldsmid in the late 1830s and early 1840s (ibid 2004: 120). Some rights of the Patils were recognised, yet individual property and the right to dispose of it was vested in cultivators, most of whom belonged to locally dominant castes such as Kunbis in the Deccan and Lewa Patidars in Gujarat. Both Wingate and Goldsmid believed that

...The extension of agriculture depends upon the amount of surplus capital employed by the *kunbis*. ...Once they had surplus capital in their hands, they could not only afford to take wasteland under cultivation, but they could afford to pay the entire rent on this land... (Wingate 1838, quoted in Kumar 2004: 125).

While the ryotwari settlements of Goldsmid and Wingate constituted less a break with Mughal and Maratha revenue systems than a synthesis of pre-existing tenures with utilitarian principles (Klein 1965; Kumar 2004), the ideology surrounding the ryotwari settlements fused a belief in individual initiative with one that linked occupational characteristics, e.g., farming, with inherent traits of specific castes and caste groups, each with its own racialised history (Cohn 1988). Through the ryotwari settlements in Maharashtra, and the bhagardari settlements in parts of Gujarat, Lewa Patidars and Kunbi Marathas emerged as dominant landholding castes of Bombay Presidency. Indeed, Breman has noted that the economic advance of the Lewa Patidars in Gujarat dates from the introduction of ryotwari settlements (Breman 2003). Guided by Ricardian rent theory, settlement officers in the 19th century western India also encouraged Kunbi and Patidar cultivators to extend cultivation into “commons” and “waste” land through reduced rental rates and low-cost taqavi loans (Charlesworth 2002; Kumar 2004). This was particularly true for frontier areas, such as Khandesh and Rajpipla (Kumar 2004; Whitehead 2010). Hence, land settlements did not reflect, but also constructed the discursive categories of productive, cultivating castes and non-productive scheduled castes and tribes and inscribed these essentialised categories onto an agrarian frontier that was being encouraged to expand at the expense of remaining wastelands.

### **Wastelands in India III: Forest Laws and the ‘Savage Slot’**

Towards the end of the first half of the 19th century, the colonial administration began to relinquish its view that forested woodlands were merely a barrier to the extension of cultivation (Gadgil and Guha 1988), and a new set of debates emerged about the remaining “wastelands” of India. At that time, these wastelands

consisted of most of the hilly and forested areas of south Asia. The debates about India's forest wastelands stemmed from concerns about the depletion of forest resources due to the increasing trade in India's commercially viable tree species, especially teak, sal, deodar, and chir pine (Guha 2005: 40). While teak was in high demand after the Royal Navy chose to build ships in the Indian subcontinent after 1780, the construction of railways throughout the country from 1840 onwards led to steeply rising demands for railway sleepers (Rangarajan 1996: 18). While administrators such as Cleghorn and Gibson advocated the protection of Indian forests on ecological grounds (ibid: 23), the establishment of forest conservation in the late 19th century may be also traced to a more prosaic basis. Increasingly, a reliable and sustainable supply of commercial timber – both for the railways and the navy – became viewed as a necessity for the colonial state. Hence, forests that had been previously classified as malarial wastelands were increasingly regarded as possessing valuable and potentially scarce commodities.

Pressure within the administration led to Dalhousie's minute of 1855 which outlined basic principles for future forest conservation, leading to the formation of the Indian forest department in 1864 and the formulation of the first India Forest Act in 1865. Since England itself lacked a forest service (and much forest), the first Inspector-General of Forests, Deitrich Brandis, was chosen from the German Forest Service. Not only was the German Forest Service considered the most scientifically advanced in Europe, it had recently cut its teeth in prohibiting customary woodland uses by the Rhineish peasantry and in suppressing an 1848 peasant revolt against forest enclosures in that region (Linebaugh 1979). Brandis' inspectional tours of south Asia's forested regions between 1864 and 1875 uncovered a supposedly wide number and range of forest "abuses" on the part of the "tribal populations", and his recommendations provided the basis first for the 1865 Act and its more sweeping successor, the 1878 India Forest Act.

For Brandis, successful forest administration required checking the deforestation of past decades, and for this the assertion of state monopoly was considered essential. Hence, large regions of Indian topography that had previously been considered wastelands, in the sense that they were unenclosed and/or uncultivated in a "civilised" way, were, in Brandis' view, now in need of state enclosure, regulation, and administration. First, government wastelands with standing timber were increasingly viewed as commercially valuable regions in need of state control and appropriation. Second, the major abuses that Brandis uncovered did not derive from the unrestrained commercial exploitation of trees prevalent in the first half of the 19th century (Guha 2005; Rangarajan 1996). Brandis took the commodification of forest products as a normative a priori upon which the edifice of a scientific regime of forest conservation was to be constructed. Like Locke, he viewed commercial uses of the forests, tempered by long-term management, as the highest possible commercial application of labour to forest land. By occluding commodification of the forests as "natural", Brandis was led to identify the major causes of deforestation in the early 19th century as the wasteful practices of customary users of the forest.

While customary users included forest-dwelling subsistence cultivators, hunters and gatherers, and village users of neighbouring forests for pasturage, house materials, and fuel, the major culprits were slash and burn cultivators and pastoralists. Since Brandis' reasoning concerning these practices was repeated by subsequent forest conservators and officers in the late 19th century, it is worth quoting at length his memorandum about it that concluded by supporting the need for forest legislation:

...If we take a review of the present impoverished state of a large proportion of the forests in British India, we come to the conclusion that certain main causes have reduced them to the present unproductive condition.

...the lopping of branches for fodder and litter, the wholesale cutting of young trees for fences and roofing, have contributed much...to prevent the improvement of the forests....The unrestricted collection of leaves, the extraction of varnish, wood-oil and various gums and resins, has been another source of extensive injury to the forests.

Another cause of deterioration...is the practice of temporary and shifting cultivation by clearing and burning the jungle, which is general in almost all hilly districts...The injury done to the forests is manifold. Besides, the destruction by cutting and burning on the spot, where the clearing was made the neighbouring forests are injured by the spread of the fire. The temporary character of this cultivation is the principal source of evil. The spot cleared and burnt this year is deserted after yielding only one harvest, thus a new portion of the forest is every year doomed to destruction.

...The jungle fires...are frequently caused by the erratic hill clearings, or by the practice of herdsmen to set fire to the jungle during the hot season...to produce a fresh crop of young and tender grass during the monsoon. These jungle fires...destroy annually an immense quantity of timber felled and lying in the forests (IOR P/193/52: 348a).

The impact of this memorandum is reflected in the fact that it was included in the statement of objects and reasons of the first India Forest Act of 1865. The 1865 Forest Act carved out the discursive categories of state forests and district forests from wastelands, and defined productive forests and unproductive uses (and users) of the forests. It simultaneously excluded the livelihood strategies of many hill-dwellers from government forests, while eliding productive uses of the forest with those of commercial forestry. Slash and burn cultivators, who "fired the forests indiscriminately" were portrayed as creating physical wastelands out of what were now culturally inscribed as landscapes of valuable forest timber. Criticism of customary users of the forest as destructive became a normative call to remedial action through enclosure, or prohibition and restrictions on pre-existing practices by the newly formed Forest Service (Stebbing 1929; IOR V/5/5).

The 1865 Act defined government reserved forests as all those waste lands which were covered with trees, brushwood or jungle and which were not privately owned. Those wastelands considered to contain the most valuable timber were to be converted into reserve forests, and were to be managed wholly by the forest department. Other government wastelands, which might contain some trees, but were not identified as containing valuable tree species, would become part of the district forests. These were to be managed by the district commissioners in consultation with district forest conservators.

In addition, the Act prohibited marking, girdling, felling and lopping of all growing trees, shrubs, and plants within the

government reserved forests. It also prohibited the kindling of fire within a government reserved forest, and the collection of leaves, fruits, grass, elephant husks, resin, wax, honey, or any other natural product of the forest. Finally, it prevented cultivation within the reserved forests, and prohibited passage through them, except on roads and pathways explicitly authorised (India Forest Act 1865; IORR V/5/5).

Much of what constituted the “kin” mode of production based on slash-and-burn cultivation, pasturage, and some hunting, gathering and fishing in the forests or forest waterways, was to become illegal within government reserved forests. The manner in which the state was to deal with tribal land rights was also foreshadowed. The legal counsel at this time was H S Maine. Although appointed to the post mainly due to his paternalist and orientalist stance that advocated the gradual application of modernist laws to India following the rebellion of 1857-58 (Kuper 1998), Maine capitulated to Brandis’ views that identified the sources of forest destruction solely in the everyday customary activities of hill populations. He counselled that those villages on the borders of district forests, e.g., villages in the Himalayan foothills, should not be divested of common pasturage rights. Within the state reserved forests, however, this recognition of rights should not apply. In short, rights of use and possession of forest lands and produce should be abrogated to the State where the Forest Conservator found it necessary to do so.

Despite his paternalism, Maine was also a great admirer of Locke; probably his arguments against abruptly modifying property or personal law in India did not apply to those inhabiting a “state of nature”, i.e., the hill tribes. Other reasons he gave for his failure to recognise customary forest rights in the 1865 Act were the relatively small numbers of hill populations and the seeming complexity and diversity of forest rights:

It results from (i.e., Brandis’) passage, that some of the finest forests in the world are being rapidly lost to the Government of India...through acts which conduce to the benefit...of an inconceivably small minority of the population...

It would appear that various petty rights over the soil or produce of forests have been prescriptively acquired by individuals, villages or wandering tribes. These rights the Government of India does not wish to...abridge, but they exhibit such diversity of character that it is impossible to include them in any definition for the purposes of...settlement (H S Maine 1865, British Library, IORR V/5/5).

Once the 1865 Act was passed, the category of wastelands, or lands used in common, applied to a shrinking land base, both conceptually and physically. Wasteland now included only those lands that were not privately owned and cultivated, and were also not included in the reserved forests. It also did not include a potentially ambiguous category of lands, included under the category of district forests, in which some trees or shrubs were found, but were not privately cultivated lands either. The ambiguity in this category of landscape was magnified by the “dual administration” of the district forests. Although they were under the overriding supervision of the revenue department, the sale of district forest lands to individuals, and their other usages, was to be decided through consultation between the district commissioner and the district conservator of forests. Remaining lands

were still considered wastelands and were liable for sale under the existing wasteland rules (GOI, IORR, V 3184).

Almost as soon as the ink was dry on the first India Forest Act (1865), a debate ensued in the colonial administration about the sale of wastelands in district forests. While the two sides of the debate were identified with the revenue department, on the one hand, and the new forest department, on the other, the logical a priori for both was achieving the most productive use of land, and for that the specification of either state right in forests, or private rights in cultivated lands, was deemed essential. Most revenue officers, while differing on how the forest rules should be implemented, accepted that the expansion of the agricultural frontier had now to be squared with the need for forest conservation. However, they often differed with Brandis on the question of whether to treat customary uses of district forests “and other wastelands” as based on a right or a privilege (Guha 2005: 38). For their part, the forest officers intensified their arguments about forest degradation. For them, the forest rules should apply to both the district and the reserved forests. Within these debates, the category of wasteland and the identification of “wasteful” practices in the district forests again acquired rhetorical saliency.

Brandis initiated what was to become a decade-long discussion, involving numerous memoranda and two all-India forest commissions. He urged a more far-reaching Forest Act as early as 1867, and prepared a draft of it by 31 October 1868:

In every province, a commencement has been made to separate, from the large extent of waste lands, certain of the more valuable forest tracts, and to place them under the exclusive control of the forest department...The other forest lands have been called district forests... It was not deemed expedient to abandon the control of the forest department over the remainder of the waste and forests...

It is not possible to know whether the state forests will be found sufficient for the requirements of the country and the export trade, or whether their area may not have to be increased hereafter...In addition, the 1865 Act does not authorise the establishment of separate rules for the residuum of forests (contained in the district forests) and over which the establishment of a certain degree of control seems expedient (IORR P/436/1/3).

Brandis argued that the articles of the 1865 Act which defined appropriate rules in the state reserved forests should be made applicable to all district forests, by the addition of the phrase “The maintenance of the State forests and tracts in which the government have forest rights” to each article in the Act that applied to reserve forests. In addition, he thought it best to omit H S Maine’s residual phrase counselling forest conservators “against affecting any existing rights of individuals or communities”. For Brandis, this phrase “nullified... important provisions of the (forest) rules, leading to cattle grazing even in many Reserved forests”. “If allowed to stand”, Brandis argued, “this clause may be used (in future) to nullify *all* existing rules passed under the Act” (ibid, emphasis mine).

Responding to early drafts of the new act, a number of district commissioners agreed with the vagueness by which the existing rules of the 1865 Act governing the use or sale of land in the district forests were to be applied. In fact, they maintained that there was little to differentiate the unreserved district forests from government wastelands. Hence, it was often difficult to

decide whether they could be sold to private proprietors or timber contractors under the wasteland rules. Unsurveyed areas in which standing timber existed which could be sold were also in question. Some district commissioners, especially those from the central provinces, questioned the wisdom of extending the forest rules and taxation on forest produce to the district forests. They contended that the forest rules were causing the Gonds, Bhils, and other “wild” tribes to flee those areas to take up government wastelands elsewhere, sometimes in areas that could be considered “pristine forests” of potentially high commercial value.

Throughout the extended discussions on the proposed Bill, some district commissioners from regions with relatively high tribal populations warned about the dangers of extending reserved forests into existing wastelands. The commissioners from Nagpur, Chhotanagpur, Simla, Bombay, and Nasik all drew attention to the fact that Brandis’ plan to extend forest rules to district forests would impinge upon the customary, aural rights of hill cultivators. For example, the district commissioner of Chhotanagpur argued that:

The agricultural classes who would be most affected by forest rules belong chiefly to aboriginal races. The more uncivilised bury themselves in the forests and they are the people with whom it is most difficult to deal in framing rules to prevent waste of timber (IORR P/438/4/1).

The chief secretary of the Bombay Government argued that:

...many reserves in this presidency have already been constituted as State Reserves, in which no private or communal rights of any kind are acknowledged, and to observe that the procedure laid down in the draft Act would be practically useless when applied to forests in which rights are claimed only by wild tribes such as Bhils and Katkaris... (ibid).

Finally, the protection of “wild tribes”, if in a highly paternalistic fashion, was stressed by H N B Erskine, district collector of Nasik:

...the provisions regarding demarcation are hardly suitable to this presidency. We do not in this presidency possess much forest in civilised parts...and the procedure laid down is only suitable for civilised communities. The villages in the neighbourhood of forest reserves ...are to a great extent collections of huts belonging to Bhils, Kolis and such like, and written proclamations would to them be unintelligible, while the procedures laid down for their guidance would seem absurd. Fancy a Bhil or Koli being told to present the Forest Officer with a “written notice” stating the nature of his rights and giving, too, the ‘amount and particular of the compensation claimed in respect thereof. Then, if such rights are not claimed, they shall, the Bill declares, be deemed to be extinguished’ (ibid).

The ambiguity of the category of district forests and their legal slippage with government wastelands was, however, seized upon by several forest conservators and Brandis himself as sufficient reason for new, clear guidelines to be created. There was a need for a clear category of protected forests that would be differentiated from government waste and district forests, and prohibited from customary usage or sale. Several forest conservators noted that a number of district collectors interpreted the forest rules even in state reserved forests to allow the grazing and gathering of forest produce within them, since these practices had been sanctioned by “ancient usage”. Hence, there was a wide variance in application of the forest rules, and no clear guidelines to

differentiate government wasteland from the district forests. In Lockean theory, of course, all lands not privately owned or clearly demarcated as state property, were located in the by-now residual category of wastelands.

Despite a long discussion on the political dangers of introducing forest rules into the district forests inhabited by wild tribes, the overall intent of the central government in favour of the further enclosure of district forests was evident even before the debates took place. As C F Dickens, secretary of the public works department of the central government, stated as early as 1870:

It appears to the governor general in Council that the Forest Rules and Waste Land Sale Rules do not sufficiently guard against the alienation of valuable forests. It appears that in 1863 Dr Brandis advised that in the government forests, no land should be sold...without the sanction of the Government of India. The revenue department deemed that there was no necessity for this Rule, since it was provided for in the Waste Land Rules. ...It now appears necessary to include further safeguards against the sale of valuable forest lands, especially in the unreserved district forests.

...I also suggest whether it would not be expedient, in addition to the reserves already demarcated, to declare certain forest lands as exempt from the Waste Land Sale Rules, though it may for other reason not be expedient to include them in the State Reserved Forests (British Library, IORR, P/193/51).

Despite the warnings from district commissioners in the central provinces and the Bombay Presidency that the new forest act would arbitrarily extinguish the rights of hill tribes, the final discussion in the legislative council contained little concern for the settlement of pre-existing rights. Instead, the legal member of council, H Hope, argued that “the mixture of closely reserved forests in certain regions with the allowance of forest privileges in others produced a complete perversion of the intentions of the (original) Act. The feasibility of new action was especially represented with regard to certain forests in Kumaon, which are officially styled ‘reserves’, but in which the people enjoy, under very formal and clear guarantees, rights of a very extensive character” (IORR P/1173: 25). He added that “due to the innumerable range of such rights, and the time it would take to record them, forests should be declared protected or reserved, prior to enquiry into the settlement of rights” (ibid). In addition, prior enquiries into whether villagers’ use of forests were “privileges” or “rights” had already been settled at the second forest conference by the principle that “the right of conquest was the strongest of all rights – and a right against which there was no appeal” (Guha 2005: 43). In essence, then, the recording of long-standing usages, customs and rights were trumped by the needs of modernist forest protection and by commercial users and uses of forest produce.

### The 1878 Forest Act and the Category of Wasteland

The 1878 Forest Act, amended in 1890, 1894, 1904 and 1927, created the legal categories of reserved and protected forests, and enabled the enclosure of large areas of landscape as reserved forests. Some cultivation was allowed under supervision in the protected forests, but none was permitted in the reserved forests. It appointed forest officers with the ability to declare new areas as protected or reserved forests and to prosecute offences unilaterally. Hence, any area in which a particular forest officer felt that supplies of teak, ebony, acacia, oak, or other



forest products were being overused could be declared reserved areas, and all their use and trade came under the supervision of the forest officer. This was especially true where slash and burn cultivation was being carried on, since burning the forest floor was viewed as the most destructive of pre-existing forest practices. The forest officer of a district also had the authority to prohibit offences created by the Act unilaterally and it prohibited most activities that were associated with slash and burn cultivation, fishing, gathering and hunting that were commonly practised by many hill communities. The Act prohibited the following activities in both reserved and protected forests:

The construction of any fresh clearing...setting fire to a reserved forest, or kindling any fire in such manner as to endanger the same... trespassing of cattle, or permitting cattle trespass, causing... damage by negligence in felling any tree or cutting or dragging any timber, felling, girdling, lopping, tapping, or burning of any tree, stripping-off the bark or leaves from, or otherwise damaging any tree...quarrying any stone, burning lime or charcoal, or collecting, subjecting to any manufacturing process or removing any forest-produce, clearing any land for cultivation or any other purpose; or, killing elephants, hunting, shooting, fishing or setting traps or snares'...(IORR V/5/49).

These forest resources included fruits used as food for people; underbrush used as fodder for domestic animals; branches used to make bedding, fencing, walls and house poles, and for firewood; bark, roots, and leaves for making medicines and resins; crabs and freshwater fish from forest streams; animals that were hunted for game, mahua flowers used for making liquor, and so forth.

The 1878 Act also empowered the forest officer, in declaring areas protected or reserved forests, to unilaterally nullify rights of use, possession, or revenue-collection of the forested areas and forest products which had hitherto been possessed by hill communities and/or previous overlords. Section 9 of the Act "extinguished any rights in respect of which no claim had been referred under section six" (ibid). In turn, Section 6 appointed an officer "to inquire into and determine the existence, nature, and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest-produce, and to provide such persons with suitable compensation" (ibid). Such compensation, however, could only be paid if the petitioner had appealed in writing to the settlement officer within three months after an area had been proclaimed a reserved or protected forest. The petitioner had to prove through written agreement with a previous ruler that such customary rights were of long-standing existence. Since most of those affected were not literate, it is probable that most would have been unable to appeal to the settlement officer or would receive any compensation for the lands being appropriated. Nor does it seem possible that many would possess a written agreement of "customary rights of long-standing with a previous ruler". Hence, three months following the declaration of a reserved or protected forest, their rights were extinguished.

Although the implementation of the 1878 forest legislation was uneven throughout the subcontinent (Sivaramakrishnan 1999), Guha and others have documented far-reaching changes in the sustainable cultivation and pasturage activities of hill

communities ushered in by Forest Reserves and Forest Rules in the late 19th and early 20th centuries (Guha 2005: 42-53). Similar erosions of rights of possession, use, and sustainable practices have been documented in the Assam highlands and in the eastern Ghats of Tamil Nadu (Menon 2004; Saikia 2008; Saravanan 2006). It is also probable that slash-and-burn cultivation, considered sustainable in tropical jungles, if there are long and frequent fallow periods, was rendered less so by the shrinking land base due to the enclosure of the reserved and protected forests. In Khandesh, for example, about 30% of the district's territory was under reserves by 1890, while the corresponding figure for Surat district was 35%, pushing many former hill dwellers into wage work and subsequent impoverishment (Whitehead 2010).

### Categories of Land and Categories of Personhood

The division of lands in India into state forests or wasteland, on the one hand, and privatised farm or commercial land, on the other, was accompanied by racialised divisions based upon two axes. First, there were evolutionary typologies that differentiated tribes from castes and second, orientalist exoticism which, in turn, divided castes from each other (Skaria 1997).

Castes were acknowledged to inhabit a structured, semi-civilised society based upon agriculture. Even the utilitarians acknowledged that settled agriculture and its accompanying urbanisation had existed in the subcontinent for millennia, if supposedly lacking the precise, exclusionary property rights that defined entrance into full civilisation. Yet mainstream rural India, with its "myriad" of castes and sects, was also viewed as rigid, unchanging, and traditional, requiring the improving hand of European modernisation (Cohn 1988). A major protagonist in this hagiography of modernisation was the individual cultivator, or ryot, supposedly oppressed by centuries of feudal exactions, and waiting for his innovative capacities to be unleashed by full private property rights and commercialisation bequeathed by Europe. The categories of intermediary landholders, including the zamindars of Bengal Presidency, that talukdars of Oudh, and the petty princes of western India were alternately vilified and/or legally supported by the administration. Changing attitudes towards them over time depended upon political expediency, changing economic doctrines, and their historical strength prior to conquest. For example, the administrative support of zamindars and talukdars was considered necessary both after the conquest of Bengal and following the 1858 Rebellion, but not during British expansion into west and south India in the early 19th century. During periods in which British control was expansionary and a pre-existing landlord class was relatively weak, as in western India during the 19th century, intermediaries between the state and the cultivator could more easily be dispensed with. When British hegemony was seriously threatened, however, indirect rule was deemed necessary, Indian traditionalism was affirmed, and landed intermediaries became the bulwarks of order who would, hopefully, ensure peace in the countryside (Metcalfe 1979; Klein 1965).

The oppositions between zamindari or ryotwari tenure should not, however, obscure a deeper, foundational dualism in British

attitudes towards social groups in south Asia. Unlike both ryots and zamindars, the tribes of India were viewed as outside and below even a semi- or quasi-civilised society. During the mid to late 19th century, a three-stage evolutionary theory gained cultural hegemony in 19th century Britain, Europe and America (Stocking 1991; Kuper 1988). It associated hunting, gathering and fishing with barbarism, slash and burn agriculture and/or pastoralism with savagery, and agriculture and industry with civilisation (Kuper 1988; Morgan 1907 (1877); Stocking 1991; Trouillot 1996). In the south Asian context, intensive agriculture and urbanisation was associated with caste society, while tribal society was identified with hunting and gathering in the forests, slash-and-burn cultivation, and pastoralism, and hence assigned the slots of either savagery or barbarism. In addition, each of the categories of tribe and caste was dressed up with separate, racialised histories (Cohn 1998). While the higher castes were seen as descendants of Aryan invaders, tribes were viewed as indigenous inhabitants of the subcontinent, lacking Aryan blood, and were hence outside and below the racialised rankings of caste (Guha 2001; Skaria 2001). These self-reinforcing histories transformed cultural differences in space into a temporal, unilinear progression based on race, and plotted different subsistence strategies onto an historical edifice of value-producing or unproductive uses of the landscape.

In the process, scheduled tribes were reinvented as savage beings. They were often likened to both children and criminals in much administrative discourse (Skaria 1997: 734). In contrast to males of many upper castes, they were also masculinised, but were viewed and portrayed as children, i.e., as bad “school boys” (Skaria 1997, 2001). Even a contemporary popular history of British India refers to the Bhils of western India as “mischief-makers” (James 1999: 355).

In addition, I have found that European images of a “state of nature” were applied quite extensively in British administrative documents and histories of “tribes” of the 19th century. Since the revenue settlements and private property rights did not apply to the hill areas, such lands were deemed to be still wastelands, occupying a “natural state” inhabited by wild tribes who wandered at will and appropriated the fruits of their labour in common. They were also often regarded as outlaws. These stereotypes applied, for example to the Bhils in western India. For example, an early British historian of the Bhils of Khandesh described them thus:

Reckless of life, active and intelligent, the Bheel race is peculiarly adapted for the daring foray and the night attack. Their habits and ideas...are totally opposed to agricultural labour; the motives which lead to the gradual accumulation of property are faint and insufficient; and honest mechanical craft is despised with the most thorough contempt...(Graham 1843: 180).

Images of a Hobbesian state of nature, with different hill clans and tribes existing in a perpetual war of all against all, were also prevalent in much of the British writing about the Bhils. The following is a small sampling from the Khandesh District Gazetteer:

Roving and restless by disposition, and skilful hunters by necessity, the woods and jungles supplied them with roots, berries and game; a successful foray filled their stores to overflowing; and as every man's hand

was lifted against them, so the measure of wrath was fully returned by the tribe, whose powers of mischief far exceeded those of their numerous oppressors, and whose habits and locations enabled them to bid such a lengthy defiance to so many governments (GOI 1885: 205).

In many instances, various tribes were criminalised due to the nomadic and peripatetic nature of their occupations (Radhakrishnan 1992; Nigam 1990; Yang 1985). In the Forest Acts, many of their everyday subsistence activities were outlawed in the name of conservation, and they were prevented from owning property due to the aural nature of their previous rights. The dividing line between castes and tribes constituted differing categories of personhood and subjectivity in colonial law, property rights, and administrative practices.

Environmental historians have already analysed the trope of wildness that was applied to hill communities and examined the ways that it rigidly separated hill communities and settled cultivators in both the colonial imagination and governance (Guha 2001; Skaria 1997, 2001). However, the relationships between the administrative categories of tribes and castes and corresponding property regimes have not been so well excavated. By plotting tribes and castes onto a racialised, evolutionary history, each category was linked to either productive or unproductive uses of the landscape and assigned a rigid subsistence slot, in terms very reminiscent to Locke's theory of property. In mapping an evolutionary typology onto different landscapes, both the social categories of caste and tribe and their associated industrious or wasteful lifestyles became doubly naturalised. On the one hand, each occupied fixed, racialised, occupational slots (Trouillot 1996). On the other hand, they were deemed the natural inhabitants of different productive regimes, ecosystems, and occupations. It is hard not to see the long arm of Locke's founding dualisms between states of nature and states of civilisation in the boundaries that were created in 19th century policies towards castes and tribes, fields and forests.

In both Locke's theory of property and 19th century forest policy, the state of nature met the trope of wasteland through the metaphors of wilderness and wildness. Not only were certain landscapes deemed *jungli* and wild, but so too were the people occupying such areas. Locke's category of wasteland provided a metonymic appraisal of both land and its peoples. Land left idle, as in slash-and-burn cultivation fallows, defined a supposedly wasteful use of landscape, while land used in common attached

## Economic&PoliticalWEEKLY

available at

### Akshara-The Executive Partner

8/3/1089, Plot No 46,

Srinagar Colony

Hyderabad 500 034

Andhra Pradesh

Ph: 23736262

the category of wasteland to specific modes of subsistence that were assigned to lower evolutionary levels. In order for wilderness areas to be civilised and rendered productive, therefore, tribes had first to be removed from such landscapes, and control over their resources vested in more civilised beings.

By metonymically signifying both landscapes and people, the category of wasteland gestured towards a multivocal array of policies that applied to both the uses of land and the users of land. Locke's labour theory of property provided the legal and administrative maps that divided wilderness from the settled, wildness from civilised, wasteful from productive, and the civilised from the savage. It also conflated ownership categories with those of land use, since unproductive land was equated with land not privately owned and enclosed (Menon 2004). Hence, the labour theory of property classified those who would, and who would not become most vulnerable to processes of accumulation by dispossession in both imperial and colonial contexts. Inhabitants of wastelands became people without history, property, and productive identities, inflecting class projects of dispossession with a racialised subjectivity located in a state of nature before history began.

Ultimately, as Said reminds us, imperialism was and is about the control of spaces and territories (Said 1994). To apply the term wastelands to already inhabited forest lands in India was to implant a legal grid over a space that contained all of productive capitalism's undesirables: "primitive", "wasteful" populations that lacked any sense of "propriety", "industry", or "private ownership". The concept of wasteland also enjoined an ascriptive call to action that could be ultimately used to justify the removal of such populations in favour of supposedly "higher" commercial users of the land. Hill populations were seen as outside of and civil society; their uses of the land were consequently primitive, wasteful, and destructive. In Lockean terms, they constituted a vast, empty space that required the civilising hand of dispossession and enclosure, followed either by forced settlement, commercial improvement, or regulated resource extraction by "higher" users of the land. In Locke's wasteland, and its opposition to the category of value, we can see the skeletal contours of imperial and class projects that united processes of dispossession with racialised subjectivities and identities that continued to inflect our naturalised categories of both land use and tribal populations for centuries to come.

## REFERENCES

- Arneil, B (1996): *John Locke and America: The Defence of English Colonialism* (Oxford: Oxford University Press).
- Bourdieu, P (1990): *The Logic of Practice* (Stanford: Stanford University Press).
- Bremen, J (2003): *The Labouring Poor in India: Patterns of Exploitation, Subordination and Exclusion* (New Delhi: Oxford University Press).
- Charlesworth, N (2002): *Peasants and Imperial Rule: Agriculture and Agrarian Society in Western India* (Cambridge: Cambridge University Press).
- Chaturvedi, V (2007): *Peasant Past: History and Memory in Western India* (Berkeley: University of California Press).
- Cohn, Bernard (1988): *An Anthropologist among Historians and Other Essays* (Delhi: Oxford University Press).
- Culler, J (1984): *On Deconstruction* (Princeton: Princeton University Press).
- Davies, M (2007): *Property: Meanings, Histories, Theories* (London: Cavendish).
- Gadgil, M and R Guha (1988): "State Forestry and Social Conflict in British India", *Past and Present*, Vol 123, (1): 141-69.
- Government of India (1865): "Acts, Objects and Reasons", IORR, V/5/5.
- (1878): IORR, V/8/49.
- Government of India: Proceedings IORR, P/193/5/2.
- , IORR, P/436/1/3.
- , IORR, P/431/4/1.
- , IORR, P/1173:25.
- , IORR, P/193/5/1.
- Government of India, Home Department (1868): *A Collection of the Existing Rules for the Sale in Fee Simple of Waste Lands in India*, IORR, V 3184.
- Graham, Captain D C (1843): *Historical Sketch of the Bheel Tribes Inhabiting the Province of Khandesh with Continuation by Captain J Rose*, IORR, V/10/634.
- Guha, Ramchandra (2005): "The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya" in *The Ramchandra Guha Omnibus* (New Delhi: OUP).
- Guha, Ranajit (1984): *A Rule of Property for Bengal: An Essay on the Idea of Permanent Settlement* (New Delhi: Orient Longman).
- Guha, S (2001): *Environment and Ethnicity in Western India* (Cambridge: Cambridge University Press).
- Gidwani, V K (1992): "'Waste' and the Permanent Settlement in Bengal", *Economic & Political Weekly*, 25 January, PE-31-46.
- Habib, I (1964): *The Agrarian System of Mughal India* (Paris: Mouton).
- Harris, Cole (2004): *Making Native Space: Colonialism, Resistance and Reserves in British Columbia* (Vancouver: UBC Press).
- Harvey, D (2003): *The New Imperialism* (Oxford: Oxford University Press).
- James, Lawrence (1999): *Raj: The Making and Unmaking of British India* (St Martin's Press: New York).
- Joyes, C R (1936): *The Institution of Property* (New York: Longman).
- Klein, I (1965): "Utilitarianism and Agrarian Progress in Western India", *The Economic History Review*, New Series, Vol 18, No 3, pp 576-97.
- Kuper, A (1988): *The Invention of Primitive Society* (London: Routledge).
- Kumar, R (2004): *Nineteenth Century Western India* (London: Routledge).
- Linebaugh, P (1979): "Karl Marx, the Theft of Wood and Working Class Composition: A Contribution to the Current Debate", *Crime and Social Justice*, Vol 6, Fall-Winter, pp 1-29.
- Locke, J (2006): (1690), *Second Treatise of Government*, <http://ebooks.adelaide.edu.au/1/locke/john/181s.html>.
- MacPherson, C P (1964): *The Theories of Possessive Individualism* (Oxford: OUP).
- Marx, K (1976): *Capital*, Vol 1 (New York: Vintage).
- Menon, A (2004): "Colonial Constructions of 'Agrarian Fields' and 'Forests' in the Kolli Hills", *Indian Economic and Social History Review*, 41, pp 315-38.
- Metcalf, T R (1979): *Land, Landlords and the British Raj: Northern India in the Nineteenth Century* (Berkeley: University of California Press).
- Morgan, L H (1907): *Ancient Society* (NY: Holt and Co).
- Nigam, Sanjay (1990): "Disciplining and Policing the Criminals by Birth, Part I: The Making of a Colonial Stereotype – The Criminal Tribes and Castes of North India", *Indian Economic and Social History Review*, 27(2).
- Parekh, B (1995): "Liberalism and Colonialism: A Critique of Locke and Mill" in J Pieterze and Bhiku Parekh (ed.), *Decolonisation of the Imagination: Culture, Knowledge, Power* (London: Zed Books).
- Radhakrishnan, M (1992): "Surveillance and Settlements Under the Criminal Tribes Act in Madras", *The Indian Economic and Social History Review*, 29, 2.
- Rangarajan, M (1996): *Fencing the Forest* (New Delhi: Oxford University Press).
- Said, E (1994): *Culture and Imperialism* (NY: Vintage Books).
- Saikia, A (2008): "State, Peasants and Land Reclamation: The Predicament of Forest Conservation in Assam, 1850s-1980s", *Indian Economic and Social History Review*, Vol 45, pp 77-114.
- Saravanan, Velayutham (2006): *Colonial Agrarian Policies in the Tribal Areas of Madras Presidency: 1872-1947, South Asia*, Vol 26, Issue 1, pp 63-85.
- Sivaramakrishnan, K (1999): *Modern Forests: State Making and Environmental Change in Colonial Eastern India* (Stanford: Stanford University Press).
- Skaria, A (1997): "Shades of Wildness: Tribe, Caste and Gender in Western India", *Journal of Asian Studies*, 56(3).
- (2001): *Hybrid Histories* (New Delhi: Oxford University Press).
- Stocking, G (1991): *Victorian Anthropology* (NY: Free Press).
- Stokes, E (1959): *The Utilitarians and India* (Oxford: Clarendon Press).
- Stebbing, E P (1929): *The Forests of India*, Vol 1-3 (London: Unwin).
- Trouillot, J-M (1996): "Anthropology and the 'Savage Slot': The Politics and Poetics of Otherness" in R Fox (ed.), *Recapturing Anthropology: Working in the Present* (Santa Fe: School of America Press).
- Tully, J (1993): "Rediscovering America: Two Treaties and Aboriginal Rights" from *Locke in Contexts: An Approach to Political Philosophy* (Cambridge: Cambridge University Press).
- Whitehead, J (2010): *Development and Dispossession in the Narmada Valley* (New Delhi: Longman Pearson).
- Wordie, J T (1983): "The Chronology of English Enclosures, 1500-1914", *Economic History Review*, NS 36(4), pp 483-505.
- Yang, Anand A ed. (1985): *Crime and Criminality in British India* (Tucson: University of Arizona Press).