

P03-1536

*Oxford in India Readings in
Sociology and Social Anthropology*

GENERAL EDITOR
T.N. MADAN

NOMADISM IN SOUTH ASIA

Edited by

APARNA RAO AND MICHAEL J. CASIMIR

OXFORD
UNIVERSITY PRESS

7

Access to Pasture Concepts, Constraints, and Practice in the Kashmir Himalayas

APARNA RAO

INTRODUCTION

Much public and scholarly debate on the environment has in recent years been centred on the availability of access to natural resources. Many of these discussions have focused on the relationship between the state and the people, and the regulation of access by the former. Few of these discussions have, however, distinguished between *de facto* and *de jure* rights, and even fewer have considered differential access by different communities, or parts thereof. In other words, the complexities of the practice of access to resources have not often been examined. This paper deals with such practice among nomadic pastoralists in Jammu and Kashmir and focuses on the nomadic Bakkarwal. It looks at ways of obtaining, maintaining, transmitting or losing access to resources; it also briefly examines indigenous concepts and categorizations of some natural resources.¹ The focus of this chapter is hence, on what may be considered the interplay between the ecological, political, and cultural dimensions.

In mountain economies across the world, animal husbandry has always played a central role. Numerous altitudinal zones enable

communities to use these concurrently or sequentially for small-scale agriculture and animal husbandry. The Himalayan belt is no exception (e.g. Brower, Section III; Guha 1985). In some parts farmers take or send their animals up to the high pastures (e.g. Dangwal 1997; Nüsser and Clemens 1996; Parkes 1987; Saberwal 1999; Sidky 1993b; Toffin 1986; Zarin and Schmidt 1984); elsewhere, professional shepherds drive herds up for others (e.g. Singh 1998: 124ff.), and in yet other zones such pastures are used by entirely nomadic communities primarily for their own livestock (e.g. Chaudhuri 2000). In Jammu and Kashmir all three types of strategies exist, and several communities of mobile and sedentary animal husbanders, herders, and small holding peasants, drive or send various types of herd animals to one or more of the pastures of the region, at various times of the year (Casimir, Section I; Rao and Casimir 1982, 1985, 1987, 1990). Throughout this region there is a community-wide distribution pattern of pastures and grazing areas, and home range-sets for each community are recognized by all.² Access to pasture may be communal (e.g. Azhar 1993; Chakravarty-Kaul 1997) or individuated (Rao 1992). Individual rights of access are regulated differently within the different communities, yet conflicts between individuals of different communities over access to fodder and/or water resources and/or rights to camp are not infrequent.

The Bakkarwal

The emergence of the Bakkarwal in Jammu and Kashmir as a distinct community in its present form can be traced back to the early years of the 20th century (Rao 1988a, b, 1990, 1992, 1999), and the first documentary reference to them in Jammu and Kashmir is dated 1899. They are culturally akin to the Gujar of the greater Punjab, Swat-Kohistan and the Kashmir area (Ahlbrecht 1998; Clemens and Nüsser 2000: 155, 166; Van Banning 1985), but also to Pashtun, Awān, and other communities further west and south-west. Their ancestors immigrated some 150 years ago from the valleys of Allai and Kunhar, now in Pakistan, in response to a variety of circumstances, including excessive taxes levied by oppressive landlords in Hazara, droughts further south, and pasture shortage in the Punjab induced partly by the canal colonizers (Nüsser 1999: 107; Rao 1988a). It is not yet clear (Rao 1999) whether at that time the Bakkarwal were a specific community of pastoralists, or transhumant villagers of various communities who took their flocks

into the mountains in summer. Today, south and southeast of the Indo-Pakistan ceasefire line, their summer areas lie in the semi-alpine and alpine belt north, northeast and northwest of the Kashmir Basin, at altitudes ranging between ca. 2,500 m and ca. 4,200 m. Their winter area is in the colline belt between Punch and Kathua, at altitudes of ca. 500–900 m. This pastoral community migrates twice a year, and considers itself nomadic (*khānābadosh*). Since the herds cannot survive the year through in either the summer or winter areas, migration is a must and land and herds are not considered real alternatives.

Herds are owned by nuclear families and sometimes by two-to three-generation extended families; each herd generally grazes and browses separately. All herds include the famous Kāghāni goats which are excellent meat producers, but are poor milkers; most families also own at least some sheep, and in the 1980s there were major government efforts to increase their numbers and to improve quality. In 1983 the Jammu and Kashmir government's Sheep Husbandry Department estimated that 60–70 per cent of the local small stock population was held by Bakkarwal. Horses and mules are used as pack animals, and some of the very wealthy also have cows, buffaloes, and some land. A few of the poor work as hired shepherds for richer Bakkarwal and for the Pohol, professional Kashmiri shepherds (Rao and Casimir 1985; Rao 1995). With the growth of tourism limited new employment opportunities emerged as porters in the summer months, especially during the pilgrimage to Amarnath, and in winter at the pilgrimage centre of Vaishno Devi. Daily wage labour, building roads and houses for the government or for private Kashmiri contractors was another additional source of income in the 1980s. However, animal husbandry remains the mainstay of the Bakkarwal. Only the few wealthiest and oldest Bakkarwal have sedentarized, and though many desire a little land, this is not to settle, but to have greater security to fall back upon and a house, with tents used only during migration. There are several positions of public authority within the community, some of which are *de facto* permanent, others much less so (Casimir and Rao 1995; Rao 1998a).

Conceptual Parameters of Tenure

Property and tenurial rights are everywhere intimately related to social, economic and political structures and thus have ideological

undertones. In Jammu and Kashmir all the communities involved in the pastoral sphere are Islamic and they are aware of the Islamic principles of the ultimate non-appropriability of that which 'God created for all mankind'. Two sets of mutually independent, legitimate guardians are recognized—the religious, consisting of certain pre-Islamic and Islamic personalities, and the secular, represented by the state. Over and above both of these is God, who is the ultimate owner (*mālik*) of everything. Whereas the religious and secular guardians—both called *sāheb*—are God's representatives, the human communities of peasants or pastoralists who live there are the legitimate inheritors (*wāris*) of all rights and duties of usufruct *vis-à-vis* these resources. The guardians have a right and an obligation to govern and administer these resources and thus it is both moral and expedient to recognize the government (*hukumat*) as the secular guardian; on the other hand, there are strong implications of immorality in a (cruel) state not recognizing the principle of inheritance (*wirāsat*) of groups and individuals to particular resources.³ Here the line between rights of usufruct and those of appropriation gets blurred.

Conflicts over access to resources imply either a real, potential and/or perceived shortage of resources, or a certain conceptualization of rightful access, or both (Casimir 1992b). 'Legal authority relationships' wrote Wargo (1988: 189) 'are often designed to control access to scarce resources, thereby governing the distribution of values associated with natural systems.' Aiming at such control, attempts were made from 1857 onwards to control and administer forests in parts of Kashmir. The office of *Mahal Nawara* was established and placed under the charge of the Governor of Kashmir, and in 1883 the first forest law (*A'in-e Janglat*) was passed (KWP 1983: 34). In 1891 the official demarcation of forests began and three years later, in 1894, the first Regulation for Forest Conservation was drawn up.⁴ Nearly one hundred years later, in the 1970s, the situation was as follows: 'Legally all the forests are of the State Government and their control and administration vests with the Forest Department . . . The control of grazing vests with the Forest and Revenue Departments. . . The local people have no rights in these forests, but they enjoy liberal concessions. . . [which] have become worse than rights' (Bilawar WP 1973: 8).

All this also applies to pastures. The appeal against the curtailment of such rights cannot be legal since, unlike in Europe, these are not

'prescriptive rights' (Baden-Powell 1874); they are not codified, as they are, say, among the Scandinavian Saami (Beach *et al.* 1992); but political recourse is possible, by withholding votes at the legislative elections, or alternatively, a politician promising to restore rights if he is elected. Partly in acceptance of this reality, the government thought of allotting pastures (Kishtwar WP 1979: 43), and when I began research on access to pasture my questions were welcomed precisely because many informants hoped that I could get their 'rights' officially registered, and hence legalized, occasionally even against those of their kinsmen.

PREDICTABILITY, ABUNDANCE, AND TERRITORIALITY: DEMOGRAPHIC, ECONOMIC, ECOLOGICAL AND POLITICAL PARAMETERS OF TENURE

A registration of rights would mean the right to return to the same grazing areas each season. This implies that it would be worthwhile to return there—in other words, people believed that their herds could thrive at the same place each year in a particular season. However, it could also imply shortage—that they felt that their herds might not be able to get enough good grazing elsewhere. This leads us to the eventual relationship between basic ecological parameters that could make regular return worthwhile and superimposed cultural factors, that could create anxiety about shortage. We shall see that it is this relationship between ecology, demography, market economy, and politics which has formed the desire to register rights and explains the *de facto* territorial behaviour of the various nomadic herding communities—behaviour that is defined here as *the regulation in any given manner and over a length of time of exclusive and recurrent access by an individual or a precise group of individuals to one or more resources.*

Demographic Factors

Since Carneiro's (1986) classic paper many studies have stressed the relationship between population size and social organization; even earlier socioeconomic change among pastoral populations was ascribed to population pressure (e.g. Irons 1972). Population density since 1947 has had a major impact on pastoral behaviour in Jammu

and Kashmir; its most striking manifestation is, I contend, the intensification of territorial behaviour, which, following Dumond, is related both to '...dependable and productive resources and to population pressure on these resources' (1972: 296, in Spooner 1973: 15). The fairly recent trend towards individuation of access to pasture in central Nepal (Toffin 1986) as well as the case of the Kirghiz of the Wakhan Pamir (Shahrani 1979) are other similar examples. I shall shortly return to this in more detail.

Economic Factors

Many previous studies have pointed to the changes brought about in traditional pastoral societies through the increasing hold of the market. Here I contend that a combination of the factors of general population pressure and increasing monetarization of the economy as a whole has led to the creation of a market in pastures. This in turn has resulted in the individuation of pasture rights. Recurrent and secure access to reliable pastures form the basis of the power structure in pastoral communities; such access is directly or indirectly convertible into capital, which reinforces the power base.

Since the earliest days Bakkarwal economy has depended principally on the sale of animals on the hoof; milk and milk products have always been exclusively for household consumption (Casimir 1991a, b). Goat-hair and sheep's wool are also important sources of income. Bakkarwal herds have always been taxed in the form of an animal/grazing tax (*tirni* or *kāhcarāi*), which was perhaps '...used as an indicator of legitimate residence. . .' (Kurin 1990: 99), however temporary (see also Balland 1991); the mode of payment changed in the last years of the nineteenth century. After the first land survey and Settlement of 1887–93, the tax (for details see Rao 1988a, 1995, 1999) which had till then been paid in kind—in animals and their products—had to be paid in cash. This increased the need of the Bakkarwal for cash, which they could obtain only by selling more animals and herd products. Their already market-oriented economy received an impetus, and one could well have expected a tremendous rise in herd sizes and a scramble for pasture. But this did not happen because of discriminatory policies—they were declared a 'Criminal Tribe' (BCT 1927)—and various disincentives. Heavy taxation was the primary disincentive, and till the 1930s it was indeed so heavy that it became 'one of the main planks of the

... agitation against the Government' (Admn. Note 1932: Appendix A; cf. also Kashmir Riots Commission 1932: 29-30; Rao 1999).

Another major disincentive was the low market price of meat; 'we almost paid more taxes on a goat than we got by selling it', one informant recalled. The net result was fairly small herds in a fairly large area; it is not surprising then that in the summer area, once a given area was fairly secure in Bakkarwal hands, or still better, a *birādari*-territory (Rao 1988b), in-group competition between individuals or even households was not acute. This is borne out by what many remember: 'formerly animals were so few that usually two or three households pooled their flocks together, used one pasture and had a joint shepherd'. In the winter area the balance has always been tilted in favour of the farmers, with whom formerly the Bakkarwal nurtured good relations in order to ensure access to enough fodder.

Increasingly after 1947, however, the situation changed; taxes were reduced somewhat, but the need for cash rose further—to buy food from government shops, to pay for winter grazing, to pay for veterinary and health services, and so on. Cash could, as before, only be acquired by selling animals on the hoof, and this paired well with a general rise in demand for meat⁵ in the Kashmir Valley—partly due to a rise in, especially urban, living standards and partly because of the requirements of the Indian army in both urban and rural areas. Local production did not suffice, meat prices rose and Bakkarwal flocks, though facing competition from Rajasthani herds, sold at much higher prices than ever before; in fact meat from Bakkarwal goats was costlier than imported meat. In the late 1970s a similar increase in demand in Pakistan and even higher meat prices there encouraged a certain amount of smuggling out of herds.

Over the years it had become extremely profitable to own large herds.⁶ These require more pasture, and the larger a herd, the more the investment and risk involved. Hence the more acute the need to ensure permanent access to fodder, for, as Spooner (1973: 15) observed, 'the degree of emphasis on personal ownership' of pasture 'varies in proportion to the amount of investment involved'.

Ecological Factors

According to a model formulated by Dyson-Hudson and Smith (1978) territorial behaviour, including the individuation of rights to

access may be 'expected to occur when critical resources are sufficiently abundant and predictable in space and time. . . ' (p. 21), so that '... the costs of exclusive use and defense of an area are outweighed by the benefits gained. . . ' (p. 23) from resource control. Applied to the nomadic pastoralists of Jammu and Kashmir, the key parameters of this model would be the abundance and predictability of pasture and water. Predictability can be expressed in absolute terms; although abundance can also be expressed in absolute terms of biomass, in practice it must be relative to the demand. Whereas predictability is generally unchangeable over long periods of time, abundance can, depending on the demand, vary over even short periods of time. Abundance of pasture and water are relative to flock requirements⁷ and hence to their numbers, but no reliable data are available concerning the relation between animals and fodder in Jammu and Kashmir (for a discussion see Casimir and Rao 1985, 1998). Records kept since 1960 in Jammu and Kashmir show great fluctuations in the numbers of animals, but no overall continuous rise (see Note 6).

It has been postulated that predictability of pasture and water depends primarily on rainfall (for a discussion see Casimir 1992a, b and Tapper 1979b). I now examine the relevance of these parameters for the nomadic Bakkarwal, the only pastoral community of the area which annually crosses great stretches of Jammu and Kashmir and hence various ecological zones. Their winter area south of the Pir Panjal range, with its *Accacia*-*Carissa* forests, lies within the influence of the southwest monsoon, and data recorded over almost seventy years indicate annual precipitation averages ranging between 806.2 mm and 1,956.2 mm (see Table 7.1). Resources here are hence, fairly predictable (cf. also Census of India 1967: 21; Dutt and Geib 1987: 50; Raza *et al.* 1978: I. Figures 5.2, 5.12). Data for the summer area (Table 7.1) indicate somewhat lower rainfall values (642.3 mm to 1314.8 mm), but the low temperatures (Brazel and Marcus 1991) minimize evapotranspiration, thus guaranteeing predictability of water and pasture. Further, except Gurais, the stations where the summer data were collected are located roughly 1,500m below most of the summer pastures, and higher real precipitation levels can be assumed for these pasture areas.

The predictability of pasture and water in both summer and winter could then, following Dyson-Hudson and Smith (1978), lead us to expect the Bakkarwal to be territorial, both now and in the

Table 7.1 Precipitation values (in mm) in the summer and winter areas of the Bakkarwal in Jammu and Kashmir.

District/ Place	No. of stations	Years	Mean and Standard Deviation	Source
<i>Summer Area</i>				
Anantnag (Islamabad)	12	1966-70	750.7±233.4	DFS (1974: 10-13)
Baramullah	9	1966-70	799.4±181.6	DFS (1974: 10-13)
Doda	2	1966-70	913.9±290.8	DFS (1974: 10-13)
Gurais	1	1901-50	1314.8±?	DFS (1974: 10-13)
Srinagar	8	1966-70	642.3±135.0	DFS (1974: 10-13)
<i>Winter Area</i>				
Bhimbar	5	1891-1900	947.5±?	CI (1902: 7)
Jammu	4	1897-1900	806.2±?	CI (1902: 7)
Jammu	1	1901-50	1115.9±?	MM (1950)
Jammu	10	1966-70	982.8±513.9	DFS (1974: 12-13)
Jasrota	3	1895-1900	1270.0±?	CI (1902: 7)
Kathua	11	1966-70	1956.2±336.6	DFS (1974: 12-13)
Nowshera	1	1957-60	1312.0±?	Rajouri WP (1983: 3)
Nowshera	1	1966-69	992.8±776.7	DFS (1974: 12-13).
Rajouri	1	1953-60	1644.0±?	Rajouri WP (1983: 3)
Udhampur	6	1899-1901	1106.7±?	CI (1902: 7)
Udhampur	9	1966-70	1564.0±258.2	DFS (1974: 12-13)

past. The relative abundance of these resources has, however, undergone transformations over the years. Hence, territorial behaviour has not been constant; to comprehend it we shall have to go back a little in history to the period around 1947 when the political and military problems between the newly created nation states of India and Pakistan developed.

The Interplay of Politics and Demography

There was open country . . . there was mutual sympathy among us. Now the world collects in Butkolon . . . they throng there to die

—two old Bakkarwal⁸.

In the period immediately prior to, during, and after the creation of the ceasefire line between India and Pakistan, the pasture areas to which the Bakkarwal resorted in either summer or winter were cut through (for aspects of the earlier situation, see Rao 1999). For those remaining to the east and south of this line, in Indian-controlled territory, summer pastures in the Gilgit areas (see Figure 7.1) grew out of bounds; their flocks were now restricted to an area used by some Bakkarwal, but mostly by other pastoral communities. Similarly, in winter, the areas of Mirpur, Muzaffarabad, and two-thirds of Punch got cut off for many months. Although the Bakkarwal population in this part of Jammu and Kashmir was also drastically reduced at the time (from ca. 15,299 in 1941 to ca. 5,941 in 1961—Census of India 1941: 359; 1961: 220), the overall population in the state rose by 10.42 per cent in the period 1941-51 (Zutshi 1974: 21) and by 9.44 per cent in 1951-61 (SA 1984: Table 5). These figures were not very different from those for the two preceding decades, but the area in which the increase now took place was appreciably smaller. In other words, a considerably higher population density can be postulated. Most of this population was rural and had agricultural pursuits. Land thus became a scarce resource, and encroachments started on a large scale, even on forest land. A government report notes that the displacement of forest demarcation posts '... on a large scale is suspected throughout, with a view to grab as much land as possible for cultivation. This state of affairs was the result of political disturbances and worsened subsequently by the . . . drive to grow-more-food' (Bhadarwah WP 1954: 9)

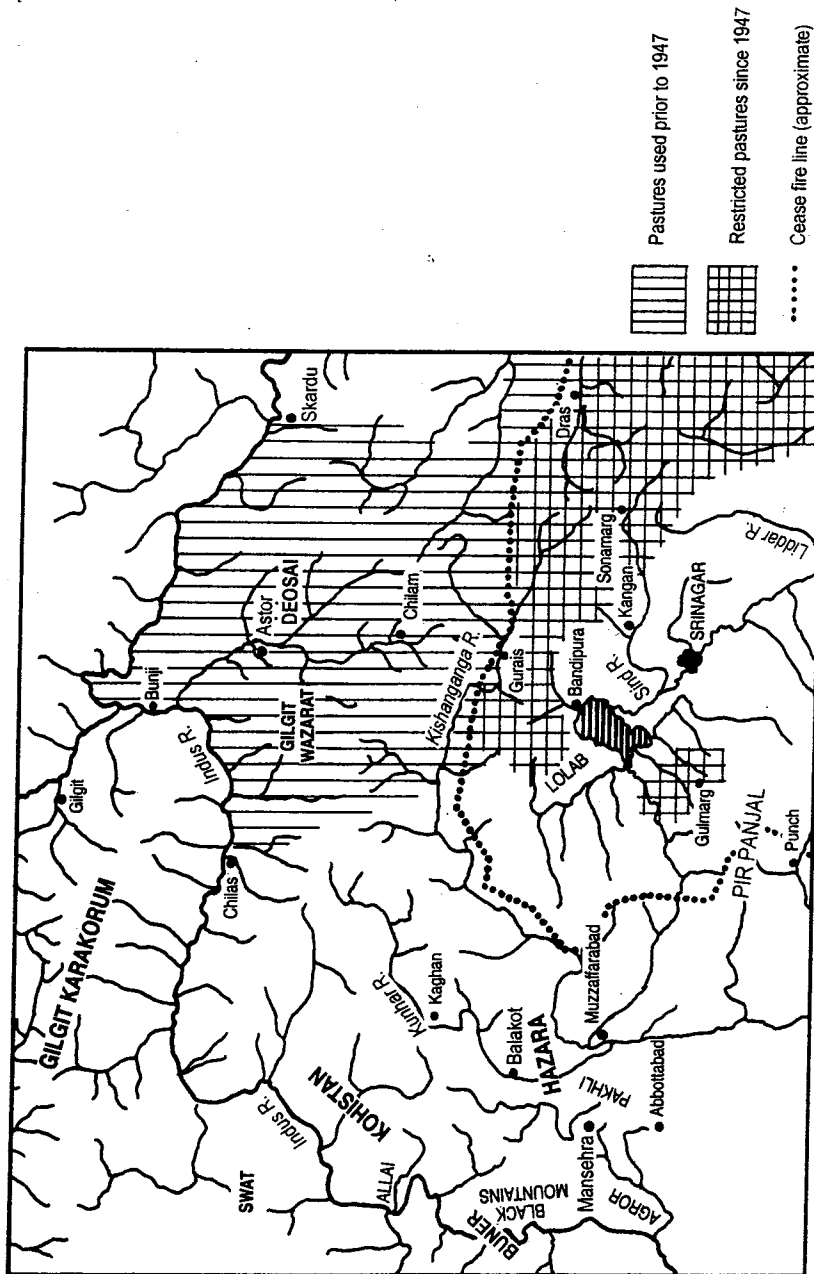


Fig. 7.1 The difference in the extent of the northern summer pastures used by the Bakkarwal ca. 1947 and now. Source: Based on Jettmar and Thewalt (1985).

Another report for the summer area of Kishtwar states specifically that it is 'the . . . Bakkarwals who are responsible for . . . fires in the forest to extend their grazing grounds. . . The fires were exceptionally common. . . in the year 1947 . . .' (Kishtwar WP 1961: 46).

Over the years this scarcity increased, not only due to population growth (29.65 per cent and 29.69 per cent in the 1960s and 1970s respectively—SA 1984: Table 5), but also due to various government measures, notably road building, logging, and the expansion of urban settlements. The Banihal tunnel was built through migration areas and rules were made in the early 1960s 'to avoid nomadic movement . . . for the convenience of the traffic. . .' (Ramban WP 1961: 11). Road construction along mountainsides traditionally used for grazing often led to extensive erosion (Sohan Singh 1981), which rose drastically between 1965 and 1980. The construction of dams also displaced many families, including Bakkarwal, for example, near Riasi and in the area of Thein, near Kathua. Never-ending Indo-Pakistan hostilities, and notably the wars of 1965 and 1971, also led to much grazing land being cordoned off (see Chaudhuri 2000 for a similar situation in Ladakh). To sum up then, Bakkarwal summer and winter pastures have been drastically curtailed and in winter much of the former fallow and wastelands were no longer available.

The picture of Bakkarwal territorial behaviour much before 1947, say in the first two decades of this century, is not yet complete, but from the documentary and ethnographic data available it does not appear to have been uniform in all areas. While in most areas no individual territories seem to have existed, in some places at least government officers advised ' . . . either to fix, for each owner the places where he may graze his animals as well as the number . . .' (Beadon Bryant 1913: 4; emphasis mine). The often heard statement 'before 1947, in summer, one family sat in one *nala*, is probably an exaggeration⁹, but the following quotes from informants exemplify their situation in the years immediately preceding 1947:

- 'Till 1947 I always went with my family to the Gultari¹⁰ area *via* Dras, but we had no fixed place there. After 1947 we had to remain in Dras. In the first summer [1948] we were allowed by some other Bakkarwal there to stay free, but the year after they turned us out. So we went lower down and came to an understanding with the villagers, who have big horses and yaks. In return for money and animals they let us graze there. Today, we have to pay these villagers Rs 500–2,000 to sit in Shama Kurpo, above Butkolon' (S.K.).

- 'Before 1947, in summer we were sometimes in Warwand, sometimes in Krish Nala, or in Padar; we had no fixed place, although we remained in the same general area. But since then we have to have our own place if we are to be sure of getting anything at all' (A.A.J.)
- 'I've been coming here in winter since 1947; before that we were generally in the Rajouri area—we had to flee there then . . . The first ten years I was in Kheri, then I went to Jhajarkotli, where grazing was better. But then, ten years ago this was taken by other Bakkarwal at the Forest Department auction, so we came here then and this is our place now' (K.K.)
- 'This is my place since the past twenty years. Before that I was in the Jandrah area, but none of us had places of our own; when that was closed down by the Forest Department I came here. Now, the government wants this land too, to build a housing colony—well they will have to give me another place instead!' (N.B.).

The general pattern emerges then of

1. A by-and-large non-individually-territorial period, in both summer and winter, prior to 1947 and to a certain extent, even in the 1950s and early 1960s;
2. Of an increasingly individually-territorial period since, at the latest, the 1960s and early 1970s.

A variety of interrelated factors have thus contributed to the trend towards replacing group territories by individuated ones. In the following I discuss the details of the management of access.

BAKKARWAL PASTURE RESOURCES IN TIME AND SPACE

Bakkarwali language divides the year into four seasons: spring (*bāñdh*)¹¹, summer (*barēyā*)¹², autumn (*shard*)¹³, and winter (*siyāl*)¹⁴. The spring and autumn migrations are also called *bāñdh* and *shard* respectively, although actual migration periods include parts of months otherwise classified as *barēyā*.

Bakkarwal spatial resources may be classified in one of the two broad categories of 'directly productive' and 'indirectly productive' space, and these may at times overlap. This distinction is not only an analytical one, but is made by the Bakkarwal themselves. Directly productive space consists of grazing and browsing areas, sources of water and salt-lick areas; indirectly productive space includes camp-sites for families, resting sites at night, locations yielding fuel

and eventually wild plant foods or any materials such as wood, reeds, etc., required for the construction of temporary dwellings or household equipment. While long-term rights of individual appropriation are recognized for the former, or parts thereof, they are not for the latter, as long as no semi-permanent dwellings have been constructed in it. The overall term denoting both types of space is *jā* or *jū* ('place'), but when referring more specifically to directly productive space, the terms *chēr* (cf. Punjabi *chērā* = 'a herdsman', Maya Singh 1972: 222) and *pathrā* are used in summer and winter respectively. Alternatively, the more general term *jā/jū* is specified as 'one's own place' (*apnī jā/jū*). All *jā/jū* are situated in what is broadly termed *jangal*—any area that is not included in fixed and permanent settlements of villages or towns. Theoretically every herd-owner has at least one productive space (*chēr*) of his own; practically, he has a right to one, even if he (no longer) has one. This 'ownership' consists today not only of a complete and exclusive right of access to it every summer (i.e. in the only usable part of the year), but also of a system of well-defined rights of obtaining, maintaining, and losing access to it. Access is obtained through inheritance, marriage, employment, lending, exchange, lease and purchase; maintaining operates basically by possessing enough animals, enough (male) labour and the concomitant political clout within the community (Casimir and Rao 1995; Rao 1998a, 1999). Access is lost principally through conflict with more powerful competitors, state intervention, and loss of too many animals resulting in short-term or long-term abandoning or sale. The lease and sale of pastures is not officially recognized by the state, but it is *de facto* tolerated.

The Bakkarwal have three sets of pastoral space—one in summer, one in winter, and one on migration in spring and in autumn. Even when the spaces of direct and indirect production are far apart, both spaces are situated within the same seasonal set. Thus in summer, while most of a family's herd animals may be kept in charge of a few men at a very high summer pasture, the rest of the family will remain with the milch animals and their young at a pasture somewhat lower down; both pastures are, however, considered to form part of the same spatial set. Separation of the spaces of direct and indirect production takes place for one or more of the following four reasons, the first of which can apply in all seasons, while the rest are applicable only in summer:

1. Lack of space (*tangi*) or of water where a camp normally goes. The relation of animals to space is not reckoned in terms of any given aerial measures, but rather 'one sees how the animals are faring' and 'we have a feel for it';
2. Sickness or infirmity of one or more family members, who may be too weak to climb or be transported too high;
3. A herd that is too small to subsist on, but too large to abandon pastoral pursuits, so that additional sources of income available only at lower altitudes are welcome¹⁵;
4. The increasingly felt need and availability of various modern facilities at lower altitudes (e.g. government food-ration shops, schools, electricity, etc.).

THE ORGANIZATION OF ACCESS IN SUMMER

The entire area where July, August, and parts of June and September are spent is known in Bakkarwali as *barēyā kī jā*, 'the rainy season's place', henceforth referred to as the 'summer area'. This is subdivided at various levels of social organization, the highest of which is that of the *birādārī*, a somewhat flexible solidarity group, most of whose members are of common descent (Rao 1988b). Members of a *birādārī* still tend to have adjacent pasture areas within the entire summer area. The lowest level of social organization is that of the individual adult male, or in some cases of two or more brothers and their father. Herds are owned and grazed by individual independent households (*kanni dērā*) and each household obtains and processes milk separately. Occasionally, if a household has less than about seventy animals, and if the relationship between this household and other economically similar households in the same camp is very warm, a common herd may be built for grazing.¹⁶ Large herds are manageable in the summer area even with limited labour, for in this fairly open terrain one man is said to be able to handle an entire goat herd of roughly 400, a mixed sheep and goat herd of over 500, and a purely sheep herd of over 800.

Known as *bahak* in official parlance, this area is broadly divided by the Bakkarwal into the following topographical and ecological zones:

1. *nakko* = mountain peaks (cf. Sanskrit *nakko* mountain);
2. *māli* = the highest alpine pastures above the tree line, where only grass (*kā*) grows¹⁷;

3. *bañ* = forest areas and scattered pastures at lower altitudes;
4. *kassi* = very narrow valleys or gulleys at all altitudes, where the melted snow comes down to form short, rapid streams.

Probably in keeping with the landscape, pastures are both in cognition and structure relatively rectangular (Casimir *et al.* 1992), and each pasture within a named pasture area has an individual name in Bakkarwali, Kashmiri, etc. The *kassi* act as landmarks and can also serve as boundary markers within and among communities, and access to these sources of water can lead to disputes. For a variety of ecological, social, and ideological reasons, the *māli* are considered the best pastures, and every Bakkarwal aspires to tend his herds there.¹⁸ Ideally every pubertal male must spend at least one summer season in the *māli*, but in reality, 'those who have fewer animals go to lower pastures, those who have more go or send them further.' The Bakkarwal vie with professional Pohl shepherds for the use of the *māli* but the buffaloes and cows of the Gujar and Banihara can neither find enough fodder at these altitudes, nor climb these steep slopes as nimbly as do Bakkarwal goats and sheep. Also, since cattle herders sell milk and/or milk products regularly, they must remain more easily accessible for their sedentary customers.

Very rarely does an entire household go to the *māli*, the dry animals are taken up, while the rest remain with the women, children and elderly in the *bañ* zone. Most conflicts between the Bakkarwal and other communities takes place here, and peaks in late spring and early autumn. The following cases exemplify such contexts of conflict:

Case A

There are two permanent Kashmiri villages in the *bañ* zone and numerous hamlets of transhumant Gujar and Pathan up in the western Liddar Valley. The meadows (Kashmiri: *nār*)¹⁹, in the immediate vicinity of the villages consist of the village commons (Kashmiri: *ḡakun*) and individually owned stretches. The upper reaches of the meadows are controlled by the government's Forest Department, but villagers have customary rights to graze and cut hay. When the Bakkarwal pass through in spring and autumn each year, they usually stay only a few days and are allowed to graze their herds free of charge. If they stay longer than about ten days, the

villagers rent them the village commons and graze their own animals during this period free on the government-owned land. The cash earned from the rent is used for community purposes, such as the upkeep of the village mosque. But occasionally, some Bakkarwal insist on using the government lands longer: refusal to move to the commons and pay rent marks the beginning of disputes.

Case B

The second example is of a pasture area near Kulgam, on the northern flanks of the Pir Panjal Range, and primarily a transit area for the Bakkarwal.

Towards the middle of May (in early *jēth*) the first nomads arrive; these are the buffalo and cow-breeding Gujar, who remain at lower altitudes and consider themselves the proprietors of these pastures. Then come the buffalo-breeding Banihara on their way up in to the Kashmir Valley; they stay roughly ten days, use the Gujar pastures and pay them for this in cash. They are followed by the Pohol driving livestock collected from several villages up to the high pastures. Finally the Bakkarwal arrive; in autumn also the Bakkarwal come last. Hence, both in spring and in autumn, all four communities meet and there is shortage of pasture, and sometimes even of water. At higher altitudes in spring enough freshly melted snow flows in ubiquitous, short streams, but in autumn there are only the perennial ones. Thus, several pastures have no direct access to water and the Bakkarwal must acquire easement rights from herders of other communities. This is a frequent source of conflict, and a government report even refers to a 'Record of Rights' (*Misl-i-haqeeqat*) in this area: '... the nomads in particular. . . have their "boundaries demarcated" and through age-old practice they come to the same pasture year after year. Sometimes there is a "barter" or "sale" of a pasture between two grazier groups' (Pir Panjal WP 1977: 106, 21).

Territorial Behaviour

'He sat like a servant, then he became the master'²⁰

Obtaining Chēr

Rights of access to *chēr* are transmitted intergenerationally in the male line, and when the paternal herd is divided, so also is the *chēr*; both these divisions are known as *mā* (cf. Sanskrit to measure, *mā*

= 'to measure, mark off'), and the proportion of pasture depends on the amount of animals a man has at the time. In principle, all brothers should inherit an equal share of the paternal herd. In reality, if the brothers are unequal in strength and influence, as they often are, influential men (such as the *lambardār*: Casimir and Rao 1995; Rao 1998a, 1999) intervene and settle the matter in such a manner that the strongest gets the largest share, and they themselves get their cuts.²¹ If however, the brothers are on good terms, they may keep their individual herds together and use part of a common pasture; although no territorial markings (*nishānā*) with stones, wood, etc., are then used in such a larger pasture, each is well aware of his 'own' territory. Even when their animals get mixed while grazing, and even when transgression of individual territories takes place, there is no feeling of a joint herd, or of a pasture held as common property: 'each recognizes his own animals and his own place', they say. Such a pasture held individually, but used in common by two or more brothers, may be further transmitted to their sons; it is rare, however, that in the second generation of transmission conflict does not take place. Case C summarizes one such conflict which I witnessed in July 1983, in the area of Kolhoi, in the upper reaches of the western Liddar Valley, in which the two sons of two deceased brothers were the contenders.

Case C

One of the brothers had died in 1981, the other in 1982; till then, they and their two sons A and B (all of the Bargat sub-group) had held their two *chēr* within one larger pasture. Here, spaces of direct and indirect production were adjacent to each other. On 17 July 1983, A's milch goats strayed into B's pasture and a quarrel ensued between the women of the two households. When the men, whose relations were already strained, came home, they were informed of this incident. On 19 July, B's young son was abused by A's wife when he was teasing some of their sheep and trying to drive them off B's territory. The same evening A and B had a quarrel, each accusing the other of having tried to bribe the local government veterinarian. From 20 July till 24 July the situation deteriorated, and on 22 July B claimed that the entire pasture (i.e. both *chēr*) had actually belonged to his father (the elder of the two brothers), who had been charitable enough to A's father to let him use it as well. The quarrel grew into a regular fight over territory and the cousins came to blows on the evening of 24 July. A neighbour now informed the locally responsible

headman, who came the next day and settled the matter (*tanāzā mukānā*), proclaiming that there were indeed two separate *chēr* which had belonged to each of the two deceased brothers, and to their father before them; he decided that the two cousins were to each enjoy inherited rights over these two *chēr*, and to informally delineate the boundaries between them.

'Most disputes', say the Bakkarwal, 'are about grazing rights and women.' Since daughters usually shift residence at marriage, and since 'they can't take a *chēr* with them', they have no rights of inheritance to pasture. A daughter's son, or an only daughter's husband, however, obtains, such rights if he is adopted as heir (*wāris*), H.F.J. for example, once became just such an heir. His father's *chēr* was in the Liddar Valley; he died around 1920, when H.F.J. was about ten years old. His mother then returned to her father, whose *chēr* was in Kishtwar, some 80 km away. She took H.F.J. with her and he was adopted by his mother's father. His own father's *chēr* was taken over free of cost by members of his father's patri-clan. A somewhat similar example was provided in 1983 by M.K.K. and his brother who lost access to their territory in the Dachigam National Park (Rao 2002). Their father had died, but their mother was alive, and her patri-clan permitted them the use, free of cost for that season, of certain pastures which happened to be vacant that year. A widow with no sons, but enough animals to subsist on, has inheritance rights to her husband's *chēr*. Whether she can maintain these or not depends on various parameters. The following case, observed in 1982, is cited as an example of the difficulty of a widow in maintaining territory; it also shows how, through marriage, men can obtain basically patrilineally transmittable rights. Similar cases of men obtaining rights of access to *chēr*, although not ownership rights, are not infrequent, provided that a woman's paternal kinsmen do not object.

Case D

B.J. had become a widow around 1970; her husband had left her with an only daughter aged 9, 90 goats, 15 sheep, 2 horses, and his *chēr*. Two years later, B.J. married her husband's FFBSS, a childless widower with twelve goats; he had lost his own *chēr* many years earlier to his own younger brother. This second marriage remained issueless. In 1974 she adopted as her heir the 17 year-old Q.P.; he was her ZS and was engaged to her daughter. In the eyes of the community

Q.P. slowly became the owner of the herd and of the *chēr* which B.J. had inherited from her deceased husband. The marriage between Q.P. and B.J.'s daughter in 1976 made this inheritance doubly legitimate. After this, however, relations between Q.P. and B.J.'s second husband steadily worsened. Things came to a head in 1981 when Q.P. started bringing part of his own brother's herd to graze in B.J.'s *chēr*. B.J. objected, but was told by Q.P. in no uncertain terms that that *chēr* was now his. In summer 1982 he and his wife moved up to the *chēr* with all their animals, leaving B.J. and her husband to fend for themselves with two milch goats at a lower altitude where no pasture rights were to be had.

Another way of obtaining temporary access to a *chēr* is by working as a hired shepherd (*ājri*). Since a shepherd's own flocks are meagre, he is allowed to graze them together with those of his employer in the latter's pasture. A man with about 50 animals but no *chēr* of his own can work as a shepherd on condition that he is given access to pasture. Sometimes, a very poor man may get access by providing bride-service. A few cases were also narrated, though not observed, of shepherds whose originally tiny herds had multiplied well enough over the years to become independent, but who continued to use part of their ex-employers' *chēr* free of cost, as their relationship was very harmonious; (for details on the shepherd-employer relationship see Rao 1995, 1998b). Access to pasture appears even more important than labour. For example, a man with a herd too large to graze well on his own *chēr* may entrust some of his horses, sheep or non-milch goats to someone, not of his *birādari*, with a large *chēr* but a small herd. He pays the latter, not for the herding labour involved, but for the rough amount of pasture needed by his animals. Alternatively, a man with a small to medium-sized herd but no pasture, will pay for grazing in another man's excess pasture. This is why L.B. let his excess pasture out each year to three different men. With the cash earned, he bought land; in other words, he used his secure rights of access to pasture as a kind of capital. Territoriality was used to attain land tenure.

Chēr are also lent free of cost for stipulated periods of time among members of a *birādari*, the above mentioned case of M.K.K. is an example of this, although it is more common among patrilateral rather than among matrilineal kin. Such pasture loans are in principle temporary in nature, but they sometimes turn out to be more permanent than perhaps either the lender or the borrower originally

imagined. This happens, for example, when a man's flocks drop below a certain minimum and he decides to remain for several years at a stretch at lower altitudes; he lends his own *chēr* to members of his patri-clan, on the understanding that he will return when his economic conditions improve. When, after the lapse of several years²², conditions do not improve and he does not return, the borrower comes to be considered the new owner. If and when the lender, or his son, returns to take possession of this *chēr*, he may or may not be recognized as the legitimate owner, depending on the goodwill and influence he has within his patri-clan. The risk of losing one's *chēr* for good is even greater when one leases it out, and many Bakkarwal feel that it is less risky to lend it 'on *birādari* terms' to, say, uncles and cousins, rather than to rent out and earn some money. 'If we lease it out', said A.E.M. and X.G.M., referring to their *chēr* in Jajimarg, a pasture area above Liddarwat between the rivers Jhelum and Sind, 'we'll never get it back; for that one has to be much stronger. It's better to leave it for a season or two to people from the *birādari*, even if we make a loss for a short while, since we have to pay for rented pastures lower down.'

Whereas access to *chēr* is possible for a stipulated period free of cost within a *birādari*, beyond this kin-group such access must be paid for. In other words, a man may have free access to *chēr* in times of acute need only within his patrilineal or matrilineal kin-group; these two groups coincide—i.e. a man's parents belong to the same *zāt-birādāri* (Rao 1988b, 1998a, 2000)—in 54.0 per cent of cases (N = 187). *Birādari* boundaries thus mark the ultimate boundaries of the concept of both home-range and territory. This becomes clearer still if we consider the period before 1947. According to several older informants, till 1947 each *birādari* had its summer territory to be defended against all non-*birādari* intruders; within this larger area, however, there were no individuated territories and herds were grazed on a first-come-first-served basis. Beyond the boundaries of the *birādari* lies the realm of tenure, in which economic transactions have always marked social relations.²³ Such transactions take place among the Bakkarwal as well as with other nomads, such as the Gujar and Pohol, and with sedentary villagers.

Finally, *chēr* can also be obtained through purchase, a strategy known as *māuza*. The price depends on the location (in principle, the higher the better) and on the approximate area, i.e. on the rough

number of animals which can graze on the plot. Pastures are bought from non-*birādari* Bakkarwal and from Pohol, and at slightly lower altitudes from Gujar. Negotiations are easier and prices lower when the buyer already has either 'long established' (one to two generation, preferably patrilineal) *chēr* rights in the area, or is a member of a *birādari* whose territory has long been established in a region.

Maintaining *Chēr*

The strategies of lending and leasing pastures serve not only to obtain access, they also help in times of temporary hardship to maintain it; as with all hardships, they involve a certain degree of risk. Three other maintenance strategies already mentioned should now be stressed, namely (1) that of keeping a fairly constant and fairly large herd, (2) that of having enough adult male labour, and finally (3) that of having enough political clout. The three are interconnected, the first two being preconditions for the third. The first depends a great deal on the number of animals started off with, in other words, inherited; it also depends on management skills and is thus related to the second strategy of having sufficient male labour. The bigger the herd, the more shepherds required and the larger the pasture needed. Elsewhere the relationship between wealth, labour, and influence have been discussed in detail (Casimir and Rao 1995; Rao 1995, 1998a, b): if one aims at influence one needs a large herd; if one is to put one's aims into practice one must have enough sons, workers, and supporters to fall back upon. The greater one's influence within the community, the stronger the likelihood that other groups, including government agencies, will offer support. Richer, and hence politically influential Bakkarwal herders have better, or at least more frequent access to state veterinary services than do poorer, less important herders. Under such artificially induced situations the chances of a big herder's flocks growing faster are much greater than those of a small herder, and data show clearly that the former's chances of appropriating additional pasture are higher than are the chances of a small herder maintaining his existing pastures.

Losing *Chēr*

Disputes over pasture are a common feature of most pastoral societies; they are closely connected with herd sizes and with the

political status of the disputants, and the weak often lose their pastures. Bakkarwal often said that such disputes are frequently instigated by politically influential and corrupt group members, who 'make people fight over pasture and then take money from both sides to settle the dispute'. All Bakkarwal are aware of the Islamic injunctions regarding the rights of inheritance. Although Islamic values are never explicitly mentioned when speaking of pasture rights, when speaking of conflicts over territory, and when commenting on specific instances, several older informants used the term *bedīnī* (literally 'irreligiosity', and metaphorically 'faithlessness', 'immorality'). Formerly, they felt, there was more trust and morality within the community than there is today; there was less tussle for pasture in general, and conflicts over pasture, within the *birādari* were unknown.

Today, conflicts arise in various ways. They do so somewhat indirectly when, for example, one man's animals cross another man's pasture twice each day to reach water, or at least thrice a month to reach the area close to the water where salt is put out on big stones for the animals to lick. Water resources and salt-lick areas are also individuated, but herds from pastures without direct access to these may cross others' pastures to reach them. Transiting animals are, however, often accused of 'spoiling' the transit pasture and the person accompanying them is accused of having cast the evil eye on the other's flocks. Conflicts also often arise more directly, when a man simply intrudes on another's *chēr* and refuses to leave in sheer disregard of all territorial or tenurial rights. Such cases were recorded between Bakkarwal *birādari* as also between individual Bakkarwal and Gujar. The following case is a fairly typical example of a man losing his high altitude *chēr* in the course of two years to a much more influential man.

Case E

Until 1982 M.Y., and before him his father, both of the Bijār subgroup, had been grazing their animals each summer in the Jajimarg area. In 1982 he had 58 goats, 10 sheep and 3 horses, and he also had surplus *chēr*. So he let a portion of it out for the season for Rs. 500 to Q and his brother, of the Mandar subgroup. Q's own *chēr* was close by, so also was his camp and he needed more pasture for an expanding herd. In autumn it was decided that the agreement would

be renewed the following year, and that fresh payment would then be made. In 1983, when M.Y. reached his pasture he found that Q had already been there for a few days and that he was using a much larger part of the pasture than agreed upon the previous year; he also had not yet paid. Now M.Y. decided that it might be safer not to lease any part of his pasture, and he told Q to quit, since he would need the pasture himself. To support M.Y.'s argument, his brother B brought his herd along, and asked M.Y. to graze them on this pasture. Q, however, refused to quit and accused M.Y. of breaking his word. M.Y. now asked for a community-council (*panchāyat*) meeting to be held to settle the matter. The council, consisting of both Bijār and Mandar representatives, ruled that the rent M.Y. had asked for the year before had been excessive; it was decided that Q would quit, provided that M.Y. returned him Rs 200 deemed as the amount of excess rent for 1982. M.Y. paid Rs 100 and promised the rest within a week. During this week, he sought counsel from several other Bakkarwal and Gujar herders; he himself felt that he had been wronged and was unwilling to pay up. Several friends supported him privately, but he mustered little active support. Q was generally known as a musclemán (*kharpēñ*: see Casimir and Rao 1995; Rao 1998a for details on this institution), and additionally, his cousin, Y.M. was an influential Bakkarwal politician, who had also married the daughter of the head of the Bijār subgroup. Most people thus felt that M.Y. had little chance of successfully resisting Q, and they were afraid of supporting him openly. In the meantime Q had intruded even further into M.Y.'s pasture. On 4 July 1983 M.Y. claimed that Q had poisoned his dog; he tried to push Q's animals back and to take some of his own animals into the area occupied by Q. In the evening he threatened to take the entire matter the next day to the police. At this Q and his brother rejoined with 'Stay just where you are! If you go to the police or try and take your animals there, you'll see what happens!' Towards the end of August, shortly before the autumn migration, M.Y. went to plead with M.S.K., then a Bakkarwal legislator and one of their foremost political representatives; he, however, only advised him to go and explain the matter to Y.M., Q's influential cousin. M.Y. finally realized that no one was going to help him to get back his entire *chēr*, but he was also worried that Q would try and 'eat up the rest' as well. So he went back and offered Q Rs 100, telling him also that he should not come back in summer 1984. Recognizing that M.Y. was now at his mercy, Q refused the money and claimed that in fact he had bought a part of the *chēr* from him in 1982: 'What shall I do with your money? You're poor, keep it; you can always come back to the part of the pasture you didn't sell me. But you must keep within your limits.'

In the highest pastures such conflicts take place among Bakkarwal, or between individual Bakkarwal and Pohol. In the *ban* zone they have always occurred with various other nomadic pastoralists. S.B.'s vivid description fits the general pattern:

'When I was twenty or twenty-five, we used to go to Skardu. . . . There were no Pohol or Gujar there. . . . From 1947 onwards we went to Gumri Nala [below Matayan], and there we found Pohol. In the beginning we paid an old Pohol a lot of money [for pasture rights], but then he died and his descendants gave us trouble. We bought and fought our way through to make all those pastures our own. . . .'

Even today, a Bakkarwal who is short of pasture in one area, or has lost his pasture entirely, may migrate to an entirely new area one summer. Usually he stays only a short time the first year, and if he finds it suitable, he attempts to go there every subsequent year. Case F provides an example of one such case and also illustrates how pasture may be lost through fairly sudden appropriation by an intruder.

Case F

X.G.A. always passed through the area of Bari Bahak, near Kulgam, on his way to and from his summer and winter pastures. He always spent a few days there with his sick and aged elder brother and his son, who had their *chēr* there; not far from there also lay the pasture of his daughter's husband. X.G.A. had a very large and growing herd, which he managed jointly with his youngest son and a hired shepherd. In summer 1981 X.G.A. was severely short of pasture, and he decided to stay through the summer in Bari Bahak and use his brother's pasture. He brought with him ca. 900 sheep and goats and 14 horses; five of these horses were his, the rest belonged to his other, independent sons, who had gone along to their father's traditional *mālī* pasture. In Bari Bahak X.G.A. now evicted his brother, who had two goats, three sheep and two horses, and who was then given shelter by another Bakkarwal in the area. This brother decided to appeal to their MBS, who was also the *birādāri*'s head. To support his case he needed other Bakkarwal, Pohol and Gujar as witnesses, but, as X.G.A. had a reputation as a rustler and for ruthlessness with opponents, many were afraid to testify, against him. In summer 1982 X.G.A. sent his youngest son with a part of their herd and two of their horses to Bari Bahak. This time he lived with his FB and the latter's son in their pasture, and the conflict seemed to be buried, at least for a while. In winter 1982-3, X.G.A.'s brother died, and X.G.A.

took possession of his deceased brother's *chēr* in Ban Bahak, and the brother's son and heir worked for X.G.A. as a hired shepherd and servant. No one spoke any longer of his rights to his father's pasture.

Loss can be equally sudden when a man is obliged to sell his pasture to tide over acute economic distress, but it can occur more gradually, when a man temporarily stops migrating to higher altitudes. Finally, loss of pasture often has its origins in certain decisions and steps taken by the local government, and more especially its Forest, Soil Conservation and Wildlife Departments. This affects all Bakkarwal alike, but more prominent community members tend to be better informed of the government's plans and hence are able to make alternative arrangements well in time; the majority is less well informed and is driven to look hastily for short-term solutions, thereby often aggravating their difficulties and even leading to loss of herds. As already mentioned, pasture loss has also been incurred due to war between India and Pakistan, and the aftermath of battles (Rao 1999), and this is still happening in parts of both the summer and winter areas (Rao 2002). Whatever the various reasons may be for the loss of pasture, the result is almost always rapid impoverishment (see Figure 7.2).

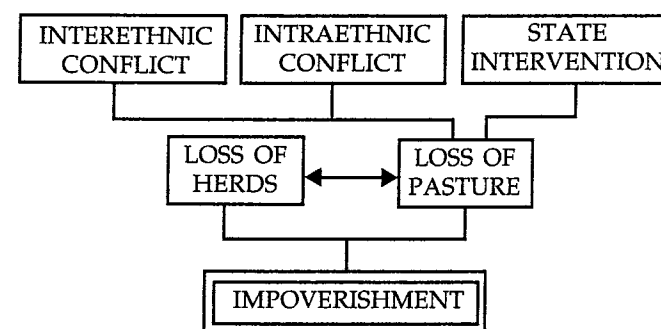


Fig. 7.2 Process leading to the impoverishment of the Bakkarwal.

The Camp

The intricate relation between the herding unit, camp, pasture rights and their management can be only briefly touched upon here. As opposed to *chēr*, the term *kār* denotes space used by the (mostly milch) animals (*māl*) when not grazing. It is the place where animals

'sit and sleep' and is part of the camp. A clear distinction is made between the pastures where animals and humans 'sit' (*beṭhnā*) and those where '...we don't sit, it's our own place'. As was apparent from the expression quoted earlier, 'sitting' implies a lack of individual ownership; to 'sit' is not to possess, it is simply to use, to be 'God's guest'. However, the larger area in which a household 'sits' (i.e. camps) is considered an area in which the *birādari* to which it belongs has traditional usufruct rights, which are defended by the *birādari* against intruders. However, since these are usufruct and not property rights, rarely is such an area the object of any economic transactions. As a result, most individual households also 'sit in' (i.e. use) the same indirectly productive space today as their parents or grandparents did. Whereas high altitude pastures have drastically shrunk since 1947, and many households whose pastures lay north of the present ceasefire line have no choice but to join other families south of the line, most summer camping areas used prior to 1947 are still in use, and the principle of the *birādari* area, as opposed to individuated territories, has been by and large respected. It is only in pastures where semi-permanent log huts have been built that a tendency towards individuated territories was noted. In such cases, irrespective of whether the competitor is a Bakkarwal or a non-Bakkarwal conflict can become violent, even ending in mutual attempts to burn down such huts.

THE ORGANIZATION OF ACCESS DURING MIGRATION

Till the early 1990s, when political events affected all communities in Jammu and Kashmir, most families from all strata of Bakkarwal migrated twice annually, and even today, the majority migrates. Migration is bi-annual and takes place in kin-based migration units which move along time-honoured routes (*rāsto*: Kango and Dhar 1981; Khatana 1992; Rao 1988b; Seth 1998). About five months are spent en route. The spring migration starts in mid-April, and by late June or early July the summer pastures are reached. The autumn migration starts in the third week of August and winter quarters are reached by late October. During the spring migration grazing taxes (*kāhcarāi*) are paid to the government's Forest Department in advance, for the use of the summer pastures. Each registered herd-owner pays individually and the receipt (*māṭo*) obtained has to be

produced at check-posts. The amount paid depends on the number of animals of each species the owner declares, and hence, the grazing tax is basically also a kind of property (animal) tax.

Over several decades, migration both ways has grown increasingly arduous, partly due to the fencing off by the Soil Conservation Department of many extremely eroded areas and partly because of increasing and extensive encroachments by farmers of various communities on forest and 'waste' lands. The fencing off especially affects the stretches situated on the southern outskirts of the Vale of Kashmir, while the encroachments are particularly extensive in the lower reaches of the Valley itself. On their way up, before reaching the outskirts of the Kashmir Valley, the herds are grazed in pastures which are at that time of year not yet, or no longer, used by any other communities. These pastures are traditionally considered to be those of other herders, but the Bakkarwal may briefly use these free of cost. As they proceed upwards through the Kashmir Valley they halt for a few nights at various places and also use fields or pastures belonging to local villagers. Provided that they do not stay for long, or pay for longer use, there is little conflict. But in autumn tension runs high, north of the Pir Panjal. Not only are most pastures now over-grazed, the weather inclement and the terrain risky with landslides and hailstorms, but Bakkarwal animals have to be at their fattest, since to maximize profit they have to be sold in Kashmir, before crossing the Pir Panjal range. In villages where they transit before the harvest, herds tend to stray into uncropped fields and there are numerous disputes with farmers. Thus, as Case F showed, some attempt long-term appropriation. Another strategy used by wealthy Bakkarwal to ensure fodder reserves during migration is to buy or encroach upon wayside lands, build a house, and even cultivate a little. In most areas however, this is neither worthwhile nor feasible, because of the short time spent there and the heavy resistance likely to be faced from their present *de facto* owners.

Since 1990 migration conditions have been severely affected (Rao 1995: 15ff., 1999, 2002); not only have many grazing areas been cut off, but for safe passage, both militants and security personnel have to be heavily bribed en route. One way for the wealthy to minimize these bribes is to transport the herds by truck as far as roads are available. Those who cannot afford this, continue to face severe harassment, lose their choice animals, and sometimes even their lives.

THE ORGANIZATION OF ACCESS IN WINTER

Known as *siyāl kī jā* (i.e. 'the winter's place'), or simply *mulak* ('country, land, motherland') the winter quarters²⁴ are characterized by the following zones:

1. *bañ* = 'forest', divided into the three sub-categories of:

- (a) *jār* = unfenced shrubland belonging to the state, or to private institutions, and whose principal biotope consists of various brambles and thorny bushes;

- (b) *rakh* = state-owned lands, with mainly broad-leaved or mixed forests (Casimir and Rao 1985), demarcated in the 1920s for purposes of protecting them and as game reserves (cf. Govt. Rep. 1980: 1);

- (c) reserved = demarcated and specially protected forest lands, where government holds full rights of ownership (Tucker 1979: 282).

2. *aṛāk* = fallow agricultural land belonging to non-Bakkarwal.

Since the *rakh* and reserved areas are fairly strictly controlled by Forest Department authorities, and can at times be even entirely closed to grazing and browsing, the *jār* is the only category that is liable to attempts at long-term appropriation²⁵, and is the only winter land often referred to as '*apni jā*'.

In winter, grazing and browsing may or may not be free, and even government-owned forests witness some regional variation. In certain forest circles grazing areas are auctioned for the season against cash-down payment, either directly to the herders, or through contractor.²⁶ In other circles they are allotted or given on direct lease (*ṭhēkā*) to herders who pay in cash what is known as the 'contract value'. Theoretically calculated on the basis of the number of animals to be grazed or browsed by the herder, considered here as a tenant (*āsāmi*), the 'contract value' of any area can remain constant over several years before suddenly being raised. The practice of allotment has led to individuated and exclusive rights of access recognized by all, and many Forest Departments record the number of consecutive years during which a given herder has received the same allotments²⁷, thereby guaranteeing *de facto*, though not *de jure*, individual rights of

access to specific browsing lands. If at any time such access is curtailed, government is expected to provide alternative lands. Within such grazing/browsing areas territorial markings are, as in summer, natural boundary markers—trees, stones, gulleys, patches of forest, etc.—and these generally run parallel to the government's official markers—fences and milestones—thus creating a system within a system. When, for example, a father and his married sons have a common herd, the Forest Department registers this herd as divided up among the married males and allocated to, say, two different parts of the forest (known as 'compartments', each of which consists of 10 to 1,000 acres); the anthropologist may, however, find a joint herd in one compartment, and all the families living together in another; both compartments, are directly productive space, while only one is reserved for indirect production. Herd size determines the area allotted by the forest authorities; the larger the herd, the bigger the plot and hence the higher the sum to be paid. Since herd sizes fluctuate one could reasonably expect plot sizes to fluctuate too. This is, however, not so, when a man has excess grazing area, he keeps the allotment and pays his dues. Since allotments are hard to come by, he lets other Bakkarwal who are short of grazing land use parts of his allotted land in return for cash, sometimes exceeding the official amount. Even if he does not make a direct monetary profit, he assures his continued access to his allotment and also creates a network of obligations, which he can call upon in times of need. As opposed to the Gaddi of Himachal Pradesh (Newell 1967: 29), the Bakkarwal never sell their grazing permits, for this could lead to a permanent loss of access. Forest Department records also indicate that larger herders play an important role in negotiating allotments to less important herders, who often figure in the official registers as 'c/o' the former, though they may well have independent allotments. In addition to official transactions, numerous unofficial ones take place through bribing the concerned authorities, As in summer, so also in winter then, if one has secure access to pasture one can gain in cash and power.

For browsing in the *aṛāk* the peasants have to be paid for the season, in lambs (*lalūt*) or kids (*bakrōt*), in wool, woollen shawls (*paṭṭu*) woven by professional weavers from the wool of Bakkarwal sheep, in dung (*miñgun*) and increasingly, in cash²⁸; in certain remoter areas, such as Khorbani (near Kalakot), and in individual

cases everywhere, dung alone can suffice as payment. Before 1947 in many of the more central locations Bakkarwal of the Kunhāri sub-group also used to take the seasonally surplus stock of the farmers up to the lush summer pastures across the Pir Panjal range, along with their own herds; they brought them back in autumn and got paid for their services in kind. Now with the expanding monetary economy, the farmer is above all interested in cash. Formerly he tended to let his field to a Bakkarwal acquaintance; now many let it to the highest bidder. Disputing or trespassing would make little sense in this setting, where the might of cash is supreme. Continued access to fallows can also be converted into cash income, and some worked as hired shepherds because they or their fathers had few animals, but free access to the same fallow fields each winter—they simply needed cash to buy basic goods.

The Bakkarwal reach their winter area long after the monsoon, and throughout winter and early spring it rains intermittently, yet a certain paucity of water characterizes especially the eastern and southern parts where river water cannot always be counted upon. So many Bakkarwal have to either rent wells from farmers, or dig their own ponds and collect rainwater (Casimir and Rao 1985: 225). Water rights are individuated, but theoretically and with explicit reference to the principles of Islamic virtue, access to these cannot be refused within the *birādari*. As one informant explained, 'If other Bakkarwal come here for water, I let them free—provided they are from my *birādari*; but if they are from other *birādari*, I don't allow them at all.' In practice, even within the *birādari* when one man's herd has to cut across, or even approach another man's animals to reach water, the latter tends to find an appropriate excuse for not letting the former come any nearer; here, as in summer, the issue at stake is not only one of territory, but also the fear of the evil eye (*ak*).

Unlike in summer, in winter various factors contribute to much overlapping between the spaces of direct and indirect production. Specific plant formations and hence poor fodder quality make larger grazing spaces imperative, and lack of space (*tangi*) sometimes obliges herds and/or households to split in winter as well, but this is much rarer than in summer and no ideological reasons are involved. As in summer, here also within the *birādari* a family may camp wherever it pleases, for free. The biotope, the fairly densely

populated nature of the entire area and also the fact that it is the kidding season with peak labour requirements, all contribute to the more compact and cooperative functioning of herds and households in winter.

Obtaining, Maintaining, and Losing Access

In their central winter area the Bakkarwal as a whole face few competitors for pasture: most buffalo-breeding nomadic Banihara go south beyond the provincial borders, and many other local herders largely stall-feed their herd. In the east they face competition from Gaddi, coming in from Himachal Pradesh (Phillimore 1981: 3) and Chopan/Pohol, coming from areas such as Pādar; in the west there is some competition from wealthy Gujar-Bakkarwal with mixed herds (Rao and Casimir 1985), but inter-community disputes were reported to be lower than in summer. This is, perhaps, partly attributable to the relative proximity in the winter area of police stations and other official legal arbitrators. Primarily, however, it is to be explained by the fact that neither the fallow fields nor the government forests are under the direct control of pastoralists, and access to both of these has to be mediated by non-group members, who, however, are not competitors as herders. The same logic applies to conflict within the community²⁹. Unlike in summer, here there is little buying or selling of individuated rights of access and the principles of resource appropriation function somewhat differently than they do in summer. Even today in most of the winter areas members of a *birādari* cluster together and this *birādari*-specificity is greater than in summer. Another difference is that Bakkarwal geographical expansion has been going on much more steadily in winter than in summer. Since the 1930s there has been a continuous expansion towards the east, from an epicentre between Rajouri and Riasi. H.Z.B. and S.K.K. are typical examples:

- 'My father's father used to be in Rajouri, but when I was a little child my father went east to Jandrah [northeast of Jammu], because Rajouri was too congested. In my youth there was plenty of space in these areas—we simply went off elsewhere, more to the east. Now the forests are finished—where can one go?'
- 'My father spent the winters in Arnas. Around 1940 I started coming to the *kanāi*³⁰ region—those days there was hardly anyone here; we were the first group of Bakkarwal. Then slowly the area

filled up with more and more people, and it became even drier. After 1950 or so people moved in to do agriculture also, so some of us moved out and came to Janakha [north of Jammu], where there was more space and more water. But you see, what this is like today, and day by day it is getting more congested.'

After 1947 expansion intensified. In autumn 1947 many families could not return to their winter areas, some found themselves in Pakistan, others sought pastures to the east. Again, in 1965, hundreds wintering near the Indo-Pakistan ceasefire-line fled when their huts were torched by Indian army personnel (several informants and M.M. Khajuria pers. comm 1998); most were able to flee west across the ceasefire-line and got grazing in the Mangla Dam region and beyond, but some could not cross and had to look eastwards. In the 1970s, some of these refugees returned and expansion took place under peaceful circumstances; Bakkarwal sons splitting from their fathers penetrated into grazing areas, for example in the Janglot region northeast of Kathua, also used by Gaddi. Whereas earlier, dislocations and expansions had taken place in *birādari* units, or large portions thereof, now it was on an individual basis, and hence a certain mixing of *birādari* took place in the east. Within each *birādari*-region the tendency towards individuation also grew and became extreme when a little agriculture was additionally practised. But even today, members of one *birādari* might not use the grazing and water resources in the region of another *birādari* without the specific permission of the latter. Today, once again, many families face dislocation; caught between Indian security forces and militants, many from areas such as Thanamandi, Budhal, Dhakikot, etc. are fleeing west to safety across the border or to more doubtful pastures eastwards.

CONCLUSION: THE RATIONALE OF TERRITORIAL BEHAVIOUR

In summer the Bakkarwal now have individuated, named territories, often situated within larger, named, zonal sub-group territories, the latter lie at the uppermost altitudes of an overall system of vertical control (Casimir and Rao 1985; Guillet 1983). In winter, individuated territorial behaviour is curtailed by extraneous circumstances, but is resorted to directly or indirectly wherever and whenever possible. Here also individual territories are embedded within larger,

sub-group territories. The primary difference between access to resources in summer and winter lies in the extent of non-group brokerage. In summer, once the grazing taxes have been paid, there is little direct government interference, and actual access is negotiated through processes internal to the community. In winter, on the other hand, once internal group conditions are fulfilled, access must be negotiated through and with non-group members.

Throughout the year we have a relatively 'stable territorial system' (Dyson-Hudson and Dyson-Hudson 1980: 29), and given the predictability and biomass abundance of resources, we can confirm the ecological model referred to earlier. But this confirmation is only partial. Data strongly suggest that this system has not always been as stable as it is today, that individuated territories were less frequent some 50 years ago when a system of individual home-ranges within sub-group territories prevailed. Following the same ecological model, we may conceive a home-range to be 'more likely ... with resources of high predictability but low density' (Dyson-Hudson and Dyson-Hudson 1980: 29). The predictability of pasture and water in the area has obviously not altered in the last 50 years, nor possibly have biomass values in areas that are not heavily overgrazed (Casimir, Section I; Casimir and Rao 1985). What has changed, however, is the *relative abundance of fodder*, since demand has increased.

This increase in demand is largely due to a variety of macro-political and economic factors. The division of Jammu and Kashmir's pastures by the cease-fire line, Indo-Pakistan wars and various other measures have led to a decrease in pasture lands. Simultaneously, with the general development of a market economy and especially the demand for meat, a market for pasture has also been created. In the 1970s, the government's tendency to openly recognize long-standing individuated grazing rights in both summer and winter areas, mainly as a result of vote-bank politics, has further encouraged the development of individuated territorial behaviour.

It may then be concluded that cultural (demography, politics, economy) rather than natural (ecology, demography) factors were conducive to the development of individuated territories. That the Bakkarwal are able to be territorial in this manner, however, is only due to the ecological characteristics of the area. In other words, without this ecology, they simply could not have been territorial; on the other hand, without this set of cultural constraints, they

probably would not have needed to be territorial, although they could have been so. At the time of research, the economic (and often political) benefits of being territorial were apparently far greater for them than the social and economic costs involved. Until some 50 years ago the primarily social costs of individuated territorial behaviour were for the individual apparently greater than the economic benefits to be reaped. Today they have little choice but to be (or at least try to be) intensely competitive and territorial. The current tragic situation in Kashmir is affecting them drastically, and it is not unlikely that competition and territorial behaviour will increase even more.

NOTES

1. This is a revised version of Rao (1992). Data presented here were gathered during roughly 28 months of fieldwork between 1980 and 1985 and then intermittently in 1987, 1991, 1992, 1994, and 1998. The first period of research was undertaken, partly together with Michael J. Casimir, and sponsored by the Institut für Völkerkunde, University of Cologne, the Department of Anthropology, Delhi University and the Nehru Memorial Museum, Delhi; it was funded by the German Research Council (DFG). I thank all these organizations for their support. The later periods of research were undertaken alone, funded by me personally and not sponsored by any organization. I owe a debt of gratitude to many persons who helped me gather data presented here: Haji Mehndi, Bibo Awan, Haji Zimdi, Sain Bokra, Makhni Teru, Gulla Bargat, Ciri Mandar and Jijo Kalo Khel deserve special mention, as do Dr G.M. Wani, Dr R.P. Tandon, Dr K.C. Singh, Dr S.K. Magotra of the Government Sheep Husbandry Department.
Transcription: c = ch; ch = aspirated c; l, n, r ʈ = retroflex; ñ = nasal; long vowels are indicated as ā, ī, etc. Standard spellings have been used for the names of all places and communities; the term *Bakkarwal* has been transliterated.
2. Only in a few areas in or bordering on Ladakh are such rights, claimed by the Bakkarwal, not always recognized by the local population, and their incursions in these areas do not infrequently lead to open conflict (Uhlir 1973), somewhat in the manner they did in the 1920s, in areas such as Warwand (Kak 1924: 6) where their rights are now long recognized. These home-ranges also include several sites of emotional and symbolic importance, such as community-specific graveyards.

3. Such claims were known throughout the western Himalayas, where parts of the forest were apportioned out among various herding communities, who regarded these as their 'warisee', subject to the payment of pasturage tolls (Barnes in Stebbing 1922-6: I, 266); see Singh (1998: 126ff.) for a discussion of such claims by pastoralists in Kangra, Kulu, etc. Also in Hazara, the area most Bakkarwal originally came from, a similar system has long existed (Baden-Powell 1892-94: II, 649). In Jammu and Kashmir, one of the demands of the Gujar Bakkarwal Welfare Board is that these rights be officially registered.
4. Since then many forest laws and Acts have been passed; at the time of research the following were of general relevance for grazing practice:
 - The Forest Act, originally passed in 1931;
 - The Jammu and Kashmir Kahcharai Act of 1954;
 - The Jammu and Kashmir Soil Conservation & Land Improvement Scheme Act of 1959;
 - The Jammu and Kashmir Wildlife (Protection) Act of 1978;
 - The Jammu and Kashmir Forest Amendment Act of 1980.

Thereafter, the Jammu and Kashmir Forest (Conservation) Act of 1997 was passed and it provided the basis for the Draft Forest Policy of 2001, which is confusing and contradictory as far as grazing policy is concerned (Rao 2002).

5. During anti-government agitations in summer 1988, one resident of Srinagar is reported to have said, 'Meat is no luxury here, it is our staple' (Devadas 1988: 41). However, in the early 1990s, there was a slight drop both in demand and in local supply. The former was due to the system prevailing notably in the old city of Srinagar, whereby butchers kept monthly or even seasonal tallies of their clients' dues; this system was used by various militant outfits to gather information on the purchasing power of individual households and to extort cash from them accordingly. As a result many families started buying meat much less often. The temporary decline in supply was related to both, militants and Indian security personnel frequently forcing herders in far flung areas to part with their animals for free. In the last few years, influential Bakkarwal have, however, bribed their way through the hierarchy of army and other security stores, to make large profits from the sale of livestock. This notwithstanding, Bakkarwal herds are losing out in market competition to herds brought in from Rajasthan.
6. There are no reliable figures concerning livestock growth or decline in Jammu and Kashmir (see Casimir and Rao 1985). While various Indian Forest Departments claim that sheep and goat numbers have multiplied, studies from Himachal Pradesh (Phillimore 1981) and other areas indicate a decline. Similar uncertainty appears to exist

- about data on Pakistan (see Nüsser and Clemens 1996 for a brief discussion of the mountain regions there).
7. Ideally, in summer one acre (0.40 ha) pasture is required per goat/sheep and in winter 0.8 ha; official data on 145 browsing lands in four areas in the winter region show, however, that in the early 1980s averages (in hectares) of 0.56 ± 0.67 ($N = 99$), 0.56 ± 0.44 ($N = 23$), 0.56 ± 0.45 ($N = 16$) and 0.66 ± 0.43 ($N = 7$) were actually available per goat/sheep (St. K.R. 1981; St. B.R. 1981; All J.R. 1981 and All R.F.D. 1981–83 respectively).
 8. The original was: '*mulak thā āzād. . . hamdardī thi*', and '*Ūñ duniyā jamā otī e Butkolon māñ—ghul ghul kar mare!*' (*ghulnā* literally = to mix, dissolve). Butkolon is a pasture area north of Sonamarg.
 9. A man of the Bokra subgroup once told me a story: 'In the old days among us there was no question of herd-splitting or pasture-division. As soon as a son was born the father died, so there was only one male child per generation. But one day one of our women was blessed by a holy man: "May your family prosper and may your children spread all over!" Today we have spread over many areas; our flocks are countless—but so are the disputes over whose pasture they graze in. . .'
 10. Incidentally, this area, now north of the cease-fire line, has fairly predictable precipitation (Kureshy 1977: 37).
 11. Cf. Punjabi '*banddhe jānā*' = 'to go abroad' (Maya Singh 1972: 90) i.e. March–June, the months of *catt*, *besākh* and *jēth*.
 12. Lit. 'the rainy season', i.e. about mid-June to mid-September, or the months of *hār*, *sāñ* and *pādrū*.
 13. Roughly mid-September to mid-December (*asu*, *kattā* and *mangar*).
 14. Mid-December to mid-March (*pō*, *mā* and *phagan*).
 15. M.B. aged ca. 60, is a case in point: 'What is now D's territory, in Sosirwen [northeast of Liddarwat], was my father's father's. I left it to him, because it is too high up to do daily wage labour from there. I went to Dandwari [above Liddarwat]. . . there, apart from the Bakkarwal, there are also Pohol and Gujar nearby, so I could work for them additionally as a shepherd or servant. The Pohol gave me one *trak* [ca. 5 kg] cereals [rice and maize] per sheep tended, and the Gujar gave food and buttermilk for helping out, collecting fuel and fodder. . .'
 16. This process is known as *ghalā karna* (cf. Punjabi *ghala malā* = 'counsel for helping one another', Maya Singh 1972: 378).
 17. The term *māli* and its variants are known throughout South Asia—e.g. in Indus Kohistan (Zarin and Schmidt 1984: 52–3), in the Kaghan Valley (Casimir pers. comm.), in the Deccan Plateau (Sontheimer, Section III, 1976: 182); for a more general discussion see Zvelebil (1975: 33ff.). The Tamil '*mullai*' ('pastoral tract', see Gurukkal 1998, or 'forests', see Ramanujan 1994: 106) sounds tantalizingly similar.

18. The Bakkarwal hold that there is an intimate relationship between the well-being of humans and animals and the intrinsic characteristics of a place (Rao 2000). The highest pastures are considered the best, not only in terms of fodder but also in terms of the purity of the air, the water, the limited human population present and the resultant 'openness' and relative isolation of the area, as also the lack of noise and disturbance in general; they are described as *wasi* (cf. Arabic *wahshi* = wild, untamed and Persian/Urdu *wahshat*—solitude, a desert). Such intrinsic characteristics inform everything in this world and it is in the balanced combination of these characteristics, which form a system, that well-being in general is to be sought. Such concepts are, however, not unique to the Bakkarwal, and comparable systemic thinking has been reported from other parts of South Asia (e.g. Daniel 1984; Parkes 1987). Regarding fodder quality (i.e. average caloric and protein content, etc.), data collected by Chopra *et al.* (1965) in pastures up to 3,300m show clearly that there is no improvement with increasing altitude. It could, however, well be that, with decreasing herd pressure on higher pastures, there is greater abundance and that the proportion of toxic plants (Misri 1976) is also less.
19. Literally 'a long chasm or narrow valley at the foot of a mountain' (Grierson 1929: III. 648).
20. '*Qāsim dāsh ki tarah beṭhā thā, phir mālik ban gayā*'.
21. The Bakkarwal comment on this practice by using the common proverb, '*jis ki lāṭhī us kī bhāiñs*', i.e. 'he who has the stick (also) has the buffalo'.
22. Eight to ten years was mentioned by several informants.
23. To quote an informant, H.F.P.: 'Within the *birādari* one may not buy or sell—one has to give free. Between the *birādari* one buys and sells. The prices vary according to quality and quantity' and 'wherever it is beyond the *birādari*, one has always had to pay when one wants to graze in someone else's place', reported N.B., another informant.
24. Here they spend part of autumn, all of winter and early spring, from around November till mid-April.
25. Since 1979 *jār* lands under the jurisdiction of the state's Forest Department were increasingly fenced and converted into the *rakh* category. The Jammu and Kashmir Forest Amendment Act 1980 provides greater punishment than before to all those who violate the sixth Forest Act by breaking up forest land and felling trees; nevertheless, in 1983 in 67.1 per cent (49 out of a total of 73) of all cases involving Bakkarwal and Gujar at the Punch *munsif* court, the accused were charged with violating this Act. Prior to this in several areas government lands were encroached upon and semi-permanent dwellings built on these '*nautor*' lands; two laws passed in 1958 and 1977 gave proprietary rights to all such encroachers, and as the

- Bakkarwal comment, 'the richer among us have taken the forest by force, the poorer have to find a way out to survive.'
26. The following is an example of an auction through contractors in the Udhampur area, in 1984: actual auctioned price of grazing area ranged between Rs 300 and 450. In addition, each of the 42 Bakkarwal concerned had to pay: (i) the contractor: Rs 75 to Rs 200; (ii) the Forest Department Ranger: Rs 180 to Rs 250; (iii) various Forest officials: ca. Rs 200 in all; (iv) the Forest Department guard: Rs 50 to Rs 170. (In 1984 US\$ 1.00 = ca. 11.35 Indian rupees).
 27. But there are many Bakkarwal who have no such recognized individual rights, because as they themselves explain, they 'shifted from place to place each winter and never stayed for long in one place, so they couldn't claim possession'. These men take on lease a new grazing area each winter, within the region, from other Bakkarwal, but rarely from the government, since they cannot stake any 'historical claims'.
 28. There is a great deal of regional variation; in 1982-3 they ranged from west to east between ca. Rs 200 to ca. Rs 600 per plot of ca. 5 acres.
 29. A preliminary analysis of 127 court cases involving Bakkarwal in 1981, 1982 and 1983 at two local level courts in the winter area indicate that roughly 10 per cent concern trespass of pasture.
 30. The term *kanḍi* is used locally for the region of the outer hills (colline belt at ca. 900 m.) represented by the Siwalik system south of the Pir Panjal and characterized by deciduous scrub forest.

8

Policy, Property, and Access Shepherd Land-Use in the Western Himalayas

VASANT K. SABERWAL

INTRODUCTION

The literature on pastoralism—in Africa, south-west Asia, and western India—is replete with accounts of the difficulties that herders in these parts of the world have faced in sustaining herding traditions. For the most part herders have functioned in political environments that are unsupportive of extensive herding practices. Preferential state support for settled cultivation over nomadic pastoralism and the conversion of open range to national parks and reserved forests have resulted in a contraction of rangeland available to herders in many parts of Africa and India (Campbell 1984; Hogg 1987; Jodha 1986; Little 1992; Salzman 1986; various essays in a special issue of *Survival Quarterly*, 1984). The famine in sub-Saharan Africa during the 1960s and 1970s, with the resultant impoverishment of many herder societies, has been blamed, at least partially, on development policies that drastically reduced access to dry season grazing (Hogg 1987; Franke and Chasin 1981). Indian pastoralists have not had to deal with the level of impoverishment faced by pastoral communities in sub-Saharan Africa, yet there is ample evidence of the decreasing