

Rights vs Regulations: The Grazing Act and its Impact in Malabar

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The advent of British colonialism in India brought social, economic and environmental changes. The colonial modernity and modalities which redesigned the entire life and structure of the natural settings in the Malabar region. Malabar was a part of Madras presidency after the Sreerangapattanam Treaty and after the acquisition of power and formation of the Malabar district the Britishers gave more importance to this area. The natural wealth of the Malabar, especially the natural forest attracted them without any hindrances. Thus they started the interventions in the form of various colonial policies and programs. In such interventions the formation or classifications of forest into various categories were more notable and the introduction of Forest Acts. The Forest Acts and the Grazing Acts and other restrictions reconfigured the everyday life of the Malabar.

Key Words: Colonialism, Malabar, Forest, Acts, British, Grazing, Tribes, Right, Impact

Introduction

The Grazing Act of Malabar was primarily regulated under the Madras Forest Act of 1882 (Act V of 1882). This act had a key role in the historical and legal context of Malabar for the formation of new system and culture in this area. In a way this Act redefined

traditional communal rights into a new system –the system of a state controlled permission. The introduction of the Act managed and restricted the everyday life of the people in general and the tribes in particular. The division of the forests into reserved forest and protected forests was deeply impacted the ecology and human ecology of Malabar. Such Acts categorized and controlled the entire area. The British introduced new legislations brought far reaching effects. The advent of British imperialism converted the natural forest into reserved forest and appointed the Forest Settlement Officer; who was in charge of the granting rights and permissions and holding enquiry in the violations. They had introduced the permit system in the area especially outer areas of the reserved forest. Thus the passing of the Grazing Act reconfigured the life and space of the people

Regulation of grazing and protection from cattle

The colonial intervention affected the profits of forest owners and traders. As a result, the local people naturally turned against the British policies of plantation annexations, resorting to arson and other acts of sabotage. After 1870, the policy changed instead of creating artificial plantations, the emphasis shifted to conserving natural forests. The period between 1840 and 1882 witnessed the massive transformation of the south Indian forests and Malabar forests in particular. Colonial policies shaped the fate of the forests and landscape of Malabar, as limited interventions gradually expanded into large-scale interventions.

The areas open and closed to grazing in each district and the number and kind of animals grazed free or payment of fees in the reserved forests and reserved lands. Owing to the favourable character of the season no reserves were thrown open to free grazing except in the south Arcot. The permit system was introduced during the year for all grazing areas. This is the only district in which fees were levied for grazing in unreserved areas and licenses were issued to 1479 buffaloes and, 6559 cows and 20996 goats or sheep. In south Canara grass from several blocks were sold at auction to neighboring ryots who collected and removed it at their own cost. Grazing permits at three *annas* per hundred per diem were issued in the Niligiris under

the rules of the district for the pack bulls and cows of travelling tribes and merchants conveying grain from place to place. In North Malabar Mr. Mac Donald a planter at *Kurtikulam* was allowed to graze not more than 900 cattle in the adjoining reserves on payment of Rs 100 per annum¹

Revenue from grazing fees increased by about 30 per cent rising from Rs: 81203.00 in the previous year to Rs:105811.00 and it was noted that this increase was achieved without imposing any significant additional burden. In areas where grazing had previously been free, the charge introduced was only one *anna* per head of cattle per year. Free grazing was still permitted for cattle used for domestic or agricultural purposes in areas where the amount of unreserved land available for pasture was limited. The management of grazing within forest areas continued to receive the close and earnest attention of the government.² 12 elephants were captured during the year-5 in north Malabar, 3 in south Malabar. 4 were sold.³ (see table no. 1)

Proper forest management and a monopolistic control over forest resources began with the implementation of the Indian Forest Act VII of 1865. This process was further strengthened with the introduction of the Indian Forest Act of 1878, which laid the groundwork for more comprehensive legislation and shaped the operations of forest management thereafter. In effect all these were for ensuring the absolute state monopoly over the forests. As these Acts strengthened imperial authority over the forests, they led to the gradual erosion of the rights of peasants and tribal communities. The colonial rules and regulations started the curtailing of their access to the forested areas and the forest produces. Thus, this marked a new beginning in the management, use, and history of Indian forests. The forests were now classified according to their utility and profitability, and divided into reserved and unreserved categories—or, more specifically, into reserved and protected forests. Reserved forests, being of greater commercial value, were managed with a focus on their economic exploitation.

The conservators reported that protecting the forests from fire and grazing was essential for their growth. This growth, they

Table 1: Table showing the Details and Number of animals impounded and compounding fees collected in the Madras Presidency, 1901/ 1902–1946/1947.

Year	No.of animals impounded	Compounding fees(in rupees	Year	No. of animals impounded	Compounding fees(in rupees	Year	No.of animals impounded	Compounding fees(in rupees
1901/1902	465542	97428	1917/1918	148806	173000	1933/1934	57459	168209
1902/1903	370388	84556	1918/1919	NA	157000	1934/1935	54776	144884
1903/1904	292196	90784	1919/1920	NA	205000	1935/1936	54068	140530
1904/1905	228322	102444	1920/1921	NA	179000	1936/1937	53152	142618
1905/1906	230796	116858	1921/1922	NA	229633	1937/1938	43887	134941
1906/1907	204678	139028	1922/1923	NA	272080	1938/1939	48010	111742
1907/1908	191039	135146	1923/1924	NA	281310	1939/1940	NA	132000
1908/1909	NA	169686	1924/1925	NA	265310	1940/1941	NA	NA
1909/1910	209930	153715	1925/1926	144882	268404	1941/1942	NA	NA
1910/1911	202093	169686	1926/1927	83798	204339	1942/1943	NA	NA
1911/1912	200161	169461	1927/1928	77076	184468	1943/1944	NA	NA
1912/1913	196108	194940	1928/1929	59487	174381	1944/1945	NA	NA
1913/1914	190714	214180	1929/1930	60254	199238	1945/1946	35165	218000
1914/1915	208393	208959	1930/1931	59082	193077	1946/1947	40189	236000
1915/1916	175903	NA	1931/1932	76370	166000			
1916/1917	222367	NA	1932/1933	NA	168629			

Source: Administrative Report of the Madras Presidency and Administration Report of the Forest Department of the Madras Presidency (various years) N.A not available.

noted, depended on the quality of soil and rainfall, and was achievable even on the driest and most barren hillsides. They provide numerous examples of successful natural regeneration. The most valuable species—such as sal, teak, Hardwickia, Pterocarpus, and satinwood, as well as blue-gum and Casuarina—are noted to reproduce vigorously, both by coppicing and from seed. In some areas, however, the first growth consists of dense scrub, including elephant grass, bushes, and thorny creepers, raising concerns that this undergrowth might smother the young seedlings. Yet, in drier districts at least, such ground cover is considered beneficial, as it helps protect the seedlings from the harsh drought of the hot season.⁴

Table II: *Table showing the financial results of forest conservancy department for the year 1865-66*

Name of forest	Receipts by sale of timber&c	Disbursements including cost establishment and contingencies	Balance in favour of government	Excess of expenditure over receipts	Estimated value of wood stored in depot
Waynad	32650/12/0	20526/1/8	12124//10/4	/.../....	4152/4/9
Nilambur	14621/7/11	18073/10/8	.../..../....	3452/2/9	49500/12/3

Source. *Financial results of forest Conservancy department of the Madras Presidency- 1865-66*, Regional Archives Kozhikkode, p.18

The following table reveals the details of fine collected for pasture of cattle.

Table III: *Table showing the Details of fine collected for pasture of cattle in 1892*

SL. No	Category of animals	Fines		
		Rs	Ana	Paise
1	For each elephant	10	0	0
2	For each buffalo or camel	2	0	0
3	For each horse, mare, gelding pony, colt, filly, mule, bull, bullock, cow, calf or heifer.	1	0	0
4	For each ass, pig, ewe, sheep, lamb, goat, or kid	0	8	0

Source. SI No. 1967, Book. No. F/29, D.Brandis, op.cit., P.321

As per the table 4, the creation of reserved forests and the economic control imposed over them severely disrupted the everyday lives of tribal communities. In effect, these communities lost their traditional hold over the lands and resources that had long sustained them. Their claims and rights gradually vanished, reducing them to mere subjects under the authority of the rulers. The European system of surveying and documenting land ownership forced tribal communities to produce documentary evidence to prove their rights over the lands they had inhabited since time immemorial. The man and nature relations escalated to a new level, with the opening of the forests and the contract systems. The colonial authority created new class of persons, the contractors who had been working for safeguarding the imperial interests. They were fully free to use and make use of others.

But with the opening of the forests for commercial purposes, they were converted into engaging the activities of collecting Minor Forest Produces (MPF). Tribal areas became vulnerable to the incursion of the land grabbers and money lenders for exploiting the unawareness and unhealthy situations of the tribal people for a long period.⁵

State forest and Reserves under Forest Officers in Malabar included 46,720 Acre in 1883⁶. The Section 25 of the Forest Act (1882) declared: If the rights of colonial masters and private persons in such

Table IV: Table showing the Details of the collection of Revenue from minor forest produce and grazing fees, 1924/1925–1946/1947 (Rs. in lakhs)

Year	Minor forest produce	Grazing fees	Total	Year	Minor forest produce	Grazing fees	Total
1886-87	N.A	3.57	3.57	1917/1918	NA	7.40	7.40
1887-88	NA	1.06	1.06	1918/1919	NA	8.24	8.24
1888-89	4.55	1.30	5.85	1919/1920	NA	8.53	8.53
1899-90	4.58	1.43	6.01	1920/1921	NA	8.17	8.17
1890-91	5.81	1.50	7.31	1921/1922	NA	7.90	7.90
1891-92	NA	NA	NA	1922/1923	NA	9.24	9.24
1892-93	NA	NA	NA	1923/1924	NA	NA	NA
1893-94	NA	2.67	2.67	1924/1925	8.03	7.53	15.56
1894-95	8.81	3.28	12.09	1925/1926	8.03	7.53	15.56
1895-96	10.80	3.40	14.20	1926/1927	8.03	7.53	15.56
1896-97	9.43	3.76	13.19	1927/1928	8.03	7.53	15.56
1897-98	9.99	3.64	13.63	1928/1929	8.83	7.53	16.36
1898-99	9.87	4.34	14.21	1929/1930	9.03	6.21	15.24
1899-00	10.92	4.90	15.82	1930/1931	6.44	6.21	12.62
1900-01	11.91	5.10	17.01	1931/1932	6.03	5.59	11.62
1901-02	11.98	5.40	17.38	1932/1933	5.67	5.86	11.53
1902-03	11.44	5.79	17.23	1933/1934	5.55	5.84	11.39
1903-04	12.67	6.07	18.74	1934/1935	5.42	6.02	11.44
1904-05	13.13	6.27	19.40	1935/1936	5.44	5.90	11.34
1905-06	14.03	6.63	20.66	1936/1937	5.68	5.97	11.65
1906-07	14.15	6.79	20.94	1937/1938	5.87	6.00	11.87
1907-08	15.00	7.27	22.27	1938/1939	5.29	3.80	9.09
1908-09	15.80	7.83	23.63	1939/1940	5.14	3.87	9.01
1909-10	16.93	7.70	24.63	1940/1941	5.86	4.15	10.01
1910-11	14.11	6.32	20.43	1941/1942	2.83	4.03	6.86
1911-12	15.70	6.32	22.02	1942/1943	NA	NA	NA
1912-13	NA	6.71	6.71	1943/1944	5.31	4.20	9.51
1913-14	16.00	6.82	22.82	1944/1945	8.21	4.11	12.32
1914-15	14.64	6.96	21.60	1945/1946	9.22	6.60	15.82
1915-16	NA	6.87	6.87	1946/1947	10.9	7.19	18.09
1916-17	NA	7.04	7.04				

Source: Madras Administration Report (for various years) N.A not available.

lands have not been looked into, hold and recorded, in the way in which the authority assumes that, it to be sufficient, then the procedure prescribed by the Act will be applied⁷. The Act therefore demanded the settlement with the government over the claim of the forest land. But the tribal people had only customary rights in forest and they did not have any official or legal claim in forest except the *pattah* (right to cultivation). Their right over the land they enjoyed was completely taken away from their hand. Moreover they were unaware of retaining their right to cultivation in forest by the legal procedure declared by the government. It was the genesis of land alienation of tribal people in Kerala.

The Forest Act of 1882 once again strengthened the colonial interest on forest and become more rampant. The Acts defined the colonial interest on forests do not mean protection of forest in its true sense but a part of the systematic exploitation of forest⁸. Under Section 35 and 36 of the Act of 1882, the government made rules to carry out the provisions of the Act by restricting the natives to cut timber from the forest.⁹ Therefore the tribes were not allowed to bring a felled timber from forest even for making hut or firewood. Only a person who possess certificate of registration had the right to take timber from the forest. The tribal people were not aware of these legal formalities and therefore they were excluded from the forest. The Madras Forest Act (MFA) defined the rights of government over forest in 1882¹⁰.

Several restrictions were imposed on the tribals and other forest-dwellers under the Madras Forest Act of 1882. Under this, the tribals could claim only a right of way, watercourses, pasture and forest produce (Section 10). These were allowed wholly or partially by the discretion of the Forest Department (Section 11). Further, they were intermittently granted with quantitative restrictions (Section 12). Fresh clearings for cultivation or any other purpose were also restricted (Section 7). If the tribals used the prohibited items, they were liable for imprisonment for a period of six months or a fine of about Rs.500 or both, besides compensation for damage (Section 21). Grazing and collection of forest produce on forest land was limited and liable for suspension (Section 22). Grazing cattle in the closed lands attracted

imprisonment for a month or a penalty of Rs.200 (Section 28). Penalties were similar to those for breaching any rules made by the Forest Department (Section 36)¹¹. The Madras Forest Act of 1882, Section 41 states: ‘When there is reason to believe that a forest offence has been committed in respect of any timber or forest produce, such timber or produce, together with all tools, ropes, chains, beats, vehicles and cattle used in committing any such offence, may be seized by a Forest Officer or Police Officer.’ Section 51 reads: ‘Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence or gives a name or residence which there is reason to believe to be false, or if there is reason to believe he will abscond.’¹² The Rules under Section 21(h) of the Madras Forest Act (The Act V of 1882) gave more power to the Governor in Council to introduce more rules and regulations. Thus they brought a set of rules and regulations for hunting, shooting and fishing in the whole reserved forests in the Madras Presidency and they even prohibited the use of water for fishing with the traditional techniques of the tribes in all these reserves.¹³

Conclusion

The introduction and implementation of the Grazing Act and restrictions in colonial Malabar with Madras Forest Act of 1882 rearranged the life and environment of Malabar. They brought these policies and interventions to collect maximum state revenue and monopolize the forest wealth. The traditional right or the customary rights were driven away with the people of the area and the introduction of new laws, Acts, regulations and other colonial legalities which were defined and redefined the criminal procedures and penalizations and other process and impositions in Malabar. Thus in short the colonial rule in Malabar brought drastic effects or everlasting impact in Malabar.

Endnotes:

- 1 Annual Administrative Report of the Forest Department of the Madras Presidency-1898-99, Regional Archives Kozhikkode, p.31

- 2 Annual Administrative Report of the Forest Department of the Madras Presidency-1887-88, Regional Archives Kozhikkode, p.17
- 3 Annual Administrative Report of the Forest Department of the Madras Presidency-1888—89, Regional Archives Kozhikkode, p.11
- 4 *Ibid.*, pp.25-26
- 5 SI No.1967, p.16. *G.O.No.1445*, Madras, dated 18.10.1872., and SL.No.1967, p.16. *G.O.No.1261*, dated 03.10.1874
- 6 SI No.1967, Book No. F/29, D. Brandis, F.R.S,C.I.E, *Suggestions Regarding Forest Administration in the Madras Presidency*, Madras, 10th January 1883, Madras, p.6
- 7 SI No.1967, Book No. F/29, D. Brandis, F.R.S,C.I.E, *Suggestions Regarding Forest Administration in the Madras Presidency*, Madras, 10th January 1883, Madras, p.16
- 8 Book No. M/63, *The Forest Manual*, Madras, 1906, p.204.
- 9 *Ibid.*
- 10 *Ibid.*
- 11 Velayudhan Saravanan, *Environmental History and Tribal of Modern India*, Palgrave Mcmillan, 2018, pp.52,53
- 12 *Ibid.*
- 13 Book No. M/63, *The Forest Manual*, *op. cit.*, p.90.

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