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BRITISH ADVENT IN CENTRAL HIMALAYAS: MAKING OF NON-REGULATION PROVINCE

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ABSTRACT

Central Himalayas became part of British territory as a premise to Anglo-Gurkha war of 1814-16. The region which remained a huge part of Hindu sacred geography and attracted pilgrims every year now experienced colonial gaze for the first time. Under colonial rule, the hilly region underwent numerous changes over the century. Presently, Central Himalayas includes the Garhwal and Kumaon region of Indian state. Being the first mountainous possession of the East India Company and the sole channel of British trade with Tibet, it was accorded the special status of a Non-Regulation Province where Bengal regulations were not applied. This paper deals with the question of the non-regulation system which was introduced by the colonial officials.

Keywords: *Colonialism, British, Garhwal, Kumaon, Non-Regulation.*

Introduction

By the early nineteenth century, the East India Company had acquired many princely states in the Indian subcontinent and consolidated their territory. During this period only, the British occupied new regions in the hills of Himalaya after a war with Gurkhas. Gurkhas emerged from Nepal and expanded their kingdom in the eighteenth and early nineteenth century in the Himalayas, and covered the Central and Eastern Himalayas. From a commercial point of view, the British were interested in trade with Tibet, and the route to them lies with the Himalayas. Bhotiyas of trans-Himalayas were engaged in trade and social relations with Tibet. Along with that, the growing power of Gurkhas touching the foothills in Terai was seen as a threat by colonial officials. Over territorial dispute, East India Company and Gorkhas engaged in war which finally led to annexation of Garhwal and Kumaon in British territory. As Garhwal and Kumaon shared boundaries with Nepal and Tibet, it emerged as the northernmost frontier of British India which made it significant to defend. Nineteenth century was a period of exploration and during this time by Europeans to collect all information about the regions of Himalayas, but some places were out of their reach. Hence, indigenous explorers were trained to undertake these explorations on behalf of the British. These spy missions were intended to deal with the topographical question which was used to establish political influence, both intensively and extensively. The British also used pilgrim routes in trade and collecting information about frontier without provoking external risks. Pilgrim route covered the path taken by pilgrims every year to visit sacred Hindu places in the Himalayas of Garhwal and Kumaon. This route was also used by Bhotiyas to trade with Tibet merchants.

After occupying this region, East India Company implemented a Non-regulation system to administer this hilly tract where normal regulating acts were not followed by the colonial functionary. Non-Regulation inherently asserted the idea of paternalism wherein all executive, magisterial and judicial powers were handed to the district collector who was termed as Deputy Commissioner and worked under the appellate jurisdiction of the Commissioner of division (Rai 1969). The indigenous population was perceived as 'wild', 'martial', or less civilised in comparison to others. It was based on the principles that the occupied territory was supposed to be mapped in a manner to form small administrative units in respect of area, population and revenue. Then, these units were administered by civil officers to gain

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'complete knowledge' of inhabitants and get acquainted with all men of 'mark and influence' (Aitchision 1893). It gave authority to the District Collector to carry out civil justice and collect revenue in the region in a manner to preserve the indigenous system of land tenures. The first part of the paper deals with making hills through surveys and mapping, and colonial perception of space. Second section discusses the mobility of humans and non-humans which came under direct scrutiny of colonial officials, and hence colonizing the body.

Mapping the 'Territory'

Colonial records indicate that several villages in Garhwal were deserted due to the oppressive nature of Gorkha rule upon the arrival of the East India Company [Gardner (1816)]. As land revenue was the primary source of income for the colonial administration, uncultivated land posed a concern. Since most records were destroyed during the Anglo-Gurkha war, officials had to rely on local informants to determine the revenue. To transform unproductive spaces into productive landscapes, the colonial state promoted settled agriculture over pastoralism. Initial settlements were based on information provided by *Pradhans* (headmen) and Kanungo (revenue officers). However, the wandering nature of tenants made it challenging to establish long-term settlements. Consequently, new settlements were made, and pastoralism was discouraged. In the Kumaon province, surveys were conducted to record the amount of cultivable land, barren waste, water streams, and tracts of forests that could be 'settled.' Revisions were made as newly established villages in the bordering Bhabar region increased forest dues over time. From a colonial standpoint, the first comprehensive survey was conducted in 1863, where both tilled and waste land were taken into account (Powell 1892).

Colonial imagination of the empire became more consolidated with mapping of their territories as maps gave visual representation to the mental geography. In the matters of encroachment, surveys played a major role in resolving the issue of 'legitimate' territory. In case of Dehradun, officials found that some of the villages name in the collectors list did not appear in any map, and it was later found on enquiry that 'whole (of the villages) had been deserted for a long time that the zamindars could not point out their portions' and thus, could not be marked during surveys [Murray (1818)]. Attempts were made to even demarcate villages which came under the territory of princely states. Such attempts hint at the assertion to subvert their power and weaken the hold of princely rulers over their dependents. Such attempts to mark village boundaries within sovereign states was to subvert their power and weaken their hold over their dependents. What is interesting to observe is the emphasis made by the colonial officials on the necessity to demarcate all estates where the British government had any share including all the territories where chiefs of princely states did not hold sovereign power (Bhattacharya 2019). Logic behind these assertions was the colonist idea of expansion in which demarcation of a village was to declare it subject to policing, to a judicial system, to an administration. After 1860, we noticed the efforts made by the government to make topographical survey of princely state of Rampur as it had been 'a blank in the Map of India', and 'no revenue enquires or measurements will be attempted, but simply a general survey of the principal features of a moderate pace which will be rapidly and economically purposes.' No prejudices or opposition were expected from the Nawab of Rampur as it would be of immense benefit for him. But such maps were only intended to benefit the British for military and administrative purposes [Thullier (1863)]. Similarly, surveys were conducted in a manner to facilitate the negotiation with the Garhwal Raja who would be thus requested to 'refrain from claiming jurisdiction only over land which would be worthless except for the purposes of such a settlement' [Elliot (1842)]. Surveys and mapping were not as rational in nature as it was deeply political to the needs of imperialist rulers. They were merely the tools used to assert the objectivity and superiority of colonial power.

Situated in the periphery of the British empire, the economy of the hilly region was not closely linked to the political and commercial activities of the plains. The only point of contact between the plains and the mountains was the foothills of the Himalayas, Terai, and Bhabar. The Kumaon region shared its interior boundaries with Rohilkhand and Saharanpur divisions, which were located on the foothills. Since the foothills were covered with dense jungles, they were vulnerable to raids by dacoits and bandits on traders and travelers passing through. During the winter months, the hill people were forced to bring their cattle to the foothills for grazing when the pastures in the hills were covered in snow. If the Terai region was transferred to the administration of the plains, there was a fear that the hill people would face harassment in these areas (Tolia 1994). The inclusion of Terai areas cultivated by hill people in Moradabad would subject them to double jurisdiction, as they also owned lands in the hilly tracts. Magistrates of Bijnor, Saharanpur, and Dehradun reported several dacoities in the Garhwal valleys and forests, which were used as hideouts by bandits. The alarm caused by these dacoities seriously impeded

agricultural operations in the entire region. The inefficiency of the police guards in dealing with these crimes created a sense of fear among the mountain-guards, who were unaccustomed to this kind of criminal activity.

In the initial few decades of colonial administration in the hills, the functioning of the revenue and police system displayed the failure in understanding of the indigenous establishments. In the mountain tracts, rural life was an independent unit which was based on pastoralism, terraced farming, and the utilisation of forest resources, a region that was capable enough to produce commercially valuable timber—deodar, teak, sheesham. The double jurisdiction of Tarai-Bhabar which was introduced in 1838 to control the crime with the adjoining plains' districts and fiscal with hill-authorities, was dictated from the law-order point of view. Under this arrangement, the police management and trial of offenders would be done in the adjoining plains' districts whereas authority over fiscal matters lay with hill administration. But hill people complained that they did not obtain that redress in petty disputes which they were accustomed to, under the Hill authorities. Thus, it was suggested that the lower range of hills be considered a joint jurisdiction, all heinous offences committed by murderers to be cognizable by the magistrate in the plains and all petty disputes and other cases in which the hill people on both sides parties be investigated and decided by the authorities in Kumaon (Extract of Annual Report, 1841).

Even after Terai was annexed to Kumaon province, it was not considered as a required measure to secure its attainment. Rather it was seen as an experience that proved sooner or later that part of the country would likely be reclaimed by the plain zamindars as that much less dread of the climate exists among the former than the latter. It was observed that the greater part of the cultivation in the interior of the forests is carried on by the inhabitants of the plains and the remainder by the Boksas. There were a few zamindars who used to engage for the lands at the foothills with the revenue authorities on the plains. As the hot winds approached the Terai region, these people would fly to retracts on the mountains which proved that there was great dread of the climate for the people of the plain (Kumaon Division, 1823). This asserted the distinction between revenue management and agricultural production given by Bayly, where simply one engaged in payment of revenue to the outside ruler did not mean that the engager was involved in production in the village. Rather elite groups did seek ways to penetrate into agricultural production and management through control of the revenue system (Bayly 1983). Struggle between the elite and peasants, plains and hills, foreign and indigenous was constant for the tract of Terai. Because of the multifaceted issues of Terai, it became a space of contention for pre-colonial and colonial rulers. Question of double-jurisdiction is also related to overlapping sovereignties in the periphery of Garhwal and Kumaon.

The concept of cartography existed even in pre-modern states, but its extensive use and implications made possible under colonial rule only (Bayly 1983). Under the Mughal empire, attempts were made to mark the boundaries, towns and cities were fortified, to exercise surveillance and control over their territories. But the frontiers remained outside the direct control of the Mughal empire, and which is why these zones emerged sovereign in nature. They negotiated loyalties that could provide them possibilities in the emergence of new social and political formations. In her study of Thar Desert, Kothiyal argued that banditry and highway robbery by local chieftains that came to be viewed as a threat to governance was in fact an overt claim to shared sovereignty that were being overridden by the marking of clear jurisdictions, both ideationally as well as cartographically. Given this creative potential of frontiers and borderlands, they have access to multiple sovereignties of many kinds, and subvert to the centre (Kothiyal 2021).

According to the colonial administrators, the Bhabar region was filled with a magnitude of offences which later confined to small portions of forests on the foothills as of the state of order and freedom provided by them which was lacking in earlier periods. A further cause of the incertitude of jurisdiction also became prominent because of the wandering habits of the Tharus and Boksas, the two tribes who chiefly cultivated in the Terai (Kumaon Division, 1822-23). The officials of Moradabad and Bareilly division urged for the return of the former Terai region into their two districts. They found that people of Terai such as Tharu and Boksa were engaged with the moneylenders in the plains, and extension of cultivation to be looked at in immigration from the plains. People migrated from the plains to Terai as result of expansion of cultivation from below, gradually expanding and 'reclaiming' the jungle. Thus, both sides of the border should come under one and the same authority as it was believed that the whole tract from Kashipur to the Sarda is similar in its characteristics and requirements and needs one and the same system. As western half of Terai was bounded by the Rampur chiefship. The paternal urge of the colonial state deeply insisted on this 'thinly populated tract and the simple and primitive habits of

the nomad tribe who cultivate it, require a concentration of authority—revenue, judicial and civil in the hand of the superintendent.' This superintendent should be an officer entirely devoted to take charge of this tract with an assistant to supervise the drainage and irrigation work [Bijnor (undated)]. But this officer should work directly under the commissioner of Rohilkhand, not Kumaon. Since the conception of the idea to annex the Terai and Bhabar in the hill province, it was believed by the colonial officials of the plains that it is not suitable for the non-regulation governance.

Question of Migration

Migrating with livestock was a common practice in the region. It was noted that a significantly greater number of cattle were sent to graze in the plains compared to the mountains among the inhabitants of the plains. As a result, the government levied a cess for the right of pasturage, which included payment. Since the Terai was considered government property, hill landholders could enjoy the same opportunities and immunities by paying the required amount. The government ensured that the demands for defining the boundary did not infringe on landholders' comfort or convenience, but rather added to both (Kumaon Division, 1823). Pastoralists were considered outsiders in the new property concept introduced by the colonial state, and their use of common land was restricted. Ultimately, pastures were transformed into agricultural land and divided between proprietors. Only legitimate agriculturists were allowed to graze domestic cattle on common land, as grazing was not considered a source of income by the colonial administrators. As a result, the rights of people, including pastoralists, were negatively impacted (Dangwal 2009).

During the early winter and summer, when the grass is scarce and useless, the cattle from the lower hills of Kumaon are driven to the Bhabur for grazing from October to May. Meanwhile, the upper hills and parts of Garhwal and the Tons offer year-round pasturage for cattle. Bullocks, buffaloes, and women share the duty of carrying their owners' baggage in the annual migration to and from the Bhabur, along with ponies (Atkinson 1884). The Forest Act of 1865 and 1878 created reserved forests throughout the British Indian territory, which were subject to extensive regulations to control migrations of the Bhotiyas starting from 1896 (Dangwal 2009). The majority of the population in Garhwal and Kumaon was migratory, and colonial officials introduced passes to regulate their movements and revenue collection in the hilly regions where the majority of the population was non-sedentary (Pant 2011). The banjaras, who carried timber from the forests, were subject to these regulations, but agricultural and non-agricultural groups were also affected by colonial policies aimed at controlling mobility. Forests were valued by the colonial state for their timber, which was used in the construction of railway tracks.

Forests were often viewed as lawless territories, and those residing within them were considered an idle race, which contributed to their marginalization. The rugged landscape of the forest made it challenging for the colonial state to pursue criminals and prevent highway robberies (Sinha 2008). Timber merchants were particularly vulnerable to theft. Despite the crimes committed, traders preferred to return home for safety rather than lodging complaints in the local courts. Banjaras were notorious for highway robbery, while cattle thieves were common in the region, often from the Doab. The Heeris and Mewatis, attracted by the large herds in the jungles, were the main perpetrators of cattle theft. Ecological changes in the 18th century, such as the famine of 1783, forced many agricultural communities to migrate to other regions and engage in banditry to survive (Bayly 1983). This led to an association between the growth of banditry and the decline of local populations and agricultural activities. Reports of wild animal depredations, which damaged crops and rapidly multiplied in the absence of human populations, further highlighted the connection between the environment and crime in the region.

The initial perception was that crime was uncommon in the area, with the people of the plains being the main perpetrators. For an extended period, the low conviction rate was attributed to Traill's prosecution system. In his 1819 report on crimes, Traill stated that the scarcity of cases was not due to a lack of information or police inefficiency, but rather because of the universal detention of the hill people for theft and other serious crimes. Most of the prisoners in jail were from the plains, due to the lawlessness in the southern region, which comprised Terai and Bhabar. The situation in Terai and Bhabar was different from the hills of Garhwal and Kumaon, where banditry and robbery were common even before the East India Company's control. The jungles of Garhwal and Dehra were considered dangerous for travelers as mentioned in Pre-Mutiny Papers (1836). Gurkhas, who ruled the region before the British, faced instances of plunder by Ranghads, Jats, Gujars, and Rohillas of Saharanpur, and Sikhs of Punjab. Although banditry and marauding were common in the Dun valley under the Gorkhas, the number of raids decreased compared to earlier times. They attempted to construct a strong fort but were unable to complete the task due to inadequate manpower as discussed in Girban (1814). Instead of punishing the

perpetrators, the colonial state granted them chowkidari (watchmen) dues to prevent violence. Notorious gang leaders like Ayeen Khan, Naheen Khan, and Torub Khan levied chowkidari dues and were responsible for ensuring safe passage for all merchants and people in exchange for these officially fixed dues (Tolia 1994).

Khothiyal (2021) emphasized that banditry was a longstanding aspect of medieval India's state formation process. These communities held extensive knowledge, compelling imperial rulers to either negotiate or control them. During colonial rule, the state attempted to incorporate them into irregular corps to apprehend bandits in the region. Banditry posed concerns for the colonial government in terms of borders, governance, and jurisdiction. In 1823, the government embarked on the Kumaon division's boundary demarcation. At that time, Ayeen Khan, a gang leader responsible for the jagirdari police establishment, had already passed away. Rather than purchasing the lands he owned, the government opted to acquire them. To compensate Ayeen Khan's family, the authorities granted them generous allowances. The government removed all of Ayeen Khan's accomplices, sardars, and family members from the area to minimize their local influence. Leveraging Ayeen Khan's death, the government introduced a regular police system in the territories under his authority, including Kashipur and Chilka's marts [Thorne (1823)]. The colonial state was built by weakening the peripheral areas' pre-modern institutions that claimed authority and power and replacing them with a colonial system.

Territorializing the space faced opposition from migrating communities, animals, and bandits, who attacked the inhabitants of Dun or Baniyas and travelers. Bandit raids can be seen as a way of establishing control over territories that were porous, indistinct, and continuously modified through raids (Bhattacharya 2019). In the region, cattle thieves were also common, with many coming from the Doab. While herdsmen were sometimes killed, they were often tied to trees to prevent immediate pursuit. Cattle theft was the most prevalent crime in the forests, with the Heeris and Mewatis being the main perpetrators, attracted by the large herds grazing in the jungles. It was believed that these cattle robbers shared their exploits with zamindars and received support from them, which is why the number of crimes did not decrease even after a police post was established near the Siwalik range [Young (1836)]. To encourage trade between the regions, colonial administrators established markets in places like Haldwani and Kaladhungi, and repaired roads between Srinagar and Badrinath to attract pilgrims and increase traffic on the pilgrim route through Hardwar and Badrinath [Strachey (1848)]. While traders were encouraged to establish shops on this route, Banjaras entering the hills with their cattle were not allowed to do so [Newnham (1818)].

Cattle was another cause of concern to colonial officials as they were seen as wild and disruptive to the colonial imagination of a space. Colonial records were filled with the wild elephants destroying the cultivation in Terai and other forest areas of Garhwal and Kumaon. Initially, colonial officials used to hire *keddas* to capture these elephants. But soon, government started to use them for their purposes. Tolls were charged as per the height of the elephant caught, and gradually, the colonial government turned the chaos into a favourable and profitable transaction [Young (1829)]. By the end of the 1870s, incidents of wild animals destroying cultivation disappeared from the colonial records. Question of animals extended to semi-wild and domestic cattle as they trespassed on any kind of property, and thus, grazing dues were charged (Proceedings, 1886). The Cattle Trespass Act of 1871 controlled the mobility of animals as grazing dues were charged by the colonial state similar to canal dues wherein the zamindar or head lambardar of each village was held responsible to collect these dues. These dues were levied on all cattle of villages which made use of a portion of ‘government’ forests which were termed as reserved forests. But the policies adopted by the colonial state took away the customary rights of the indigenous people.

Conclusion

The transitioning of Garhwal and Kumaon region into a Non-Regulation Province was not easy as imagined by the colonial government. Regions like Terai remained a transitioning tract between hills and plains. To consider them exclusive or inclusive of any one of them proved to be wrong. Pre-modern social and cultural systems went under transformation. Communities like Heri and Mewatis who held significant position in Terai and Bhabar lost their position and perceived as robbers and dacoits in the colonial records. Question of mobility was applicable only to the peasants and pastoral communities, but extended to the animals too, be it wild or domestic. Every human and non-human being was seen as a body to be colonised. By the end of nineteenth century, the numbers of animals were counted, mapped, and taxed as a colonial subject of revenue.

Colonial tools were applied as persuasive tools to include Terai, and Bhabar districts into the colonial imagination of Garhwal and Kumaon. The initial surveys were based on the cultivated lands covering villages and adjoining areas, but as colonial perception around land and territory changed, survey operations also became more detailed. Now, they were required to cover the boundaries of all forest land into convenient allotment for grants, each was to be named and numbered, boundary marked off on the ground, and separately mapped.

Overlapping sovereignty was a threat to the colonial imagination of homogenous territory and defined space. Thus, the concept of regulation and non-regulation territories created an uneven application of legislation which initiated debate about the uncertainty of imperial government regulations. Despite the attempts made by the government to fix a procedure and guidelines to determine when and where the general enactments were legally in force, there was considerable confusion about the standing of various districts. Thus, in 1874, Scheduled Districts Act was introduced for the districts which were deemed unsuited for exemption from legislation applicable to the rest of the Indian territory. Benton argued that the legislation of 1874 created legal anomalies of princely states, but in practice it did little to address them. Colonial government considered two categories for determining the exceptional territories for the Scheduled Districts, which were either wild, remote or peculiar districts or provinces. All hill regions, forests and other remote areas were considered to be wild and disorderly, and formed the quintessential examples of 'imagined legal primitiveness' in the colonial perspective (Benton 2008).

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