



Post-colonial forest policy in north east India: A probe on the Khasi hills district of Meghalaya

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Abstract

The paper is an effort to understand the implementation and efficacy of post-colonial forest policy in the Khasi hills district of Meghalaya in North East India. It attempts to critically analyse the role of District Council, State Forest Department and community ownership in administration and preservation of forests in the region under study. It endeavours to explore if the indigenous forest rights and traditional tribal forest based institutions of the territory are actually preserved after the application of community control over forests and natural resources of the district. The paper tries to find out the aspects demonstrating gaps between theory and practice in various aspects of forest administration, legislations and implementation in the region. It also questions the eco-friendly character of such policies over forests, people and land of the district where fauna and flora have shown diminishing trends in the recent years.

Keywords: Khasi, indigenous, forests, district council, community, control

Introduction

Historically tracing the roots of contemporary environmental problems is a relatively recent genre of historical research that emerged during the 1960s and 1970s. The impact of physical environment on mankind as an area of historical enquiry was first undertaken by the historians of Annales School who analysed the role of natural environment in shaping human history and civilization^[i]. Environmental history as a separate field of historical research appeared in North America and Europe soon after the World War II. By the 1960s it took the shape of a movement and became popular under the term 'environmentalism'. The researches on this field of history writing mostly establish the fact that Britain had played the pivotal role in shaping and transforming the natural environment in the colonised countries. The impact produced by the Scientific Forestry practices like forest conservation with motive of larger forest revenue, mono cultural farming, establishment of plantations, mixed farming, agro forestry, grazing among others have led to clearing of indigenous trees and shrubs, soil erosion and salination, air pollution, change in the distribution of forest types and finally abrogation of indigenous rights of people over forest lands resulting in public protests and outbursts. This had been the situation in most of the colonised countries like America, Australia, New Zealand, and South Africa including India. The science of forestry termed as 'Scientific Forestry' was a German import introduced to meet the commercial needs of the British Empire^[ii].

The beginning of 'Scientific Forestry' in India dates back to the late 18th century when there was increasing demand for teak to meet the naval requirements of Britain. After the defeat of Tipu Sultan the ruler of Mysore in South India in the third Anglo-Mysore War in 1799, the British assumed control over the Malabar region and made enquiries into the availability of teak. The enquiry resulted in the immediate appointment of a

forest committee which investigated into the tree types of the region and soon discovered some forest tracts covered by teak trees. The forest committee declared royalty rights over them and thus the initial attempt to establish colonial control over Indian forests had its beginning. In 1806, Captain Watson was appointed as the first Conservator of Forests of the country^[iii]. The process received a fillip when in 1852 Burma was annexed to British India and subsequently Burmese teak also began to satisfy the naval needs of the British Empire^{[4]iv}. The establishment of railways in India by the 1850s further increased the demand for timbers as railway sleepers. These developments made the colonial government realise the necessity for an official department that could control and conserve the Indian forests and serve as a continuous source of monetary returns from forests to British exchequer. Thus in 1864 the Imperial Forest Department came up in India under Sir Dietrich Brandis; the Inspector General of Forests after the public announcement for an organised department to conserve the forests of India was made by Lord Dalhousie, the Governor General of India in 1855^[v]. By 1865, 1878, and 1927 several forest acts came up that strengthened the path of forest conservation and commercial exploitation of natural resources at the same time. Consequently branches of colonial Forest Department came up in Bombay, Madras, United Provinces and North West Frontier Provinces under Conservators of Forests for each province in 1847, 1856, 1857 and 1860 respectively. Between 1860 and 1868 forest departments were established in most parts of India with the Central Provinces in 1860, Oudh in 1861, the Punjab, Coorg and Bengal in 1864, Berar in 1865 and Assam in 1868^[vi]. Thus Assam was the last province to be brought under British forest policy. This was because the situation of Assam in the 19th century was unlike other parts of India when the region acquired a vast geographical shape incorporating the Brahmaputra plains, Cachar and Sylhet districts of Surma

valley and the neighbouring hills which were attached as districts to the region at different points of time either on political or strategic grounds. Khasi Hills became a part of Assam in 1874; Naga Hills in 1881; Lushai Hills in 1898 and North East Frontier in 1912 after the Abor expedition. In 1904 the region was attached to East Bengal and again detached it in 1912. Hence the forests of the region that was under continuous peripheral changes became a tough proposition for the government to administer which were initially placed under the Bengal Forest Department in 1865. However by 1868 under Mr Gustav Mann as the Assistant Conservator of Forests, a separate Forest Department was established to administer the forests of the territory. Taking the geography, natural resources, demography, institutions and political conditions of the region into consideration, the colonial Forest Department in Assam maintained direct control over the plains forests of the region while the hill forests were placed under Political Officers and Deputy Commissioners in charge of hill administration ^[vii]. Although the hill administration was supervised by these officers, the actual administration was undertaken by the indigenous chiefs. However the extent of colonial intrusion over the natural resources in the hill districts varied from place to place depending on factors as mentioned. Compared to other hill districts of Assam, the strategic location, geography, climate, natural resources and soil type of Khasi Hills bordering East Bengal and located in the south of Assam plains attracted the colonial administrators towards it which the British officials equated with 'European Scotland'. On 20th March 1874, Shillong was declared as the capital of the Chief Commissioner's Province of Assam ^[viii]. The colonial government in order to extend control over lands and natural resources of Khasi Hills identified different areas where control had to be established and hence applied various mechanisms by which it could be accomplished. David Scott, the Agent to the Governor General in Assam (1823- 1831) being highly impressed by the cool and salubrious climate of the region proposed to construct a sanatorium and a military cantonment in the area. Therefore he suggested grant of lands in the plains to Khasi chiefs in exchange of indigenous hill lands from them ^[ix]. He also introduced the cultivation of European crops like potatoes, beets, carrots, cauliflowers, turnips and radishes in Khasi Hills. Potatoes soon became the largest export from the region to neighbouring areas and Khasi community being trade minded quickly grasped over the commercial trade that assisted the colonial government to make the people subservient to the British in the region ^[x]. The abundance of Sal, Teak and pine trees with mineral resources in the region made the British realise the importance and commercial viability of the province. Hence the British government entered into agreements with the indigenous Khasi chiefs under which the latter surrendered their rights over natural resources to the British government who acquired the authority over natural products like lime, coal, minerals and trees ^[xi]. The establishment of Shillong as the political headquarter of Assam reassured the position of the British in the region where the colonial government utilised indigenous lands for plantations, establishment of administrative machinery and for the settlement of bureaucratic staff. Under the terms of colonial forest policies, forests were classified

into reserved and protected forests, and green blocks preserved on climatic grounds ^[xiii].

By the beginning of the 20th century, several political developments came up that culminated in the formation of the state of Meghalaya in 1972. In 1905 Garo, Jaintia Hills and Khasi Hills were assimilated within Assam and East Bengal as the province was tagged as a part of East Bengal at that time as a result of the partition of Bengal. By 1912 when the partition of Bengal was reversed by King George, Khasi Hills, Garo and Jaintia Hills (presently known as Meghalaya) were amalgamated within the territory of Assam. On 3rd January 1921 following the Montague Chelmsford Report of 1917 and the Government of India Act of 1919, the Governor General in Council declared Garo and Jaintia Hills excluding the Khasi States as backward tracts. Under the Government of India Act 1935, the backward tracts were further declared as partially excluded areas. These areas were represented in the Assam Legislative Council since 1920 ^[xiii]. After Indian independence in 1969 under the Assam Reorganization (Meghalaya) Act, the Autonomous State of Meghalaya within the existing state of Assam was constituted. Till 2nd April 1970, the region known as Meghalaya was administered as a part of the compound state of Assam. In 1971 the Parliament passed the North Eastern Areas Reorganization Act that conferred full statehood on Meghalaya that became a full- fledged state on 21st January 1972 ^[xiv].

Objectives and Methodology

The study intends to concentrate on the post-colonial forest policy in the Khasi Hills district of Meghalaya. Since traditional ownership over forests has been assigned highest importance under the policy, the study attempts to understand whether such policies have actually protected indigenous forest rights, preserved the tribal forest based traditional institutions and have essentially contributed to the protection of natural environment in the region. It wishes to understand the administrative structure over forests, their areas of jurisdiction, overlapping of powers and internal contradictions. The study aims to comprehend the triumphs and futility of forest laws in maintaining indigenous forest rights and protection of the natural environment. It also seeks to analyse the objectives and accomplishments of Indian forest policy in the region. The research work is based on gazetteers, scholarly works by British administrators, census reports and anthropological researches (Mackenzie, 1884; Aitchison 1902, Shakespear, 1912; Allen, 1906, Gurdon reprint 1987). The secondary literature by scholars includes Bareh 1967, Baruah 1970, Choudhury 1978, Mathur 1979, Dutta 1982, Das Gupta 1984, Sen 1985, Giri 1998, Bareh 2001, Nongbri 2003, and Shampliang 2010. The study has taken the support of conference papers (Dutta 2002), notifications on forest laws in Meghalaya (The Khasi Hills Autonomous District Regulation Bill 2005), (The United Khasi and Jaintia Hills Autonomous District Council Management and Control of Forest Act 1958 and (The United Khasi and Jaintia Hills Autonomous District Council Management and Control of Forest Rules 1960) and State Forest Report of Meghalaya 2005. The work has also been enriched through the interviews undertaken with forest officials and indigenous chiefs.

Status of forests after Indian Independence: Role of district council

With Indian independence, emphasis was laid on the preservation of indigenous rights and culture of the inhabitants of North East India. It was perceived that the customary rights, indigenous, ethnic, cultural, social, religious and economic distinctiveness of the region should be maintained as these were subjugated by the plains people and interfered with due to the implementation of colonial administrative structure over the region. With this end in view; the Sixth schedule of Indian constitution was enacted and implemented over the hill regions of North East India after independence. The North Eastern Areas Reorganization Act of 1971 brought all the hilly regions of North East India under the jurisdiction of the Autonomous District Councils that was provided with the authority to frame its own rules and regulations. The District Council of the United Khasi and Jaintia Hills was however formed back in 1952 in accordance with the Sixth Schedule of the Indian Constitution ^[xvi].

The Khasi Hills Autonomous District Council that came into being on June 27th 1952 under the Sixth Schedule of Indian Constitution was formed to safeguard the traditional heritage, customs, practices, usages of the Khasi people and to provide them with economic security by conferring executive, legislative and judicial powers with developmental and financial authority and functions on it. At present Meghalaya consists of three Autonomous Districts viz. Khasi Hills, Jaintia Hills and Garo Hills. Initially there were two District Councils, the Khasi and Jaintia Hills were one Autonomous District called the "United Khasi-Jaintia Hills District Councils" and Garo Hills was another Autonomous District. They started functioning from Shillong and Tura respectively from 1952. In 1967, the Governor of Assam created the Jaintia Hills Autonomous District Council by splitting the United Khasi Hills and Jaintia Hills Autonomous District Council and it started functioning from Jowai ^[xvii]. Prior to Indian independence, Khasi Hills was a conglomeration of petty states under indigenous chiefs like the Syiems, Lyngdohs, Wahadars and Sirdars who performed as independent heads in consultation with the Khasi *Durbar*. With the arrival of the British, the administrative power of the independent chieftainships was minimised ^[xviii]. Hence after Indian independence priority was given to the protection of indigenous rights of the people that included lands and forests. On 24th January 1947, the Constituent Assembly appointed an Advisory Committee on the rights, minorities and tribal people in various parts of India. It further suggested that the Advisory Committee should appoint a subcommittee to prepare plans and schemes on the tribal areas of North East, Excluded and Partially Excluded Areas. Accordingly the subcommittee was formed that consisted of J.J.M. Nichols Roy, Rup Nath Brahma and A.V. Thakkar as members with Gopinath Bordoloi as chairman and submitted its report on July 28, 1947. The sub-committee recommended that the indigenous customary rights should be given importance and local councils with powers of legislation and administration over land, agriculture, forests (except Government reserve forests) and village and town management should be appointed. The Autonomous District Council was appointed as a body that could protect the ethnic, social and cultural

distinctiveness of the tribes from the onslaughts of the non-tribals ^[xviii].

The Autonomous District Council has jurisdiction over various aspects. It has the judicial power to hear appeals against the village and subordinate courts and could try civil and criminal cases. The decisions of the District Council courts are appealable to the High Court. The District Council could exercise its authority in various aspects of the district administration. For instance under the Management and Control of Market Act 1953 and the Management and Control of Market Rules 1957, it could demand half of the revenue from the Khasi chiefs and the owners of markets on products from the region. It could also obtain licenses from non-tribal traders trading in Khasi Hills while the trade between the Khasis and other tribal people does not require a license under the terms of the Non-Tribal Regulation Act of 1954. The Land Revenue Regulation 1953 empowered the District Council to impose taxes on land, buildings, tolls, professional taxes, taxes on vehicles and animals. The Fisheries Act 1954 prohibited public fishing in all specified pools, ponds, tanks, and rivers and empowered the District Council to punish any person for poisoning water for fishing purposes or using exploitative devices to destroy fishes. It could also exercise its jurisdiction over the elections of the chiefs and headmen according to the terms of the United Khasi Jaintia Hills Autonomous District Appointment and Succession of Chiefs and Headman Act 1959 ^[xix].

As regards the jurisdiction over forests, the Khasi Hills Autonomous District Council could control the forests of the region except the reserved forests category placed under the State Forest Department. The categories of forests under the District Council are plantations, village forests, sacred groves, private forests and protected forests. It has an organised forest department consisting of forest officers, rangers, foresters and forest guards ^[xx]. Under the United Khasi-Jaintia Hills Management and Control of Forests Act 1958, the District Council could formulate laws on administration of forests in the district ^[xxi]. The District Council is the spokesperson of the inhabitants of the district and is accountable for the preservation of indigenous cultural and ethnic features of the region. Hence while exercising control over private and indigenous forests; it lays importance on certain aspects such as preservation of the culture and tradition of the tribal people, to provide self-sufficiency to the indigenous people in socio-economic and political affairs and protect the local people from being exploited by the people of the plains. Thus with the aim to provide greater autonomy to the Khasi people over indigenous forests, community and clan ownership of forests is given importance ^[xxii]. In 1960 the United Khasi-Jaintia Hills Management and Control of Forests Rules 1960 came up that laid out elaborate rules to administer the private forests under indigenous chiefs like the *Syiems*, *Dollois* and *Sirdars* by the District Council ^[xxiii].

The state government acts as the facilitator of funds to the District Council who in turn exercises control over the community owned forests and lands. Since 1958, the United Khasi and Jaintia Autonomous District (Management and Control of Forests) Act has been amended several times to meet the growing requirements. According to the act, private, public or sacred forests within the district have to be

registered to the District Council with its details about its ownership, boundaries and usages etc. The act further observed that no owner of any public forests (Law Ri Sumar) has the authority to dispose of lands and trees by sale, mortgage, lease, gift and barter without the consent of the District Council. In order to initiate the process of sale in indigenous forest, application has to be submitted to the Syiem, Lyngdoh and Sirdar or any other administrative authority who would forward it to the Chief Forest Officer of the District Council. The latter would then accord his approval on the application by granting the permission for official enquiry in the area. The District Council has revenue stations within the district where revenue has to be paid for the timbers extracted in the private and public forests. These timbers cannot enter the city of Shillong until and unless the process is completed. No trees in the protected, village and community forests could be extracted without the approval of the Chief Forest Officer of the District Council. Any person not abiding the rules framed by the District Council should be punished with a fine of Rs 300 or imprisonment for three months. Whenever there is necessity to cut trees in protected forests and green blocks, the Chief Forest Officer could arrange for the disposal of trees by auction, tender or negotiations who takes necessary measures for the materialization of the process [xxiv].

The District Council has to consult the indigenous chiefs while taking decisions on indigenous, clan owned or community forests. Regarding the role and importance of the Khasi Durbar in the management of forests in the area within its control, H.P O'Flynn, the Rangbah Shnong of the Malki area of Shillong and the Former Deputy Secretary of the Government of Meghalaya is of the view that the District Council and the State Forest Department have to function in consultation with the Khasi Durbar while taking decisions on indigenous forests. The District Council cannot take any independent decisions on the cutting, sale, lease and mortgage of a forested area or of certain trees within the jurisdiction of the Durbar. Khasi Durbars, the indigenous political and administrative institution of the Khasis functions as parallel bodies with the District Council in all spheres of district administration including forests. It is the primary unit of administration at the indigenous level whose permission and approval are mandatory for the reservation and preservation of trees and forests in the area under its jurisdiction. For instance the Forest Department has entrusted the responsibility of preserving the trees in the Jail road area of Shillong to the Khasi Durbar of the area. It however does not have authority to impose and collect taxes on forest lands and trees. It could only entail the residents under its jurisdiction to accept its decisions [xxv].

Thus the relationship between the District Council and the indigenous Khasi institutions has been a sort of interdependence. Moreover the State Forest Department also has a share over the forests of the region. In order to accommodate the different layers of control, the administration of forests in Khasi Hills can be described as a three tier system. In the first tier there are community forests under the ownership of the communities. In the second category, the forests are placed under the supervision of the District Council who is responsible for the maintenance and

preservation of indigenous forests and forest rights from external exploitation. The third tier consists of reserved forests, plantations and national parks under the authority of the State Forest Department. The various types of community and clan owned forests in Khasi Hills under the District Council are:

- a. Private Forests (RiKynti) these forests are owned by individuals, clans and joint clans.
- b. Sacred groves also fall within the jurisdiction of the Autonomous District Council.
- c. Communal Forests (Lawri sumar) these forests are raised on villages or common lands.
- d. Village Forests- these forests are protected by villagers for conserving water, soil, plants etc for the benefits of the village. The Sirdar or headman with the assistance of the village Durbar manages these forests.
- e. Protected Forests- this section of forests are protected for the growth of trees for the benefits of the local inhabitants under the District Council Act of 1958.
- f. Green blocks- these are blocks of forests belonging to individual families, clans or joint clans and mostly occupy state lands which are preserved for the aesthetic beauty and water supply for the city of Shillong and its suburbs.
- g. Raid Forests- these forests are under the supervision of the head of the Raids (cluster of villages)
- h. Unclassed Forests- the unclassified category of forests also forms a major part of this category. These forests are managed under the United Khasi and Jaintia Hills Autonomous District Council Management and Control of Forest Act 1958 [26]. xxvi

Administration of Forests: Role of the state forest department

The State Forest Department of Meghalaya initially began its journey of administration as a part of the colonial Forest Department in the erstwhile state of Assam. In the late nineteenth century, the extent of British forest administration in the hill districts of the region was kept at its minimum due to absence of proper administrative infrastructure. In Khasi Hills the forest administration in the late nineteenth century was limited to plantations as a source of commercially viable timbers and exotic species like *Pinus Kasia*, *Juglans regia*, and *Eucalyptus rostrata* etc and some reserves built on climatic grounds [xxviii]. Till the early twentieth century, only Riat Khwan was declared as reserve forest. In 1909 some 63 acres of land in Upper Shillong Block was brought under reservation. The Deputy Commissioner of the region ordered for more reservation of forest lands on other grounds. Accordingly Liatkor and Riat Laban were treated as game reserves [xxviii]. Although the establishment of Shillong as the headquarters of the Chief Commissioner's Province of Assam in 1874 provided the British with avenues to establish control and utilise the indigenous lands according to their wishes, the severe crunch of man power that the Department experienced during the late nineteenth and early twentieth century acted as hurdle towards its smooth functioning. During the first decade of the twentieth century, the colonial Forest Department in Khasi Hills was empowered only with a Ranger, Deputy Ranger, a game keeper for the Liatkor and Riat Laban forest

reserves and some forest guards. The provisions of the Assam Forest Regulation of 1891 were applied over the region ^[xxxix]. With the carving out of the state of Meghalaya comprising Khasi, Jaintia and Garo Hills in the southern part of Assam plains in 1971, the Forest & Environment Department for the state was established under the Minister for Environment and Forests as the apex authority to administer the forests of the region. Hence the Secretariat of Forests & Environment Department of Meghalaya was established at Shillong. The State Forest Department of Meghalaya exercises jurisdiction over only 10% of forested lands in Khasi Hills. These lands include the reserved and protected forests, national parks and wild life sanctuaries. Unlike other parts of India where forests are mainly owned by the state and are under state forest administration, in Meghalaya considerable portions of forests are under community ownership, clan and private institutions and under the District Councils ^[xxx]. Over 90% of the forests in the state rest with the traditional heads like the Syiem, Rangbah, Shnong and Lyndoh as in Meghalaya most of the forest lands belong to the people as per the Sixth Schedule of the Indian Constitution ^[xxxii].

The State Forest Department of Meghalaya plays a monitoring role regarding the protection, management and improvement of forests within the state by applying scientific forestry techniques and practices of modern forest management. It takes initiatives to implement sustainable harvesting mechanisms over forests and utilises forestry resources of the state to ensure clean and green environment, sustainable use of medicinal plants resources and conservational uses of the natural environment. The State Forest Department supervises the implementation of government schemes like the Agro Forestry and Social Forestry. The scheme of the National Bamboo Mission is being implemented in Meghalaya and is tied up to some commercial houses and factories. It also acts as the facilitator of funds for the preservation of forests under the District Council and at the community level. It adopts measures to obtain monetary aids from the government of India and channelizes the money through the Forest Development Agencies and Joint Forest Management. The Forest Development Agencies have officials from the State Forest Department as well as at the community level. Through the application of Joint Forest Management over the forests of the region, the Department tries to ensure the participation of people at the village level in implementing government schemes over indigenous forests with the help of the monetary support provided by the government. The State Forest Department plays a monitoring role in this regard. It also adopts steps to encourage indigenous knowledge systems associated with forests like the traditional herbal system of medicine. With this purpose the cultivation of medicinal plants is promoted by the government. Hence a traditional herbal hospital has been established at Shillong with the assistance of the government. The State Forest Department has also implemented the government scheme of 'Green Dividends' in Meghalaya according to which the people received cash rewards/ compensation for the preservation of community forests. The scheme has been proposed by Sri Jairam Ramesh, the Environment Minister of India (2010-2011). This provision was intended to promote forests conservation in Meghalaya where deforestation has become a

perennial problem. The previous taboos on cutting of trees in sacred groves are gradually diminishing leading to increasing decline in the number of sacred groves. The Supreme Court Timber Regulation of 1996 has emphasized on the sustainable use of timber in Meghalaya ^[xxxiii].

As regards administration, the State Forest Department formulates working plans for the forests that outlines the diameter and the numbers of the trees to be cut in the forests. The Department with its marketing wing known as the Forest Development Corporation adopts measures for the marketing of its natural products. The Department also has a number of saw mills within its fold. It regulates the establishment and working of wood based industrial within the state such as saw mills, veneer mills, plywood mills etc. It supervises the movement of forest produce within the state and amongst the states by establishing check gates at various levels. The State Forest Department also monitors the extraction and movement of mineral resources from the state to other regions. It has the power to regulate diversion of forest areas for non-forestry purposes under the provisions of the Forest Conservation Act of 1980. It could provide technical guidance to various district level authorities on matters related to forestry and ancillary aspects ^[xxxiiii]. The State Forest Department supervises the overall protection of forests in the state by preventing them from illegal felling of trees and poaching in forests. It also undertakes afforestation measures by organizing Vanamahatsavas in schools, colleges and community lands by planting saplings. It also adopts measures for raising environmental consciousness among the people ^[xxxv].

Gap between Theory and Practice

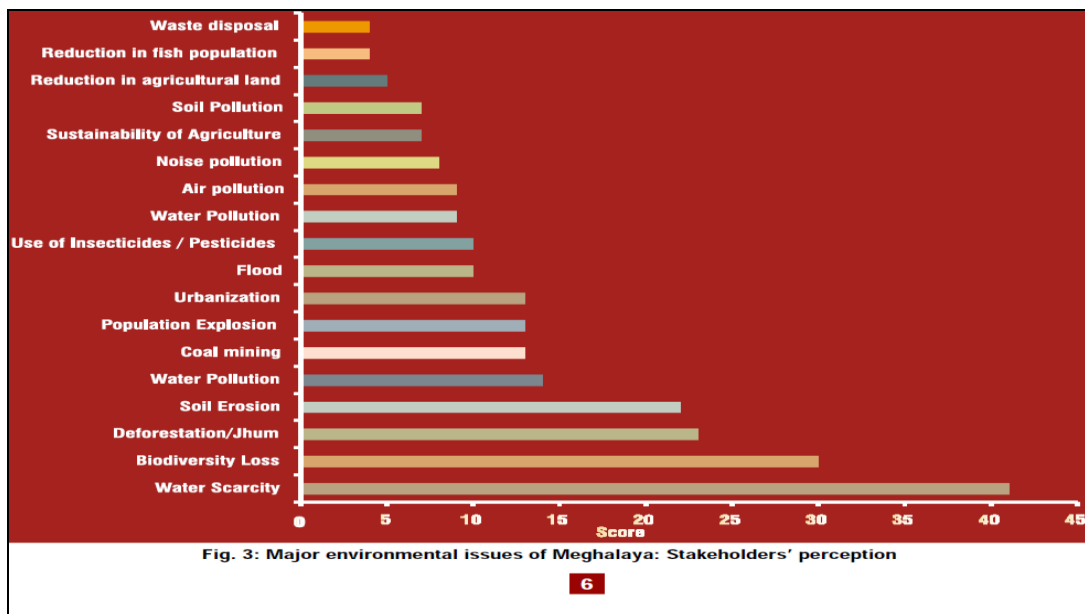
Conflicts of interests, self-centred motives and structural anomalies in administration

The forests of Khasi Hills are threatened with a number of problems. Shifting cultivation is a perpetual problem in the hill states of Northeast India and is a matter of concern for Khasi Hills as well. Shifting cultivation that was the usual form of farming earlier has now become a threat to the natural environment of the region because the fallow period has reduced considerably although the cultivation still continues. The people are habituated with the earlier mode of cultivation and are hardly interested to accept new alternatives and ideas. The government has come up with some alternatives such as terrace cultivation, horticulture, cultivates orchards and growing of medicinal plants to handle the issue. The people have been allotted lands for wetland terraces with irrigation facilities that have produced desired results in some areas. Deforestation is another matter of increasing concern in Meghalaya. Factors like shifting cultivation, commercial timber trade, mining and communication infrastructure etc have contributed to deforestation in the region ^[xxxvi].

Various layers of control over forests in Khasi Hills have complicated the situation. Theoretically control and supervision over forests are maintained under three layers of control –the State Forest Department, the District Council and the indigenous control. But the upper two authorities practically lack power over indigenous forests where the actual authority lies with the people. Due to the power assigned to the indigenous authorities over clan and community forests under the Sixth Schedule of Indian

constitution, the government cannot implement its schemes in indigenous forests without the sanction of the people. Hence the government promoted schemes for forest conservation mostly remain implemented in these forests. Since the District Council act as the spokesperson of the people in clan and community forests, it mostly plays the role of highlighting the merits of indigenous control over clan and community forests. It hardly implements mechanisms of control to stop exploitation of forests by the indigenous people. The District Council lacks personnel strength and often legislations that fail to check timber felling in the community and clan forests [xxxvi]. Indigenous authority over forests of Khasi Hills was assigned importance with the expectation that the forests would be secured under indigenous protection. But in reality the picture is reverse. Due to predominance of wood based industries in the region, there is rampant felling of trees in the indigenous forests. Since most of the forests in Khasi Hills are

private forests, laws under District Council and the State Forest Department are practically non-enforceable in these forests [xxxvii]. Felling of trees could also be noticed in the sacred forests as the people have done away with the previous taboos attached to felling of trees in the sacred groves. There are few sacred groves in the region such the Mawflang sacred grove in East Khasi hills [xxxviii]. In Khasi Hills private and clan forests are victims of over exploitation as there are no restrictions on tree felling in these forests. Moreover the required awareness for the conservation of forests is also deficient among the respective owners. In some cases the inter-clan and individual clashes also led to destruction of forest resources. The absence of cadastral survey of lands also adds to the non-availability of records on forested lands [xxxix]. The following table provides us information about the human created threats on the forests and biodiversity of Meghalaya.



Source: State Forest Report Meghalaya 2005, p6.

Fig 3: major environment issues of Meghalaya: Stakeholder' perception

Although the Autonomous District Council has been empowered with legislations to deal within indigenous forests, however they are not free from flaws. The United Khasi Hills-Jaintia Hills Autonomous District Council (Management and control of Forest) Act, 1958 has provisions relating to various categories of indigenous forests in Khasi Hills such as the private forests, village forests, Raid Forests (community forests), protected forests, green block, District Council reserved forest, sacred forests and unclassed forests under its jurisdiction. Although laws exist regarding the operations and control over these forests, but they are not free from inadequacies. For instance under Clause (a) of Section 4 of the United Khasi Hills-Jaintia Hills Autonomous District Council (Management and control of Forest) Act, 1958, the private forests should be looked after by the owner subject to the rules that may be framed by the Executive Committee from time to time [40]. A major lacuna of the act is that the manner in which the forests should be looked after is not mentioned

properly. A critical analysis of the act gives us the impression that perhaps it contained lesser rules for the management of forests; rather it contained more formalities that the private owner has to fulfil before making commercial transaction of timber and other forest produce. A clear layout of working plan for the management of forests is also absent in the act [xli]. In 1984 the State Forest Department submitted a report to the Commission of Inquiry on Autonomous District Administration in Meghalaya where it mentioned that the absence of laws on the working plans in private forests can be considered as a reason for large scale forest exploitation in indigenous forests. The report further stated that due to absence of legal mechanisms against exploitation in private forests under the District Council, the owners carry on rampant cutting of trees for commercial purposes in these forests. Since these forests do not come under working plans, unplanned exploitation is undertaken in these forests. Instances of leasing out these forests to timber contractors by

the private owners can be noticed in Khasi Hills. These people buy the forest operation rights from the owners and recklessly destroy the forests for commercial profits ^[xlii]. Hence most of the indigenous forests in Khasi Hills are virtually under no management and do not come under the effective enforcement of forest laws. The rate of deforestation in Khasi Hills could be understood from the chart below.

Change of Forest Cover (sq km) in Meghalaya since 1991.

Table 1

State	1991	1993	1995	1997	1999
Meghalaya	15,875	15,769	15,714	15,657	15,633

Source: State Forest Report Meghalaya 2005, p10.

The revenue motives of the Autonomous District Council also play an important role in this regard. The owners of private forests exploit the forests under them after paying a royalty to the District Council on timbers taken out for trade. The natural resources extracted out of private forests are often not checked or taxed by the District Council as the latter receive a royalty from the products and thus their transportation to external markets constitute a source of income for the District Council ^{[43]xliii}. As a result indigenous forests are undergoing unabated exploitation in Khasi Hills. The legislations under the District Council also indicate towards revenue earning propensity of the Council. Under Clause I of section 8 of the United Khasi Hills Autonomous District (Management and Control of Forest) Act, 1958, the Raid Forests (forests under Syiems) should be looked after by the head of the Raid and under the management of the local administrative head. The Syiems should remit a portion of the royalties collected by them to the Council ^[xliiv]. Although under Section 7 of the United Khasi Hills Autonomous District (Management and Control of Forest) Act, 1958, it has been laid that without the permission of the Chief District Officer, no tree could be felled in the private forests ^[xlv]. The private owners however ignore such instructions in most cases. Sources suggest that the Syiems ignore the rules made by the Council; rather they have their own Forest Department that deals with the issuing of permits, settlement of disputes and control of forests. Under no laws of the District Council, Syiemship are treated as administrative units yet the Syiems continue to function according to customs and traditions ^[xlvi]. The lack of trained manpower under District Councils and its compelled preference to indigenous forests users and ownership holders contribute towards increasing forest destruction in the region. Moreover forest laws passed by the District Council are subject to alterations and amendments also contribute in this regard ^[xlvii].

Sacred groves are not free from environmental threats. The District Council has placed these forests under Lyndohs or religious heads and therefore they are known as 'Law Lyndoh' in Khasi Hills. Previously these forests had religious significance and any attempt to cut trees or kill animals in these forests was considered as blasphemy by the Khasi people. After the propagation of Christianity and conversion of Khasis into Christians and also with the arrival of British in the region, religious beliefs attached to sacred forests gradually began to wean away. As a result exploitation of

forests in these areas is noticed now days. Sources suggest that at present only 1 % of the total area of sacred groves is undisturbed ^[xlviii]. The United Khasi Hills Autonomous District (Management and Control of Forest) Act, 1958 do not have any legislation on felling of trees in sacred groves. However under Clause (b) of Section 4 of the Management and Control of Forest Rules 1960, timbers only for religious purposes could be felled from the sacred forests although the clause do not contain any provisions for punishment against felling of trees and killing of living organisms in sacred forests in the form of imprisonment or fine ^[xlix]. Some non-governmental organizations have shown interests in the preservation of sacred groves in Meghalaya. For instance we find the Community Forestry International, a non-governmental organization that took active interests in the preservation of the Mauphlang Sacred Forests in East Khasi Hills. Regarding the conservation of the Mauphlang Sacred Forests, a village forest council consisting of people who respected the religious sanctity of the sacred grove and are responsible for its protection has been formulated in Mauphlang village. A check post is constructed at the entry point of the forest and persons interested to visit the forest have to acquire tickets from there. The sacred forest has thus become a tourist spot. A guide is also appointed to accompany the tourists and provide them with information regarding the religious significance of these forests and their importance in Khasi culture. Living accommodation along with food is also provided to the tourists who visited the area. The indigenous people believe that misery would fall upon the person who would cause damage to the forest in any form. The tourists who visited the area are also made to believe the religious significance attached to the forests ^[l]. The North Eastern Institute of Ayurveda and Homoeopathy (NEIAH) have been established at Shillong that encouraged cultivation and protection of medicinal plants by the indigenous forest users. The State Forests Department of Meghalaya has an advisory role against felling of trees in private forests although it does not have powers to counter them. Discussing the deplorable state of affairs in the Raid forests and inability of the District Council to check forest exploitation in these forests, the State Forest Department submitted a report to Commission of Inquiry on Autonomous District Administration in 1984. The Commission suggested that there should be rules for supervision of Raid Forests by the District Council and there must be some afforestation plans for these forests as a measure to balance forest depletion. The recommendations of the Commission were however little implemented and the Syiems still continue to be the owners of private forests ^[li]. Although according to Khasi indigenous customs, the people are the actual owners of these forests while the Syiems are only the custodians ^[lii]. The schemes like Green Dividends to check forest exploitation had mixed response from the people. Expressing concern over the faulty administrative structure, the officials of the State Forest Department of Meghalaya observed that apart from a small group of officials and troops deployed for forest preservation, the government does not provide any rewards or risk allowances to the Department in its task of forest protection, for tackling inter departmental clashes, inter communal and clan differences, commercial interests like timber trade and mining within forests and other

activities not conducive to forest growth in the region. The forest officials view that these jobs performed by the Department do not endow any rewards or allowances to them while the police obtain a number of medals and benefits for the same task. The Department is not even provided with minimum arms for handling illegal timber cutters and forest mafias^[liii]. The State Forest Department of Meghalaya attempted to check the unabated forest destruction in private forests through enactment of laws without success. The Meghalaya Tree Preservation Act 1976, the Meghalaya (removal of timber) Regulation Act, 1981 and the introduction of a purchase tax on timber were some of the acts that came up to stop uncontrolled forest exploitation. In 1980, the Forest Conservation Act was implemented in Meghalaya but it failed to be effective in the areas beyond the jurisdiction of the State Forest Department^[liv]. Thus the functions of the State Forest Department remained limited to preservation of reserved forests, undertaking measures to implement government schemes over forests, facilitating government funds to the District Council and the community-clan forests and monitoring their activities.

On 12th December 1996, the Historic Supreme Court ban on felling of timber was declared over the forests of North East India. The ban could arrest the uncontrolled timber trade in Arunachal Pradesh to some extent after the judgement on a writ petition (Civil) No 202 filed by T.N Godavarman Thirumulkpad. The Supreme Court issued certain directions of forest use for maintaining conservation and biodiversity of forests in the states of North East India. On 4th March 1997, the Supreme Court ordered for the appointment of a High Powered Committee to oversee preparation of inventory of all timber and timber products lying in the forests or in transit depots or in mill premises^[lv]. The implementation of Supreme Court Regulation of 1996 on tree felling in Meghalaya was challenged on the ground that since major part of forests in the region are private forests or under the District Council and a very small part under the State Forest Department, therefore government legislations are difficult to be implemented in private forests. Apart from environmental factors, the ban was also treated as a jolt to forest dwellers and indigenous forest users in the region^[lvi].

Conclusion

Thus scientific forestry applications and British forest management practices intended for commercial returns had long term impact over Khasi Hills. After Indian independence, it was thought that adequate safeguards should be provided to preserve indigenous culture, religion and ethnicity of the tribes of North East India. Moving towards this initiative, under the Constitution of India Autonomous District Council was established in Khasi Hills along with other hill districts of the region with the aim to preserve Khasi culture hitherto suppressed under colonial domination and later by the people of the plains. Hence greater indigenous and communal control over forests and natural resources was assigned to Khasi Hills with the expectation that the indigenous forest rights would be preserved. The District Councils was established as the spokesperson of the people that could undertake decisions on indigenous issues only in consultation with the indigenous institutions. For instance the District Council has to consult

the Khasi Durbars when decisions on private forests are to be taken. The State Forest Department is granted nominal authority over forests except in reserved forests and game sanctuaries. Such arrangements to protect indigenous rights over forests however did not produce expected outcome rather the impact was found to be lopsided. The study suggests that importance given to indigenous forest rights in private forests has perhaps proved abortive to preserve indigenous forest based institutions and environmental health of the region since the rate of deforestation and forest destruction appears to have increased after Indian independence. Obscurity in the provisions of the District Council regarding its jurisdiction over indigenous forests with absence of clear demarcation of authority between the Council and the indigenous chiefs further create ambiguity on the extent of forest rights exercised and practiced by the District Council and the indigenous Khasi chiefs. The revenue interests of both the Council and the Khasi chiefs and the vagueness in the provisions of the forest acts also contribute in this regard. The share of profits enjoyed by the common people is negligible who still depend more on forest based labour. In this structure preservation of forests and biodiversity has perhaps become the last preference.

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