

Kalpavriksh and Nature Conservation Foundation

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Study team with members of Nature Conservation Foundation and at Chicham Bridge

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Chicham village from Kibber village

### Glossary

Beta - musicians

Churpon - water distribution

Chechang - landlords

Devta - oracle/ spirit of the territory

Dzo - drummers

Gram panchayat - village council

Gram sabha - village assembly

gatpo - headman

Gompa/gonpa - monastery

Gachung - assistant to gatpo

Gur - medium for spirits

Kharpon - nono's assistant

Khangchen - 'big house' which usually belongs to the eldest son of a family

Khingchun - small house', composed of the all younger siblings

Khuls - water springs

Limi - priest

Lukzi - the one who herds animals in the village

Moksh - salvation

Nambardar - official term for gatpo

Nono - traditional king of the region

Panchayat - village council

Pradhan - administrative village head

Phunyok - Donkey

Phayok - cow

Rayok - Sheep/goat

Sarpanch - head of the panchayat

Samiti - committee

Thims - customs

Thuthulma - the ones who belong to landless families

Tontoth - the upper part of the village including relevant households

Thonhar - the middle part of the village including relevant households

Thonsham - the lower part of the village including relevant households

Tonchth - someone who takes responsibility

Yulva - village assembly

Zila Parishad - district committee

### **Abbreviations**

ADC: Assistant District Collector

**BRO: Border Roads Organisation** 

**BDO: Block Development Officer** 

DC: District Commissioner / Divisional

Commissioner

PRS: Panchayati Raj System

NCST: National Commission of Scheduled

**Tribes** 



## **Background**

Indigenous other and local communities across India have had traditional systems of local governance as unwritten or sometimes written codes of conduct and decision making. Many such systems are still being followed in parallel with the panchayat system (Constitutionally mandated village councils), or getting re-invented by combining the modern forms of governance with the traditional ones, especially in the case of communities still practising traditional occupations and ways of life (forest-based, pastoral, fishing, and/or farming). There are, however, very few studies of these systems interacting with modern state institutions, their current or continuing relevance, and their role in achieving justice, well-being, and ecological wisdom.

## The study: why and what

This study is on the present status and relevance of the traditional governance system of Spiti valley of Himachal Pradesh, with a focus on the *gatpo* (or *lambardar/nambardar*), in the context of socio-cultural, economic, ecological and political transformations taking place in the region. For this, the study also looked at the interface between

the local/traditional and new/modern governance systems, viz. the *gatpo* with the *panchayat* and local Administration.

The study was carried out primarily in Kibber village with the objective to understand local governance and its unique features. We highlight key learnings from the above, for governance, democracy and autonomy specifically in Spiti. Crucially, we ask: if the *gatpo* system continues to have relevance, what can be done to sustain it, clarify its role and strengthen its functioning?

This study is a collaborative effort between Kalpavriksh and local partner organisation Nature Conservation Foundation (NCF). On three field visits over the course of two years, the authors conducted semi-structured one-to-one or group interviews or open conversations with gatpos (current and former), gachungs (a specific role assisting the gatpos), sarpanches, panches, bureaucrats of relevant departments, researchers, academics, and activists.

## **Findings**

The gatpo is a village headman who acts as a representative of the village with social and cultural-ritual responsibilities. Being an important authority in the

village, traditionally, a well-respected person with a good comprehension of local history, communication skills and good relationships with people was usually considered for selection to the post of the *gatpo*. In some places it was a hereditary position.

While its origins are not clear, the gatpo system seems to be quite old, with many similarities with the goba system in Ladakh, a neighbouring bioregional landscape. Officially, under various regimes before and after India's Independence from British colonial rule, the gatpo came under the revenue department, and he and patwari (revenue officer) worked very closely together authenticating the village level information on land, population, livestock and other matters. Along with the gatpo, gachung (gatpo's assistant) are also selected by the village which is further divided into three groups. Importantly, the gatpo has not been an authority unto himself, but rather takes decisions in consultation with the village assembly (the *yulva*).

Some of the key functions of the gatpo (currently carried out in varying degrees and combinations across Spiti's villages):

- calls for all village level meetings and coordinates various cultural, ritual and other social gatherings
- plays a significant role in conflict resolution within the yulva, along with ensuring the internal flow of information and communication.

- maintains the general demographic details like number of houses, females, males, animals, deaths and births; issues death, birth, and character certificates.
- keeps records of government schemes and maintains liaison with the administration on matters not covered by the panchayat
- presides over the harvesting and cultivation timings in the village, and the cycles and distribution of irrigation water; keeps a check on the rotation cycle for hosting the ceremonial feast as well as ensuring that all the families get water for irrigation (at times in association with a churpon, specially designated for this purpose); and ensures upkeep and maintenance of irrigation canals.
- maintains, list of pasture lands, number of livestock with individual families and boundaries to be adhered to by herders, conducts meetings to decide on migration timings, vests the power to allocate or withdraw access to pasture lands, and resolves conflicts between two herder communities regarding such access.
- ensures compliance with customary norms, called thims.

### **Analysis**

Some of the key functions of the gatpo (currently carried out in varying degrees and combinations across Spiti's villages):

## Strengths and weaknesses of the gatpo system as it was and is

One important element of the gatpo system is that people recognise it a part of their 'way of life' or 'being'. This helps in understanding governance at the local level from a life centred perspective.

Local governance in Kibber remains relatively autonomous, for many crucial aspects of life. The social and spiritual order is maintained in the villages through collective rules (thims) and local institutions.

One of the major limitations of the gatpo system is its one-sided gendered role. There has never been a woman gatpo and the village continues to be a patriarchal society.

Other inequalities related to structural and relational aspects of tradition and customary practices, including caste, also sometimes limit participation.

### 2. Gatpo and modern institutions

While introducing the panchayat system in Spiti, it does not appear that the gatpo or other self-governance mechanisms were taken into account. Such neglect of traditional local governance institutions, and lack of clarity regarding their relationship with panchayat raj institutions (PRIs) or other bodies of government, are common phenomena across India.

### 3. Role of local deities

The unique element of Kibber's governance system is the role that the local deities play in it. The local deity in Kibber, Chukyong Ronglong is an integral part of village decision making. These belief systems are tied closely with peoples' everyday lives, and the modern governance systems or purely rational political analysts might look askance at these decision making processes.

### 4. Place based Governance

Building on the previous point, we clearly see that customary forms of governance are place based i.e. responding to and emerging from the needs, rhythms and movements of the land and place that they are situated in. They have emerged based on the ecology, topography, geology, traditional livelihoods responding to the land, water, snow, mountains, rivers, and how humans can navigate these ecosystems. These systems are hence grounded in experiential learning, hundred years of observations, studying the patterns and designing life around those patterns.

### 5. Party politics and the gatpo

One crucial element of gatpo's role is his non-party political position. The village focuses on party affiliation, educational qualification and other such criteria of the candidates when electing the representatives of the panchayat, while the criteria for selecting gatpo is (or was, till recent changes in selection procedures took place in some areas) that the person needs to have a good grasp of the village customs and traditions, and be widely respected.

# 6. Relevance and role: declining or continued importance?

Gatpo is still seen by many as not only a cultural but also an administrative and political head of the village, who is (or should be) now supported by the panchayat through funds and government schemes.

The reportedly reduced relevance of the gatpo in some regions, based on conversations with NCF or people outside Kibber, is also closely related to how burdensome it is now perceived to be.

# 7. Lack of formal recognition of multiple roles of the gatpo

The gatpo is formally mentioned as Nambardar only in Himachal Pradesh Land and Revenue Act, 1954 but there is nothing mentioned on the relative scope and the powers of the gatpo except in relation with tax collection, maintenance of common lands and other village administrative functions. Given their continuing importance, such sidestepping of the traditional governance systems could be detrimental for local ecological, social and economic sustenance and harmony.

# 8. Learnings on direct or radical democracy in Kibber

As mentioned above, if direct democracy is (or should be) about people's direct/radical or unmediated participation in decision-making, our understanding of the gatpo system reveals the following ingredients that are a part of such a system.

- a. Autonomy and self-rule
- Collective, responsible governance of commons
- c. Right to participate
- d. Plurality of Governance
- e. Wisdom the phenomenon of earthy governance

Importantly, though, these are limited by the system's internal inequities.

# Conclusion and Recommendations

The role of the gatpo remains crucial in many ways for the people of Kibber and perhaps Spiti as a whole (as indicated by some conversations with other residents, civil society groups and government functionaries). There is an overwhelming public opinion that it should continue. But simultaneously it is facing several challenges, including lack of clarity in its relationship to other newer institutions of governance, lack of incentives to revive and/or replace traditional sources of support, and continued internal inequities and discriminations.

The gatpo's functions have evolved based on the geographical, cultural, social and economic contextuality. This indicates that local traditional governance is place-based, but may also have some common or universal elements that could be due to a long history of inter-region connection, common religious or cultural aspects, and/or some homogenisation created by law and policy.

Several changes in economy, society and culture, including less collective functioning, outmigration of youth from villages, modernisation and commercialisation, ecological problems including climate change, are impacting communities in Spiti, including their traditional governance system.

### There is a need for

- communities to revive support to gatpo to reduce his burden, and to enable greater women and young people's participation.
- the government to clarify the relationship between the gatpo and newer institutions of governance, including the panchayat and the Administration.
- studies in other parts of Spiti to get a more comprehensive picture of the region.
- evolution, by communities, of their thims, to deal with more recent challenges including in relation to climate change, tourism, and garbage.

# 1. Structure of the report

This report presents a study of the present status and relevance of the traditional governance system of Kibber village in Spiti valley of Himachal Pradesh, with a focus on the *gatpo* (or *lambardar/nambardar*), in the context of socio-cultural, economic, ecological and political transformations taking place in the region. It is structured in the following way.

The second section introduces the general background of traditional governance in India and why we selected Kibber village in Spiti valley as our site. It elaborates our objectives, methodology, limitations, and provides an overview of the rapidly changing ecological and livelihood landscape of the region. The third section details the history of the gatpo system, general village organisation, gatpo's role and functions (traditional and modern), and relevant decision making processes in Kibber village. This section also describes the relationship of the gatpo with new or modern<sup>1</sup> institutional structures such as panchayats. The fourth section presents the analysis of the findings, including the relationship between the gatpo and panchayats, gatpo's relevance in contemporary

governance scenarios, strengths and weaknesses of the institution, impact of the decline in traditional livelihoods and institutions, and modernisation of *gatpo*'s role. The fifth and the last section presents some overall conclusions, and chalks out a set of recommendations emerging from the study to strengthen the *gatpo* system. The annexures provide a list of people spoken to, and dates of visits to field sites.

<sup>&</sup>lt;sup>1</sup> We realise the terms 'traditional' and 'modern' are loaded, but use them here to distinguish between systems having evolved locally and relatively independently over significant time (but not static) and those introduced from wider state and national contexts in recent times.

# 2. Traditional or customary governance in India

Indigenous (adivasi/tribal)<sup>2</sup> and other local traditional communities in India have had their own systems of local governance, which have informed people's interaction with fellow community members as well as the rest of nature. These include village assemblies, councils and headpersons (usually elder men) who would form the key institutional pillars of selfgovernance. Broadly, these institutions and individuals are responsible for internal conflict resolution. management of village commons, liaising with government agencies, livelihood activities, religious/spiritual ceremonies and other cultural relations. They are in turn based on or guided by rules and customs, built on a foundation of principles or norms, handed down over generations, that govern those specific communities<sup>3</sup>. Maintaining these rules and customs are crucial for the continuation of spiritual & cultural life, community identity and knowledge, the management of land and natural resources, and the use and protection of the rest of nature. These customary governance systems draw their legitimacy from their rootedness in customs, traditional practices, and ways of being and living. In parts of India, especially in the case of communities still practising traditional occupations and ways of life (forest-based, pastoral, fishing, and/or farming) many such systems are still being followed in parallel with the formal governance systems brought in by the state, or getting re-invented by combining the modern forms of governance with the traditional ones.

During the drafting of the Indian constitution, 'tribal' areas and their governance by the newly formed independent Indian State was an important topic of deliberation. The constituent assembly held several debates and conducted surveys for various regions to draft relevant provisions and ensures a feguards. Under the chairmanship of Gopinath Bordoloi, a sub-committee recommended that the local institutions for administration of hill tribes especially in Assam

<sup>&</sup>lt;sup>2</sup> The term 'indigenous' is not used officially in India, but many communities do identify themselves as such or as *adivasis* (original inhabitants); the term more commonly used for official purposes is Scheduled Tribes, denoting those peoples who are listed in the relevant list of the Constitution of India.

<sup>&</sup>lt;sup>3</sup> Bhaskar, P., Ghosh, P., Chaudhuri, D. (2021). Collapse of Adivasi self-governance system in Jharkhand: Need to implement PESA in letter and spirit. *Down to Earth*, 3 August. :https://www.downtoearth.org.in/blog/governance/collapse-of-adivasi-self-governance-system-in-jharkhand-need-to-implement-pesa-in-letter-and-spirit-78260



Snow leopard in Langza village

which were well-structured, should be recognised under the provisions of the Sixth Schedule to maintain their relative autonomy.<sup>4</sup> Under the special provisions of Article 244(2) and Article 275(1) of the Constitution, Autonomous District Councils "are empowered to make laws in respect of areas under their jurisdiction, which cover the land, forest, cultivation, inheritance, indigenous customs and traditions of tribals, etc. and also to collect land revenues and certain other taxes". Subsequently, in the 1970s, provisions of the 6th Schedule were also implemented in the states of Mizoram, Meghalaya, and Tripura, forming Autonomous District Councils.<sup>5</sup>

The case of Nagaland is also worth mentioning. Here, the traditional system consists of unwritten laws and customs that are orally passed down through generations, as a way of life. The encounter with colonial rule in the 19th and 20th centuries impacted the local systems in various ways. After getting statehood under the Union of India in 1963, the village council system was introduced. Some authors have examined the emergence of the state of Nagaland along with the decline of indigenous systems for maintaining law and order<sup>6</sup>, while others have looked at "how the different Naga communities have, instead of adjusting themselves to the ideals and practices of modern democracy, adjusted these to the traditional systems or integrated

<sup>&</sup>lt;sup>4</sup> Baro, A.(2017). 'Sixth Schedule and its implementation: Understanding the case of Bodoland (BTAD) in Assam'. *Journal Of Humanities And Social Science. Volume 22*, Issue 12, PP 05-09 https://www.mea.gov.in/Images/pdf1/S6.pdf

<sup>&</sup>lt;sup>5</sup> https://had.assam.gov.in/portlets/sixth-schedule

<sup>&</sup>lt;sup>6</sup> Zhimo, Avitoli. (2020). 'Indigenous System of Governance and its Implication: The case of Nagaland'. *Indian Anthropologist* 49, 41-56. https://www.researchgate.net/publication/342919783\_Indigenous\_System\_of\_Governance\_and\_its\_Implication\_ The\_case\_of\_Nagaland



Pin Valley

the two".<sup>7</sup> Article 371(a)<sup>8</sup> of the Indian Constitution gave the state of Nagaland special status; under this it also promulgated a law on communitisation providing significant local governance powers<sup>9</sup>.

Also in North-east India, in north Sikkim, the villages Lachen and Lachung maintain their traditional governance system of *Dzumsa*. This system was officially recognised

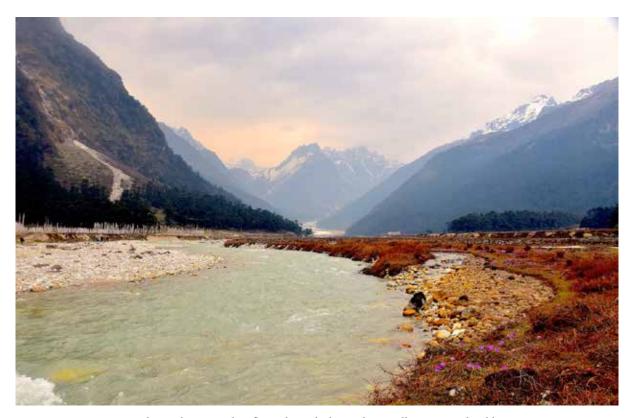
<sup>&</sup>lt;sup>7</sup> Wouters, J. J. P. (2014). 'Performing Democracy in Nagaland: Past Polities and Present Politics'. *Economic and Political Weekly,* 49(16), 59–66. http://www.jstor.org/stable/24480156; Pathak, N. (2014). *Communitisation of Public Services in Nagaland: A step towards creating an alternative model of delivering public services.* Kalpavriksh, Pune

<sup>8</sup> https://necouncil.gov.in/sites/default/files/uploadfiles/371A.pdf

<sup>&</sup>lt;sup>9</sup> Pathak, N. (2014). Communitisation of Public Services in Nagaland: A step towards creating an alternative model of delivering public services. Pune, Maharashtra: Kalpavriksh. https://kalpavriksh.org/wp-content/uploads/2018/08/Nagaland.pdf

through an Act passed in 2001<sup>10</sup> by the Sikkim government, enabling traditional institutions to continue to exist in accordance with traditional and customary laws<sup>11</sup>.

However, many of these traditional have been oppressive systems towards, or marginalise women and/ or ethnic minorities, young people and 'lower' castes. In this way, traditional governance systems may internally compromise basic principles of equity, justice and wellbeing for all, even as they may be crucial for sustaining community life as a whole, and for sustainable relations with surrounding natural ecosystems and resources. This was discussed in a consultation paper prepared by a National Commission<sup>12</sup> in 2001 to review the working of the Constitution.<sup>13</sup> The paper focused on North-east India but gave some



Lachung chu River that flows through the Lachung village in North Sikkim

12 https://ncst.nic.in

<sup>10</sup> Sabatier, S. B. (2004). 'The Dzumsa of Lachen: An example of a Sikkimese Political Institution'. Bulletin of Tibetology, 40(1), 92-104.

<sup>11</sup> Chhetri, D. (2013). 'Preserving cultural identity through tribal self-governance: The case of Lachenpa and Lachungpa Tribes of Sikkim Himalaya (India)'. American International Journal of Research in Humanities, Arts and Social Sciences, 205(1), 23-28. http:// iasir.net/AlJRHASSpapers/AlJRHASS13-205.pdf

<sup>13</sup> National Commission to Review the Working of the Constitution. (2001). Empowering and Strengthening of Panchayati Raj Institutions/ Autonomous District Councils/ Traditional Tribal Governing Institutions in North East India, https://legalaffairs.gov.in/ sites/default/files/EMPOWERING-AND-STRENGTHENING-OF-PANCHAYATI%20RAJ.pdf

important general directives on respecting the traditional governance systems as a potent mode of self-governance, while also stressing that the traditional practices shouldn't deny legitimate democratic rights to any section of society.

Among many communities and regions in central India, local self-governance reinvented through the being learnings of traditional systems, understanding their own limitations as also the *limitations* of the governance institutions that the Indian state has introduced at local to national levels.14 In Korchi taluka of Gadchiroli district of Maharashtra, the move towards direct democracy (i.e. where inhabitants of a settlement or collective are directly involved in decision-making and have significant autonomy in this), and greater economic, social, ecological and political well-being, is facilitated through the negotiations with the Indian state as well as the parallel

emergence of alternative democratic processes.<sup>15</sup> Crucially, women who have traditionally been kept out of community-level decision-making processes, began questioning the internal injustices and transforming the community from within<sup>16</sup>. Other recent initiatives at innovative local institutions of governance Pani Panchayats (Water Councils), have attempted equitable sharing of resources and benefits such as irrigation water, particularly arguing for allocation of water even to the landless, in collaboration with the gram sabhas and panchayats.<sup>17</sup> There are other examples in several parts of India, where communities are struggling to re-appropriate direct decision-making, questioning internal injustices and establishing systems for the generation of relevant knowledge and capacity<sup>18</sup>.

In many of these examples, we see the assertion of people's ideas of what makes meaningful lives, instead

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<sup>&</sup>lt;sup>14</sup> Pathak Broome, N. (2018). 'Mendha-Lekha- Forest Rights and Self-Empowerment'. In Lang, M., Konig, C., and Regelmann, A. (eds.). 2018. Alternatives in a World of Crisis. Global Working Group Beyond Development. Rosa Luxemburg Stiftung, Brussels Office and Universidad Andina Simon Bolivar, Ecuador.

<sup>&</sup>lt;sup>15</sup> Pathak Broome, N., Bajpai, S. and Shende, M. (2020). 'On the Cusp: Reframing Democracy and Well-Being in Korchi, India'. *Global Working Group Beyond Development*. Rosa Luxemburg Stiftung, Brussels Office. https://beyonddevelopment.net/on-the-cusp-reframing-democracy-and-well-being-in-korchi-india/?print=print

<sup>&</sup>lt;sup>16</sup> Pathak Broome, N., Bajpai, S. and Shende, M. (2018). 'Reimagining Wellbeing: Villages in Korchi taluka, India, Resisting Mining and Opening Spaces for Self-Governance'. *WRM Bulletin 241*. https://www.wrm.org.uy/bulletin-articles/reimagining-wellbeing-villages-in-korchi-taluka-india-resisting-mining-and-opening-spaces-for-self-governance

<sup>&</sup>lt;sup>17</sup> Dharmadhikary, S, and Thakkar, H. (2017) 'The Future of Water in India', in Ashish Kothari and K. J. Joy (eds), *Alternative Futures: India Unshackled*, AuthorsUpFront, New Delhi.

<sup>&</sup>lt;sup>18</sup> Kothari, A., and Das, P. (2016) 'Power in India: radical pathways'. In State of Power 2016, Transnational Institute, 18th January. https://www.tni.org/en/publication/power-in-india-radical-pathways; Broome, N., Bajpai, S. and Shende, M. (2020). 'On the Cusp: Reframing Democracy and Well-Being in Korchi, India'. Global Working Group Beyond Development. Rosa Luxemburg Stiftung, Brussels Office. https://beyonddevelopment.net/on-the-cusp-reframing-democracy-and-well-being-in-korchi-india/?print=print

of being told how to live their lives by the ones allegedly 'more equal' than them (from within or outside their communities). Opposite to that, though, we see the hegemonic 'development' discourse and the 'nation-state' model that, despite India's federal and decentralised democratic system still retains strong political, administrative, and economic centralisation in its spirit and functioning.

As elsewhere in the world, India is seeing the many failures and undelivered promises of such centralised decisionmaking, and of neo-liberal economic. growth-centred development models that create havoc by uprooting and destroying local communities and their ways of life (at times with their own involvement), especially those most dependent on natural ecosystems<sup>19</sup>. Nation-state and political borders in various parts of the world have created conflict situations. or disrupted ancient cultural and ecological flows and relations such as along rivers and nomadic territories. They have enabled the spread of a hegemonic system asserting that capitalist modernity is the only way to organise lives, and that this justifies taking over territories of Indigenous peoples and local communities for 'national' goals like development and security<sup>20</sup>. In India, attempts at political and administrative 'decentralisation' (importantly, through the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional amendments<sup>21</sup> providing powers to institutions of self-governance at village, district, and urban levels), have provided some counter trends to this, but they mostly remained half-hearted in both concept and implementation.<sup>22</sup>

Examples extant traditional of governance systems are important to be understood, articulated, highlighted, re-asserted and learnt from (while understanding and dealing with their internal problems), as balancing forces to the modern governance discourse and institutions. This is not to deny that modern institutions of democracy have their own benefits, including the possibility of going beyond traditional power elites, or for spaces created for women, youth, marginalised castes due to reservation. But communities also find them problematic in many ways, such as the introduction of divisive party politics from outside

<sup>&</sup>lt;sup>19</sup> Shrivastava, A and Kothari, A. (2012). *Churning the Earth: The Making of Global India*. Penguin India.

<sup>&</sup>lt;sup>20</sup> Bajpai, S., Kothari, A. and Crespo, J. (2022). 'Nation-states are destroying the world. Could 'bioregions' be the answer?'. *Open Democracy*, 7th March. https://www.opendemocracy.net/en/oureconomy/nation-states-are-destroying-the-world-could-bioregions-be-the-answer/

<sup>&</sup>lt;sup>21</sup> https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-seventy-third-amendment-act-1992; https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-seventy-fourth-amendment-act-1992

<sup>&</sup>lt;sup>22</sup> Bijoy, C.R. (2021). 'Democracy in the forests: Governance as it is to be'. *Law, Environment and Development Journal*, 17/1: 20. http://www.lead-journal.org/content/a1702.pdf



Confluence of Pin and Spiti Rivers, view from Dhankar Monastery

in relation to electoral systems like panchayats, strengthening existing elites or creating new ones. What is striking is that there has been *limited* work to understand the working of traditional systems in practice while they interact with the modern systems of governance, and what kinds of conflicts and complementarities emerge between traditional norms and modern constitutional values.<sup>23</sup>

Many of the traditional systems are rooted in a region, embedded within community life, non-party political in nature, and challenge the dualist ontology of the modernist discourse which enforce a clear and distinct separation between human and non-

human worlds<sup>24</sup>. In most of these traditional systems, the lifeworlds of Adivasi or Indigenous peoples and other local communities living alongside nature, follow a sophisticated set of customs, rules, and practices to look after and care for their lands and waters, built on the idea of a 'mutual and reciprocal relationship with nature'<sup>25</sup>.

The challenge is to understand these systems with their nuances and complexities, their evolving nature to respond to or suit contemporary societies, their interface with modern governance institutions, and how overall governance can be strengthened for the objectives of justice and ecological sustainability.

<sup>&</sup>lt;sup>23</sup> Baruah, A.K. (2003). 'Tribal traditions and crises of governance in north-east India, with special reference to Meghalaya', Working Paper 22, DESTIN, London. https://www.lse.ac.uk/international-development/Assets/Documents/PDFs/csrc-working-papers-phase-one/wp22-tribal-traditions-and-crises-of-governance-in-ne-india.pdf

<sup>&</sup>lt;sup>24</sup> Escobar, A. (2020). *Pluriversal Politics: The Real and the Possible*. Duke University Press, Durham.

<sup>&</sup>lt;sup>25</sup> Plumwood, V. (1993). Feminism and the Mastery of Nature. Routledge, London.

# 3. Brief profile of Spiti

Spiti (pronounced as Piti in Bhoti language) is a high-altitude region of the Himalayas, located in the northeastern part of the northern Indian state of Himachal Pradesh. The name "Spiti" means "the middle land", i.e. the land between Tibet and India. The region covers the valleys of the Spiti River, and its tributaries. Some of the prominent side valleys in Spiti are the Pin valley and the Lingti valley. The region is bordered on the east by Tibet, on the north by Ladakh, on the west and southwest by Lahaul, on the south by Kullu, and on the southeast by Kinnaur. Spiti has a cold desert environment and has a unique biodiversity suited to its ecosystem. In terms of wildlife, among other species, the Spiti region is home to the Siberian ibex, the snow leopard 21] pika (Ochotana roylei), Himalayan wolf among others. The avifauna

of the region includes the bearded vulture, Himalayan griffon, golden eagle, Chukar partridge, Himalayan snowcock among others. The Spiti division has the Pin Valley National Park, Chandratal Wildlife Sanctuary, and the Kibber Wildlife Sanctuary, part of the state conservation efforts but it also has community based conservation initiatives. It is an aridregion and receives annual rainfall of about 50 mm (2.0 in) with snowfall less than 200 cm (6.6 ft). The extreme lower temperatures are -30 °C (-13 °F) in winter and 15 °C (59 °F) in summer. Some villages in upper reaches such as Kibber, Langza and Komik are completely dependent on the snowmelt water from winter precipitation and glaciers, however, snowfall over the last few decades has reportedly significantly reduced.



Snow leopard juveniles near Kibber village

The Bhoti-speaking local population follows Tibetan Buddhism but was practising animist or Bon religion in the past, elements of which still strongly exist. The people of Spiti Valley are notified as Schedule Tribe as per Article 342<sup>26</sup> of the Indian constitution. Being a similar landscape ecologically, geographically as well as culturally, Spiti was influenced quite significantly by Ladakh. The residents today are either descendants of a native family of Ladakh or chiefs sent to look after the affairs of Spiti by the rulers of Ladakh. Under the Treaty of Amritsar (1846), Spiti alongside Lahaul was split off from the erstwhile kingdom of Ladakh, and came under direct British administration. The region was under the rule of regional rulers (nonos) till 1958. After the formation of Lahaul & Spiti into a district in 1960, Spiti was formed into a sub-division with its headquarter at Kaza.[10] Lahaul & Spiti district was merged with Himachal Pradesh on 1 November 1966 on enactment of the Punjab Reorganisation Act.

The study is located in Kibber village in Lahaul-Spiti district of Himachal Pradesh, a region which is recognised as a scheduled area under the Indian constitution. It is also under the *Panch*ayati Raj (Extension to Scheduled Areas) Act 1996, under 73rd Constitutional Amendment<sup>27</sup> in which people's right to self governance through traditional Gram Sabhas is ensured, which includes their traditional cultivation and grazing rights as well.



Ibex herd near Kibber and Chicham villages

<sup>&</sup>lt;sup>26</sup> **342. Scheduled Tribes**.—(1) The President 4[may with respect to any State 3[or Union territory], and where it is a State 45\*\*\*, after consultation with the Governor 31\*\*\* thereof], by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State 3[or Union territory, as the case may be.](2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification. https://lddashboard.legislative.gov.in/sites/default/files/coi/COI\_2024.pdf

<sup>&</sup>lt;sup>27</sup> https://cag.gov.in/uploads/download\_audit\_report/2024/Executive-Summary-066b3635a902ee6.46192665.pdf

# 4. Introduction and background to the study

This study follows our earlier study in Ladakh, where we attempted to understand the role of the goba (village headman) and its relevance in the context of socio-cultural, economic, ecological and political transformations taking place in the region<sup>28</sup>. Through our interactions with and reading studies of the Nature Conservation Foundation (NCF) team, that has been working in Spiti valley for over two decades, we were informed of several similarities but also differences between the goba system in Ladakh and local governance in Spiti.<sup>29</sup> It seemed to us that this was worth documenting in depth. Especially stressed by NCF and others was the context of the traditional system still being quite intact with gatpo or nambardar (gatpo equivalent) and local deities, all playing a role in the plural system of governance.

This study specifically focuses on one village in Spiti valley, Kibber. It is an agro-pastoral village, the last one on the traditional trade route to Ladakh and Tibet. It is located at an altitude of 4200m above sea level with mostly rocky landscape, steep slopes dominated by grasses, shrubs and herbs. Kibber Khas, the original settlement (now recorded as Pinjor) is located on a limestone cliff on the left bank of the Spiti River.

Kibber residents get cash income from the sale of green peas, barley and black peas<sup>30</sup>. In an area of approximately 70-100 km<sup>2</sup> with traditional grazing and collection rights in the pastures, the community takes animals such as goats, sheep, donkeys, cows and dzomo for grazing every day during the summer months. This livestock also offers a source of income generation.

In the last two decades, snow leopard & wildlife tourism including homestays in the village have significantly added to traditional livelihoods. Since 1998, based on a comprehensive understanding of ecology and society, the community and NCF started a community-based conservation programme after signing a joint agreement. The village assigned an area of 500 hectares (6 percent of their regularly used grazing land)

<sup>28</sup> https://vikalpsangam.org/article/the-goba-of-ladakh-report/

<sup>&</sup>lt;sup>29</sup> Murali R., Bijoor A., Mishra C. (2021). Gender and the Commons: Water Management in Trans-Himalayan Spiti Valley. Ecology, Economy and Society-the INSEE Journal 4 (1): 113–122, January 2021, India.

<sup>30</sup> Ibid



Kibber village

that would remain free of livestock grazing and human use for five years. It appointed a committee of 10 villagers to oversee this arrangement. The community ensured that herded livestock were not taken to the free-grazing, community-conserved land. This resulted in an abundance of bharal (blue sheep), the most common wild herbivore and essential prey of the snow leopard. It has also resulted in frequent and closer sightings of snow leopards in Kibber and the surrounding villages since 2014<sup>31</sup>.

In the fragile ecological landscape of Spiti Valley, with the help of NCF,

Kibber village has been working towards conserving its landscape, protecting species and their habitats, and generating localised livelihoods that are respectful of ecology and local culture. In times of unpredictable and low snowfall, springs drying up, glaciers receding, and habitats changing, it has been crucial for residents of Kibber to generate alternative dignified livelihood. "Earlier, people would look at snow leopards as the killer of their livestock but now they know its importance in the food value chain as well as our livelihoods. Now we honour the snow leopard "32 says

<sup>31</sup> https://roundglasssustain.com/wild-vault/agro-pastoral-life-spiti

<sup>32</sup> https://www.youtube.com/watch?v=NwGp6tM7BNs

Tanzin Thinley, a resident farmer and conservationist, associated with NCF. Apart from climate change, in recent years, there have been proposals of large-scale solar projects in Kibber and neighbouring villages which could be a major threat to a critical wildlife habitat. There is a proposal for a solar park on 31 square kilometres as a conglomerate of substations across six villages in Spiti. The project is part of India's plan, announced in 2014 to develop 25 solar parks and ultra-mega solar projects in the country. According to researchers, based on their camera trap mapping of snow leopard movement in Himachal and Spiti, all of the 13 proposed sites fall within important snow leopard habitats<sup>33</sup>. The community has strongly against this protested proposed project and articulated the need to reassess and find a balance between the need of energy production and their livelihoods, & protecting habitats of snow leopards.

In December 2021, Kibber became the first village in Spiti Valley to claim rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006<sup>34</sup>, which further strengthens private and community rights of communities over their traditional territories<sup>35</sup>.

In the context of all the above, it is important to understand and document how villagers in Kibber take decisions, the key elements of their governance model, its connection with the ecology of the region, how it can be further strengthened, as well as what lessons we can draw to understand democracy in general.

<sup>33</sup> https://india.mongabay.com/2024/12/solar-power-looms-large-over-the-snow-leopards-of-spiti/

<sup>34</sup> http://www.fra.org.in

<sup>&</sup>lt;sup>35</sup> https://www.hindustantimes.com/cities/chandigarh-news/kibber-first-village-in-spiti-village-to-file-forest-rights-claims-101640293155025.html

# 5. Objectives, key questions and methodology

The key objective of this study is to understand the following aspects:

- 1. The process of local decision making in Kibber village.
- The role of nambardar/gatpo, the village council, and other entities (such as an oracle) in decision making
- The presence of discrimination, if any, in the traditional governance system, including the inclusion or exclusion of women and of marginalised castes
- The interface of the traditional system with the panchayat, forest department, district administration, and other relevant modern institutions of governance.
- 5. The relevance of place-based governance and its connections with the biocultural regions extending up to neighbouring Ladakh.

In addition, the study aims to highlight the relevance of key learnings from the above, for general aspects of governance, democracy and autonomy.

### The **key research questions** were:

- How does the nambardar/gatpo governance system function, and what changes have taken place in this in recent times? What is its current social, political, economic and cultural role and relevance?
- 2. How has this traditional system interacted with modern & new institutions of governance including the panchayat system?
- 3. If the traditional governance continues to have relevance, what is being done and further can be done to clarify its role, deal with internal inequalities and discriminations, and strengthen its functioning?
- 4. What are the crucial elements of direct democracy that can be learnt from Kibber, that could be more widely applicable?

The *methodology* involved different tools and techniques. This case study builds on existing literature available on the *gatpo* system (mostly produced by Nature Conservation Foundation). For our primary fieldwork, we covered Kibber village, and less intensively Chicham village, Kaza town and (to



Kibber village assembly being presented with findings of study, April 2025

meet officials and researchers) Shimla in March 2023, and then subsequently visited again in March 2024 and April 2025. In these visits, we conducted semi-structured one-to-one or group interviews or open conversations with *gatpos* (current and former), women, officials, and researchers working in the region. Key results of the study were also presented to the *yulpa* (village assembly) and Mahila Mandal in Kibber, and members of Nature Conservation Foundation, and feedback from this incorporated into the final version of the report.

Through this study, we were supported immensely by NCF staff in identifying key respondents and thinking through specific questions. Unless attributed to a secondary source, all the information presented in this study is from primary sources, i.e., statements by respondents (listed in Annexure 1), or our own observations.

The study has various **limitations**. Existing literature on the *gatpo* system is very *limited*, primarily whatever NCF has documented. Given the brief period of directly meeting people in Spiti (about 40 days, spread over

three years, and primarily one village), and the *limi*ted direct observations on the *gatpo*'s work and village level meetings<sup>36</sup>, the case study is necessarily partial and likely misses a number of complexities and nuances that a more detailed and longer-term engagement will bring out. This would also need involving a more representative sample of various sections of the community, especially women and people from marginalised castes. The study also focused primarily on the *gatpo* system, and only peripherally other local governance structures like the *yulva* 

(village assembly). Additionally, the team could visit only Kibber, hence the perspective from other villages (except some interactions from Chicham and Kaza) in Spiti is missing.



Presentation of key findings to Mahila Mandal members, Kibber, April 2025

<sup>&</sup>lt;sup>36</sup> A couple of scheduled meetings we were scheduled to attend were cancelled; finally we were able to very briefly witness one in March 2025.

# 6. The Gatpo System

## 6.1 Kibber Village

As we mentioned above, this study focuses on people and decision making in one village of Spiti valley, Kibber (while also getting a perspective from officials in Kaza and *pradhan/sarpanch* of Chicham), and while doing so it tries to understand the traditional decision making system of communities in Spiti valley.

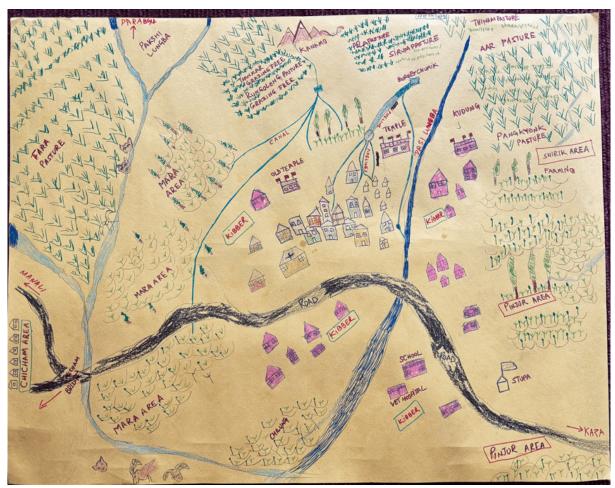
There are around 80 households in Kibber who primarily practise Tibetan Buddhism. Out of these, 78 households are involved in all decision making of the village and perform all the functions including participating in village gatherings, attending administrative meetings, following cultivation and irrigation management

rules and paying taxes and fines. These are essential functions and obligations to be inhabitants of Kibber. The remaining two households are exempted from these responsibilities as they consist of very old couples who can't perform these functions. The community has three traditional social groups: the chechang (landlords) who are considered the upper castes, and marginalised castes called dzo (drummers) and beta (musicians). The chechang governance functionaries are further divided into the following traditional categories and contain 4 key functionaries: nono (king of the region), kharpon (nono's assistant), churpon (usually 2 in the village, who look after water distribution) and then gatpo (headman, one in the village).



Kibber village residents

Similar Ladakh. families to the among upper castes are divided into khangchen ('big house' which usually belongs to the eldest son) and the khingchun ('small house', composed of the all younger siblings) and inzung called thuthulma, belonging to the landless in the village). Land ownership is restricted to khangchen but on several occasions, land is given by the elder brother to his younger brother. Some families, especially the marginalised castes, who didn't have land, were given some land under the Himachal Pradesh Nautor Land Rules<sup>37</sup>, which were instituted in 1968 for this purpose, especially in the tribal districts of Lahaul-Spiti<sup>38</sup>.



Map of Kibber Village<sup>39</sup>

<sup>&</sup>lt;sup>37</sup> https://himachal.nic.in/WriteReadData/l892s/13\_l892s/1392716641.pdf

<sup>&</sup>lt;sup>38</sup> Rahimzadeh, A., Land Use Policy (2017), http://dx.doi.org/10.1016/j.landusepol.2017.10.025

<sup>&</sup>lt;sup>39</sup> Made by the Nature Conservation Team along with help of Kibber residents along with the help from authors.

## 6.2 Village Structure

The village is divided into three groups based on geographical locations and serial number accorded to each household by the village itself. The top most region is Tontoth, the middle part of the village is Thonhar and the lower section of the village is called *Thonsham* (see Kibber's village map below). The composition of these groups might change but only if families move from one location to the other in the village. Each of these groups are represented by 2 people called Tonchth (meaning someone who takes responsibility). They are selected from the 34 Khangchen households.

These two representatives from three groups along with gatpo (village headman) and his assistants called gachung form the 10 member village executive committee. Most small decision day-to-day making coordinated by this executive committee. The group representatives are expected to hold group level discussions and then represent that in the executive committee meetings. Resolutions are passed by this 10 member committee but in case of land issues and other significant decisions, the entire village (yulva) gets involved.

## Visual representation of the Kibber village structure

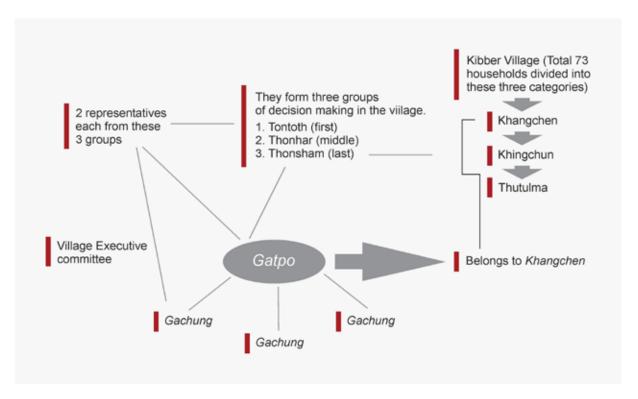


Fig 1: Decision making structure of Kibber village

34 The gatpo is selected from families Khangchen supported three assistants, called Gachungs. Kibber is divided three among geographical groups represented by two members from each of these groups who collectively form a village executive committee that takes dayday decisions.

This decision making is further supported by *devta*/spirit of the village who has a *Limi* (priest) for temple's upkeep and a Gur as the medium for *devta*'s communication.

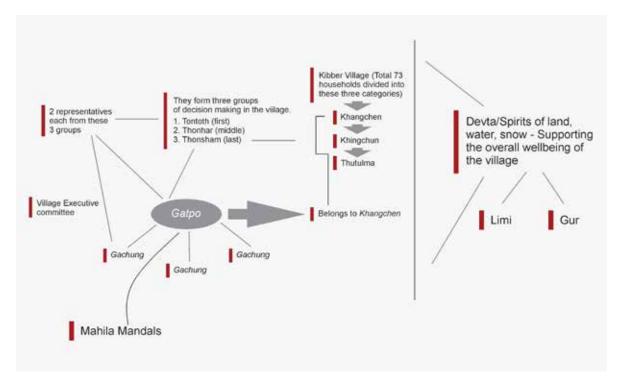


Fig 2: Decision making in Kibber village guided by local spirits

## 6.3 Who is Gatpo?

"Yul gatpo choy, Khim phumit zoom' (gatpo has to control the village just like a house is controlled by a woman)
-Tenzin Thuktan, Kibber resident.

## **History of the System**

The gatpo is a village headman (very rarely a woman) selected periodically

by the *yulpa* (village assembly) and found in every Spitian village (or cluster of villages). The term itself may derive from **gopa** (go = head; pa = people of an area). The *gatpo* belongs to the landed elite, typically comprising only a few families who have the resources and means to represent the village and dedicate the time required to perform the functions of this position. He is also known as **Nambardar** (mostly

officially, as described below) and is usually a village elder. The *gatpos* are highly respected, and their selection was (and in some cases still is) based on their experience, knowledge, land ownership, and livestock holdings. A *gatpo* is expected to have a good rapport with people, and be impartial, apolitical, a good listener, and commanding authority as a respected person.

In Kibber, the *gatpo* was traditionally selected from 21 households whose ancestors were believed to be the original inhabitants of the village. Around 1987, the **khangchen** families decided to allocate 3 bighas (2,430 square meters) of land at the **Thinam Grassland** near Tashi Gang village,

close to Kibber to 13 other families as part of an agreement that they would perform and support functions similar to those of the **khangchen**. As a result, Kibber now has 34 **khangchen** families.

The khangchen families are responsible for many critical functions in the village, they are expected to pay 80% of the total expenses of these functions; the other fifteen percent is paid by the khingchun, and the small 5% remaining is covered by injung. The traditional role of the gatpo has been central to information sharing, conflict resolution, self-organization, monitoring water channels (along appointed women), grazing management, and other functions. The gatpo also serves as the key point



Kaza town

of contact between the community and outsiders (including government officials), acting as the representative of the village assembly. Many of these roles remain highly relevant today as described in the next section.

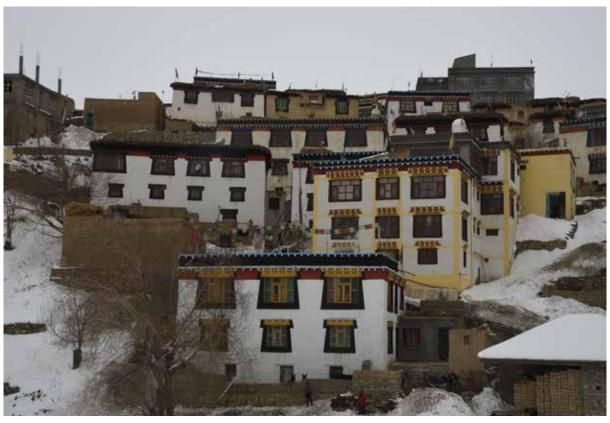
In many (perhaps most) villages in Spiti, even though the panchayat system has been introduced (which we will discuss below), the gatpo continues to serve as an interface between government officials and sarpanches on one hand, and the villagers and monasteries on the other. Gatpos traditionally, and still, play a crucial role in pasture management. He appoints the lukzi (the person who herds animals in the village) for pasture management and herding. Without the gatpo, no yulva meetings can take place. He also determines and consults on the dates, based on the traditional Tibetan calendar, for all important functions and festivals in the village. If people miss meetings, they are fined. He acts as an important link between the village and the deities of the region (which will be expanded on below).

The powers, functions, and modes of functioning of these positions are usually guided by thims, i.e., the customs of the village that are orally passed down and collectively decided. These thims are also ways of limiting the authority of the gatpo and the yulva to make decisions. They are unique based on the context of the village and there is no special teaching of them; rather they are learned by each

generation through ways of being, living and practising. In case of violation of thims, the violator is levied with fines or other penalties. Some examples of thims include: no washing of clothes in the streams and main water channels. no loose cattle once the fields are sowed, wearing traditional dress as far as possible, ensuring rotation of irrigation cycles, no cutting of trees near the streams, no harvest before the stipulated date and no cutting of grass by outsiders, pasture maintenance rules. Devta/oracle plays an important role in making sure that these thims are followed. Often acting as a reminder of these customs to the entire village. If thims are violated, then the spirits of the region can abandon existing regions and venture to new territories.

### Selection and tenure

Being an important authority in the village, traditionally a well-respected person with a good comprehension of local history, communication skills and good relationships with people was usually considered for selection to the post of the *gatpo*, among the original 21 households of Kibber. The traditional selection-based process where the *yulva* would choose someone based on above-mentioned criteria, has now been transformed into a rotational system. In present times, the duration of the post is only a year in contrast to traditional duration which was



Kibber village - retaining much of its traditional architecture

sometimes the lifetime of a particular gatpo.

The gatpo system has undergone transformations. Tanzin Thuktan from Kibber, who also works with NCF, recounts an incident: "In 2001-2002, conflicts between the gatpo and the village led to the cessation of all systems. People stopped following the rules and did whatever they preferred. Then, as young people, we decided to try and bring unity back to the village. We had a president and general secretary in the youth association (the association remains active now,

but with a significantly reduced role), and we managed cultural festivals and other events for some time. We worked on systematizing village governance. Things were later resolved with the help of the oracle<sup>40</sup>, and after two years, a *gatpo* was elected. We decided to have full transparency regarding expenditure and income and that people had to take an oath to be honest when making decisions and becoming the *gatpo*. It has taken two decades to establish an intensive decision-making process to avoid conflicts and ensure more accountability."

<sup>&</sup>lt;sup>40</sup> This is expanded in section 6.7

However, over the past few decades, the role of the gatpo is seen as a burden. "It's too much work to be a gatpo, and if you make a mistake, the entire village is after you," says Phunsok Namgyal, who served as gatpo in 2022-2023. "I had to visit all government departments and liaise with local administration, which added a lot of responsibility on top of the village-level duties. We also had to track all penalties and fines, which is a lot of work. Now, people want everything calculated," he adds. In recent times, to support the gatpo, the community has revived the practice where villagers help with the gatpo's personal work, such as grazing livestock and cultivation, as they have decided to maintain the old tradition of elders serving as gatpo.

According to official records, Nambardar is mentioned in the Himachal Pradesh Land Revenue Act. 1954, where they serve and report to the revenue officer. They are called Rajasva Nambardar (Revenue Nambardar). This position was established to assist the administration and villages, especially in the Patwari circle, with six such circles in Spiti. However, "revenue nambardars have not been appointed in Spiti for the last 20 years," informed Premchand. the former revenue officer at his Kaza office. He further added, "The village-level system is very different, and they often change the local system based on their needs. The revenue department often consults the panchayat pradhan, but if there is a village-level consultation, it must go through the village gatpo. For the administration as well, it is useful to have such a representative of the village." At present, the gatpo's role in administration has diminished, though the revenue department still consults the gatpo on revenue-related matters, government work related to the treasury, and land record examination.

## 6.4 Functions of the Gatpo

The primary functions of the *gatpo* remain fixed each year, with activities planned based on the requirements of the village assembly. Broadly, the *gatpo* is responsible for managing the affairs of the village, along with his assistants (*gachungs*) and three geographical area representatives. In relation to these duties, the *gatpo* performs various functions, which can be broadly categorized as following:

### A. Political Functions

- Acts as the representative of the village and coordinates with government officials.
- Is the key contact for state and district administration if they are organizing any meetings in Kibber panchayat.
- Stamps all relevant documents that villagers submit to local

administration. including applications and land-related issues. Even for matters concerning common land, the gatpo coordinates on behalf of the village. For example, the gatpo signs on behalf of the Kibber village assembly for the Kibber Grazing Free Community Reserve.

- Calls for village assembly and village executive committee meetings with the support of the gachung.
- Facilitates village assembly meetings and decision-making processes among different groups.
- Plays a role in conflict resolution (see Box 1, below), both within the village and in interactions outside the village, related to the village assembly.

### **B.** Economic Functions

- Is involved in panchayat decisions on the distribution and budget allocation for village-level schemes.
- Maintains records of total income and expenditure in Kibber village (other than what panchayat handles). By the end of their term, the gatpo is responsible for presenting the entire balance sheet to the village, along with full disclosure of any remaining funds, which are handed over to the new gatpo.

 Maintains records of attendance at meetings. If anyone fails to attend a meeting, they must inform the gatpo or his assistants. If they don't have a valid reason, they are fined: 700 rupees for important meetings (such as those regarding land issues or development projects) and 100 rupees for regular meetings.

### C. Ecological and Agricultural Functions

- Plays a crucial role, in consultation with the women of the village, in determining the dates for sowing seeds, ploughing, and harvesting.
- Plays a role in resolving conflicts related to village commons, including water and agricultural matters.
- responsibilities for Assigns grazing and pasture management. He appoints the lukzi, who is accompanied by three other people for taking animals to pastures. The lukzi is responsible for assigning animals to specific pastures. Traditionally, the lukziwas appointed for a year, but now this position changes frequently because very few people want to take on the job and people now have more sources of income and are less dependent on livestock. There are three types of animals managed by the lukzi: Phunyok (donkeys), Rayok (sheep/ goats), and Phayok (cows). This role has diminished

### D. Spiritual and religious functions

- Gatpo facilitates many spiritual functions and helps organize festivals such as:
  - ◆ Tawon: A 15-day ritual that concludes with a cultural program where people perform traditional dances. During this program, any wrongs committed at the village or community level are confessed aloud. The gatpo coordinates, organizes, sets dates, and makes arrangements for this program.
  - Dachang: A ritual to honor the auspicious day of sowing during which the community gathers to play archery.
  - ◆ Lapsol: A ritual involving horse races before the irrigation season begins. The gatpo also arranges for a visit to the monastery, where the community prays for a healthy crop cycle.
  - Namkhan: A ritual performed before cultivation. The gatpo decides on the dates and consults the oracle, who predicts the weather, wind movements, and the availability of water.
  - Mentok: A festival to mark the end of winter and arrival of spring.

- ◆ Gyalo-Losar: A festival celebrating the new year among Tibetan communities, typically taking place between January and February (of the Gregorian calendar), based on the Tibetan calendar. The gatpo helps organize certain events during this period.
- He is also the main contact point for any coordination with Ki Monastery. There is an annual meeting called mak organized by the Ki Gompa, which is attended by all the gatpos from the Sheila Yarka, encompassing all villages from Losar village to Sheila Spring Water, including four panchayats with 15 villages. These villages come under the Gelugpa sect of Ki Gompa<sup>41</sup>. The gatpos assist in organizing annual meetings for elders from all villages, pradhans, zilla parishads, gatpos from other villages under the Ki Monastery. These meetings focus on decisions related to rules. customs, and common issues. such as prohibiting foreign liquor or restricting meat consumption at weddings. Decisions made at these meetings must be relayed back to the village assembly by the gatpo.

<sup>&</sup>lt;sup>41</sup> There are other sects in Spiti, primarily Sakya (Komic and Kaza Gompa) and Nyingmapa (Pin Valley).

### **Conflict resolution in Kibber**

The *gatpo* and the village executive committee play a very important role in conflict resolution. Most decisions and conflicts are resolved at the village level by gatpo, but sometimes when he is not able to, the local deity i.e devta is consulted (see next section for an explanation on how the devta is spoken to). In recent times, though, contexts at the village level are rapidly changing and in some conflicts, villagers have involved outside actors such as administration and NGOs (specifically, Nature Conservation Foundation) for resolution. One such issue was the conflict between Chicham and Kibber regarding snow leopard tourism. The two villages over the last few years have been seeing massive increase in wildlife tourism. Snow leopard is usually located in the territory of Chicham but can only be seen from the grasslands of Kibber. Hence, tourists usually prefer staying in Kibber. Kibber has been charging 1000 rupees/tourist as an environmental fee for maintaining their grasslands and overall upkeep of the village. Chicham was not agreeable to this charge and would tell tourists who stayed there that they wouldn't charge the fee. Kibber insisted that even if they do that, they would anyway have to come to Kibber to see the snow leopard and if the tourists come they have to pay. They suggested to Chicham that they should charge the tourists too, and the income generated could go into the village development fund.

One particular incident triggered the conflict. A few women from Chicham came to Kibber side, where tourists' cameras were installed to picture snow leopards. They turned those cameras around. This led to an intense fight between the two villages and the *gatpos* met, with no resolve. Then the *devtas* of both the villages were called and they suggested charging 500/tourist but Chicham disagreed to that. Chicham then went to the State Wildlife Board and the Additional District Collector (ADC) to stop any tourism activity in the region. The ADC made a suggestion that this would be very unfortunate as this might stop huge earnings that the villagers are getting, and asked the *gatpos* and village assemblies to reconsider.

Again, a meeting was called in which executive committees of both the villages including the *gatpos* came together along with NCF team members. The meeting went on all night and a resolve was finally reached. It was decided to charge Rs. 2000/tourist for both the villages, and 'thank you' cards to be signed in both the villages by tourists. Now they have also formed a committee of four members from both the villages including the *gatpos* on this specific matter. Two young people are appointed from each of the village committees as points of contact in case of issues requiring resolution.

When the authors of this report spoke to the then ADC, Abhishek Verma, regarding the conflict, he said: "when the Kibber-Chicham conflict happened which couldn't be resolved internally, the administration was approached and we realised that people were not following any state institutions or their related guidelines. People can't weaken the state institutions and also come to administration when they can't resolve their internal conflicts".

### 6.5 Decision-making

**During** village assembly (yulva) meetings, the gatpo first lays down the agenda and the decision-making points. The assembly then divides itself into three geographically demarcated groups: Tonthoth, Thonhar, Thonsham. Each group internally discusses their points of view and reports back to the entire assembly with their respective group's decisions. If two groups agree on a decision, the entire assembly proceeds with it. However, if this does not happen, the assembly continues to meet for several days until agreement is reached, at least between two of the groups, if not all three.

All of these meetings are attended only by the men of the *Khangchen* households. If the men of a household are absent from the village, a woman must attend the meeting, but she cannot be the *gatpo*. If the *gatpo* needs to leave the village for important work, he must temporarily appoint another man to take on the role of *gatpo* in his absence.

In the case of conflicts, the community first approaches the *gatpo*. He, along with the *gachungs*, organizes a meeting date and informs the entire *yulva*. Before calling a village meeting, the *gachungs* go around the village

announcing, "Dumma la Chokcho" ("come for the meeting").

Leadership is seen as crucial for the maintenance of governance systems, as it facilitates collective action through coordination and conflict resolution. Collective decision-making in the village is exercised, for example, in the assignment of herding responsibilities and overall pasture management. The herders who take the village livestock out are chosen on a rotational basis. Collective choice is also important in the selection of the *gatpo* and *gachung* annually<sup>42</sup>.

Αt least 10-15 large meetings, comprising many villagers, take place in Kibber throughout the year. However, several smaller meetings continue to occur every week or fortnight within the three geographic groups. Whenever the yulva gathers, the agenda is presented to all community members. These meetings usually address conflicts. land issues, or other substantive matters requiring the entire community's attention. At times, this process can take weeks, with the entire village assembly working towards an agreeable decision. An aggrieved individual cannot approach the gatpo directly but must bring their grievance to the meetings. Once a decision is reached, the gatpo notes it down and shares it with the yulva.

<sup>&</sup>lt;sup>42</sup> Murali R. et al. (2022) Indigenous governance structures for maintaining an ecosystem service in an agro- pastoral community in the Indian Trans Himalaya, *Ecosystems and People*, 18:1, 303-314, DOI: 10.1080/26395916.2022.2067241



Men gathering for yulva meeting, Kibber, April 2025

## 6.6 Transmission of knowledge

Every year the gatpo changes during the sowing season (corresponding to March-April of the Gregorian calendar). A ceremony called 'Rowa' is performed, where the yak is prayed to when the first seed is sowed. As a ritual, on the first day, a few seeds are sowed, the second day a few more and the third day whatever more is required. The first sowing is done on the village oracle's land, and then that of the Amchi (local healer) and then that of the gatpo. Only after the three are complete, that the rest of the village can begin harvesting. All the knowledge in relation to village administration is orally transmitted from one generation to the next. No written records are maintained regarding the role that *gatpo* performs as younger members learn from closely observing their elders perform this role.

Hence. the main element of transmission of knowledge from one gatpo to the new one is often around the expenses and income of the year gone by. The gatpo who is stepping down, with the help of elders in the village, creates a register of income and expenditure incurred during his tenure. They collectively decide which expenditure goes to which household and subsequently present the full balance sheet to the yulva (village assembly). At the time of presentation, they have to declare that they haven't indulged in any corruption.

# 6.7 Committees involved in decision making

### Village Development Funds (VDF)

Another interesting feature Kibber decision making process is maintenance of Village Development Funds (VDFs). VDF is used for village commons work such as maintenance of monasteries as well as making contributions to Ki monastery. These development funds are utilised by several village level committees. Committees are called Toychot in the local Spitian language. Some of these committees are registered with the local state administration while others are informally functional at the village level for better governance. There are about 7 such committees, members of which are decided among the three geographically determined groups after accessing the needs and capacities required for each committee. These committees report all the activities and use of funds to gatpo and the entire yulva. They maintain joint accounts to avoid any issues of individual benefits. They don't change very often, only if the need arises and/or any sort of corruption happens. All of the accounting, collection. utilisation. expenditure and balance keeping of village level committees (not the ones that are set up by the local administration) is done when the gatpo changes.

Some of the relevant committees are as follows.

- Kibber Buddhist Culture Association Gompa Committee has 5-6 members which includes two *limis*, a local priest (explained in the next section) and one *gur* (explained in the next section). This is a registered committee.
- 2. Kibber Grazing Free Reserve Committee formed in 1998, includes 6 members, who with help of NCF manage pasture land that is free of grazing. The village assigned an area of c.500 ha (6% of their regularly used grazing land) free of livestock grazing and human use for a period of five years. Three villagers were employed as guards to prevent free-ranging domestic animals from entering the area, while the council itself ensured that herded livestock were not taken in. This has resulted in abundance of bharal (blue sheep), the most common wild herbivore and important prey of the snow leopard. Within two years of protection, bharal started using the area throughout the year instead of only summers as was the case earlier. This has also resulted in frequent and closer sightings of snow leopards over the last one decade. This committee has the following sub-committees dealing with garbage committees, carcasses, and feral dogs.

- 3. Kibber Sustainable **Tourism** Association, formed in 2023, a 9 member committee that works with the neighbouring village Chicham's sustainable tourism committee, as well on making sure that the tourism related guidelines are maintained and followed. Its members are villagers who work on tourism, have homestays, and have the capacity for such work. This is also a registered committee at the ADC office.
- 4. Pradhan Committee, constituted in 2019 with one representative from each hamlet group to discuss panchayat related funds with the Pradhan, keep an eye on funds usage, ensure transparency,

- and advice on allocations and relevant schemes for Kibber. The representatives of this committee report back to the *yulva*.
- Mahila Mandal Committee, which organises rituals, prayers and cultural functions. This is also a registered committee under local panchayat.

Though it is the men who are predominantly taking decisions, women are involved in some forums, such as having control rights over irrigation water. All women who own and rent agricultural land have water use rights. Two women chosen on an annual rotating basis from the *khangchen* households manage the daily distribution



View of Chicham village from Kibber

of water. They are in charge of inspecting and monitoring the condition of the water channels and communicating to the *gatpo* about the repairs needed, ensuring that fields receive water on assigned days, water pressure to all the fields is equal and other such functions. Women usually resolve all internal conflicts and if they are unable to, those are taken to the *gatpo*, then the village council, and finally to

the local deity/oracle (also called the *devta*) if it doesn't get resolved at the earlier stages. Rules of the region are apparently written and kept in the possession of the *oracle* or *devta*. However, reportedly no one has seen the rule book.

In the broader context of women's role in Spiti society, Mahila Mandals (MMs, women's committees) were introduced by the government in the entire Spiti valley about two



Dolma Tsering from Chicham village, Pradhan of Ki Panchayat

decades ago, and are active spaces for women to come together. There are three MMs in Kibber. Apart from these being spaces for women to come together, discuss their issues, and do some financial savings, they also support several village level functions including helping organise festivals, welcoming lamas, coordinating the recitals of mantras, asking for budget from the government departments, and coordinating with panchayats for schemes related to women. However, the general patriarchal structure of the society limits how much women can participate in decision-making processes, as pointed out by Kalzang Dolkit, president of one of the Mahila Mandals of Kibber -"Other than our Mandals, there is a limit for women to be involved in village level decision making. Even in panchayat<sup>43</sup> meetings, women's presence is limited. Only if the man of the house can't attend. the woman is allowed". When we probed more on these issues with the NCF team from the village, they felt that these dynamics need transformation, which will be slow considering that they are deeply entrenched. "But they are



Tenzin Yangchen, Gatpo of Kaza town

<sup>43</sup> Gram Panchayat ('village council') is a basic governing institution in Indian villages. It is a political institution, acting as the cabinet of a village, and is periodically elected. The Gram Sabha works as the general body of the Gram Panchayat.

beginning to slowly change", says Kalzang Dolkit, president of one of the Mahila Mandals of Kibber.

If women in the village and/or MMs face any issue such as conflicts, they approach the gatpo,, whereas if they need any funds, they approach the panchayat pradhan or pradhan secretary. Women, overall, have an important role in deciding the dates of irrigation, when to harvest, and when to cultivate, as they are essentially the ones who work most on the fields. They inform or advise the gatpo about these, who then later announce it to the entire village. Women are also consulted on grazing dates and which pastures to pursue, given their on-ground knowledge about livestock rearing.

- The Festival Committee which is further subdivided based on different festivals in the village and works with other committees to help organise them.
- 7. Cleaning Committee, under the gatpo, which decides on cleaning in the village at least 3 times in the year, using their own resources. If panchayat funds come to support cleaning, then this Committee coordinates that as well.

### 6.8 The cosmological order<sup>44</sup>

It is a common observation of anyone studying or involved with mountains other traditional communities. that there is a cosmological order underlying the social and political structures. Within villages, deities and spirits are a ubiquitous presence. They are responsible for the physical security of both people and livestock. All the acts ranging from agriculture and land related activities, to livestock herding, to management of pasture lands, to birth and death are to appease the spirits and seek penance for past unwholesome actions. However, in our conversations with several people, it emerged that though social organising is separate from spiritual organising, all governance is very much informed by the spiritual connections with the earth, thus forming a collective sacred order. The relationship between humans and the rest of nature is mediated through the guardians of the ecosystems. We expand below the role of deities in Kibber and surrounding areas in the overall governance of the region. This gives us a sense of how the presence of more-than-human beings in many ways influences the order of the village. They collectively define the ownership, purpose, dialogue, decision-making and reproduction of norms.

<sup>&</sup>lt;sup>44</sup> Bajpai, Shrishtee and Kothari, Ashish, with Tsewang Namgail, Karma Sonam, and Kunzang Deachen. (2022). *The Goba of Ladakh: Current Relevance of a Traditional Governance System*. Kalpavriksh, Snow Leopard Conservancy - India Trust, Nature Conservation Foundation, Local Futures and Ladakh Arts and Media Organisation. Pune & Leh, India.



Ki Monastery

### The role of Devta (oracle) - Chukyong Ronglong

It is believed in Kibber that the entire village and neighbouring areas (Kibber, Hikkim, Langza, Dimul) come under the devta (also referred to as the oracle)45, Chukyong Ronglong. If the people in the village are unable to take any decision then they go to the devta, who has all the records of their ancestors and decisions. He is the biggest landlord of the village with landholding of about 30 bigha/18.75 acres (7.5 Hectares) and the whole village helps with cultivation and harvesting of crops on his land, the produce of which goes to his temple. "Till the time you till the land, you can take its produce

and serve me" says Kalzang Gurmet, another NCF colleague, quoting the devta. Apart from Ronglong, the other deities in the village in earlier times, included Shamayen (female deity) and Dukpachan (male deity). Now only Ronglong lives here, and the other two deities have left the village. "The property we have is of the devta and he also informs us of any damages that happen to the land or water sources or anything else in the village territory. If there is less snow or water, then he tells us what ceremonies to perform. Even if livestock goes missing, we check with the devta as to which direction to look towards, and it usually works' 'says Dorjey Tsering, who served as a gatpo 20 years ago.

<sup>&</sup>lt;sup>45</sup> We are using the term 'devta' to stick to the articulation that Kibber residents used while interacting with us about the oracle.

The devta has a lot of control at the village level. People have faith in the devta and say that only Ronglong was capable of standing in front of His Holiness the Dalai Lama. When asked if people perceive devta as god, several of them clarified that devta is not a god. They are wise spirits who during their death in human form got attached to something earthly and hence couldn't leave. They are spirits who have been alive for 800-1000 years, caught in between the realm of earth and other worlds. "Even devtas don't want to be prayed to like gods. Devta also doesn't want to stay on in this form and wants moksh (salvation)" says the elder, Phunchok Namgayal. It is believed that devtas have a lot of power over water, especially the khuls (water springs).

Devta speaks to the community through a medium (gur) and they serve this role as long as they live or until another medium is identified. Gur can belong to any family in the village. They are identified by the devta.

The priest of the local temple is called *limi* (Li =devta and Mi =human). *Limi* and his assistant are selected from the 21 original *Khangchen* families, every 9 years. During the selection, 6 members are identified, 3 old and 3 young, who take on this role over 9 years by dividing themselves to serve for 3 years each. The stress on having two *limis* with one being young and other being old, is to ensure one that the older *limi* has more knowledge and

hence needs to help with ceremonies and the younger *limi* needs to take care of the land, and temple; second, it is also the space for intergenerational knowledge transmission. "Devta takes care of everyone's land and crops but the responsibility of management is with gatpo" says Phunchok Tsering, who served as a *limi* for 3 years, and separately as a gatpo too. The *limi* performs the following functions:

- to memorise all the mantras in the Pothi (a red book of the village which has a collection of mantras for praying for better snow and water) and to start preparing for the position 2 years in advance. These mantras are used to call devtas to enter the gur's body.
- 2. to do all the work for the devta.
- coordinate farming on devta's land. If villagers use anything from his land then they need to ask for permission.
- 4. To learn from the *devta* all mantras regarding warding off illnesses.
- 5. To maintain *devta*'s temple, land, and water sources and utensils, and other items.
- To call the devta for resolving conflicts, if the village forgets any customs, or if any past custom has to be clarified.
- To coordinate with the gatpo for devta's land and water issues especially if there is lack of availability of water in springs and if some land conflicts arise.

It appears from these descriptions that people's lives here are part of a cosmic order where the hard separation between humans and nature doesn't exist. Large swathes of desert and grasslands are not empty lands but rather protected through deities and need to be cared for and tended to, by

embedding all human activity within nature. People believe that these spirits help in situations of distress. While this institution is very strong in Kibber, it has reportedly almost entirely faded out in the rest of Spiti, according to NCF researchers.



Phunsok Tsering, an elder from Kibber village

# 7. Gatpo and modern institutions

# 7.1 Relationship with panchayat and other state institutions

Under the federal structure of Indian governance, many states began to recognise the Panchayat system from the 1950s, based on a governance model with ancient roots in traditional systems. In 1957, the Balwant Rai Mehta Committee, constituted by the Government of India, recommended 'democratic decentralisation' in the form of a 3-tier Panchayati Raj System (PRS) across India. This meant that the first level of decentralised decisionmaking would be the Gram Panchayat (village council) at the village level, followed by the Panchayat Samiti (committee) at the block level, and Zila Parishad (district committee) at the district level. This was implemented in many parts of India, but not uniformly so, and there was a demand to give it a Constitutional status to ensure its country-wide implementation. This came in 1992, with the 73rd Constitutional Amendment and related laws. Through this, some governance and management powers and responsibilities devolved from state governments to the panchayats,

including preparation of economic development and social justice plans, along with implementation of 29 subjects listed in the Constitution.

Lahaul-Spiti and Kinnaur districts, and Pangi tehsil and Bharmour sub-tehsil in Chamba district in Himachal Pradesh come under the Fifth Schedule of Indian Constitution<sup>46</sup>. The *Panch*ayati Raj (Extension to Scheduled Areas) Act of 1996 (the PESA Act), was enacted on 24 December 1996 to enable tribal self rule in scheduled areas. The Act extended the provisions of Panchayats to the tribal areas of nine states that have Fifth Schedule Areas. Since these Scheduled Areas are supposed to have autonomy protected by the Constitution, the laws passed by parliament and the State legislatures do not automatically apply to them. Hence, the Fifth Schedule defines Governors' powers to adapt laws to these areas. It also allows the Union Government to give directions to a State regarding the administration of Scheduled Areas<sup>47</sup>. The PESA Act, 1996, defines certain exceptions for Scheduled Areas, where no law in relation to panchayat can be made that is inconsistent with the customary law, social and religious

<sup>&</sup>lt;sup>46</sup> The **Fifth Schedule** envisages notification of tribal-dominated areas as Scheduled Areas and the formation of a Tribal Advisory Council (TAC) at the State level.

<sup>47</sup> https://www.mha.gov.in/sites/default/files/PESAAct1996\_0.pdf





Dorjay Tsering (left) and Padma Dimdul (right), ex-gatpos of Kibber village

practices and traditional management practices of communities. In addition, every gram sabha has been given the competence to safeguard and preserve the traditions, cultural identity and community resources, and customs of the people and customary mode

of dispute resolution<sup>48</sup>. The Himachal Pradesh state rules have a specific point under PESA rules that states "the state legislature shall endeavour to follow the pattern of the Sixth Schedule to the constitution while designing the administrative arrangement in

<sup>&</sup>lt;sup>48</sup> The Himachal Pradesh PESA rules are attached as annexures.

the *panch* ayats at the district levels in scheduled areas.<sup>49</sup>" But it is not clear from our discussion with government officials, whether and how this has actually been done.

The Himachal Pradesh Panchayati Raj Act was passed in 1968, revised in 1994, and the first panchayat elections in Lahaul- Spiti districts were held in the 1970s. Panchayats here often consist of more than one village; the Kibber panchayat consists of five. In several interviews, people mentioned that they still don't see Gram Panchayat (GP) as a decision making body for village level issues. They are indeed representatives of the village but their decision making is limited to issues such as usage of government funds, bringing development works, implementation of government schemes, and liaising with the state administration. This is also substantiated by the fact that 11 of the 13 Panchayats do not hold elections, but nominate a member to the posts, mostly decided by a toss.

If the Gram Pradhan (head of the panchayat) wants to organise a meeting of the panchayat, then he has to first inform the gatpo of all the villages in Kibber panchayat. Since the last two-three years, Pradhan secretary is mandated by villagers to send an official letter to Nambardar/gatpo regarding full panchayat level meetings as well as for any formal communication. Without this, the

pradhan cannot call for a meeting. If the pradhan has to take any decision, they have to involve gatpo as he is the most important village representative. Some of this is now reportedly changing because of the push and support to Panchayati Raj Institutions (and relative neglect of traditional institutions) by the local administration. As mentioned above, under the PESA act, each village has a gram sabha, though, based on our conversations with villagers, such a structure is not being followed as part of the official system (while their own yulva customarily acts as the village assembly).

Similarly, gatpo has to inform the entire village assembly if panchayat meetings are happening. Panchayat conducts its gram panchayat meetings only once or twice a year in which all the 5 villages's representatives have to be present, which are only related to the budget management issues. "Pradhan is not that important for the village as they only coordinate government related schemes," said several members of Kibber village. "A lot of poor people go to the gram panchayat meetings because of schemes and other such things but if we have to report and decide what demands to place at GP meetings, we collectively decide at the village level and if we have I quorum then we select those demands " says Phunsok Namgyal, gatpo of Kibber in 2023.

<sup>&</sup>lt;sup>49</sup> The Himachal Pradesh PESA rules are attached as annexures.

Since the inception of the Gram Panchayat, elections were introduced in the region, which has led to conflicts based on party lines within villages. Some years ago, Ki monastery's head Lama, after listening to the discussions about such conflicts, advised people in the region to avoid engaging in panchayat elections. The entire Ki set of panchayats adopted a chit system to select their pradhan. Abhishek Verma, the then ADC when asked about this, said that the administration is strongly against it as it is not an effective system, as the ones who are selected through chit have no motivation to work for the people. "This is how the Panchayati Raj System is being destroyed. Elections do create a divide but they are the most effective way of choosing our representatives. That is why our constitutional forefathers had put that system in place".

"Gatpo and panchayat can't be the same person. Gatpo has a much more important role than the panchayat. Panchayat is for funds but gatpo is for management of the entire village" said a village elder, Dorjey Tsering, who served as a gatpo for 20 years. He further added that "Pradhan can be a crorepati50 but a nambardar can't ever be because he is always servicing people". When we interviewed Nono le, Sonam Angdui who belongs to the King's family of Spiti, he looked at the role of Pradhan in a different light:

"Pradhan is for government work and gatpo is for village level work. Gatpo is a landed elite from upper caste whereas pradhan, mandated through the Constitution of India can belong to any caste. The Pradhan is more egalitarian and inclusive than the traditional system of gatpo". When we further prodded him on the issue of party politics and the conflicts they create, he said "I don't think panchayat will bring the issue of party politics. It is these entangled family relationships which are a problem. People don't raise concerns because they fear that their relationships will be spoiled".

"This is an informal system and there is no legal backing to it. The only legal backing that it might have is being a tribal area under Schedule 5. Panchayati Raj is more democratic, it includes the participation of 'marginalised castes' as well as the women, which the traditional system restricts. However, if the gatpo system is relevant to the people then we can think of recognising it, but we can't entirely rely on this system for all decision making" said the then ADC Abhishek Verma when asked about the relationship of the panchayat, administration and gatpo system. During the March 2025 trip, when the authors presented this study to current ADC, Shikha Simtia, she acknowledged the need of traditional governance systems in overall governance of the region and assured that she would

<sup>&</sup>lt;sup>50</sup> Crore = 10 million; crorepati = millionaire.

Gatpo and modern institutions

support formation of the *gatpo* Association if the need is expressed by the community itself.

He further added that "if tribal cultures are playing a positive role then they should be supported, but if they are going against the rule of law then it must be questioned. If people wish to have their systems be effective then they need to strengthen them internally as well. Internally they have to look at the issues of injustice. And panchayat in that sense has legal powers and can be used effectively. For us the Gram sabha is the legal body. Informally maybe gatpos are being

consulted but the final decisions for the administration lies with the Gram pradhan and panchayat".

In our analysis below, we will bring on board the differing points of view above.

# 8. Analysis

This section contains the key analytical points that emerge from the narrative above. It looks at various issues emerging in the relationship of the gatpo with the panchayat, gatpo's relevance in contemporary governance scenarios, strengths and weaknesses of gatpo's position, impact of decline in traditional livelihoods and institutions, and modernisation of gatpo's role, among others.

# 7.1 Strengths and weaknesses of *gatpo* system as it was and is

One important element of the gatpo system is that people recognise it a part of their 'way of life' or 'being'. This helps in understanding governance at the local level from a life centred perspective. It is rooted in the cultural values of cooperation, collective well-being, community sharing, respecting the commons, communal harmony, and spiritual guidance, among many others. The system is also place-based, i.e., it responds and adapts to the unique geographical and ecological factors.

In its conception and functioning, the *gatpo* system displays some elements of 'direct or radical democracy'<sup>51</sup>. Direct democracy is based on the recognition of everyone's fundamental right, capacity and opportunity to



Mahila Mandal members, Kibber village

<sup>&</sup>lt;sup>51</sup> We use the terms inter-changeably in this report.

participate in decision-making about the issues that affect and concern them, in spaces far deeper than the very limited act of voting. In the gatpo system, the decisions are taken through or in consultation with the yulva. These consultations hold the potential of decisions involving understanding, adaptability and compromises between various perspectives. In its ideal form, and also in practice to varying degrees, the process respects the views of all the members involved (though with unequal participation of women, and of marginalised castes) rather than arriving at a decision through any topdown approach. In Spiti in particular, as we explain above, the decision making is extremely comprehensive. The whole village is involved and deliberates on all kinds of matters. Hence, there is generally greater ownership of decisions. Many senior officials like ADC & Revenue officer, whom the authors spoke to, concurred with this view.

Importantly, all of the above may not have necessarily applied in situations where hereditary gatpos were in place for a long time, and where power may have got entrenched in ways that were less democratic. Passing references to more recent 'corruption' of the power that gatpos have were also made to us, but in our field observations we did not come across clear instances of these. Nevertheless, the direct democratic nature of the gatpo and yulva system is unlikely to have been universally valid

in the past, or be so in current times; this is also because, as we have noted above and elaborate below, women and marginalised castes have often been excluded or have weaker role in village decision-making.

Local governance in Kibber remains relatively autonomous, for crucial aspects of life. The social and spiritual order is maintained in the villages through collective rules (locally called thims) and local organising. For example, the pasture management and livestock movement, sowing and harvesting planning, management of commons, cultural & social functions are still under local governance. Modern state institutions like the Panchayat don't interfere or don't have an overbearing presence in day to day decision-making, at least as of yet, due to either themselves not being too strong, and/or due to continuing respect for the gatpo (and overall yulva) system as well as the devta. This is not to suggest that there are no impacts of top-down decision making or of the power of other institutions (we have noted some such impacts above), but rather that there is still a sense of preserving the local socio-political and economic space that maintains an independent order, while co-existing with the larger institutions of religion and state.

However, all the above conclusions have to be tempered by a reality we repeatedly came across. One of the



Dolkar Dolma, BDC officer from Kibber village

major *limi*tations of the *gatpo* system is its one-sided gendered role. There has never been a woman *gatpo* and the village continues to be a very patriarchal society. "There is no one to listen to women. If a woman raises her voice then men would say that women don't have the rights" says Dolma

Tsering, *Pradhan* of Kibber *Panch*ayat. Kibber has three Mahila Mandals which discuss women's issues but the *gatpo* doesn't necessarily pay heed to women's issues, and it is still the men who take most decisions. Though women have a lot of knowledge about pastoral and other crucial issues,



Tenzin Thinley from Kibber village

they are not directly consulted about such issues or listened to in decision making meetings. They are sometimes separately consulted, sometimes share their knowledge and opinions on these matters with male members of the family, who may take them to the yulva meetings or to sessions with gatpos; and the pro-active advice of MMs may be taken into account by the gatpo in agricultural and animal husbandry matters. Several women when asked if they would like to serve as gatpos mentioned that for women it is difficult. as they have to do household chores, work on the farm and carry out other traditionally mandated roles for the women. Performing functions of a gatpo would be an additional burden. "It is especially difficult if I have to go to other places or Kaza town to fulfil gatpo's responsibilities. It is a lot of work."

Other inequalities related to structural and relational aspects of tradition and customary practices, also sometimes *limit* participation<sup>52</sup>. For instance, traditionally, only landed families of upper castes could be *gatpo*. "While we sit for meetings, 'other castes' sit separately," says Tanzin Thinley of NCF.

<sup>&</sup>lt;sup>52</sup> We also noticed these in our earlier study in Ladakh on the Goba System, referenced above.

### 8.2 *Gatpo* and modern institutions

While introducing the panchayat system in Spiti, it does not appear that the gatpo or other self-governance mechanisms were taken into account. Such neglect of traditional local governance institutions, and lack of clarity regarding their relationship with panchayat raj institutions (PRIs) or other bodies of government, are common phenomena across India. The Himachal Pradesh Panchayati Raj Act doesn't mention the role of gatpo anywhere, and so in case of overlapping functions such as agriculture, water management, livestock maintenance, managing festivals, there is no clarity regarding jurisdiction or joint decisionmaking. "If we can consult the gatpo then maybe we will do better work as sarpanch" says Dolma Tsering, current woman sarpanch of Kibber Panchayat. So far there is no evidence of major conflicts between the old and new institutions because locally, people have been trying to informally them complimentary, some division of the functions. But there is some confusion about this. which may already have created small conflicts in some places, and could create more intense ones in the future. This may also happen since the state/ district administration appears to be putting their weight entirely behind the panchayat and inadvertently slidelining the gatpo/yulva.

### 8.3 Role of local deities

The unique element of Kibber's governance system is the role that the local deities play in it. As we explain above, the local deity in Kibber, Chukyong Ronglong is an integral part of village decision making. Having land holding, being a resident of the village, collecting taxes - all of these facets seem to indicate that Ronglong is significantly involved in Kibber's village assembly. In several instances, he acts as a final decision maker, hence, there is definitely a sense of hierarchy between him and the other villagers. However, from our respondents and analysis, it seems that the hierarchy is not blind, but rather it is in the nature of deities and spirits being wisdom holders who can advise villagers. In the case of the tourism conflict that we described in earlier sections, we clearly see that the deities' advice in both the villages was ignored because they couldn't agree with it. Subsequently, it was the deity who advised them to also consult other experts, maybe outside the region. This is quite instructive of openness and deliberative processes.

These belief systems are tied closely with peoples' everyday lives, and the modern governance systems or purely rational political analysts might look askance at these decision making processes. But as outsiders, we need to look at these systems from a decolonial perspective and humbly accept that even if we don't fully comprehend

them, they have sustained these communities for hundreds of years in these landscapes, and they continue to have meaning for them.

Across communities in India but especially Adivasi /indigenous communities, local deities have played an important role in decision making, governance of commons, and maintenance of people 's cultural integrity and identity<sup>53</sup>. In the case of Kibber, for example, Ronglong has been advising people to perform their cultural functions, ceremonies, and protect certain important mountain peaks from tourism influx. These are crucial elements of how many of these rituals and practices have had sense making and responding to the placed based needs. But while the devta remains active (esp. in Kibber), there are hardly any gurs left, and this seems like a fading tradition in most other parts of Spiti (according to NCF researchers). While people may preserve their respect for these spirits, the channels of communication (through the gurs) may or may not survive.

### 8.4 Place based governance

Building on the previous point, we clearly see that customary forms of governance are place based i.e.

responding to and emerging from the needs, rhythms and movements of the land and place that they are situated in. Most of the mainstream planning and decision making is usually in power centres and so far off from the regions that they fail to encompass the realities and specificities of the region. That is why they are prone to fail or even be detrimental. However, customary governance systems have emerged in the regions based on the ecology, topography, geology, traditional livelihoods responding to the land, water, snow, mountains, rivers, and how humans can navigate these ecosystems. These systems are hence grounded in experiential learning, hundred years of observations. studying the patterns and designing life around those patterns. customary laws are based on what Australian aboriginal scholar, Anna Polina<sup>54</sup> calls Land Law or Water law, or as authors we would say 'snow law' (in case of Kibber), framing customs and practices around the demand and agency of elements of nature and its spirits. This kind of contextualisation and rootedness is missing or weak in modern governance systems such panchayats and government institutions at larger levels, which come with uniform rules and policies.

<sup>53</sup> https://news.mongabay.com/2024/10/if-all-life-mattered-what-would-decision-making-look-like-analysis/

<sup>54</sup> https://www.youtube.com/watch?v=HcpFJG8PyQA





Ibex and Bearded vulture

# 8.5 Party politics and the gatpo

One crucial element of gatpo's role is his non-party political position. The village focuses on party affiliation, educational qualification and other such criteria of the candidates when electing the representatives of the panchayat, while the criteria for selecting gatpo is (or was, till recent changes in selection procedures took place in some areas) that the person needs to have a good grasp of the village customs and traditions, and be widely respected. As we note above, gatpos are now selected in many villages either through rotation or through a dice system, but it is still through consensus in contrast to a competitive electoral position of a sarpanch.

In several villages, the rifts being caused due to party affiliations (in panchayat or state/national elections, or other formal governance processes) were repeatedly narrated by villagers, in contrast to the position taken by district officials (as reported above). The gatpo's role is assumed to be devoid of any individual and political interests, hence is said to be a more trustworthy representative of people's voice. The gatpo is expected to have only the village's interests as his top or essential priority, which cannot be expected of a pradhan or panches as they have political party affiliations that pressure them in various ways. "gatpo is a non-political position selected by all the villagers; on the other hand, pradhan is a political position laden with party politics and other potential conflicts of caste and gender. Hence, the gatpo must remain", said Phunsok Namgyal, ex-gatpo of Kibber village.

Several observers and analysts have noted and documented the challenging issues of party politics in India. Despite the promise of strengthening democracy, party politics has often compromised its basic Especially starting from the 1970s and 80s, it took a massive competitive turn that was imbued with intra and interparty conflicts that have significantly eroded its legitimacy<sup>55</sup>. The emergence of a number of local and national level political parties was hailed as a significant pillar of representative democracy, but with this also came issues of factionalism, corruption, lack of internal democracy, evasion of accountability or transparency, and (in more recent times) corporate influence or control. Political parties have not necessarily acted as effective agents in evaluating and resolving policy level problems, and have rather reduced democracy to hostile electoral games. The rifts between them have seeped into village power dynamics across India, further complicated by the dynamics of caste, class, gender,

<sup>55</sup> Hasan, Z. (2004). Parties and Politics in India. Oxford University Press, USA

religion, and ethnicity. "Even your own brother has become your enemy because of allegiance with different political parties', says a *yulva* member in Kibber.

Even in our previous study of the Goba of Ladakh, we found that while Ladakh was relatively immune to political party-related problems till recently, the advent of the Hill Council whose elections have also tended to be along party lines, and infusion of such divisions into *panch*ayats, means it is no longer so.

# 8.6 Relevance and role: declining or continued importance?

"Gatpo plays a very important role and cultural and traditional functions that the panchayat can't do. Gatpo is also apolitical. Political parties have created too many issues", says Dolkar Dolma, the young woman Block Development Chairman of the region, who is from Kibber. In all conversations, be it with present and past gatpos, pradhans & panches, other residents, and most officials, the gatpo was mentioned as still being very relevant. People don't seem to share the same comfort with the panch and sarpanch/pradhan as they are not necessarily based in their village (many panchayats contain more than one village), or because of party affiliations, and perhaps also because it is a very new and externally introduced system. "Gatpo is most important for us. Panchayats are brought by the government. People still go to the gatpo to get their voices heard grievances, disputes and needs" says Thinley of NCF. This is especially so for the gatpo's role in dispute resolution and in cultural and spiritual matters that are quite essential for maintaining village order; and in consulting the devta. "Gatpo is a village level representative and performs really crucial functions related to the socioeconomic aspects. The Pradhan is for 3-4 villages whereas gatpo represents one village. *Panch*ayats are important as they bring funds but gatpo is most important" says Dolma Tsering, member of Mahila Mandal. Such a widespread view from residents was also confirmed by several senior officials including those dealing with revenue matters (even while some were critical of the internal weaknesses of the system).

Gatpo is still seen by many as not only a cultural but also an administrative and political head of the village, who is (or should be) now supported by the panchayat through funds and government schemes. The way they informally divide the roles, is that the sarpanch/panch understands the government schemes better and helps in liaising with the relevant departments, while the gatpo continues to perform functions in relation to land, water, cultural events, and dispute resolution as also representing the overall identity of the village.

"If we don't have gatpo then there will only be tanashahi (authoritarianism). Gatpo has to listen to all" says Tenzin Thuktan, Kibber village resident. These articulations clearly suggest that village governance is unimaginable without a gatpo. But there is also recognition of change in the role of gatpo with changing times. "Old gatpos had a lot of power. They had to be consulted for all kinds of land related matters. For building a house, for measuring our pasture lands, for our water sources, everything is to be verified by gatpo but it is not the same anymore" says one of the village elders. "The gatpo system has to be strong at the village level, but we do need to change some rules for changed times" said Phunchok Tsering, ex-gatpo in 2006.

The reportedly reduced relevance of the *gatpo* in some regions, based on conversations with NCF or people outside Kibber, is also closely related to how burdensome it is now perceived to be. Almost everyone we spoke to said that no one in the community wants to pursue the *gatpo*'s role voluntarily. Many find the role just an obligation but are not committed to perform all the functions. All households are told that they have to participate in nominating someone for the role, and hence steadily it has been becoming a mere duty to be performed with no actual interest by several community members. This is also the reason why the tenure has come down to one year in many villages.

## 8.7 Lack of formal recognition of multiple *gatpo's* roles

The gatpo is formally mentioned as Nambardar only in Himachal Pradesh Land and Revenue Act, 1954 but there is nothing mentioned on the relative scope and the powers of the gatpo except in relation with tax collection, maintenance of common



Kibber village

lands and other village administrative functions. Some of the key functions listed under the Revenue Act for the *gatpo*, such as the collection of taxes, are not operational anymore, and many continuing roles in social, cultural, agricultural, pastoral and other commons related matters are not listed in it or any other law.

Given their continuing importance, such sidestepping of the traditional governance systems could for detrimental local ecological, social and economic sustenance and harmony. This is so especially in areas of life that the panchayat cannot or should not deal with, such as social dispute resolution, or governance of the commons which requires the attention of communities not divided along political party lines.

### 8.8 Learnings on direct or radical democracy in Kibber

As mentioned above, if direct democracy is (or should be) about people's direct/radical or unmediated participation in decision-making, our understanding of the *gatpo* system reveals the following ingredients that are a part of such a system.

### 8.8.1 Autonomy and self-rule:

Kibber village's ability to have a robust system of decision making enhances the local power to make decisions

(individual and collective), and assert the right to free, prior informed consent for any proposals emanating from outside (Kibber residents have vehemently and immediately rejected it after realising that their land will be taken away. The panchayat unanimously had agreed to convey this) especially regarding the use of its lands<sup>56</sup>. Despite the presence of Constitutionally mandated new institutions such as panchayats, people continue to bestow tremendous amounts of trust in their own traditional systems of decision making.

### 8.8.2 Collective, responsible governance of commons:

In the case of Kibber and neighbouring villages, decision making is place-based i.e. responding to and based on the needs, rhythms and movements of the land and of nature as a whole, ensuring that they are sustained and not over-exploited, as also related to in ethical, often spiritual ways. It has institutions of decision-making that ensure collective, democratic processes to manage, use, and conserve the commons.

### 8.8.3. Right to participate:

Direct democracy entails building processes of ensuring the right to participate in decision making. In Kibber, the community has created a system and structure to ensure that all households participate in the decision making process. Younger generations

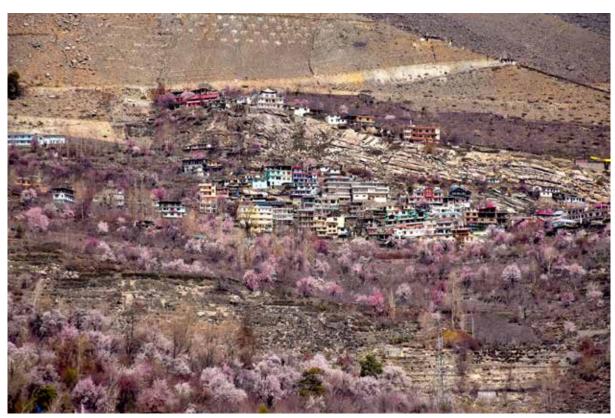
 $<sup>^{56}\</sup> https://scroll.in/article/1076658/solar-power-project-in-spiti-threatens-to-disrupt-snow-leopard-habitat-local-life$ 

learn from elders, by observation, on how to take part in such a process; and in the case of special functionaries such as the *gatpo*, through more deliberate inter-generational knowledge transmission. By such learning and doing, Kibber residents also enhance their capacities to participate in decision making and decide what happens to their territories and how they govern.

### 8.8.4. Plurality of governance:

Indirect democracy, communities often display a plurality or diversity of political representation, beliefs, interests and ways of being (including legal and other forms of institutional pluralism). This could be internal to a traditional system (for instance, disputes resolved

at the level of neighbours, hamlets, the gatpo, and the devta), and added to by state-introduced systems (e.g. the panchayat, the police, administration and courts). In Kibber, there is a coexistence of polycentric governance models with consultations among communities as well as deities and spirits of landforms. The relations between multiple governance structures are not always complementary (see also below regarding internal inequities), but so far Kibber residents appear to have managed to avoid any major conflicts. It seems, though, that successful direct democracy requires clarity, in law and/or custom, of the inter-relations of multiple overlapping institutions, especially their relative roles, functions, mandate and powers.



En-route to Spiti valley

### 8.8.5. Wisdom - the phenomenon of earthy governance:

In landscapes populated by not only humans but also other living beings and elements of nature. direct democracy also entails an 'earthy governance' - where decision-making involves and takes into account other beings. In Kibber, the rights of communities are intricately linked with their responsibilities towards the landscapes they live in, responding to the requirements of other beings they coexist with. As part of traditional decision-making processes in community assemblies, they often consult their devta (deity), Chukyong Ronglong."A few years ago, the devta warned us that excessive trekking on Kanamo peak is resulting in its degradation. We immediately stopped trekking on that sacred mountain," said Tanzin Thinley. In these lifescapes, people's lives are part of a cosmic order. Land, water, and ecosystems are protected through deities and spirits, such as Ihas and Ihus. They need to be cared for, by embedding all human activity within nature, and consulted for crop cultivation, sowing, plowing, grazing.

### 8.8.6. Internal inequities - an Achille's heel?

All of the above needs to be qualified by an understanding of the inequalities within the system, including class, caste and gender. Power is still substantially in the hands of the traditional landed

elite, though this is slowly changing. Caste discrimination and the overall patriarchal setup of the community also bar or reduce the potential of universal participation - marginalised castes, non-traditional landed families. and women are not actively involved at some key levels of decision making. The objective of direct democracy not just to create space for participation, but also how can that space be deepened and strengthened, and for meaningful participation of the marginalised sections within the communitieswomen. oppressed castes, religious and other minorities, and at times, youth. When this does not happen, such marginalised people look for other opportunities to influence decisions, including going to stateintroduced institutions, which could weaken the customary system. Kibber has a long way to go to democratise internally even if they are exercising autonomy in relation to the state.

# 9. Conclusion and Recommendations



Kibber village

Our findings strongly indicate that the role of the *gatpo* remains crucial in many ways for the people of Kibber and perhaps Spiti as a whole (as indicated by some conversations with other residents, civil society groups and government functionaries). There is an overwhelming public opinion that it should continue. But simultaneously it is facing several challenges, including lack of clarity in its relationship to other newer institutions of governance, lack of incentives to revive and/or replace traditional sources of support,

and continued internal inequities and discriminations. It seems that local rules have not adequately evolved to respond to newer challenges such as climate change, garbage, and the more general decline in traditional livelihoods and cultural patterns of communities impacting local institutions. If indeed it is to continue in some form, providing crucial functions for communities that cannot (or should not, given its more politically competitive nature) be performed by panchayats, some institutional and community and

governmental level actions are needed. These include the following.

There is a clear need for greater recognition and some constitutional or legal protection of the gatpo's role under laws such as PESA and/or FRA. It is important that any development work or government schemes coming through the panchayat or government departments, in so far as they may involve land, water, agriculture, pastoralism, and the village commons, involve the gatpo in planning and execution. And the access, control and management of local landscapes and resources (such as extraction of soil, sand, stone and use of pasture lands for non-pasture purposes) must also be under the control of the yulva with appropriate role of the gatpo.

The customary rules, thims, do have some measures around maintaining clean water, not littering and others which the gatpo along with the rest of the community have to ensure are implemented. But there is a need for newer rules based on newer realities, such as climate change, tourism pressures, and changing architecture (from sustainable mud-stone-wood to cement-concrete).

Additionally, the system's own internal *limi*tations need to be transformed, especially the lack of representation of women, marginalised castes, and youth. This is of course related to larger social transformation, which is necessarily slow.

The gatpo's functions have evolved based on the geographical, cultural, social and economic contextuality. This indicates that local traditional governance is place-based, but may also have some common or universal elements that could be due to a long history of inter-region connection, common religious or cultural aspects, and/or some homogenisation created by law and policy. Governance is rooted in everyday realities and traditions. Hence, more studies are needed in different parts of Spiti-Lahaul district, understand and highlight the importance of unique place-based, local governance practices, as also elements that may be common across a larger Himalayan region.

There is a need for communities to revive support to gatpo to reduce his burden, and to enable greater women and young people's participation. In our earlier case study on Goba, we made a recommendation to form a Ladakh level Goba Association. Such formal or informal associations are important to raise collective voices and make concerted efforts to meet common needs and demands, as also to take up challenges that individual gobas face. Such associations could help in facilitating the flow of conversations amongst village heads and between them and other governance institutions, relevant information sharing experiences, learning from each other, raising demands and concerns with a unified voice, dealing with internal weaknesses & injustices related to caste, gender and age, and dealing with other challenges collectively. Possibly Spiti could consider setting up such an association of *gatpos* too.

Several changes in economy, society and culture, including less collective functioning, outmigration of youth from villages, modernisation and commercialisation, ecological problems including climate change, are impacting communities in Spiti. Initiatives to deal with these, through

livelihood generation in villages, rebuilding community spirit, adapting to climate change, strengthening rural economy, and other such actions, are important for the continuation of the gatpo system, the overall strengthening of local governance at yulva and wider levels, and sustaining local ecologies and cultures. It is crucial that these systems are recognised and supported so that the community selfgovernance can be strengthened and sustained.



Chicham bridge, at 4145 msl, Asia's highest bridge

# Annexure 1

### List of respondents

People spoken to, individually or in small groups

- 1. Nawang Tashi, Kaza
- 2. Thuktan Chhopal, Kaza
- 3. Dorjey Chuldum, Kaza
- 4. Phunsok Namgyal, ex-gatpo, Kibber
- 5. Tanzin Thinley, ex-gatpo, Kibber
- 6. Kezang Chunit, Kibber
- 7. Tanzin Thuktin, Kibber
- 8. Tandup Tsering, Kibber
- 9. Dorjey Tsering, ex-gatpo, Kibber
- 10. Phunsok Namgyal, ex-gatpo, Kibber
- 11. Sonam Angdui, Kaza
- 12. Dolma Tsering, Pradhan Ki Panchayat, Chicham
- 13. Abhishek Verma, Additional District Collector Kaza
- 14. Premchand, Revenue Officer, Kaza
- 15. Kalzang Dolkit, Kibber
- 16. Dolma Tsering, Kibber
- 17. Dolkar Dolma, Kibber
- 18. Tsering Dolma, Kibber
- 19. Rinchen Lamo, Kibber
- 20. Tsering Dolker, Kibber
- 21. Tenzin Thuktan, Kibber
- 22. Phunsok Tsering, Kibber
- 23. Padma Dimdul, Kibber
- 24. Pyarelal Negi, Kaza
- 25. Tenzin Yangchen, Kibber
- 26. Mandar Jeware, District/Divisional Forest Officer (DFO), 2023
- 27. Keval Sharma, Shimla
- 28. Tazin Kunzang, Kibber
- 29. Rinchen Tobgay, Kibber
- 30. Phunsok Tsering, ex-gatpo, Kibber
- 31. Champa Tsering, Kibber
- 32. Shikha Simtia, Additional District Collector, Kaza

# Annexure 2

### List and dates of field visits

- 1. March 2023 Kaza, Kibber, Chicham, and Pinvalley
- 2. March 2024 Kaza and Kibber
- 3. March 2025 Kaza and Kibber

## **Annexure 3**

### **Himachal Pradesh State PESA rules**

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#### 1[CHAPTER-VI-A

# SPECIAL PROVISONS RELATING TO THE GRAM PANCHAYATS, PANCHAYAT SAMITIS AND ZILA PARISHADS LOCATED IN THE SCHEDULED AREAS.

- 97-A. Application of this Chapter.- (1) The provisions of this Chapter shall apply to the Gram Panchayats, Panchayat Samitis and Zila Parishads constituted in the scheduled areas in the state.
- (2) The provisions of this Chapter shall prevail over anything inconsistent therewith elsewhere in this Act.
- 97-B. Declaration of village in scheduled areas.- For the purposes of section 3, a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community or communities and managing their affairs in accordance with traditions and customs.
- 97-C. Functions of Gram Sabha.- (1) Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and without detriment to any law for the time being in force, the customary mode of dispute resolution.
  - (2) Every Gram Sabha shall,-
  - (i) approve plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat, at the village level;
  - (ii) be responsible for the identification or selection of persons as beneficiaries under poverty alleviation and other programmes.
- (3) Every Gram Panchayat shall obtain from the Gram Sabha, a certification of utilization of funds by that Panchayat for the plans, programmes and project referred to in sub-section (2).
- 97-D. Reservation of seats of office bearer in Panchayats.- The reservation of seats in the scheduled areas to every Gram Panchayat and Panchayat Samiti shall be in proportionate to the population of the communities in that Gram Panchayat or the Panchayat Samiti, as the case may be:

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats:

Provided further that all seats of Pradhan of Gram Panchayats and Chairman of Panchayat Samitis shall be reserved for the Scheduled Tribes.

CHAPTER-VI-A ins. vide H.P. Act No. 1 of 1998 effective w.e.f. 24th May, 2004.

# THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996No.40 OF 1996

(24th December, 1996)

An Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:

#### Short title

1. This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996

#### Definition

In this Act, unless the context otherwise requires, "Scheduled Areas" means the Scheduled

Areas as referred to in Clause (1) of Article 244 of the Constitution.

#### Extension of part IX of The Constitution

The provision of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in section 4.

### Exceptions and modifications to part IX of The Constitution

(b)

- 4. Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-
  - a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;
    - a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs;
  - (c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;
  - (d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;
  - (e) every Gram Sabha shall-
    - i. approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level;
    - ii. be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;
  - every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that

- Panchayat for the plans, programmes and projects referred to in clause(e);
- (g) the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution;
  - Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats;
  - Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;
- (h) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level:
  - Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;
- (i) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-setling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;
- planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;
- (k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas;
- the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;
- (m) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with-
  - (i) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;
    - (ii) the ownership of minor forest produce;
  - (iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;
  - (iv) the power to manage village markets by whatever name called;
  - (v) the power to exercise control over money lending to the Scheduled Tribes;
    - (vi) the power to exercise control over institutions and

functionaries in all social sectors;

- (vii) the power to control over local plans and resources for such plans including tribal sub-plans;
- (n) the State Legislations that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower well or of the Gran Sabha;

Schedule to the Constitution while designing the administrative arrangements in the Panchayat a district levels in the Scheduled Areas.

Continuance of existing laws on panchayats:

5. Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas, immediately before the date on which this Act receives the assent of the President, which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in force until amended or repealed by a competgent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President;

Provided that all the Panchayats existing immediately before such date shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having Legislative Council, by each House of the Legislature of that State.

K.L. MOHANPURIA, Secy. To the Govt. of India

### Panchayati Raj Notification for Himachal Pradesh

(Authoritative English text of this Department Notification Number PCH-HA(1)4/2006-III-45385-307, dated 26<sup>th</sup> March, 2011 as required under clause(3) of article 348 of the Constitution of India)

### Government of Himachal Pradesh Department of Panchayati Raj.

NO.PCH-HA(1)4/2006-III.

Dated Shimla-171 009, the 26th March, 2011.

#### Notification

Whereas the draft Himachal Pradesh Panchayati Raj (Extension to the Scheduled Areas) Rules, 2011, were published in the Rajpatra, Himachal Pradesh on 5<sup>th</sup> March, 2011 for inviting objections and suggestions from the persons likely to be affected thereby vide notification No.PCH-HA(1) 4/2006-III, dated 1<sup>st</sup> March, 2011 as required under section 186 of the Himachal Pradesh Panchayati Raj Act, 1994;

And whereas no objection/suggestion has been received in this behalf during the stipulated period;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 186 read with section 97-C, 97-F, 97-G, 97-H and 97-I of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor of Himachal Pradesh is pleased to make the following rules for carrying the purposes of the aforesaid Act, namely:-

- Short title and extent.- (1) These rules may be called the Himachal Pradesh Panchayati Raj (Extension to the Scheduled Areas) Rules, 2011.
- (2) The provisions of these rules shall apply to the Gram Panchayats, Panchayat Samitis and Zila Parishads constituted in the scheduled areas of the State.
- Definitions.- (1) In these rules, unless the context otherwise requires,--
  - (a) "Act" means the Himachal Pradesh Panchayati Raj Act, 1994;
  - (b) "Community resources or resources" means and include land excluding the land owned by individuals, water, forest, minerals and other resources located in the territorial domain of a Sabha area;
  - (c) "Consultation" means a mandatory consultation under these rules;
  - (d) "Gram Sabha" means and consist of persons whose names are included in the electoral rolls of a Gram Panchayat;



Kalpavriksh and Nature Conservation Foundation