

The Ecology of Himachal Pradesh and the Framework of Its Environmental Laws

Himachal Pradesh, which became a fully-fledged State in January 1971, with an area of 55,763 sq. km, consists of the erstwhile Princely State known as the Punjab Hill State, which were consolidated into a single unit in 1948, and hill areas of the erstwhile Punjab State which were integrated into Himachal following the reorganisation of the Punjab in November 1966. The composition of the laws in Himachal therefore, are of three types; those carried over from the Princely States, those from the Punjab, and those which the Himachal Government has independantly enacted or adopted after the formation of the State. In addition there are customary laws, some dealing with common property resources, but mostly concerning family matters such as marriage divorce, inheritance, and adoption.

¹¹ Ibid., Vol. V: Forest Cooperatives and the Laws.

The State can be divided into three physical zones: (i) The Outer Himalayas, below 3,048m in altitude and with a rainfall between 150 to 180cm (ii) The Inner Himalayas, above 3,048m and with a rainfall of 75 to 100 cm; and (iii) The Alpine Pastures, comprising of areas which are under snow for 6 months a year. The annual rainfall in the State ranges from 283cm, in Kangra District, to 45cm, in the Lahaul and Spiti Area. The forest vegetation in all the three physical zones is governed basically by the Indian Forest Act which the Himachal Government adopted, with amendments, in 1968. Besides this there are 12 other forest laws governing the sale, transit, and procurement of minor forest products.

The six districts of old Himachal, viz, Kinnaur, Mahasu, Mandi, Chamba, Sirmur, and Bilaspur, consist of five soil zones. The low-hill types of soils are suitable for potatoes, wheat, maize, sugarcane, ginger, paddy, and citrus fruits. The middle-hill type of soils are growing suitable potatoes, for stone-fruits, wheat, and maize. The high-hill types of soils are good for seed potatoes and temperate fruits. Ninety-three per cent of the people cultivating these soils lives in villages and only 7 per cent of the Himachal population live in the urban areas. The relationships of these people to soil, to market, and to the government administration are regulated by 90 odd land laws. The basic land laws, such as those concerning acquisition and ceiling, are framed by the adoption of old laws, after amendments, as applicable in the Punjab and other States, and the H.P. Land Revenue Act, 1954, which was operative in Himachal before the 1954 Act. As noted earlier, one of the major causes of land erosion in Himachal Pradesh is grazing. The State has enacted 3 specific laws pertaining to livestock. The Cattle Trespass Act, 1973, for example, regulates grazing on government land. Grazing on forest land is regulated by forest laws.

Himachal is well endowed with water resources. The Yamuna, Sutlej, Beas, Ravi, and Chenab rivers pass through the hills of the State and provide substantial hydropower potential. The Sutlej meets the Beas at Harike above Ferozepur before joining the Chenab at Madwala in Pakistan. The Ravi River flows into Pakistan about 26km below Jammu and Kashmir. There are 14 different laws dealing with water resources in Himachal, if one takes into account canals, drainage, and lakes. These laws concern water use, water resources, and the agencies regulating the use of water. Two basic laws governing use of water are the Northern India Canal and Drainage Act, 1965, and the H.P. Water Supply Act, 1968. The Canal and Drainage Act is modelled on the Punjab Act of 1958.

As per the data furnished by the Department of Public Works, the total road length in Himachal has increased from about 300km in the 60s, to 4,684km in 1977, and to 18,735km in 1983. There are excellent facilities provided by the Himachal Pradesh Tourist Development Corporation for tourists, ranging from air-conditioned luxury video coaches to regular buses for travelling to various scenic spots. In the Sixth Year Plan, the outlay for Himachal Pradesh in transport and communication was Rs 11,865 lakhs, out of which the sum of Rs 10,000 lakhs was for roads and bridges and Rs 700 lakhs for tourism. There are 13 State laws which are directly related to tourism, besides the sales' duty, and excise tax laws which are related indirectly. These laws principally concern the protection of monuments, the regulation of traffic, and the charging of tolls or tax. They have almost nothing to do with ecological protection or conservation.

Let us turn to look at each of these environmental aspects in detail.