THE REGULATION OF SACRED GROVES IN SIKKIM: A SOCIO-LEGAL PERSPECTIVE

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Abstract

Sikkim was ruled by the Chogyals, who were Buddhists, before it became a state of the Union of India in 1975. The administration of forests, both in the lines of scientific forestry and religion, gave predominance to Buddhist beliefs in the understanding of the sacred space. However, the minor narratives of the animists and Hindus gained momentum with the change in the socio-legal upheavals following the change in polity. Since legal instruments have to be secular to adhere to the secular nature of the Constitution, religious sentiments could not be inculcated into the letters of the law. However, through policy decisions, the government of Sikkim has encompassed the religious sentiments of the general populace into environmental governance and this is prominent in its governance and preservation of forests through the recognition of sacred groves.

I Introduction

THE EXISTING paper examines the approach of the mountain people of the Sikkim Himalayas in the Eastern-Himalayan Range towards sacred groves and is based on the current ecological premise that traditional, cultural and indigenous beliefs about nature should be inculcated into the framework of environmental governance and policy making. It further goes on to examine the ways in which these beliefs have been invoked similarly in the context of law making in Sikkim. In the absence of any substantial literature on the sacred groves of Sikkim, as opposed to other parts of India, this paper combines both doctrinal research and field research techniques of interview and observation to study sacred groves in Sikkim. A survey of the literature showed ample materials on the Buddhist beliefs about the sacred spaces within the context of Sikkim but a dearth of the same in case of alternative narratives.[1]

Sacred groves are "traditional folk"[2] practices of ecology and in India, beliefs on sacred groves are mostly indigenous or animist beliefs that exist within the folds of the lesser

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1 In Amitangshu Acharya and Alison Ormsby, "The Cultural politics of Sacred Groves: A Case Study of Devithans in Sikkim, India" 15(2) *Conservation and* Society 232:242 (2017) the paper discuss precisely the lack documentation of alternative narratives. Infact, this is the only article found by this author, who is a native of Sikkim and a Nepali speaking Hindu, during her literature survey on Hindu narratives of sacred groves of Sikkim. Also, the methodology of the author in writing this paper was to first research the prevalent beliefs about sacred groves in Sikkim and then to examine the pan-Indian literature on sacred groves and draw a comparative analysis. What came to the fore was a stark commonality in the beliefs about the sacred groves in the communities of Sikkim with the rest of India.

2 Madhav Gadgil and Ramachandra Guha, *Ecology and Equity: The Use and Abuse of Nature in Contemporary India* 92 (Oxford Unity Press, New Delhi, 1995).

tradition of Hinduism alongside the greater tradition of Hinduism.[3] Some have elements of Hinduism inculcated into their worship, like in the *Devbans* of Himachal Pradesh,[4] while there are also those that have inculcated Buddhist practices, like in Sikkim, Darjeeling and other parts of West Bengal.[5] Muslim[6] and Sikh sacred groves also exist and in other places, sacred groves with separate tribal or indigenous beliefs exist in a different context without any *Sanskritic* influences, like in Meghalaya, a state with a significant Scheduled Tribe Christian population.[7] They are called *Devbans* in Himachal Pradesh, *Debi/Devta Than* by Hindus in Sikkim *or Gumpa Forests*[8] by Buddhists of Sikkim and Arunachal Pradesh, *Kavu* in Kerela,[9] *Kans* in Karnataka,[10] *Law kyntang* or *Law Niam* (Khasi hills) and Khloo Blai (Jaintia hills) in Meghalaya,[11] Oran in Rajasthan,[12] *Sharana* in Madhya Pradesh,[13] and *Thkuranisal* in Orissa.[14]

Whatever their names or their manner of worship may be, sacred groves are relic forests[15] and depict the legacy of shifting cultivators who preserved a patch of the forest[16] which, in turn are also centers of bio-diversity and gene-pool of plants, centers of plant endemism,[17] serve as habitats of birds and small animals[18] and are sources of

3 M.D. Subash Chandran and Donald Hughes, "Sacred Groves and Conservation in the Mediterranean Area and In South India" 6(2) *Environmental and History* 178 (May 2000).

4 Sudha Vasan and Sanjay Kumar "Situating Conserving Communities in their Place: Political Economy of Kullu Devban" 4(2) *Conservation and Society* 325-346 (June 2006).

5 Debal Deb, "Sacred Groves of West Bengal: A Model of Community Forest Management?" Working Paper No. 8 *Understanding Livelihood Impacts of Participatory Forest Management in India and Nepal, The Overseas Development Group, University of East Anglia UK* 4-5 (Oct. 2007).

6 Madhav Gadgil and M.D. Subash Chandran, "Sacred Groves" in "Indigenous Visions: Peoples of India Attitudes to the Environment" 19(1/2) *India International Centre Quarterly* 185 (Spring-Summer 1992).

7 Alison A. Ormsbry and Shonil A. Bhagwat "Sacred Forests of India: A strong tradition of community-based natural resource management" 37(3) *Environmental Conservation* 320-326 (2010).

8 Kailash C. Malhotra, Sudipto Chatterjee, *et.al.* "Cultural and Ecological Dimensions of Sacred Groves in India" 2 *Indian National Science Academy* (June 2001).

9 J. R. Freeman "Gods, Groves and the Culture of Nature in Kerela" 33 (2) *Modern Asian Studies* 261 (May 1999).

10 *Supra* note 2 at 172.

11 Tiplut Nongbri "Culture and Biodiversity: Myths, Legends and the Conservation of Nature in the Hills of North-East India" 36 (1/2) *Indian Anthropologist* 13 (Jan-Dec 2006).

12 *Oran* is derived from the Sanskrit word aranya, meaning forest, the tradition of *Oran* has been observed for centuries, whereby groves are left in the name of folk deities.

13 *Supra* note 6.

14 Patch of forest or water body is dedicated to locals.

15 P.S. Ramakrishnan, "Ecological Threads in the Sacred Fabric: The Human Landscape" 28(1) *India International Centre Quarterly* 119 (Spring 2011).

16 *Supra* note 6.

17 *Supra* note 2 at 177.

18 Madhav Gadgil and V.D. Vartak "The Sacred Groves of Western Ghats in India" 30(2) *Economic Botany* 159 (April-June 1976).

clean drinking water, prevent soil erosion, and create a "social fence"[19] preventing exploitation of biodiversity within it by humans living in the periphery.

They serve as eco-conservation models and are a result of "continuous human intervention and management"[20] of a certain forest patch where certain plant species have been preserved or introduced due to their value to that community.[21]Sometimes, sacred sites like crematoriums are also situated inside a forest patch, turning it into a sacred grove.

Sacred groves also serve social and political functions since they are considered symbols of assertion of the identity of oppressed classes within the hegemonic systems that differentiated them on the basis of caste or other differentiations prevalent in India. Gadgil and Chandran have written of how the British or local Kings did not want to upset local sentiments by intruding on sacred groves[22] and in many ways, sacred groves subverted the implementation of the British scientific forestry policies within certain areas. For example, in Sikkim, the Kabi sacred groves serve a political purpose of asserting the symbolism of a place where the Lepcha-Bhutia blood brotherhood pact was signed legitimizing the establishment of the Namgyal Dynasty by Tibetan settlers.[23] Sometimes, they are also created through "politics of temple control and oracular readings"[24] by Hindu landlords and upper castes excluding tribal populations, untouchables and menstruating women from such groves which are considered the "royal palace"[25] of the Gods.

Lebbie and Guries have written of sacred groves in Sierra Leone as sites for "initiation ceremonies" and "spiritual rites" and "traditional hospitals" where the traditional folk medicine is practiced. For these purposes, communities in Sierra Leone are seen to have "secret patches" within the forest for practicing these.[26]

19 Shonil A. Bhagwat and Claudia Rutte "Sacred groves: Potential for biodiversity management" 4(10) *Frontiers in Ecology and the Environment* 521 (Dec. 2006).

20 *Supra* note 5 at 13. See also*,* Mahesh Rangarajan, "The Politics of Ecology: The Debate on Wildlife and People in India, 1970-95" 31(35/37) *Economic and Political Weekly* 2340 (Sep. 1996).

21 E.D. Israel Oliver King, Chitra Viji, *et.al.,* "Sacred Groves: Traditional Ecological Heritage" 23 *International Journal of Ecology and Environmental Sciences* 467 (1997).

22 *Supra* note 6 at 186.

23 R.K. Avasthe, P.C. Rai *et al.,* "Sacred Groves As Repositories Of Genetic Diversity- A Case Study from Kabi-Longchuk, North Sikkim"12(1) *ENVIS Bulletin, Himalayan Ecology* 28–32 (2004). Also see, V. Arora, "Framing the image of Sikkim" 24(1) *Visual Studies* 54–64 (2009); V. Arora, "The Forest Of Symbols Embodied In The Tholung Sacred Landscape of North Sikkim, India" 4(1) *Conservation and Society* 55–83 (2006); A. Balikci, *Lamas, Shamans and Ancestors: village religion in Sikkim, (*press Leiden: Brill, Boston, 2008).

24 *Supra* note 9 at 264. Also, see *supra* note 3 at 179-180.

25 *Supra* note 9 at 263.

26 Aian R. Lebbie and Rayong P. Guries, "Ethnobotanical Value and Conservation of Sacred Groves of the Kpaa Mende in Sierra Leone" 49(3) *Economic Botany* 298 (Jul-Sep 1995). Also see *supra* note 10 at 273**.**

Decline in indigenous cultural beliefs due to *sanskritization* as well as the shift in belief in local religions towards other religions such as, Christianity for instance, in Meghalaya, are considered to have been some reasons in the decline of sacred groves.

II Forest and the law in Sikkim

Sikkim has the unique privilege of having an environmentally conscious history of governance and the ill effects of Industrial Revolution, which were witnessed by the rest of the country and the world, did not affect it as it was an exclusively agrarian nation under a Buddhist monarchy. This continued until 1975 when it got annexed into India as its 22nd State on May16, 1975 by the Constitution (Thirty-Sixth Amendment) Act, 1975. The Act inserted a new article 371-F in the Constitution which laid down special provisions with respect to the State of Sikkim.[27]

Later, when the concept of modern development reached the fabric of Sikkim's democratic governance, environmental consciousness seeped into the global and Indian approach to development. Consequently, the ill effects of development and industrialization did not really percolate into its natural environment. Thus, in the context of its natural environment, Sikkim was fortunate to have advanced directly from an agrarian society to an environmentally conscious state, having managed to preserve its pristine environment, and having gone ahead to become the first organic state of India with green governance at the core of its policy decisions.

III Forest and the law under the monarchy

The Namgyal dynasty was established by Tibetan settlers in the mid 17th Century. However, certain tribal groups of Lepchas, Mangars and Limbus were already present in small areas ruled by tribal chiefs, when they entered Sikkim. The region was fluid and these tribal groups lived in areas spanning the current geographical territories of Sikkim, West Bengal and Eastern Nepal regions of Iilam. The Tibetans subjugated the local tribal populations and some of them escaped their rule by migrating westwards towards Eastern Nepal or southwards towards Terai. The Namgyal Kings also had a contentious relationship with Nepal as Prithvi Narayan Shah constantly kept invading Sikkim.

Risley has written that as of 1858, "the country subject to the Sikhim Rajas" "was formerly a fair-sized country, reaching from the Arun river on the west to the Taigon Pass on the east, from Tibet on the north to Kissengunge in Purneah on the south".[28] The Namgyal dynasty functioned on the suzerainty of Tibet and it came in political

27 Constitution of India, 1950, art. 371-F (k) sates that: all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent legislature or other competent authority.

28 Sir Herbert Hope Risely, *The Gazetteer of Sikhim* 2 (B.R. Publishing Corporation, Delhi, 2nd reprint, 2010).

collaboration with India through the British during the Anglo-Nepal war of 1814-16 when Sikkim supported the British. The Sikkimese interest was due to the fact that the Gurkhas, under Prithvi Narayan Shah, were constantly invading Sikkim and had already taken over parts of the kingdom. Through the Treaty of Sigauli, 1815 and Treaty of Titalia, 1817, Nepal returned a major portion of the acquired territories to Sikkim.

Through the Darjeeling Grant, major portions of the south-western and south-eastern parts of the Kingdom along with the Darjeeling Hills were given to the British by 1835 after which the British expanded it's trade interests in China and Tibet through the Chumbi Valley. With the Anglo-Sikkim Treaty of Tumlong, 1861, a friendly relationship was established with Sikkim and the British granted the title of 'Maharaja' to the then King and concurrently acquired trading rights through Sikkim. In the year 1889, the first British political officer, John Claude White, was appointed and he established his office at Gangtok, which became the capital of the kingdom in 1894, further establishing British interests in Sikkim, Tibet and Bhutan. By the year 1906, the British Government of India had taken over the affairs of Sikkim from the Government of Bengal to firmly regulate its trade interests over Tibet. The Indo-Sikkimese Treaty, 1950 signed with independent India, granted the status of a protectorate to Sikkim.

These political developments also changed the demography of Sikkim which saw an increase in the settlement of Nepali citizens in Sikkim, encouraged by the British. The Nepalese settlers, who were allowed to settle in designated areas in Sikkim, brought with them terrace farming and cattle rearing traditions.

The Maharaja of Sikkim also formalized its governance with the Durbar in control of the helm of affairs and the Kazis, the landlords or estate managers, overseeing the agricultural activities and collection of revenue in administrative divisions governed by Mandals, who were the main revenue collectors. The landlords were also given the power to oversee the process of settlement of '*raiyats*' or cultivators in various parts of Sikkim and manage the cultivation. A notification of the year 1928[29] shows that strict rules with respect to settlement in marked forest areas existed and only settlements in cultivable forest areas were allowed; the lands on which agricultural activities had been allowed but was not successful were to be reforested with valuable trees and converted to their early natural state.

Scientific forestry, in the lines of the British policy in India, however had been present in Sikkim since the beginning of the 20th Century. In the year 1905, the ninth Maharaja, Thutop Namgyal demarcated and identified all those forests which were not occupied by people, as reserved forests and issued orders to ensure that the public were not to

29 Notification No. 1816G dated June 5, 1928 issued by the General Department on order of His Highness the Maharaja of Sikkim, Gangtok.

undertake any cultivation in these forests. In the year 1909, the then 10th Maharaja of Sikkim, Sidkeon Tulku[30] established the Department of Forest.[31] By the year 1911, all the forests of Sikkim were demarcated into *khasmal*, *gaucharan*[32] and reserved forests.

While absolutely no rights of the people existed in the reserved forests, they could graze cattle and take forest produce from the *gaucharan*[33] areas and with permission from the *khasmal;* these two forests were thus community forests. While from the *gaucharan* they had the right to not only graze but also take fodder and deadwood, from the *khasmal*, all of these as well as even timber could be taken only with the formal permission of the government. The grazing rights were regulated by the *Patta* system, whereby cattle owners had to pay rent for grazing and the rent differed on the type of animal. This system ended in 1989. It was common to have *khasmal* and *gaucharan* forests existing alongside reserved forests in and around villages before 1998.

The first forest manual was published in the year 1914 which established an administrative setup to the effect that the forests in Sikkim were demarcated into zones. At the center was the Maharaja and the Forest Department while the Thikadars, who were government contractors of the time, were in control at the ground level and in control of specified zones called 'Divisions'. The divisions were further divided into 'Ranges' which were monitored by range officers. The forests were managed by a forest manager with the support of one range officer and a few forest guards.

While the King had absolute right over the reserved forest, the subjects had restricted rights to use forest produce from *khasmal* and *gau/gorucharan* forests. In the *khasmal* forests, trees to be used by the *raiyats* were to be marked and felled only after permission was sought from the landlords and estate managers.[34] The landlords and managers were also entrusted with the task of identifying these trees and certain specifications like age, height and girth of the trees were laid down for marking trees for felling. Equitable use of marked trees was encouraged by the *raiyats* by ensuring that they were allowed to use from lands cultivated by them only, in exclusion of others; the

30 He is called the "Father of Forestry" in Sikkim.

31 That the policy of the Sikkim Durbar in its management of forest was influenced by the principles of scientific forestry of the British in India is also substantiated by the fact that Dillu Singh Ghale, a forest official from West Bengal was brought on deputation from Bengal to manage the Department. By the 1905, Sikkim already had the presence of its first British Political Officer, John Claude White and it's affairs were transferred from government of Bengal to the Government of India due to the latter's expansionist policies and trade interests in Tibet and China through Sikkim.

32 Alternatively known as *Gorucharan,* it translates as *gau*: cow, *goru*: bull, *charan*: grazing from Nepali.

33 This Nepali word translates as *Gau*- cattle, *Charan*- grazin, in English.

34 Notification No. 2022/G dated June 11, 1928 issued by the general department on order of His Highness The Maharaja of Sikkim, *available at*: http://districtcourtsnamchi.nic.in/laws/oldsikkim/sikkimcodevol5.pdf (last visited on Feb. 10, 2021).

purpose was to be encourage them to feel responsible for re-forestation and preservation of the forest.

The increasing administration over forests showed the way in which forests were seen as revenue generating entities. This was essentially in line with the British policy towards forests in India. By the years 1945-46, the ownership of forests in Sikkim was taken away from the Kazis or the Landlords by the Maharaja, thus, increasing the centralization of forest administration with the Durbar.

The first cadastral survey of land in Sikkim took place in the years 1952-53 and after 1956, the administrative demarcations of forests were made into ranges, blocks and *elakas* in line with administration of revenue laws. The Department of Forest created an administrative system, akin to the Indian Imperial Forest Services, with the creation of the posts of conservator of forest, divisional forest officer and range officer. This increase in intensive management also entailed stricter legal enforcement of sanctions for violation of forest laws and rules. The division of forest land retained their earlier divisions of the reserved forest, *gau/gorucharan* forest and *khasmal* strictly demarcating the ways in which the government (Maharaja) and the subjects were to use land.

In 1954, a *Vanmahotsav* or a Tree Planting Festival[35] was initiated whereby every person was required to plant ten seedlings per year during the month of June with the clear intention of increasing tree coverage which was being depleted due to felling for domestic purposes. Another notification[36] was issued in 1959 by the Durbar banning tree felling in crucial areas, like trees standing near water bodies and steep slopes mainly to prevent soil erosion and landslides. Any application for felling of trees in lands held by the villagers was to be accessed and an assessment of the same was done before any permission to fell was granted. On violation, a value of four times the value of the tree felled without permission was to be paid as penalty. Moreover, for every single tree identified for felling, it was mandated that three saplings of the same species were to be planted in the same area. In the year 1965, the Rules for felling of trees for commercial purposes "[…] strictly according to silviculture in various parts of Sikkim[…]" were laid down by the Department of Forest.[37] These two notifications of 1959 and 1965 were amalgamated into the Sikkim Forests Private and Non-Forest Land Tree Felling Rules, 2006.

Thus, Sikkim had strict laws with respect to preservation of forests even during the monarchy and re-forestation and community involvement in its preservation, as was seen in initiatives like the *Ban Mahotsav*, was crucial in maintaining both forest cover as well as a respect for the environment.

35 Called "Shingnak-Yargay-Tendal" in Tibetan; order issued vide Notification No. 537/F, dated May14, 1954, Sikkim Durbar Gazette, Gangtok.

36 Notification No. 3447/F dated Nov. 7, 1959 issued by the Forest Department by order of the Maharaja in the Sikkim Durbar Gazette. This was implemented with effect from Dec. 1, 1959.

IV Legal regulation of forests post-merger

The administrative as well as legal regulation of forests in Sikkim underwent a massive change after the merger of Sikkim into the Indian Union in 1975. In the year 1988, Sikkim formulated The Sikkim Forests and Water Courses and road Reserve (Preservation and Protection) Act, 1988.[38] This Act codified the existing system of demarcation of forests into reserved, *gorucharan* and *khasmal* forests and laid down strict penalties for the violation of the laws laid down therein. The Indian Forest Act, 1927, The Wildlife (Protection) Act, 1972 was implemented by 1976 followed by the Forest Conservation Act, 1980 and The Environmental Protection Act, 1972.[39]

Post merger, the cadastral survey of land took place in the year 1988-89 which is considered to have been the Second Cadastral Survey of land in Sikkim, although it was the first for it as an Indian state. The "State Forest Policy on Environment, Forests and Land Use policy" was formulated in 1995 and the new government also announced 1995 as the "*Harit Kranti Baras"* and 2000-2010 as the "*Harit Kranti Dashak*".[40]

By the year 1995, the Sikkim government had entirely banned felling of trees whereby only dead, dying and diseased trees were allowed to be removed from the forest, including from private forests and the ban was implemented strictly with the help of forest guards. In the years 1995-1998, a process of initiation on ban of cattle grazing was completed and by the year 2001, the government banned grazing in government forests, plantation areas and water source areas. The Sikkim Forests Cattle Trespass Rules, 2000[41] were enforced in the year 2001 and they totally abolished the *gaucharan* forest system.[42]

In the year 1998, the system of joint forest management or participatory forest management was introduced in Sikkim constituting of local villagers, *panchayats* along

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37 Notification No. 111/F dated Nov. 24, 1965 issued by the Forest Department by order of the Maharaja in the Sikkim Durbar Gazette.

38 The Act got Presidential assent in the year 2008.

39 The Kanchenjunga National Park was notified in 1977 *vide* notification no. 95/KNP dated Aug. 26, 1977.

40 Translates as *harit*: Green, *kranti*: revolution, *baras*: year, *dashak*: decade from Nepali.

41 The Rule was formulated under s. 54 of The Sikkim Forests and Water Courses and road Reserve (Preservation and Protection) Act, 1988 and notified by publication in the Sikkim Government Gazette Extraordinary no. 31 dated Feb. 19, 2001 *vide* notification no:421/F/ Env and WL Jan. 27, 2001. As per the provisions of this Rule, the range officer was given the power to impound cattle and also impose fine on the owner violating the rules as laid down.

42 One of the most significant studies done after abolition of grazing has been done in Barsey Rhododendron Sanctuary, West Sikkim. The studies have shown positive results and the reports can be found in, *available at* http://www.indiaenvironmentportal.org.in/content/334371/ peoples-opinion-on-the-impacts-of-ban-on-grazing-in-barsey-rhododendron-sanctuary-sikkim-india/; (last visited on Jan. 20, 2021).

with block development officers and forest officials in these bodies[43] to implement plantation and other forestry related programmes of the government.

Some unique initiatives of the state towards forest conservation were implemented by capturing local sensibilities. Programmes like the "*Smriti Van Programme*"[44] were introduced in the year 1999 by which the state encouraged the plantation of trees to mark special occasions and ceremonies like death, birth, marriages and is akin to an ancestor forests. Similarly, through the Sikkim Forest (Preservation, Protection and Declaration) of Heritage Tree Rules, 2016,[45] the State has identified 21 trees with girth of 25 feet and above and 32 trees with girth of 20 feet to 25 feet respectively, under forest lands, as "Heritage Trees" of the state.[46]

Incorporating the age-old tradition of forging relationships through pacts of brother/sisterhood amongst people using a system called *Mith* or *Mitini*,[47] the state government notified Sikkim Forest Trees (Amity and Reverence) Rules, 2017 that allow any person to have a *Mith/Mit* or *Mitini* relationship with a tree standing on his or her private land or on any public land, in which case, the tree is to be called a *Mith/Mit* tree of that person.[48]

In the year 2003, the move towards organic farming was initiated and "The Sikkim Organic Mission" was subsequently launched in 2010 followed by the "State Policy in Organic Farming" in 2014. The Sikkim Agricultural, Horticultural Input and Livestock Feed Regulatory Ordinance, 2014 was also promulgated with the intention to ban the import, sale or use of chemical fertilizers or pesticides in farming or livestock management in Sikkim. Sikkim was declared the first organic state of India in 2016 and it already had a law in place, banning use of non-organic fertilizers by 2014.[49]

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43 Up till 2011, 159 Joint Forest Management Committees (JFMC), 49 Eco-Development Committees (EDC) have been formed in the state.

44 The Nepali word 'Smriti' translates to mean memory or remembrance and it now operates at the Panchayat level. Details in *www.sikenvis.nic.in › writereaddata › smritivan* (last visited on Jan. 30, 2021).

45 Notified vide Notification No. 83/GoS/FEWMD/Pr.Secy-PCCF dated 04/06/2016 and Notification No. 269/GoS/FEWMD/Pr.Secy-PCCF dated 08/11/2016.

46 *Available at*: http://sikenvis.nic.in/ViewGeneralLatestNews.aspx?Id=4962&Year=2016 (last visited on Feb.28, 2021).

47 *Mit*-Male *Mitini*-Female*;* it is a term used to identify a relation forged through a pact of love with someone who is not related through blood. Once someone becomes one's *Mit* or *Mitini*, then all familial relations apply to the entire family on similar terms as that of a blood relationship. This tradition was very prevalent in Sikkim amongst the populace and these relations were forged regardless of caste or community. It however did not create any rights to succession and inheritance and barred marital alliances with the other family members in the same way as rules of consanguinity applied to one's immediate blood relations.

48 *Available at:* http://sikenvis.nic.in/ViewGeneralLatestNews.aspx?Id=5686&Year=2017 (last visited on Feb. 28, 2021).

49 The Sikkim Agricultural, Horticultural Input and Livestock Feed Regulatory Ordinance, 2014 was promulgated to male use of organic fertilizers compulsory.

The Sikkim Green Mission was launched in 2006 with a massive focus[50] on the beatification of roads, plantation in vacant and barren wastelands, creation of green belts for aesthetic and recreational needs of the people, implementation of avenues for checking surface run offs, erosions landslides, and the creation of store houses of genetic diversity of native flora.[51] Vide notification no. 888/FEWMD dated February 10, 2006, guidelines for appointment of *Himal Rakshaks* or Mountain Guards, from youngsters of village communities, to prevent bio-piracy, hunting and to encourage a community conservation mechanism was implemented for Kanchenjunga National Park and Barsey Rhododendron Sanctuary.

The Sikkim State Biological Diversity Rules 2006[52] were formulated under the Biological Diversity Act, 2002 and the Sikkim Bio-Diversity Board was also established in the same year under Forest, Environment and Wildlife Management Department. Thus, even after its merger, Sikkim not only adapted the central laws relating to the environment but also carried forward its own local laws with respect to the forests which were infused with local sentiments.

V Ethnic and religious identities in Sikkim: Framing of the sacred psyche

Ramachandra Guha, writes that "the geographical isolation of the hill tracts" of the Central Himalayan regions of Garwhal and Kumaon Huimalayas fostered an

50 Aims and Objectives

i. To create green belt and avenues for meeting aesthetic recreational needs to the people
ii. To beautify the areas for tourist attraction.
iii. To reduce the surface run-off discharge and checking erosion in the downhill side.
iv. To create a store house of genetic diversity by planting all the indigenous trees, shrubs, herbs, climbers, creepers, conifers and green foliages including fruits and medicinal plants.
v. To reduce the encroachment of road reserve areas.
vi. To provide shade to the pedestrian.
vii. To increase local precipitation due to their aerographic and micro-climatic effects and create conditions favorable for the condensation of the clouds.
viii. To reduce temperature and increase humidity.
ix. To reduce noise pollution to the neighboring household population.
x. To attract the avifauna, butterflies, squirrels etc and their shelter.
xi. To promote tourism as a sustainable and eco friendly activity.
xii. To make the State of Sikkim as a Garden State.
xiii. Mass Afforestation along the roads and vacant land, streams and water falls, etc.

See, available at: http://www.sikkimforest.gov.in/Green_Mission.htm (last visited on Feb, 20, 2021).

51 Pawan Kumar Chamling, the Chief Minister who initiated these programme during his term in office was declared the "Greenest Chief Minister in the Country" by Centre for Science and Environment for the year 1998. *See* Ranjit Dev Raj, *Environment-India: A Green Chief Minister In A Green State,* Inter Press Service, Mar.10, 1999. *See, available at:* http://www.ipsnews.net/1999/03/environment-india-a-green-chief-minister-in-a-green-state/ (last visited on Jan. 30, 2021).

52 Notified vide notification no. 504/F dated Sep.14, 2006.

"ambiguous relation with the so-called Great Tradition of Hinduism" of the plains men making the Hindu practices of the hill-men much more lax than in the plains.[53] He further describes that the Garwhal and Kumaon Hindu populace are not akin to the rest of India since the Aryan and Bhramin '*Thuljat*' and the landowning *khasas* and the untouchable *Doms* lived side by side with the beef eating Bhotias of Tibetan stock.[54]

There is a similar mix of race and ethnicity in Sikkim where the Hindu Aryans, who follow the *varna* system, live side by side with the tribal population of the *Kirantis*, Bhutias and Lepchas. The *Kirantis* are in turn Hindus, Buddhists, Christians and also animists while the Bhutias and Lepchas are Buddhists, Christians and animists.

The Bhutias are descendants of Tibetan settlers into Sikkim while the Lepchas are considered autochthonous to Sikkim. H. H Risley has described the Lepchas as Rong-pa or the "ravine folk" who were "....woodmen of the woods, knowing the ways of birds and beasts, and possessing an extensive zoological and botanical nomenclature of their own" (p. i) and believe the forest to be "...their original home..".[55]

While a lot has been written about Bhutia and Lepcha tribal and religious customs, rarely has the literature focused on the *Kiranti* religious and cultural identity in Sikkim, which became prominent only since the last three decades. This revival of the *Kiranti* identity has also meant that the rituals and beliefs, akin to animism and shamanism have made a revival, especially in the context of worship and deification. Understanding their identity thus becomes important because the belief in the sacredness of nature in Sikkim is in three ways- the Hindu 'Nepali' way, the Buddhist 'Bhutia-Lepcha' way and the 'Animist' way. The Animist beliefs are specifically prominent within the folds of the *Kirantis* Lepcha and Bhutia communities while faint traces of it are present in the Hindu "Caste-Nepalis".

Kirantis indicated the "wild non-Aryan tribes living in the mountains, particularly the Himalayas and in the North-eastern areas of India, who were Mongoloid in origin"[56] and "living on fruits and roots, clad in skins, fierce with their weapons, cruel in their deeds".[57] They were "yellow in color" and "wore their hair on a top-knot".[58] They "[…] presented a distinct type of culture[...] rich with all the natural wealth of minerals and forest produce[...][59] and were "adept in the art of weaving" of cotton and woolen

53 Ramachandra Guha, *The Unquiet Woods*: *Ecological Change and Peasant Resistance in the Himalaya*, 13 (Permanent Black, Ranikhet, 20th edn., 2013).

54 *Supra* note 53 at 11-14.

55 *Supra* note 28 at 1.

56 Suniti Kumar Chatterji, *Kirata-Jana-Krti The Indo-Mongoloids: Their Contribution To The History And Culture Of India* 16 (Royal Asiatic Society, Calcutta, 1951).

57 *Id.* at 19.

58 *Id.* at 21

59 *Ibid.*

clothes.[60] They probably entered the Indian sub-continent through Assam at some period before 1000 BC[61] and were "known to the Aryan-speakers as their neighbors and dwellers in the same land-their compatriots [...]" who had "[...] their share in the progress of Indian history and the development of Indian culture, albeit at first on the outward fringes. They may for convenience be described in English as Indo-Mongoloids; and this is a term which defines at once, their Indian connection and their place within the cultural milieu which they found themselves in, as well as their original racial affinity[...]".[62] The Kirantis in Sikkim are recognized as people belonging to the Limbu, Mangar, Mukhia, Rai, Gurung, Sunuwar *etc*. castes.

Risley, in 1858 described the Kirantis as "[...] a hill tribe of low caste Hindus who once possessed considerable power and territory in the hill country constituting the basin of the Kosi river which was under the Sikkim Rajah and who were subdued by Prithvi Narayan Shah, the Gorkha King, after his conquest on Nipal...".[63] Risley's definition of the *Kirantis* as "low caste Hindus" actually reflects the outwardly nature of the Kirantis within the Nepali Hindu caste system which did not recognize them as a *jati* within the *varna* system but as a *jan-jati*, the others especially who were not of the Aryan stock. They were identified by the "caste Nepalis" as such as they were living in a Hindu polity but really not accepted within it's tenets; hence their low-caste or low identity within the social strata in the society of ancient Nepal and ancient Sikkim is also reflected in the lack of their narratives.

Authors like Risley and Hooker term the word 'Goorkha'[64] and 'Gorkha'[65] respectively in the context of Sikkim and Eastern Nepal, to mean both the invading Nepalese[66] Bhramans, Chettris and their soldiers, which also included those of Kiranti origin. Risley, in the 1891 census[67] of Sikkim, and Hooker,[68] respectively, mention some 'autochthonous' groups like the Limbus, Gurungs,[69] Murmis,[70] Khambus and the

60 *Id.* at 22.

61 *Ibid.*

62 *Supra* note 56 at 23.

63 *Supra* note 28 at 2.

64 *Id.* at p. xx.

65 Joseph Dalton Hooker, *Himalayan Journals or, Notes of a Naturalist: In Bengal, The Sikkim and Nepal Himalyas, The Khassia Mountains and C.* 331 (Natraj Publisher, Dehra Dun, First published in 1854, reprinted in 1999).

66 In Risley's opinion, the Nepalese settlement was "...favored by the Lepchas generally..." but was "....regarded with disfavor by many influential lamas, who allege that they waste the forests, allow their cattle to tresspass.....", *See supra* note 28 at x.

67 *Supra* note 28 at 27.

68 *Supra* note 65 at 127-139 .

69 *Supra* note 28 at 38.

70 *Supra* note 65. Also see, *supra* note 28 at 27.

Mangars[71] along with the Lepchas and the Bhutias and Gurkhas (Chetri, Kami, Brahman, Dirzi and Newars and some slaves) during their travels in Sikkim.

Risley described the Limbus as "another tribe of low-caste Hindus" living in Limbuan, which falls in current area of West Sikkim and Eastern Nepal[72] while Hooker states that the Limbus were also followers of Buddhism who retained their own customs and priests, the "Phedangbos'. Hooker writes about the Mangars as "said to have been savages, and not of Tibetan origin[…]"[73] who had already converted as 'Hindoos"[74] while Risley describes the Mangars as a tribe that "occupied the valleys to the south of the Kanchinjingna-Everest range".[75] Sinha has suggested that the Mangars and Lepchas in Sikkim had ancient ties with common clan names and names for numerical counts.[76] Thus, the Kiranti groups were in Sikkim much before the advent of the Bhutias. This also proves that history divided the Kirantis into Nepalese and Sikkimese although they resided in these fluid regions that span today's Nepal and Sikkim since ancient times and much before the Namgyal Dynasty.

The coming of the 'Gurkhas' or synonymously known as the 'Nepalis' into Sikkim also is much spoken of but in terms of the current understanding of the "Gurkhas" who came into Sikkim, it would include the soldiers who were Kiranti people of Rai, Mangar, Gurung, Limbu origins and the Chettri Generals or Commanders with their Brahmin/Bahun priests.

This shows that some *Kiranti* groups were in Sikkim much before the advent of the Tibetans but history divided the *Kirantis* into those belonging to the 'Nepalese' and 'Sikkimese' groups although they resided in these fluid regions that span today's Nepal and Sikkim since ancient times and much before the Namgyal Dynasty.

A.C. Sinha defined Nepalis in Sikkim as Kirantis, Newaris and Gorkhas.[77] In my opinion, Sinha's classification to this date seems the most true depiction of the demography of Sikkim. Amongst them, the Gorkhas who were Khas, Thakuris and Chettris and scheduled castes were the '*tagadharis*' (thread-bearers) and the Newars and the *Kirantis* were '*matwalis*' (alcohol-consuming). The *tagadharis* falling within the Hindu caste system included the *Bahun*(bhramin), *Chetrri* (kshatriya), *Kami, Damai and Sarki* (all three are scheduled castes) and are alternatively referred to as " Caste-Nepalis" in this paper. The '*Kiranti*' in Sikkim consisting mostly of Rai, Limbu, Mangar, Gurung, Sunuwar ethnic groups have now fallen into the larger 'Nepali' group as their population saddles

71 *Supra* note 28 at 27 and 38.

72 *Supra* note 28 at 2.

73 *Supra* note 65 at 139.

74 *See* supra note 28 at and *supra* note 65 at 137.

75 *Supra* note 28 at 10.

76 A.C. Sinha, *Sikkim: Feudal and Democratic* 69 (Indus Publishing Company, New Delhi, 2008).

77 *Id.* at 32-35.

between the geographical areas of Nepal and Sikkim, which were fluid until the mid 19th Century and as discussed above, parts of Sikkim.[78] The slow assimilation of Kirantis with the *Tagadharis* also meant that the Hindu religion and Nepali language was also adopted.[79]

The Chettris follow Hinduism and are in many ways akin to the Pahari Rajput and Khas people of Guha's Garhwal and Kumaon mountains, who follow the lesser tradition. In Sikkim, they migrated from the Western tracts of the Himalayas, including Nepal as agriculturalists as mentioned earlier. The priestly caste of *Bahuns* also followed suit to maintain their Hindu practices and were also agriculturists while the Newars migrated to set up businesses and rural tax based agricultural systems.

The Hindu *Kirantis* have been said to have adopted the tenets of Hinduism through political changes and social interactions with Hindu followers rather than through strict conversion,[80] like in the case of Christian converts. This progressive adoption of Hindu religion started slowly through the adoption of Hindu religious festivities, practices, and the use of the Hindu priests (*Bahun*) in such occasions. Hence, their own priests, for example like the use of the Dhami who is a priest of the Mangars, were replaced by the pundits from the Bahun communities in sacred rituals, both in the family and the community. Even today, in some Kiranti households, it is common to use the clan priest as well as a Hindu Bahun priest in any special ceremony. Hence, the celebratory aspects of the Hindu religion were accepted before its theoretical foundations.

Moreover, the commonality of religious sanctions, through the wrath of Gods, as understood in Hinduism appealed to the animist understanding of sanctions being through the wrath of the spirits of nature. This also led to the slow adaptation of the practices of Hinduism and its rituals, including its ideas of purity and impurity and hierarchy of castes.

However, the Kirantis of Sikkim never really penetrated the exactness of the Hindu identity and always remained within the fringe, even of the "Lesser Tradition' thereby always remaining as aspirational Hindus, an identity only granted by birth to caste-Nepalis. Somehow, they did not fall into the marriageable communities of the Caste-Hindus. Till date, the aspirational efforts continue, which is very glaring in the context

78 The term "Nepali' is used to describe this pan Nepali speaking Sikkim populace while it is true that many have never had any ancestral or familial connections with the current geographical area of Nepal.

79 The use of the constitutionally recognized language 'Nepali' in Sikkim as an official language also brought these groups at par in their identity although the Kiranti groups have their own languages and scripts, showing their distinct tribal and ethnic origins.

80 Binayak Sundas, "The Process of State Formation and its Impact on Social Formation in Eastern Nepal and Sikkim, Sixteenth-Nineteenth Centuries" in Sarit K. Chaudhari and Sameera Maiti, *et.al,*(eds.) *The Cultural Heritage of Sikkim* 51-67 (Manohar Publishers, Delhi, 2018)

of the adoption of many practices. For example, the Chettri-Bahun practice of celebrating *Teez,* a festival of Hindu married women which was strictly celebrated by the latter, is now being adopted now by the Kiranti married women[81] and is a gazetted holiday in Sikkim.[82]

Consequently, their idea of the sacred and the profane is now akin to that as understood in the lesser tradition of Hinduism and the same idea has been adapted into their approach to the sacred in the nature as well. What follows then is a mix of religious and animist approaches to nature as a sacred space in Sikkim. The Hindus in Sikkim have been described to practice a liberal form of Hinduism "freely laced with animism"[83] and "free from the orthodoxy and bigotry of the plainsmen"[84] with an "absence of Hindu temples",[85] much in the nature of the 'Lesser Tradition' of Hinduism as observed by the Paharis of Gharwal and Kumaon.[86] Buddhism amongst the Sikkimese of Tibetan origin or *Bhutias,* who migrated from the Buddhist theocracy of Tibet, was never a converting phenomenon but the animist Lepchas slowly adopted its tenets due to their geographical and political proximity with them, both having chiefly settled in North and East districts of Sikkim but having retained "many rites and rituals of their pagan ancestors.[87] [Arora on Tholung] Some Lepchas who settled in urban areas like Gangtok and Namchi converted into Christianity through deliberate processes like baptism held by the Church.[88] Conversion to Christianity is also prevalent in Aryan Hindus and the Kirantis of Sikkim.

The Buddhists and Hindus in Sikkim now live alongside each other in harmony and Aparna Bhattacharya[89] observes that there is also a religious fluidity between the Hindus and the Buddhists with people belonging to both the religions visiting religious places like monasteries and temples on various occasions without any bar and also taking the assistance of both Hindu priests and Buddhist lamas for fulfillment of their prayers.

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81 See, *available at*: http://sikkimnews.blogspot.com/2007/09/teej-festival-celebrated-in-sikkim.html (last visited on Feb.20 2021). One of the interviewees in this article states that: "When I was younger, I had never come across Teej celebrations, here. But, since last 3-4 years, Teej celebrations have become common. It is said to be the day of women, and all festivities surround them. As the women are occupied by some or other work, it seems to be a relief for them from daily routine."

82 *Available at:* http://www.uniindia.com/teej-festivities-kick-start-in-gangtok/states/news/1346034.html (last visited on Feb. 21, 2020). The headline announeses that "State Govt. Announces gazetted holiday on Teez".

83 L.B. Basnet *A Short Political History of Sikkim,* 67 (Sultan Chand and Co, New Delhi, 1973).

84 *Ibid.*

85 *Ibid.*

86 *Ibid.*

87 *Ibid.*

88 *Supra* note 83 at 68.

89 Aparna Bhattacharya, *The Prayer-Wheel and Scepter: Sikkim* 96 (Nachiketa Publications, Calcutta,1992).

The greater degree of *Sanskritisation* in the last decade and a half has ensued that there is a shift in the efforts to adhere to the practices of the 'Greater Tradition' of Hinduism while the rise in the 'Kiranti' consciousness has led to de-sanskritisation and a shift towards animist beliefs in the matter of the sacred. Many Hindu temples have come up in Sikkim and some have been with the intention of promoting pilgrimage tourism in the State. However, *Kiranti* narratives within the Hindu fold is also being acknowledged, for *e.g.* the Char Dham Mandir in Namchi, South Sikkim dedicated to the main four temples of Lord Shiva also has a temple dedicated to *Kiranteshwar*, one of the avatars of Shiva as laid out in the epic Mahabharata with a *Kiranti*-priest.[90]

Alternatively, the move for the demand of the communities in the Kiranti group for a scheduled tribe status has led to a reversal into animism and surrendering of their Hindu identity as well as its practices. Consequently, this reversal into animist beliefs and practices has made them re-look and relearn their relationship with nature and its elements.[91]

The "ethnic revivalism" to their ancient animist ways means the revival of tribalism and animistic worships. Hence, nature, as worshiped in their animistic rituals, is devoid of any religious symbolism and is purely worshiped in its natural symbolic representations like a stone, tree, river, mountain top or the elements like the fire or the wind etc. The state has also been encouraging this reversal into the *kiranti* identity and the *Kiranti* communities of Limbu, Gurung, Mangar, Rai, Sunuwar, Bhujel and Tamang of Sikkim were declared as Other Backward Castes (OBCs) by the Central Government in 1994. These communities were further declared as Most Backward Castes (MBCs) for Sikkim by the state in 2003.[92]

The fact that this move is being supported by the state is also apparent by the declaration of a number of holidays celebrating the new years of the *Kiranti* groups as gazetted

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90 There is a separate temple dedicated to the *Kiranteshwar* in West Sikkim in a place called Legship which is a border town in the banks of River Rangeet. South and West Districts of Sikkim have the highest population of *Kirantis*. *See available at*: https://en.wikipedia.org/wiki/Kirateshwar_Mahadev_Temple (last visited on Jan. 10, 2021).

91 Also, there is an effort into the reversal into the animist identity of the Bahun and Chettri as '*Khas*' people and they identify themselves as followers of animism. The Akhil Sikim Khas (Chettri-Bahun) Kalyan Sangh has been established in Sikkim and the aim is to ask for Scheduled Tribe Status of the Chettri-Bahun people of Sikkim claiming that they are originally Khas people; khas as considered Indo-Aryan Mountian people with disticnt religious practices, like worship the *kul devta* (ancestor) and use of a shaman called *Bijua*, before they adopted tenets of Hinduism. *Available at*:http://www.sikkimexpress.com/news-details/new-executives-of-khas-kalyan-sangh-take-charge (last visited on Feb. 21, 2021).

Guha writes of the Hill *Khas* people of Kumaon and Gharwal Hills as being distinct from the other higher castes Hindu of the area, termed *Thuljat*. *Supra* note 53 at 12-13.

92 *Supra* note 76 at 284-5.

holidays and coinciding with the month of December, which is after the harvest season.[93] State sponsored cultural and heritage sites to celebrate the *Kiranti* identity are also being promoted. The Kiranti Limbus in Sikkim have built a sacred space with a statue of their cultural hero and saint, Sirijungha Dewangsi who created the Limbu Kiranti Mundhum religion[94] in Martam, West Sikkim through state sponsorship. Same is case for The *Kiranti* Mangars who are building their cultural sacred cites in Mangshari, West Sikkim and Kamrang, South Sikkim, both identifiable as places located "south of the Kanchinjingna-Everest range" as per Risley[95] to reiterate their place as one of the aborigines of Sikkim alongside the Limbus and Lepchas.

VI Narratives of man-environment relationship in Sikkim

Guha[96] writes that "the close integration of agriculture with forests and pasture", be it Uttarakhand, Alps, Andes or any other mountain and hill areas is another hallmark of mountain societies alongside the "more or less uniform class structure" without "sharp class cleavages". Thus, forests[97] which provided manure to the fields, fodder to the animals and foliage and forage material and fuel to the humans "were central to the successful practice of agriculture and animal husbandry" apart from being "the prime source of medicinal herbs and in times of dearth, of food as well"[98] while there existed an "intimate and reverential attitude towards the land".

Similarly, in a typical Sikkimese village, the upper caste Hindus as well as the scheduled castes would be found living along with the *Kirantis* and the Bhutias and Lepchas. All of these ethnicities, professing different religions in their own sphere, are seen to be sharing agricultural labor in their fields in a system of community farming called '*Khetala*'.[99]

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93 *Infra* note 128.

94 See Iman Sigh Chemzong, *History and Culture of The Kirat People,* Part 1 (Kirat Yakthung Chumlong, Lalitpur, Nepal, First published in 1966, 4th edn. 2003)

95 *Supra* note 28 at10. Also see, *supra* note 83 at15.

Mangshari is a historic place for Mangars of Sikkim as the last Mangar King, Sinchu Pati Chen and his soldiers were massacred by the Tibetans and his queen fought to avenge his death and committed suicide when she was overpowered. *See supra* note 94 at 138-150.

Hooker has also mentioned this historical fact in his book. Spelled as 'Magras', Hooker terme them the "aborigines of Sikkim" and driven west by the Lepchas to the land of the Limbus and from where further driven west to Nepal, west of Arun river in Nepal and converted to "Hindoos'. See s*upra* note *65 at p.139,*

96 *Supra* note 53 at 27-28.

97 *Supra* note 53 at 29.

98 This is as opposed to the concept of ownership of forests in other North-Eastern States where tribal identities are sharply aligned with the territorial identities of forests and its resources.

99 *Khetala* is a type of community farming where labour is offered in exchange for wages (*rojkari)* or labor (*parma*). See *supra* note 8 in Jwala D. Thapa, "Access to water and gender rights in India: contextualising the various debates through the study of a mountain village in Sikkim" in Sanjoy Hazarika and Reshmi Banerjee (eds.), *Gender, Poverty and Livelihood in the Eastern Himalayas* 60 (Routledge, New York, 2018).

Guha[100] writes, that this dependency on forests led to a "highly sophisticated system of conservancy" where "hill tops were dedicated to local deities and the trees around the spot regarded with great respect" much akin to that observed in the Sikkim Himalayas. As also observed in the case of Sikkim, "with villages usually sited halfway up the spur, sacred groves had an obvious functional role in stabilizing water and preventing landslides".[101]

While much is documented about the Buddhist and animist Lepcha rituals in their sacred reverence to nature, the narratives of other Kiranti indigenous groups have almost disappeared. An example can be applied in the relationship of Kiranti groups with Mt. Khanchenjunga. This can be elaborated through the "Pang-Lhabsol",[102] a festival celebrated by the Bhutias and the Lepchas, which is a special day marked for the worship of Mt. Khanchenzunga and is a gazetted holiday. The agricultural and seasonal festivals of these groups were also inculcated in the annual gazetted holidays since a long time and thus, they were able to keep these traditions alive. However, no such celebration by any other indigenous communities in their relationship with the sacred Mt. Kanchenjunga has survived while thriving for centuries in the mountain villages directly under it.

This has also percolated in the neglect of research and academia of these minority groups. A case in point is also the study conducted by the Anthropological Survey of India of the Kanchenjunga Bio-sphere Reserve which spans the North, West, East and South Districts of Sikkim.[103] The study has exhaustively documented the Buddhist Bhutia-Lepcha and the animistic-Lepcha reverence to the sacred Mt. Kanchenjunga while the narratives of other communities who reside inside the reserve is wholly absent.

In the context of the Hindus, the ritualistic observance of the various seasonal changes and phases of agricultural practices and reverence to nature is done through the "*Barshik Panchang"*, which is the annual lunar calendar based on the Hindu Nepali annual division of the months and years of the *Bikram Sambat*. The new year begins in the month of April, coinciding with the Baishakhi celebrations in North India. The *Barshik Panchang*

100 *Supra* note 53 at 29-30.

101 *Ibid.*

102 *Available at:* http://www.sikkimeccl.gov.in/Festivals/BuddhistFestivals/BuddhistFestivals.aspx (last visited Feb. 23, 2021).

103 Ramesh Chandra and D.B. Mandal *et al* (eds.), *Man in Biosphere: A Case Study of Khangchendzonga* (Gyan Publishing House, 2013, New Delhi).

also marks, by rituals, important agricultural milestones like sowing, reaping, collection, gathering *etc.* and is completely governed by the observation of the Himalayan climate.[104]

Accordingly, the determination of what and when a crop can be sown, harvested from the fields or the wild, the periods of abstinence from taking from the wild forest lands and the period of rest for agricultural lands is all laid down in practice for these twelve months. The typical example of the way calendars regulate social norms based on agricultural seasons is in the *tithi* or the auspicious dates for marriages. In no case do Hindu Sikkimese marry during the months of May-September as these months coincide with the *Panchang* months of *Jyestha, Asad, Sawan* and *Bhadau* which are typically agricultural seasons with high rainfalls. Hence, celebrations are avoided as these are the times to be invested in hard work in the fields for the next year's harvest, especially of grains.[105]

The *Kirantas* of Sikkim determine their agricultural rituals based on weather and climatic conditions, like the rains and migratory milestones called the *ubhauli and udhauli*.[106] This has been discussed later in the paper. However, most of the *Kirantas* of Sikkim today have a pan-Hindu approach to nature and its sacredness is derived from the ideas of the Hindu Caste-Nepalis.

VII Understanding sacred groves in the context of the sacred space in Sikkim

Certain places have potentialities, which are realized repeatedly through history. Caves are always sources of power that must be approached carefully. Lakes and springs are always places of purification, beaches are always stages of political dramas, forests and mountains are always places where humans come into contact with nonhuman forms

104 The *Barshik Panchang* subscribes to the climate of the Himalayas, spanning Nepal and Sikkim and hence is different from the Indian Hindu Calendar whereby the specific celebrations in these places marking the weather generally fall about a fortnight later than that of the Hindu Indian calendar.

105 All beliefs, folklores and rituals are based on the weather and the Climate of this place. For *e.g.*, a baby born in the month of *Jyestha*, especially first born, is believed to cause a lot of family problems and even lead to the parents separating. In the social context of Nepali Hindus, it seems to have a valid reasoning. Jyestha coincides with the hot and rainy agricultural months of May-June. Considering the importance of hill women in agricultural activities, a child born in these months is an inconvenience as the woman rather, on her own volition as well as in the expectations of her matrimonial family, be in the fields. Also since a first born always creates new parental experiences, these tensions between parental and agricultural responsibilities is bound to create difficulties in an agrarian couple's life, especially if they are newlyweds and traversing the nuances of marriage and parenthood for the first time. These are also seasons when the grain and food storages are lean and depleted.

106 *Ubhaulo* coincides with the period before the Winter Solstice and *Udhaulo* coincides with the period before the Summer Solstice.

of sentient life. Such a landscape is, before anything else, inhabited. It is saturated with habits of mind and body, with traces of our ancestors and their actions.[107]

Rishley had written that "Like most mountaineers, the Sikhimites and Tibetans are thorough-going demon-worshippers. In every nook, path, big tree, rock, spring, waterfall, and lake, there lurks a devil; hence there are few persons who will venture out alone after dark. The sky, the ground, the house, the field, the country, each have their special demons, and sickness is always due to malign demoniacal influence".[108]

Sacred spaces in Sikkim are in the forms of forest groves, water bodies, meadows, cliffs or boulders and hill tops. Most of the Hindu temples, Buddhist monasteries and other pilgrimage spots in Sikkim are on mountain tops which are strategically far from polluting human activities. A hill with a Buddhist monastery or a *gumpa* is known as a "*gumpa dara*" and one with a Hindu temple a "*mandir dara*".

It is not uncommon for every village to have a *mandir dara* or a *gumpa dara.* Mountain tops in South Sikkim, e.g. like those on the Tendong hill, Sinchel hill at Namchi, Samdruptse hill *etc.* have all been converted into State-promoted pilgrimage places with significant religious festivities attributed to them. In East Sikkim, Ganesh Tok and Hanuman Tok, temples are popular tourist destinations for Hindus who want to offer their prayers. The famous Sanga-Choeling and Pemayangtse monasteries in the West Sikkim are all on mountain tops with a generous view of Mt. Khanchenjunga, the most sacred of all. In most of North Sikkim, Lepchas and the Bhutias of Lachen and Lachungpa live in restricted areas that can only be accessed through special permits of the state.

Mountain/hill tops or *"Deorali Dara"* traditionally act as resting places for the herders and totems like stones are placed where passersby offer *titepati* leaves (mug-wort)[109] and flowers as a mark of respect to the guardian deity. This ritual is also a way of offering thanks for any forest produce taken or for using the forest space as a place for grazing the animals. Locals sometimes erect a *'Chautara'* or a resting shed in those places which are generally windy and on the leeward side of the Sun, and made in the memory of a beloved for the benefit of the thorough-farer.

The Hindus of Sikkim visit the mountain-tops during the Hindu spring festival of *Chaitey Dasai* which coincides with *Ram Navami or Chaitra Navaratri* celebrations in the rest of India. During such times, a mountain which might be traditionally sacred to a certain ethnic group and religion becomes a place of worship for all, including the Caste Nepalis and the *Kirantas*. Two mountains can be cited as an example to elaborate

107 Michael E. Harkin, "Sacred Places, Scarred Spaces" in *The Secular Past, the Mythic Past, and the Impending Future* 15(1) *Wicazo Sa Review* 59 (Spring, 2000).

108 *Supra* note 28 at 353.

109 Scientifcally, *Artemesia vulgaris.*

this point; namely Tendong in South Sikkim and Barsey Rhododendron Sanctuary in West Sikkim.

The Tendong Hill, located in South District, Namchi and near the town of Damthang is sacred to the Lepchas and they have a festival called the Tendon Lho Rum Phat[110] coinciding with the Shravana month or August and it is an integral part of their folklore. The Barsey Rhododenron Sactuary in West Sikkim, near the town of Sombaria, is a reserved forest managed by the department of Forests, Government of Sikkim and is a pilgrimage hill for Kirantis and Hindus during *Chaite-Dasain* coinciding with Ram Navami. It has an abundant cluster of Rhododendron trees which reach a blooming peak during the months of April-May.

While these places might not be of any specific significance to one religious group, people of all communities and religions visit these hills on these festivals with a dual purpose. Religious reasons aside, people of all communities visit these hills to appreciate the annual Rhododendron blooms, which is the State flower of Sikkim, in case of Barsey, and also to get a view of the Kanchenjunga, especially from Tendong Hill. The latter is also important as it is significant to observe that trips to hills during *Chaitey Dasai* happens after the hard work done in sowing maize and trip to Tendong falls after the rice sowing season, both being significant crops of Sikkim. It is also significant to note that Rhododendron wood is not in demand but only the flowers which bloom annually during this season and which has medicinal values. These treks provide a much needed escape for the local people when the spring Sun is the brightest and the view of the mountains are very clear.

Cliffs or *'bhir'* in the mountains traditionally also serve as view points for watching the mountains and the surrounding scenery and have romantic connotations in the lives of mountain people. A *bhir, deorali dara* and *chautara* etc. are traditionally embedded in the culture of the songs and romantic literature of mountain people of Sikkim as places which are the meeting points of lovers; a 'lover's point' is not an uncommon feature in the mountains.

Cliffs have both the sacred and taboo importance as most of them not only offer great view points, sometimes of the Kanchenjunga range, but they are also places where lovers are said to have committed suicides due to romantic failures. Hence, some *bhir* might also end up in infamy as "suicide points" and believed to be haunted by the spirit of those romantically doomed, thus transgressing to the realm of the taboo with offerings and prayers being made to calm the tragic spirits. One of the most famous cliffs in Sikkim is the cliff or *bhir* near the Tashilling Secretariat and Assembly House, Gangtok, East Sikkim and it is locally also known as the *"Hurr Hurre*

110 A*vailable at:* http://www.sikkimtourism.gov.in/Webforms/General/EventandFestival/Tendong_Lho.aspx (last visited on Feb. 20, 2020).

*dara" (*meaning the cliff where the wind blows fiercely making the fluttering sound of "*hurr hurr*"). This cliff is also believed to have been used in the reign of the Chogyals as the place from where those awarded with the death sentence would be tied and thrown off; they would land in sure death by the time he would reach the bottom of the cliff. *Tarey bhir,* a cliff near Sadam village, South Sikkim has now been promoted as an important tourist destination as it is the only place in Sikkim which offers a majestic view of the Darjeeling and Kalimpong hills, the Siliguri plains as well as the Coronation Bridge over the Teesta river. Some of these cliffs have been promoted as points for para-gliding by the tourism department, one being the *Durpiney dara*[111] above the small town of Chakhung, in Soreng Sub-Division of West Sikkim.

Sacredness attributed to water bodies like lakes, rivers and streams means that they should not be defiled with polluting human activities like swimming, dumping of garbage or boating, fishing *etc.* Most of the water bodies have an annual festival attached to them and their sacredness is reiterated in the minds of the common masses through these occasions. For example in the Khecheopalri Lake[112] in West Sikkim, the Hindus offer worship during the festival of "Nag Panchami"[113] as Lord Shiva was said to have meditated in the Dupukney cave in its vicinity. Similarly, the Buddhists[114] also celebrate the festivals of Chho-Tsho during October and Bhumchu in March in the sacred lake and the Lepchas believe that a precious gem given to a Lepcha girl by her mother fell into it and, thus the water can cure many ailments.

Hence, the water of the lake is considered to be very sacred and no devotee dips even a toe in the lake. The sacred reverence to its water, serving ecological functions is also reiterated by the folklore that it was once called Labding Pokhari and was located in Yuksam but it was defiled there and then it shifted to a place called Chhojo but even there it was met with the same fate and then it shifted to its current location.[115] Hence, people do not dare to defile it.

Rivers like the Teesta and the Rangit have immense significance in the folklores of the indigenous community, especially the Lepchas.[116] There is a *Kiranti* Mangar and Rai folklore associated with the River Rangit that it is a cursed river and those living in the

111 "*Durpin*" is a Nepali word meaning telescope and the word is generally used to named those cliffs or mountain tops which would be strategic points for observing movements of enemies with the help of the telescopes or just enjoying the view.

112 Alka Jain, H. Birkumar Singh *et al.,* "Folklores of Sacred Khecheopalri Lake in the Sikkim Himalaya of India: A Plea of Conservation" 63 *Asian Folklore Studies* 291-302 (2004)

113 *Id.* at 296-297.

114 *Id.* at 299.

115 *Supra* note 112 at 297.

116 See Yishey Doma, *Legends of The Lepchas: Folk Tales from Sikkim,* (Tranquebar, New Delhi 2010).

vicinity of the river do not have good agricultural lives but the reason for the folklore was never found.[117]

The presence of Hindu animal figures like the *nag devta* or the serpent God near water bodies also imparts sacredness to the water body. Declaring a certain water body to be the abode of the *nag devta* is still used as a deterrent for the pollution of a water body. Any sightings of these serpents are considered an occasion for the village community to hold meetings and declare the area as a scared community space and defiling acts like washing dirty clothes and household dishes, vehicles is considered to be a taboo. Sometimes, banners are erected to declare and designate a water body as sacred, while sometimes, it happens through state intervention.[118]

Streams in private fields are diverted to the agricultural fields through small canals (*kulo)* and the source of such a stream is a sacred place. Hence, farmers avoid climbing over, stepping over it or defiling the vicinity with garbage or human waste or using it for feeding water to the cattle. Community streams, ponds and water bodies are also revered as scared spaces and it is the duty of the entire community to ensure that there is no pollution.[119]

Community water bodies are not necessarily only in rural settings. There are many water bodies in the midst of the sprawling municipal towns of Sikkim and the construction of houses and buildings are done keeping these water bodies intact. These water bodies once served as a source of water for the small population residing around it but with the increase in population and real estate activities, their significance as water sources dwindled as the state supplied water systems reached the houses of the residents. Hence, the urban water bodies have gradually lost their significance as water sources for domestic use and sometimes, due to disturbance during construction in the vicinity, they begin to dry up. However, in keeping with the traditional reverence of water bodies, these spots are not destroyed and the urban maps as well as individual land owner maps do reflect them as a *dhara* or a *debithan*. These water bodies are, thus protected by a combination of State recognition and social sanction.

Examples of such are the *dhara* near Lal Bazaar, Gangtok falling in the spot where the Lal Bazaar market road and Mahatma Gandhi Road run parallel to each other. However,

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117 The author came across this folk lore during field work in connection with another paper. See *supra* note 99 at 45.

118 The notification issued by the Department of Home Government of Sikkim, notification No.701/HOME/2001 dated Sep. 20, 2001 and in compliance with the provisions of the Place of Worship (Special Provisions) Act, 1991 has declared the Kheceopalri Lake as a scared lake. It has also notified some 109 lakes including six prominent ones as sacred. *See* http://www.sikkimeccl.gov.in/History/HolyLakes/HolyLakes.aspx (last visited on Jan. 20, 2021).

119 See *supra* note 99 at 45. Also see Sandeep Tambe, Ghanashyam Kharel *et al.* "Reviving dying springs: Climate Change adaptation experiments from the Sikkim Himalaya" 32(1) *Mountain Research and Development* 62-72 (2012).

The *dhara* is now hidden amongst several multi-storied buildings in the area. Not much is known of this *dhara* but the presence of the idol of 'Hanuman' with fresh vermilion is a reflection of it being a sacred stream for the population of plains-men, specially Marwaris from North India, who settled in Gangtok due to their commercial and trade interests in the Nathula Border Trade with China.

Another example is the *dhara* near the Government Housing Colony, Boomtar and also near Tinzeer village, both of which fall within the fast growing municipal town of Namchi South Sikkim and are important sacred water sources. They have been maintained as such and especially in Tinzeer, the old Bar-Pipal trees are intact and the old temple has been replaced by a bigger temple. Thus, it is generally observed that the reverence shown to water bodies does not change with urbanization or modernization in lifestyle, as construction in and around these water sources is done without disturbing the water sources and thus, defilement if any, is a taboo.

Sometimes, a water-body is sacred for people of all faiths and communities; like in the case of Kheceopalri lake, as discussed above. The Changu or the Tsang-mo lake of East Sikkim, which is a popular tourist destination, is sacred for Buddhists as well as for *Kirantas* with both communities holding ritualistic ceremonies annually. The *Gai Dhara*[120] falling on NH-31A connecting Singtam with Gangtok, East Sikkim is a sacred space where Buddhists and Hindus have erected small structures to signify its sacredness and a police sign post exists there to prevent any polluting activity, amongst other things. Thus, it is not uncommon to see Buddhist flags side by side with metal tridents and garlands in and around a water body.

Significant stone formations are also revered as sacred and this has an ecologically significant rationale. These stone formations could be huge protruding boulders, cliffs or caves[121] and there is a taboo in using the stones from the boulders or cliffs as doing so may lead to disturbance in the layers of the soil in the area, causing mud-slips, landslides and loss of vegetation.

Some hills with significant bird species are also ecologically preserved through by recognizing these places as sacred. Mainam Hill is an important State recognized sanctuary of Blood Pheasants, the State Bird, and legend has it that a massive cock flew and made this hill its home. Also, called Bhale-Dhunga, local folk has it that one could hear the cock crow from nearby towns of Ravang and Yangyang. The Hill also

120 *Gai-dhara* or Cow-stream, literally, is a common name given to streams that serve as stoppage points for cattle herders to stop to let the cows drink water when they return home after grazing. So it is possible to find many such *Gai-dhara* in villages at periodic places.

121 Vide the same notification issued by the Department of Home Government of Sikkim, notification No.701/HOME/2001 Sep 20, 2001 and in compliance with the provisions of the Place of Worship (Special Provisions) Act, 1991, certain caves in Sikkim have been declared as holy (last visited on Dec. 25, 2020).

has a very old monastery on top of it and is currently being converted into a sky-walk and rope-way tourist spot.

VIII The forest as a sacred space

Sacred groves in Sikkim specifically could be a huge individual tree, or a cluster of trees attached to water bodies, trees growing on boulders or cliffs, or a cluster of trees in a forest. Sacred groves amongst the Hindu populace is known by the term '*debithan'* (*debi*=goddess, *than*=abode). They are revered due to the belief that they are the abode of the sacred female deities. Hence, any act of defilement of the *debithan* is a taboo.

The legend of the "*Rani Ban"* or the "Queen Forest" is associated with a sacred grove. "*Rani Ban"* was a patch of forest in the reserved or *khasmal* or *Gorucharan* which was a thick grove with massive trees, most of the time bearing flowers and fruits. Because of its beauty and abundance, it was given the status of the queen of the forest of that area and the entire community had access to its reserves. Moreover, due to its high status, the occurrence of a *debithan* on it was highly probable, giving the entire "*Rani Ban"* a sacred connotation. Hence, its resource use was regulated by the norms of the community and the reverence of the sacred with the taker taking as much as is needed. In case of private ownership, the owner would keep portions of it open for the entire community but everyone had access to the *debithan* within the *Rani ban,* if there was one. Hence, it would be an open and accessible place and the private landowners would not dare to restrict access to it, lest the wrath of the spirits should be attracted.

It is also important to mention that a *Rani Ban* was not necessarily a Hindu concept or an off-shoot of the lesser tradition, but an animist one, as the resident of a Rani Ban was the forest spirit. The gender of the forest was female but the residents of the forest were the forest spirits or the '*Jungali Debi and Dewta*' who were animist figures. It is also not uncommon to have stone totems as shrines erected as a *debi than or a devta than* within the Rani Ban.

Amongst the Buddhists, sacred groves are more often than not attached to a monastery, called *Gumpa* forest, like that of the Rhatong Chu Mnastery or a place of religious significance like the Kabi-Lungchok sacred grove.[122]

The idea of the sacredness of the grove percolates to every natural resource in the area. Hence, the stones, water, trees, leaves, soil, twigs, insects etc. of the entire grove are sacred and taking away any of these from the grove is a taboo. If at all taken, the quantity is regulated by the belief that either nothing is to be taken or if anything is taken, then it has to be with the permission of the guardian deity and in exchange for a prayer and some offerings. Hence, traditionally, these deities are appeased with the offerings of the sacrifice of home brewed millet beer, local chicken fowls, ducks and

122 *Supra* note 23.

goat. With the increase in *Sanskritization,* these rituals and offerings have now been replaced by a ceremony before the sacred fire by the villagers with the help of the local priest and offerings of vegetarian and *satwik* food like fruits, sweetmeats and rice puddings. The daily reverence to the sacred grove is such a common feature in the lives of the communities that most of the populace being agriculturalists, any agricultural activity is always begun with worship at the sacred grove and appeasement of the spirits.

Traditionally, the *Kirantis* worshiped these sacred groves in a *debithaan* on two occasions which coincided with the migration of Himalayan birds and the onset of agricultural seasons. Birds like the swallows, doves, ravens, magpies and sparrows live in close vicinity to the villages and their migration, twice a year happens within a span of six months. One ceremony falls on the occasion of the beginning of the summer season. This is called '*ubhauli'* and it coincides with the "*baishaki purnima"* which marks the beginning of summer. This is signaled by the start of the upward migration of birds from the hot plains to the cooler mountains where they breed and raise their young before the next *udhauli*.[123] For humans, it marks the beginning of the sowing season and also trans-humance[124] to the higher hills. Another ceremony falls on the beginning of the winter months. This is called the ' *udhauli*'[125] or the downward migration of the birds from the mountains to the warmer plain areas and it coincides with the "*mangshire purnima*" or the autumn full moon, falling in the months of November-December in the Gregorian calendar. Consequently, humans come down with their cattle and this is also the time for harvest and rest.

This practice was also fueled by the fact that these communities traditionally were engaged in swidden farming and their up-migration was also for their search for the next best land in the mountains for sowing. Swidden farming was locally known as *bhasme, khoriya* and through this, they managed to cultivate steep slopes through terraced fields. Risley, in his account of the meeting of the Tibetan Khye Bhumsa with the Lepcha King Thekong Tek writes, "[…] Proceeding towards Gangtok, they came across a very old man quite black from tilling his recently burnt field".[126] The fact that swidden farming was popular and later on, the successive Maharajas tried to ban it in line with scientific forestry is also documented as the same had become a punishable

123 The seasons in the mountains as per the *panchang* are twelve but the dates vary and the new year coincides with the month of April of the Gregorian calander.

124 Many Kiranti groups have been traditional herders of Buffalo (Limbu), Sheep (Gurung) and other animals like goat along with cattle. The '*goth'* was a shed built on high altitudes by these herders and they would live on these for a major part of the hot months with the animals and come down with them during the cold months.

125 The word '*udhaure'* is derived from the word *'udho'* meaning downwards and the word '*ubhaule'* is derived from the word *'ubho'* which means upwards.

126 *Supra* note 28 at 8.

offence.[127]

Transhumance is a very integral part of Bhutia groups in North Sikkim, especially in the Lachen and Lachung valley. These groups mainly rear yaks but come down to the valleys in the winter to avoid the snow. There are many other *Kiranti* festivals in the post-harvest season, along with the Bhutia Losar and the Lepcha Namsoong festivals where the devotees offer prayers to the spirits and the Gods for a good harvest.[128]

The monsoon festival of *'Ranke Mela'* also called *'sawane sankranti' is* celebrated only in the town of Namchi, South Sikkim and falls in the month of July, coinciding with the second day of the *Sawan* month in the' *Bikram Sambat*', when the sowing of the rice crop and vegetables begins. The '*bhut*' or the spirit personifies the ills that could afflict the crops and lead to a bad harvest. The '*ranke-bhut*' or the 'burning-fire spirit' is the effigy of a demon which is set on fire in the dusk and is chased into the forests through loud jeers and clanking of utensils. There is no specific *Kiranti* community to whom this ritual can be attributed to but it is celebrated in a town with more *Kiranti* communities in the populace.

Similarly, '*maghe sankranti* 'is also another major winter agricultural festival which marks the post harvest celebrations and also the period of Summer solstice and the onset of Spring season. People bathe in '*trivenis*' or a place of confluence of three rivers and then eat roots and tubers like taro-roots, yam, sweet potato, cassava, ghar tarul, and other roots collected from the wild forests. The State promotes this festival in the form of a fair which is celebrated on the banks of the river Rangeet in the town of Jorethang, South Sikkim.[129]

The forest is also identified through a *Kiranti* belief associated with the forest, that is of the *Ban-Jhakri* and his wife Lam-lamey. The *Ban-Jhakri* or the Forest-Shama [*Ban*-Forest, *Jhakri*-Shaman] is a legendary shaman who kidnaps young boys and sometimes girls and takes them to the forest. In the forest, he initiates them into the nuances of shamanism by keeping the child for a long period and then sends him back to the village, educated in the knowledge of shamanism. His wife *Lam-lamey* is supposed to

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127 *See* Circular No.3075/G dated Mar. 21, 1925 issued by the General Secretary to HH Maharaja of Sikkim, General Department, Sikkim State and Order No. 48/51-O.S. dated May 5, 1951 issued by the Office of the Dewan, Sikkim State. In the latter notification, a case where a man was penalised for burning the forest for cultivation is discussed.

128 *Barahimizong*- mangars, *Sakewa*-Rai, *Tyongshi sirijungha*: Limbu

129 *Available at:* http://www.scstsenvis.nic.in/index3.aspx?sslid=304&subsublinkid=98&langid=1&mid=4 (last visited on Jan. 21, 2021) The website says that the Mela started more as a gathering of gamblers and this could be verified vide the Notice No-640/G.D. dated May 20, 1921 issued by Shri Pestonji Jamasji, General Secretary to His Highness The Maharaja of Sikkim, the General Department, Gangtok Sikkim by which gambling was banned but an exception was made on a few occassions, including the Maghe Mela.

be an ogress with humongous breasts and is keen on eating the child. The Ban-Jhakri is said to reside in caves near streams and one way of knowing and avoiding him is if there are dead *paha* (frogs) with missing fingers as his wife likes to eat them. Thus, such a space acts as a taboo sacred space.[130]

It is also not uncommon to have cemeteries within forests and these spaces are regulated by the attitudes towards the profane and are thus taboo spaces. Most communities in Sikkim observe burying of the dead, except the Hindu Caste-Nepalis, Hinduized Kirantis and Buddhists. Moreover, it is a uncommon feature that villages would have cremation grounds in a certain patch of the forest, which are regulated by social norms or through State sanction. It is also not uncommon to have cremation grounds within the forest in the private ownership of the family of the dead.

IX Conclusion

The strict demarcations of forest lands and the disappearance of the concept of *gocharan* forests mean that the sacred groves are the only thin thread preserving the sense of community and normative environmental governance without the strict enforcement of statutory laws.

An assessment of the environment policies of the state shows that while it has controlled its position as the manager of the forests, it has ensured community level participation. With the introduction of scientific forestry, the State had a strong hold on its forests. The idea of forests being regarded as sacred spaces is inculcated into the crux of their administration. Since the legal instruments have to be secular to adhere to the secular nature of the Constitution, religious sentiments cannot be inculcated into the letters of the law. However, through policy decisions, the government of Sikkim has encompassed the religious sentiments of the general populace into environmental governance. Currently, the narratives are still dis-balanced and only time will tell when all the voices will gain equal recognition. However, in the fight for the preservation of a sacred space, the idea of the sacredness of that space has worked much concretely in preservation of the environment rather than the legal underpinnings of the arguments for preservation of it. Elsewhere, legal principles are being interpreted to embrace the narrative of the sacredness of an entity of nature. It is, but only a very short distance into the future before this becomes the jurisprudential basis for the preservation of the environment through the instrument of law.

130 The Department of tourism has built a tourist spot called the Banjhakri Falls near Gangtok.