

## Whose Justice? Forest Rights, Civil Society, and the Remaking of Environmental Governance in the Western Himalayas

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**Abstract:** In the Western Himalayas, the idea of justice in forests begins with the people who live alongside them. Here, forests are not just resources but part of everyday life, memory, and community rules. This paper follows the journey of civil society organisations (CSOs) in Lahaul-Spiti and Kinnaur as they work to claim Community Forest Rights (CFRs) under the Forest Rights Act (FRA), 2006. For twelve months, I travelled between villages, joined local meetings, spoke with elders and women leaders, and studied the records and campaigns of these groups. The aim was to see how CSOs come together, how they deal with traditional authorities, and why CFRs have not been implemented despite active mobilisation. The study finds that CSOs differ in form and approach but share the goal of keeping forests in community hands. They have slowed down some development projects and revived old conservation practices, yet face stalled claims due to unclear rules, official resistance, and competing economic plans. Customary systems in Lahaul-Spiti and Kinnaur remain essential, though not always open to all voices. Without changes to how claims are processed and without broader inclusion in decision-making, these rights are likely to remain on paper.

### **Keywords:**

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### **1. Introduction**

In the Western Himalayas, forest justice is not an abstract phrase. It is part of how people live, tied to the rhythms of collecting fodder, grazing animals in alpine pastures, gathering forest produce and observing rules about when a tree can be cut or a meadow rested. Forests here hold economic value, but they are also woven into stories, rituals and the shared memory of communities. When the Forest Rights Act 2006 (FRA 2006) was passed, it recognised that these connections matter. The law recognises and restores two main kinds of rights: Individual Forest Rights (IFRs) and Community Forest Rights (CFRs). IFRs allow forest-dwelling families to live on

and cultivate the forest land that sustains their livelihoods. CFRs, on the other hand, acknowledge the shared rights of entire communities to own, protect, and manage the forests they have relied on for generations. These rights are explicitly meant for Forest-Dwelling Scheduled Tribes and Other Traditional Forest Dwellers, whose lives and cultures are deeply tied to the forest. Once these community rights are recognised, they are documented through official titles that legally affirm a community's ownership and authority over specific forest areas. The gram sabha, or village assembly of all adults, has a central role in this process. It is responsible for verifying claims, ensuring fair decisions, and granting no-objection certificates before any forest land can be used for development activities. Together, these provisions ensure that communities retain control over their forests and that their traditions, livelihoods, and ways of life are protected and respected under the law (Ministry of Tribal Affairs [MoTA], 2006).

In Himachal Pradesh, Lahaul-Spiti and Kinnaur are scheduled districts under Article 244 (1) and the Fifth Schedule of the Constitution. A district is classified as Scheduled when a significant proportion of its population belongs to the Scheduled Tribes. Scheduled Tribes are communities recognised for their unique social and cultural practices and dependence on forests. Therefore, these districts, which constitute more than 50% of scheduled tribes, receive special legal and administrative safeguards to protect tribal rights, culture, and livelihoods. Along with the FRA 2006, this ensures that tribal communities can formally manage and benefit from their forest lands while preserving their traditions and way of life (MoTA & UNDP, 2021). Even with the Scheduled Districts recognition, the FRA 2006 has largely overlooked them. These districts have long managed their forests collectively, but so far, no CFRs claim has been approved.<sup>1</sup> The law exists, but on the ground, these communities' rights remain unacknowledged. This absence is puzzling given the strong presence of local governance systems and the mobilisation by civil society organisations (CSOs) in recent years. Understanding forest justice requires moving beyond neat images of harmonious self-governance and instead examining the contested arenas in which power, knowledge, and access are decided. Forests are not simply ecological spaces but political landscapes where struggles over property, authority, values, and recognition unfold unequally. Forest justice, therefore, is less about idealised participation and more about confronting the entrenched exclusions that mark how resources are controlled, who benefits from them, and how cultural identities are acknowledged or denied (Sikor, 2010).

At the same time, thinking critically about justice in forests means questioning the very production of environmental knowledge. Governance and policy are shaped not only by institutional reforms or rights discourses but also by narratives that privilege some forms of expertise and marginalise others. A critical political ecology lens highlights this co-production of knowledge and politics, showing how claims about sustainability or efficiency often conceal unequal power relations and reproduce vulnerabilities. Justice, then, cannot be reduced to technical solutions or distributive outcomes: it resides in addressing the politics of who defines problems, whose values become legitimate, and whose voices remain excluded (Forsyth, 2008; Sikor, 2010). In the CFRs context, official language about "forest classification" or "procedure" often hides the broad discretion that officials have to delay or reject claims without openly opposing them (MoTA, 2006).

CSOs have become key actors in this space. In Lahaul-Spiti and Kinnaur, they take many forms, from small volunteer groups formed to oppose a single project to more permanent advocacy networks with a broader agenda. They translate legal provisions into local idioms, run awareness campaigns, support the documentation of claims and represent communities in

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<sup>1</sup> The data for district wise was collected by filing Right to Information in Tribal Department Himachal. This data is up to March, 2025.

meetings with officials. They also provide a platform for collective action that individuals might otherwise face alone.

However, their work unfolds in a contested and unequal field. Studies of decentralisation in the Himalayas have shown that localising forest governance does not always lead to greater equality or better conservation. It can also strengthen the hand of local elites, allowing them to capture benefits while excluding poorer households (Baland et al., 2010). Evidence from other parts of the Indian Himalayas indicates the conditions that support successful community forest governance: inclusive membership, transparent and enforceable rules, mechanisms for resolving disputes, and supportive state policies (Agrawal & Chhatre, 2006). These conditions are often absent in Himachal's CFRs processes, where weak oversight, unclear timelines and administrative inertia stall progress. Where governance is weak, there are also ecological consequences. Forests tend to suffer when local management institutions are weak, leading to fewer species and poor growth of new trees (Ranjan, 2018).

The rules themselves are not always clear. The FRA 2006 says one thing, but other forest and revenue laws have their claims, and departments read the exact text in very different ways (Nandwani, 2022). What should be a straightforward process of identifying land, filing a claim and getting it approved turns into a maze. Nobody is sure who has the final word. In that confusion, disputes flare up. Sometimes it is two villages arguing over a boundary, sometimes the split runs right through a single community. They reflect what some scholars describe as a broader Himalayan governance crisis, where technical fixes fail because they ignore the political and economic structures that drive resource control (Satyal et al., 2017).

This is the terrain in which CSOs must operate: between state agencies reluctant to cede authority, community institutions that can be internally unequal and a policy framework whose rules are open to competing interpretations.

Not recognising CFRs is not just a paperwork problem. It affects how forests are managed and their long-term development. Research from other Himalayan areas shows that forests managed by local communities in active, inclusive ways tend to be healthier, with greater biodiversity and better natural regeneration. Well-managed forest areas, especially those established before 1980, are healthier and support more plant species (Pathak et al., 2021). Looking at this through the lens of justice helps us better understand the problem.

First, recognition justice means acknowledging and respecting tribal peoples' inherent rights to forests, including ownership, access, and their cultural connections. It is important because it affirms their identities and recognises them as the rightful stewards of the land. Second, distributive justice is about how benefits and responsibilities are shared. This matters both within the community and between communities and the government. Third, procedural justice is about making sure decisions are made fairly and openly. Everyone who is affected should have a voice, and the process should be transparent and accountable. Success in community forestry depends more on local fairness, sharing benefits, and respect for culture than on external funding or technical assistance (He et al., 2021; Nikolakis, 2022).

In Himachal Pradesh, CFRs still fall short on all these points. Restorative justice is missing because communities lack formal rights to the forest resources they have depended on for generations. Distributive justice suffers when a few influential people in local institutions take most of the benefits, leaving many others out. Procedural justice breaks down when the process of claiming rights drags on without clear answers, or when meetings are dominated by a small group, shutting out others. The politics here are complicated. Sometimes officials and community members switch roles, protecting forests at one moment, and supporting their exploitation the next, especially when short-term profits are involved (Baviskar, 2025). This shows why it is important not to unthinkingly copy "best practices" from other places without

understanding the local political and economic realities. What works somewhere else might mask the daily struggles over who gets access and authority in another place (Forsyth & Sikor, 2013).

This paper builds on these insights to examine the formation and role of CSOs in two tribal districts of Himachal Pradesh, focusing on their engagement with the stalled CFRs process. It draws on twelve months of fieldwork, including interviews, participant observation and analysis of CSOs records, to explore how these organisations navigate the tensions between community mobilisation, state resistance and economic pressures such as hydropower and road building. The aim is to shift the question from why CFRs have not been implemented to whose interests are served by their absence, and what kinds of forest justice —ecological, procedural, and distributive — can be realised in the Western Himalayas.

## **2. Research Framework**

### **2.1. Research Approach**

This study follows a qualitative approach to understand how CSOs in Lahaul Spiti and Kinnaur mobilise forest rights while navigating both formal legal frameworks and local customary systems. A qualitative design was applied because it allowed us to work closely with people in their contexts, hear their perspectives, and observe their everyday practices. This approach enabled exploration of the strategies organisations use, the challenges they face, and the meanings they attach to their work, rather than reducing these complex processes to numbers or summaries (Creswell, 2013).

Four central questions guided the research. The first examines how CSOs mediate forest rights claims and promote awareness in the tribal Western Himalayas. The second explores why the implementation of CFRs under the FRA 2006 has remained absent in Himachal Pradesh, despite mobilisation and awareness efforts. The third asks how customary forest governance systems coexist with, influence, or come into conflict with state-led conservation regimes. The fourth considers the kinds of legal, ecological, and social outcomes that emerge from civil society mobilisation. These questions shaped the study design, site selection, and method selection.

### **2.2. Selection of Civil Society Organisations**

The process of identifying CSOs involves combined field visits, conversations with community members, examination of organisational records, and review of local media reports. The study included only organisations founded and led by residents that operated entirely within their districts. This meant the study centred on organisations deeply embedded in their communities' social and cultural life. They differed significantly in their size, structure, and resources. Some were small, volunteer-led groups working informally, while others were formally registered bodies with established governance systems. This diversity enabled the examination of different ways of organising and advocating for forest rights within the same cultural and geographical context.

### **2.3. Data Collection**

Fieldwork was carried out over twelve months, using multiple qualitative methods recommended for applied field research.<sup>2</sup> Participant observation was central to the research

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<sup>2</sup> This study is part of the broader doctoral work on debates on tribal forest rights in Himachal.

process. I attended public meetings, forest rights workshops, protest gatherings, and community awareness events. These settings provided the opportunity to observe how advocacy unfolded in practice and how participation was organised and sustained. They also revealed the importance of rituals, symbols, and cultural references, which were woven into collective action and gave meaning to claims that might otherwise appear only procedural or legal.

Semi-structured interviews were conducted with members of the selected organisations in workplaces, community halls, and village meeting spaces. This format allowed for guided conversation while giving participants space to share their experiences in their own words. In situations where travel was not possible due to poor road access or seasonal closures, interviews were conducted by telephone to ensure representation from all relevant areas.

Desk research complemented the fieldwork. I reviewed petitions, official forest rights claims, government circulars, and organisational reports to understand the administrative and legal setting in which these organisations work. Social media platforms were also examined to study how organisations share information, frame messages, and connect with people across distances. Digital communication was essential in geographically isolated areas where physical interaction is often limited by terrain or weather conditions.

## **2.4. Data Analysis**

The material from observations, interviews, documents, and social media was analysed using Braun and Clarke's (2013) thematic approach, which involves systematically coding data, identifying patterns, and developing themes. This method provides a flexible, rigorous framework to interpret complex qualitative data, uncovering meaningful insights related to the research questions. I began by conducting close readings of all the data to identify recurring topics and patterns. These were coded and grouped into broader themes, including bureaucratic challenges, legal literacy, ecological stewardship, and mobilisation strategies. Themes were refined as the analysis progressed. Triangulating information from multiple sources helped confirm findings and reduce bias, ensuring that the results accurately reflected the realities of CSOs and their communities.

This approach enabled the systematic answering of the guiding research questions. It documents how legal and customary systems interact, why formal recognition of CFRs has stalled, how civil society bridges these systems, and the legal, ecological, and social outcomes that have emerged. By combining sustained field engagement with careful analysis, the study provides a grounded and reliable account of how communities in the Western Himalayas organise, negotiate, and act to protect their forests.

## **3. Results and Discussion**

### **3.1. Community Forest Rights in Himachal Pradesh: The Case of Lahaul-Spiti and Kinnaur**

The FRA 2006 was meant to reset the balance between the state and forest-dependent communities by recognising rights that had been historically denied. Among these, CFRs carry particular significance because they provide not only secure access to forest resources but also the authority to participate in their governance. In Himachal Pradesh, however, and especially in the tribal districts of Lahaul-Spiti and Kinnaur, the move from policy to actual practice has been halting and incomplete.

Official statistics and Right to Information responses show just how slow the process has been. By May 2025, only 146 CFRs claims in the entire state had resulted in titles, while 537 remained pending (MoTA, 2025). In Lahaul-Spiti, no CFRs had been issued. Ten claims of CFRs in the Spiti subdivision were still pending in March 2025, and the Lahaul subdivision could not provide even basic details on the pending CFRs. In Kinnaur, no CFRs titles were issued; 21 claims were pending at the district level, and another 30 awaited decisions at the sub-divisional stage.<sup>3</sup>

These numbers are difficult to justify given that both districts have Scheduled Tribe populations exceeding fifty per cent, a higher proportion than in many states where CFRs have advanced far more quickly (Census of India, 2011). In Madhya Pradesh, Odisha, Gujarat and even the newly reorganised Jammu and Kashmir, thousands of CFRs have been distributed with state support (MoTA, 2025). This contrast points to a larger truth: legal eligibility alone is not enough. Without political will, clear institutional procedures and a readiness to devolve control, laws like the FRA 2006 remain little more than promises.

The difference becomes observable when looking at how people use the forest resources. A right written as law does not automatically translate into benefits for anyone unless it is effectively implemented. As Ribot and Peluso (2003) argue, the realisation of such rights depends on the networks, institutions, and resources that enable communities to incorporate them into their everyday lives. In Himachal Pradesh, this bundle of powers is rarely available to communities. Claims stall at the sub-divisional or district level, not because the law is unclear, but because forest departments hesitate to share control, bureaucratic routines favour inaction, and vast tracts of land are tied up in the ambiguous category of Protected Forests or in laws previously misread by the government. There is also a communication gap between the authorities and local people.

These obstacles are not new. The state's forest governance history has been shaped by alternating phases of local involvement and reasserted state dominance (Vasan, 2001). The present situation fits that pattern: while the FRA 2006 appears to offer a shift toward community control, its implementation in Himachal shows the persistence of centralised authority, particularly over forests considered ecologically or commercially important.

Power dynamics within communities further complicate the picture. As Naidu (2005) has shown, differences in wealth, caste and political influence shape collective action in Himalayan villages. Such differences affect who engages in CFRs claims and who stands to gain from them. Elite capture, where local or bureaucratic elites shape outcomes to their advantage, is a documented risk in forest governance (Rana, 2014). This means that even when claims are filed, they may not reflect the needs or priorities of all community members.

Gender inequalities add another, often overlooked, layer. Women in Lahaul-Spiti and Kinnaur are deeply involved in day-to-day forest care, closing forests for regeneration, leading planting cycles and maintaining sacred groves. However, their contributions remain largely invisible in formal claim processes. Early research across rural South Asia shows that participation in name rarely translates into decision-making authority for women (Agarwal, 2001), and the CFRs process here is no exception.

The ecological argument for recognising CFRs is strong. Comparative studies demonstrate that secure tenure and community-led governance often produce better conservation outcomes than centralised, exclusionary approaches (Brandt et al., 2017; Larson et al., 2010; Poffenberger et al., 1996).

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<sup>3</sup> The data on Lahaul-Spiti and Kinnaur were collected by me from the district administration by filing Right to Information for same. The state data is from the official Indian Government site maintained by Ministry of tribal affairs data up to May,2025.

In this context, the lack of CFRs titles is more than a matter of slow administration. It represents a lost chance to strengthen governance systems that have already shown they can sustain forests. Elsewhere in India, CFRs recognition has given communities the legal assurance to continue managing forests in accordance with their own traditions and ecological knowledge. In Himachal Pradesh, these practices continue but remain vulnerable to state encroachment or commercial exploitation without formal recognition.

The experience in Lahaul-Spiti and Kinnaur makes clear that the obstacles to CFRs go far beyond the law's written provisions. They grow out of long-entrenched ways of holding power, shaped by years of central control and by inequalities that run through and beyond the community. Until these roots are acknowledged and dealt with, the FRA 2006 will remain more of an idea on paper than a force for real change in forest governance in Himachal Pradesh. For this reason, it is vital that CSOs, many of which have emerged from within these communities, are recognised by the relevant authorities in both districts as legitimate actors in decision-making processes.

### **3.2. Civil Society Organisations: Their Origins, Identity, and Ways of Working**

The politics of forest rights in Kinnaur and Lahaul–Spiti is sustained less by the official machinery of the state and more by the associational life of these valleys. CSOs, whether voluntary forums, village-level committees, youth collectives or registered non-government organisations, have become the institutions through which people interpret the FRA 2006, discuss their anxieties, and shape their demands. Their origins lie in the local context of struggle, and their identities are inseparable from the communities they represent. Their ways of working combine petitions and meetings with cultural expression, pamphleteering in local languages, and direct conversations with villagers. Putnam's reflections on associational life are especially resonant here: it is not the abstract strength of the state but the density of collective associations that enables communities to act (Putnam, 2000).

In Kinnaur, the Him Lok Jagriti Manch (Himachal People's Awareness Forum) has been a key forum. It was formed in late 2008, in the immediate years after the FRA 2006 was passed, by activists, teachers, and retired officials who felt the need for a common platform to discuss rights. The Manch is not a registered non-governmental association. It is a voluntary forum based in Reckong Peo. What made it important was not only the issues it raised but the way it brought people together. When I met the members in June 2024, they told me they had printed pamphlets in Hindi and the local dialect. Sometimes these were typed on old typewriters. Sometimes they were just written by hand. The aim was to explain the Act in a way villagers could understand. They said that unless people felt the law was theirs, it would remain just a piece of paper. Volunteers carried the leaflets from village to village. In some places, they stayed back in courtyards or temples to answer questions. One member said, "*We had to say again and again, this is not a law for others, this is yours.*" At first, families filed IFRs claims for small plots. Slowly, as people learnt more, they began to ask about grazing commons and deodar groves. That is how the demand for CFRs started to take shape.

The Hangrang Sangharsh Samiti (Hangrang Struggle Committee) in Nako village, Kinnaur, moved in a similar direction, though its starting point was different. It began with opposition to a hydropower project. When I spoke to members in July 2024, they said the protest gave them a hard lesson. No matter how strong the resistance, projects would still come unless communities could speak through the law. Step by step, they began to connect their struggle with the FRA 2006. They saw that provisions for community consent and rights could become

their defence. Now, the Samiti says that no-objection certificates under the FRA 2006 should not be treated as a formality. They must be seen as binding statements of community power.

Youth activism has also grown strong in Kinnaur. The campaign called No Means No brought young men and women together. They turned legal ideas into slogans and drawings. In a group discussion in Moorang in July 2024, primarily young men explained how they made posters, painted rocks, and short videos for social media. Later, they carried these messages back to their villages. Their role was not only to join protest marches but also to explain the law to the elders. One of them told me, *“I would hold up a pamphlet and say, See, this Act says your signature can stop a project.”* For them, IFRs were important but limited, as they secured only family plots. Without CFRs recognition and binding consent procedures, they argued, these individual gains could be swept away.

The Zilla Van Adhikar Sangharsh Samiti (District Forest Rights Struggle Committee) represents the more organised face of this activism. Operating across the district, it gathers information from villages, prepares petitions, and presses the state to act. Interviews in July 2024 revealed how its leaders consciously shifted attention away from household claims alone. They repeatedly emphasised that forests cannot be fragmented family by family, and that only community rights can preserve the commons. Their advocacy is closely tied to the argument that no objection certificates under the FRA 2006 should serve as a legal safeguard for communities before any project is granted clearance.

Cultural collectives complement these forums. Kyang is a group of youth that emerged alongside the ‘No Means No campaign and focused on direct mobilisation in villages. It held meetings in village squares and devised local performances to spark debates. Pahadi Poet (Mountain Poet) and youth pages similarly use verse and short writings to remind communities that rights are not abstract entitlements but part of their lived heritage.

Village committees reveal another form of associational practice. The Jangi Sangharsh Samiti (Jangi Struggle Committee) emerged from concerns about the possible loss of deodar forests and grazing lands. Its members often describe their claim not as technical but as a matter of dignity, for to lose the forest is to lose the essence of their village life. The Kinnaur Parya Varan Samrakshan Sangharsh Samiti (Kinnaur Environment Protection Struggle Committee) functions as a broader umbrella, linking several valleys to speak in unison on environmental and rights-based issues. These Samitis show how local grievances expand into district-wide articulations of rights.

In Lahaul and Spiti, there are fewer associations than in Kinnaur, but the ones that exist are significant. The Lahaul Spiti Ekta Manch (Lahaul Spiti Unity Forum) was among the first to advocate bringing people across the valley together. When I met the elders in Keylong in August 2024, they told me that the Manch (forum) had begun by addressing land issues. Over time, it also began to take up questions about forests. Its role has been to nurture a sense of valley-wide identity, ensuring that rights are not seen only in fragments. The Lahaul Spiti Van Adhikar Manch (Lahaul Spiti Forest Rights Forum), a more recent platform, has made the FRA 2006 central to its work. After a few IFRs were recognised in Lahaul, villagers realised that the commons were still unprotected. At a meeting in Keylong in September 2024, members explained how families initially rejoiced when they received their papers. However, they soon felt uneasy as they saw that pastures and forest tracts still belonged to the state. This unease led to a turn toward CFRs claims, which the Manch now champions through panchayat resolutions and petitions.

Mahila Mandals (Women's Association) in Lahaul add an everyday texture to the movement. Traditionally associated with welfare and savings, they have begun to take up ecological issues. In Tandi, women explained in August 2024 that for them, forests are not an

abstract category but the daily source of fuelwood and fodder. If commons are lost to outside projects, their labour becomes impossible. By linking gendered work to collective rights, Mahila Mandals reframe the struggle in terms of survival and dignity.

In Lahaul and Spiti, registered local organisations have become increasingly significant. The Save Lahaul Spiti Society, which began with a focus on cultural preservation, now places equal emphasis on environmental concerns. In Sissu in September 2024, members explained how they prepared detailed submissions arguing that ‘no objection certificates’ under the FRA 2006 must be treated as binding. That recognition of the CFRs is essential for protecting fragile mountain landscapes. The Spiti Civil Society, established by young professionals in Kaza Village, Spiti, has followed a similar trajectory. Initially centred on heritage, it soon recognised that without secure community rights, heritage itself would remain at risk. By documenting grievances and converting them into petitions and reports, its members lend institutional weight to demands that might otherwise be disregarded as purely emotive.

Across both districts, a typical pattern emerges. The early emphasis fell on securing Individual Forest Rights, which brought satisfaction to many households but also exposed the limits of individual entitlements. Once land titles were distributed, it became clear that pastures, groves, and forests remained outside the community’s control. As one farmer in Lahaul remarked in September 2024, *“We were happy when families got their plots, but then we saw the pastures still belonged to the state”*. This recognition has since shaped collective strategies, explaining why organisations of varied backgrounds now converge on the same demand: the recognition of CFRs and a legal requirement that consent procedures under the FRA 2006 be treated as mandatory before any clearance is granted.

Civil society in Kinnaur and Lahaul–Spiti is, therefore, a layered associational world. From pamphlets printed in regional languages to cultural songs and youth slogans, from women’s Mahila Mandals to district-level Samitis, the forms vary widely. At the same time, their identity is anchored in a shared belief that rights have value only when experienced and claimed as collective entitlements. The way they organise themselves shows that law takes on meaning only when it is translated into familiar forms, such as pamphlets, songs, or village meetings, that connect with everyday life. This illustrates how democratic life grows not simply through formal institutions but through everyday associations that build trust and encourage people to act together (Putnam, 2000). For the people of these valleys, CSOs are not auxiliary to law but the very medium through which law enters lived practice.

### 3.3. Customary Forest Governance and Its Relationship to State-led Conservation

The mountains of Lahaul-Spiti and Kinnaur are home to systems of forest governance that long predate the arrival of state forestry. These arrangements are not simply remnants of a distant past but continue to provide moral and social order for how communities interact with their forests. They emerge from a combination of ecological knowledge, religious faith, and the practical necessities of survival in a fragile environment where the balance between use and regeneration has always been delicate.

In both these tribal districts, people follow their customary forest governance laws. In Kinnaur, people believe that their forests, pastures, water sources and animals are protected by local guardian deities known as the ‘Shu’. This belief system, called the Shu culture, combines elements of Hinduism, Buddhism and older local traditions. It shapes the way communities care for their surroundings. Villages have deity committees that not only look after rituals but also manage how resources are used. They decide when people can collect pine nuts, herbs, and grasses, and they regulate grazing so that the land is not harmed. When someone ignores the

rules, they may be fined or asked to perform a ritual to restore balance with the deity. These practices help to protect resources and also keep the community united (Bhagat & Dogra, 2022).

Alongside the 'Shu' system, the Wazir rules form another important pillar of customary governance in Kinnaur, Lahaul and Spiti. The Wazir is a respected local authority, usually hereditary, but his role is not limited to leadership. The Wazir represents a body of customary law that regulates village life. These Wazir rules cover the use of forests, pastures and water, and are understood by the community as binding law. Decisions about who can cut timber, when animals may graze or which areas must remain closed are taken in village meetings, where people can voice their concerns. However, the Wazir ensures that the final decision is carried out. Violations are punished with fines, social disapproval, or, in some cases, spiritual penalties, which give these rules the same weight as formal law in the local context. In Spiti, for example, Buddhist monasteries own some forest areas but leave their management to village groups, who continue to govern them under these customary rules (Sinha, 2015; Gupta & Singh, 2003).

What makes both the Shu committees and the Wazir rules effective is their flexibility. They are not rigid codes but living systems that adjust to circumstances. During particularly harsh winters, villagers may be allowed to graze their herds in areas that are usually restricted. This balance allows survival without causing lasting harm to the land.

In Lahaul, Spiti and Kinnaur, these customary institutions show how culture, belief and law are closely tied to the management of forests and pastures. They are not written in state law but have been accepted and followed by communities for generations. These practices have enabled people to survive in a fragile mountain environment while also protecting their cultural identity.

However, it would not be right to think of these customary systems as rigid or frozen in time. They have shown great flexibility in responding to new challenges. In many of my interviews, people described this as the moment when the forest, once a part of daily life, was turned into something managed by distant officials. In both Kinnaur and Spiti, for example, village councils have begun to link their traditional decision-making processes with those introduced under the FRA 2006. What we see here is a form of hybrid governance, in which a decision first receives the sanction of the deity or the village council and is then written into official records. This blending is not always smooth and can sometimes lead to friction, but it shows the resourcefulness of communities in keeping their systems alive while working within state structures.

Seen through Elinor Ostrom's lens of polycentric governance, these practices make clear that there is not just one centre of authority (Ostrom, 1990). The state, the local deity, oral codes, and statutory committees all operate simultaneously, side by side. This creates a plural order that can strengthen conservation but can also complicate it. What binds people to their forests is often trust and reciprocity, which can secure compliance far more effectively than laws imposed from above. Still, because these systems rarely receive formal recognition, they remain exposed and fragile whenever state projects or large-scale development moves into community lands. The FRA 2006 promised a way to bridge this divide by recognising CFRs and giving legal weight to practices people have followed for generations. However, translating spiritual norms and oral codes into legal documents has not been easy. Villagers expressed frustration that, while they know their rules by heart, they struggle to produce written evidence or maps when asked. Officials, for their part, frequently see ritual consultations as superstition rather than legitimate governance. It is in this gap that the real challenge lies. The law promises to protect customary institutions, but the way it demands evidence often undermines their spirit.

In practice, what is emerging is neither a pure revival of tradition nor a complete surrender to bureaucracy. It is instead a layered form of governance where customary and statutory logics

intermingle. This pluralism, though fraught, may offer one of the most promising paths for ecologically sensitive and culturally rooted forest management in the Himalayas.

### 3.4. Environmental Justice in the Context of Forest Rights

The debate over forest rights in Kinnaur and Lahaul-Spiti is not simply about who can use forest resources. It raises more profound questions about justice, belonging, and recognition. In these regions, environmental justice is understood in broader terms: whether communities can participate in decisions, whether their cultural relationships with forests are valued, and whether the benefits and burdens of development are shared fairly. To interpret these dynamics, this study draws on Elinor Ostrom's work, which emphasizes the value of governance systems that are locally adapted and have multiple centres of decision-making, and on David Schlosberg's framework, which understands justice in terms of fair distribution, meaningful participation, recognition, and the ability of communities to live with dignity (Ostrom, 1990; Schlosberg, 2007).

One key dimension is procedural justice. Communities have consistently noted that major decisions affecting their landscapes are often made without their meaningful participation. Hydropower projects, road expansions, and even conservation schemes have proceeded with limited or token consultations. During my fieldwork in July 2024 in Kinnaur, villagers repeatedly narrated that they learned of proposed projects only after survey teams arrived, rather than through prior consultation. Similar experiences were shared in Spiti a few weeks later, where people said that decisions on declaring eco-sensitive zones were taken in distant offices with little regard for local voices. The result is a pervasive feeling of exclusion, as though the communities most affected are the least considered. From an Ostromian perspective, genuine procedural equity requires rules that are created and applied locally rather than handed down through distant bureaucratic orders (Ostrom, 1990). In practice, the absence of such locally grounded arrangements often produces a strong sense of exclusion. Communities that depend most on forests feel that they are the least considered in decisions that affect their everyday lives.

Distributive justice is evident in the unequal burdens these communities bear. Restrictions on forest use, the diversion of land for dams, or the tightening of rules under state conservation regimes have often come without adequate compensation. In interviews, local farmers in Lahaul explained that while they faced restrictions on seasonal grazing, commercial ventures in the valley rarely encountered the same scrutiny. Schlosberg's emphasis on distributive justice underscores that burdens and benefits must be balanced not only among current actors but across scales of livelihood and industry (Schlosberg, 2007). This double standard, in which local subsistence practices are penalised while industrial-scale activities proceed with ease, was a recurrent theme. It underscored the sense that the burdens of conservation and development are distributed unevenly.

Equally significant is recognition justice. For Kinnauri and Lahauli alike, forests are not inert resources but sacred and cultural spaces. Sacred groves, ritual forests, and sites associated with deities are essential to community identity. The state's tendency to treat these spaces merely as biological assets ignores how communities live their relationships with the forest. Schlosberg further argues that recognition justice demands honouring cultural identities and knowledge systems, which in Kinnaur and Spiti are inseparable from forest life (Schlosberg, 2007). Women, in particular, expressed this most vividly. In mahila mandals across Lahaul, women described how they bear the primary responsibility of collecting fodder and fuelwood and conducting household rituals tied to forest produce. However, their voices remain marginal in formal

governance committees, even as their everyday labour sustains both families and ecosystems. Recognising these roles is crucial if forest governance is to achieve justice that is not only procedural but also cultural and gender-sensitive.

The climate dimension intensifies these justice claims. Communities in both districts are acutely aware that the snowlines are retreating, glaciers are thinning, and pastures are shifting. Their ability to adapt depends on secure access to forests, since these resources cushion households during lean years. Forest rights, therefore, are not simply about present access but about the resilience of future generations. Justice, in this context, must be understood as both intergenerational and distributive. Ostrom's design principles remind us that sustainable institutions must adapt over time and safeguard access for future generations (Ostrom, 1990).

The FRA 2006 was supposed to give people a way to settle these questions, but the reality has been quite different. In many places, claims for CFRs are still waiting for approval, stuck in official procedures that move very slowly. When I spoke with villagers in Kinnaur in July 2024, they told me that some families had received papers for their forest rights. However, the larger, shared rights over pastures and forests were still out of reach. This has gradually changed the way people think about the law. At first, they were glad to see individual plots recognised, but now there is a stronger feeling that only collective rights can protect their forests from outside projects. Experience in Lahaul-Spiti in August and September reinforced this shift, as villagers said they now push for a no-objection certificate under the FRA 2006 to assert their say in development decisions. Civil society groups such as Him Lok Jagriti Manch in Kinnaur and Save Lahaul-Spiti Society in Lahaul have been instrumental in spreading this awareness, sometimes through pamphlets in local languages, sometimes through courtyard meetings where people are reminded that the law is on their side.

These practices of mobilisation highlight how environmental justice is not achieved merely through the letter of the law but through collective action. By reframing forest rights as not only economic but also cultural and ecological entitlements, local organisations and community members are broadening the very idea of justice. Their claims insist that justice must be procedural, distributive, and recognitional at once, or else it will not endure.

In due course, the pursuit of environmental justice in these mountain districts calls for a transformation in the way governance is imagined. Top-down models that prioritise bureaucratic control are ill-suited to the lived realities of these regions. What is needed is a pluralist approach that honours customary authority, empowers women and marginal groups, and allows communities to negotiate development on their terms. Together, Ostrom's call for polycentric, nested governance and Schlosberg's multi-dimensional justice lens point toward pluralist approaches that are adaptive, equitable, and culturally grounded (Ostrom, 1990; Schlosberg, 2007). Justice here is inseparable from dignity, and dignity rests upon the right to be heard, the right to cultural identity, and the right to shape one's ecological future.

#### **4. Conclusion**

This study has explored the intersections of forest rights, civil society engagement, and environmental governance in the Western Himalayas, showing how questions of justice are negotiated within layered and often contested institutional settings. The findings demonstrate that governance is not a straightforward, top-down process but a dynamic arena where policies are continually reinterpreted through the actions of communities, CSOs, and state actors (O'Toole, 2000; Hill & Hupe, 2022).

Civil society plays an especially significant role in this landscape. Non-governmental organisations and grassroots coalitions help translate legal frameworks into practices

meaningful to local communities (Gupta et al., 2020). However, their influence is shaped by political conditions, power relations, and their ability to mediate among multiple stakeholders (Barnes & van Laerhoven, 2015). At the same time, their role raises important questions about whose interests are advanced and what forms of change are enabled or constrained (Bebbington et al., 2007).

The Western Himalayan case highlights the limits of simplistic binaries such as state versus community or conservation versus development. Governance in this region is better understood as plural and layered, with traditional systems, modern laws, and diverse actors overlapping in ways that produce both opportunities and conflicts (Bisht et al., 2023). These arrangements are also shaped by historical patterns of control and exclusion, which continue to influence present-day struggles over access and authority (Shah et al., 1998).

Justice emerges as a central concern throughout this analysis. It involves not only participation and recognition but also the equitable distribution of rights and resources (Kashwan, 2013). Tribal communities in particular face barriers to asserting their claims despite the legal protections available to them. The question of “whose justice” remains central, as different groups bring distinct visions of fairness and legitimate access to forests (Springate-Baginski & Blaikie, 2007; Bisht et al., 2023).

Looking ahead, several challenges and opportunities become clear. Governance systems must adapt to rapid environmental change while retaining legitimacy among diverse stakeholders (Ojha et al., 2019). Civil society will likely play an increasingly important role as state institutions alone prove insufficient to address these challenges (Barnes et al., 2016). Above all, equity must remain central, since technical solutions that ignore distributional concerns risk reinforcing existing inequalities (Villamayor-Tomas & García-López, 2018).

The Western Himalayan experience suggests that effective governance requires hybrid approaches that combine state regulation, community management, and civil society engagement in ways that respond to local contexts. Such approaches will always be shaped by power imbalances and competing visions of justice, but they offer a path toward more inclusive and resilient arrangements (Fleischman, 2014,2016).

Finally, this research underlines the need to view environmental governance as a political process rather than a purely technical exercise. Understanding how governance evolves requires attention to local realities, long-term institutional change, and the perspectives of those whose lives are most affected. Future research would benefit from interdisciplinary approaches and sustained engagement with governance processes over time. In regions such as the Himalayas, where livelihoods and ecosystems are deeply intertwined, such approaches are vital for ensuring both sustainability and justice.

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