
SACRED LANDSCAPES AND LEGAL RIGHTS: INDIGENOUS ENVIRONMENTAL TRADITIONS IN HIMACHAL PRADESH

***DR. BHAVANA SHARMA**

ABSTRACT:

In this study, the researcher has tried to understand and analyse the the relationship between indigenous environmental traditions and legal rights in the state of Himachal Pradesh and to understand better this socio-legal relation the researcher has adopted the empirical approach. The flora and fauna in Himachal Pradesh including forests, rivers, mountains, and sacred groves are not just natural resources but they are considered as part and parcel of life and are very basis of their cultural roots and spiritual identity. In this paper, the researcher has tried tounderstand how these raditional ecological practices has helped biodiversity conservation, forest protection, water conservation, and sustainable use of natural resources within the state.

In this study, the primary data has been collected through questionnaires and informal interviews with 120 respondents from the districts of Kinnaur, Chamba, and Kullu in Himachal Pradeh. In this study, 120 respondents from Kinnaur, Chamba, and Kullu districts participated. And this research shows that these sacred environmental traditions are still part of life and that's why are playing an important role in the protection of nature and influencing community behaviour. However, the repondents showed concerns about increasing tourism, commercialization, hydropower projects which is somewhere having impacts on customary environmental practices and rights which have started declining. And therefore, the researcher is of the view point that there is need to recognise indigenous ecological knowledge and integrate into environmental governance and policy-making for sustainable development.

Keywords: Indigenous Rights, Environmental Justice, Himachal Pradesh, Customary Law, Forest Rights.

*Assistant Professor, School of Legal Studies, Himachal Pradesh University Regional Centre, Dharamshala, HP

INTRODUCTION:

Himachal Pradesh, situated within the ecologically fragile Himalayan region, possesses rich biodiversity, sacred landscapes, and culturally embedded environmental traditions. Indigenous and tribal communities inhabiting regions such as Kinnaur, Lahaul-Spiti, Chamba, and Kullu have historically maintained a harmonious relationship with nature through customary practices, spiritual beliefs, and community-based ecological governance¹. For many indigenous communities, forests, rivers, mountains, and sacred groves are not merely economic resources but spiritual entities deserving reverence and protection. Sacred landscapes often function as informal environmental regulatory systems where community traditions prohibit deforestation, overgrazing, hunting, and ecological exploitation². Such practices have historically contributed to biodiversity conservation and sustainable environmental management. However, rapid modernization, tourism expansion, hydropower development, climate change, and commercialization increasingly threaten indigenous environmental traditions. Developmental policies frequently prioritize economic interests over customary ecological rights, creating tensions between state-led development and indigenous conservation practices³.

The constitutional framework of India recognizes environmental protection as both a constitutional obligation and a component of the right to life under Article 21. Simultaneously, tribal and indigenous rights receive protection under constitutional provisions, environmental laws, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006⁴.

REVIEW OF LITERATURE:

Environmental anthropologists and legal scholars have long recognized the significance of indigenous ecological knowledge in environmental conservation. Madhav Gadgil and Ramachandra Guha argue that traditional ecological practices in India historically contributed to sustainable resource management and biodiversity preservation⁵.

1. Ramachandra Guha, *The Unquiet Woods* (Oxford Univ. Press 1989).

2. Madhav Gadgil & Ramachandra Guha, *Ecology and Equity* (Penguin Books 1995).

³ Vandana Shiva, *Staying Alive: Women, Ecology and Development* (Zed Books 1988).

⁴ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007, INDIA CODE (2007).

⁵ Madhav Gadgil & Ramachandra Guha, *Ecology and Equity* (Penguin Books 1995).

Vandana Shiva emphasizes that indigenous environmental traditions challenge exploitative developmental models by promoting ecological harmony and decentralized environmental governance⁶. Elinor Ostrom's theory of common resource governance demonstrates that community-managed natural resources can be regulated sustainably through collective norms and customary institutions⁷.

Indian environmental jurisprudence has also expanded significantly through judicial activism. The Supreme Court has repeatedly emphasized sustainable development, environmental protection, and ecological balance as constitutional obligations⁸.

Scholars focusing on Himalayan ecology highlight that indigenous spiritual traditions frequently operate as informal conservation systems. Sacred forests and water bodies are protected not merely through legal sanctions but through collective cultural beliefs and social accountability⁹.

OBJECTIVES OF THE STUDY:

The main objectives of this study are as:

1. To examine indigenous environmental traditions in Himachal Pradesh.
2. To analyse the role of sacred landscapes in ecological conservation.
3. To evaluate the legal protection available for indigenous environmental rights.
4. To assess the impact of modernization and development on customary ecological practices.
5. To suggest policy recommendations for integrating indigenous ecological knowledge into environmental governance.

RESEARCH QUESTIONS:

The research questions for this study are:

⁶ Supranote 3.

⁷ Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge Univ. Press 1990).

⁸ M.C. Mehta v. Union of India, (1987) 1 S.C.C. 395 (India).

⁹ S. Kothari, Community Conservation and Sacred Groves in India, 36 *Econ. & Pol. Wkly.* 4237 (2001).

1. How do sacred environmental traditions contribute to ecological conservation in Himachal Pradesh?
2. What challenges threaten indigenous environmental practices?
3. Are existing legal frameworks adequate for protecting indigenous environmental rights?
4. How can indigenous ecological knowledge contribute to sustainable development?

HYPOTHESIS:

Hypothesis for this study are:

1. Indigenous environmental traditions significantly contribute to ecological conservation.
2. Developmental projects negatively affect sacred ecological spaces and customary rights.
3. Existing legal protections remain insufficient in recognizing indigenous environmental governance systems.

RESEARCH METHODOLOGY:

In this study, the researcher has adopted an empirical and socio-legal methodology combining primary and secondary data.

PRIMARY DATA:

Primary data was collected through questionnaires and informal interviews conducted among 120 respondents from Kinnaur, Kullu, and Chamba districts.

RESPONDENT CATEGORIES:

The respondents for this research has been categorized as:

Table 1: Categories of Respondents

Respondent	Frequency	Percentage
Tribal Community	54	45%

Members		
Local Villagers	38	31.7%
Students	18	15%
Environmental Activists	10	8.3%

Secondary Data: The secondary data has been collected from journal articles, government reports, environmental law cases, books, census reports and Forest Rights Act materials.

CONCEPTUAL UNDERSTANDING OF SACRED LANDSCAPES:

Before moving forward, it is important to understand the concept of sacred landscapes and these are those geographical spaces which have spiritual, cultural, and ecological significance for local communities. These include:

- a. Sacred groves
- b. Rivers
- c. Mountains
- d. Community forests
- e. Pilgrimage sites

And Himachal Pradesh is a land of Devtas and therefore several forests and mountains are associated with local deities and known as “Devta traditions.” Communities often prohibit tree-cutting, hunting, or pollution in such spaces because they are regarded as sacred¹⁰. And thus, these sacred ecological traditions has been working as informal environmental governance systems by:

- a. Restricting resource exploitation
- b. Preserving biodiversity
- c. Promoting collective accountability

¹⁰ Vidya Sagar Negi, Devta Traditions and Environmental Protection in Himachal Pradesh, 51 *Indian Anthropologist* 77 (2016).

d. Maintaining ecological balance

Data Analysis and Interpretation:

A. Awareness Regarding Sacred Ecological Practices

Table 2: Awareness About Sacred Environmental Traditions

Response	Frequency	Percentage
Fully Aware	78	65%
Partially Aware	29	24.2%
Not Aware	13	10.8%

Interpretation: Table 2 clearly shows that there is strong awareness regarding sacred ecological traditions among respondents and they are also very sensitive about 'Dev Traditions'. Thus, tribal and rural communities still maintain a strong cultural attachment to sacred environmental practices.

B. Perceived Role of Sacred Traditions in Environmental Protection

Table 3: Role of Sacred Traditions in Ecological Conservation

Response	Frequency	Percentage
Highly Effective	67	55.8%
Moderately Effective	39	32.5%
Not Effective	14	11.7%

Interpretation: Table 3 clearly shows that quite a large number of respondents have a deep faith that sacred traditions significantly contribute to environmental conservation by putting restriction on ecological exploitation and encouraging sustainable practices.

C. Major Threats to Sacred Landscapes

Table 4: Threats Affecting Indigenous Ecological Spaces

Threat	Frequency	Percentage
Hydropower	36	30%

Projects		
Tourism Pressure	32	26.7%
Deforestation	27	22.5%
Urbanization	15	12.5%
Climate Change	10	8.3%

Interpretation: Table 4 clearly shows that major threat to sacred ecological spaces is the hydropower projects as these projects has hollowed out these sacred ecological spaces. And the respondents are also concerned about the displacement, deforestation, and ecological imbalance caused by developmental activities.

D. Opinion Regarding Legal Protection

Table 5: Adequacy of Existing Legal Protection

Response	Frequency	Percentage
Adequate	28	23.3%
Partially Adequate	49	40.8%
Inadequate	43	35.9%

Interpretation: Table 5 clearly shows that there is dissatisfaction among respondents regarding the adequacy of legal protection for indigenous ecological rights as they are not much recognized in the modern legal system.

DISCUSSION:

The findings of this study clearly shows that sacred ecological traditions are an important component in environmental conservation in Himachal Pradesh. Because in Himachal, natural resources are not just considered as resource but a sacred entity connected with identity, spirituality, and collective survival.

And this study clearly shows that these customary ecological practices significantly contribute to biodiversity preservation, forest protection, and sustainable resource usage. We have to understand that these community-regulated conservation systems were working successfully even in the absence of formal legal enforcement mechanisms.

But the modernization and developmental pressures has put threats to these sacred ecological spaces. Hydropower projects, tourism commercialization, and urbanization create ecological disruption and weaken traditional governance systems.

The findings further reveal dissatisfaction regarding the adequacy of existing legal protection for indigenous ecological rights. The study highlights that there is need to integrate indigenous ecological knowledge into environmental governance for sustainable development.

SUGGESTIONS AND RECOMMENDATIONS:

The researcher on the basis of this study proposes following suggestions:

- 1. Legal Recognition of Sacred Landscapes:** There is need to have formal legal recognition of sacred ecological spaces as protected community conservation zones.
- 2. Community Participation:** There is need to include indigenous communities in environmental decision-making processes and developmental planning.
- 3. Strengthening Forest Rights Implementation:** There is need to strengthen the Forest Rights Act, 2006 in Himachal Pradesh.
- 4. Regulation of Tourism:** For ecological sustainability and cultural sensitivity, there is need to prioritize Eco-tourism policies.
- 5. Environmental Education:** There is need to promote awareness regarding indigenous ecological traditions and sustainable practices.
- 6. Protection of Traditional Knowledge:** There is need to have strong legal mechanisms to safeguard indigenous ecological knowledge from exploitation and commercialization.

CONCLUSION:

Himachal Pradesh presents a very valuable systems of indigenous environmental traditions deeply rooted in spirituality, collective responsibility, and sustainable coexistence with nature. This research study shows that indigenous communities possess strong ecological consciousness but recent development activities has threatened these traditions. And therefore, need is to have a strong environmental governance which must be beyond purely state-centric approaches and recognize the significance of indigenous ecological knowledge systems.

References

Books

1. Gadgil, Madhav & Ramachandra Guha. *Ecology and Equity*. Penguin Books, 1995.
2. Guha, Ramachandra. *The Unquiet Woods*. Oxford University Press, 1989.
3. Ostrom, Elinor. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge University Press, 1990.
4. Shiva, Vandana. *Earth Democracy*. South End Press, 2005.
5. Shiva, Vandana. *Staying Alive: Women, Ecology and Development*. Zed Books, 1988.

Journal Articles

6. Kothari, S. "Community Conservation and Sacred Groves in India." 36 *Economic and Political Weekly* 4237 (2001).
7. Negi, Vidya Sagar. "Devta Traditions and Environmental Protection in Himachal Pradesh." 51 *Indian Anthropologist* 77 (2016).

Statutes

8. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007, INDIA CODE (2007).

Cases

9. *M.C. Mehta v. Union of India*, (1987) 1 S.C.C. 395 (India).

Gadgil M and Guha R, *Ecology and Equity* (Penguin 1995).

Guha R, *The Unquiet Woods* (Oxford University Press 1989).

Kothari S, 'Community Conservation and Sacred Groves in India' (2001) 36 *Economic and Political Weekly* 4237–4245.

Negi VS, 'Devta Traditions and Environmental Protection in Himachal Pradesh' (2016) 51 *Indian Anthropologist* 77–89.

Ostrom E, *Governing the Commons* (Cambridge University Press 1990).

Shiva V, *Earth Democracy* (South End Press 2005).

Shiva V, *Staying Alive: Women, Ecology and Development* (Zed Books 1988).

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.