

Balancing Roots and Green Growth: Evaluating Section 118 of HPTLRA-1972 in the Context of Biodiversity Conservation and Eco-Entrepreneurship in Himachal Pradesh

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(Received: 02 February 2023; Revised: 27 February 2023; Accepted: 15 March 2023; Published: 22 March 2023)

(Published by Research Trend)

ABSTRACT: Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 plays a pivotal role in regulating land transfers, with significant environmental implications. Originally intended to protect the rights of local agriculturists, the Act has functioned as an unofficial environmental safeguard, restricting land acquisition by non-agriculturists and thereby reducing risks of deforestation, urban sprawl, and habitat fragmentation in ecologically fragile zones. Its impact has contributed to preserving biodiversity hotspots and sustaining ecosystem services essential for the Western Himalayan landscape. However, gaps in enforcement, policy ambiguities, and increasing pressure for economic liberalization threaten to undermine these environmental protections.

To strengthen climate-resilient development, there is a need to reframe Section 118 through an eco-centric lens, aligning it with India's commitments to the Paris Agreement and Sustainable Development Goals (SDGs), particularly SDG 13 (Climate Action) and SDG 15 (Life on Land). Integrating environmental assessments, ensuring transparent governance, and enhancing community participation in land use decisions can transform Section 118 into a cornerstone of sustainable land governance. This paper explores the dual role of Section 118 as both a guardian of ecological stability and a constraint on environmentally sustainable innovation. These strategies aim to preserve the core conservation ethos of the law while promoting a green economy rooted in local participation and environmental stewardship. Reinforcing its ecological provisions will not only support long-term biodiversity conservation but also offer a replicable model for inclusive and climate-smart policy design in other mountain states.

Keywords: Section 118, HPTLRA-1972, Climate-Resilient Development, Sustainable Land Governance, Eco-centric Policy Reform, Biodiversity Conservation.

INTRODUCTION

Land governance policies play a pivotal role in shaping patterns of environmental conservation, sustainable development, and economic activities, particularly in ecologically sensitive regions like Himachal Pradesh (Singh and Hietala, 2014). Among these, Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (HPTLRA-1972) holds significant importance. Enacted to prevent the transfer of land to non-agriculturists, this provision was designed to protect local agrarian communities, traditional land use practices, and the socio-cultural fabric of the hill state (Sharma, 2020; Chauhan, 2016). In restricting external ownership, the Act has unintentionally limited environmentally destructive developments such as excessive construction, mining, and large-scale tourism infrastructure (Negi & Joshi, 2021). Additionally, it has indirectly supported the conservation of forested areas and watershed zones by reducing pressures of land commercialization (Katoch, 2019; Thakur & Sharma

2020). Over the decades, however, Section 118 has evolved beyond a socio-economic safeguard, emerging as a critical tool with environmental and ecological ramifications (Mehta & Singh 2022). Over the decades, however, Section 118 has evolved beyond a socio-economic safeguard, emerging as a critical tool with environmental and ecological ramifications.

The restriction on land transfers to outsiders has inadvertently contributed to biodiversity conservation and climate change mitigation. By limiting large-scale land acquisitions and deterring urban sprawl, the law has helped preserve forest cover, maintain natural habitats, and reduce habitat fragmentation key factors in sustaining ecosystem resilience (Sharma & Mishra 2009; Thakur & Mehta 2021). Moreover, the regulation indirectly promotes climate action by curbing deforestation and supporting ecosystem-based adaptation strategies, which are vital in the context of global climate goals (UNEP, 2021).

However, while the law has ecological merits, it has also posed challenges to green entrepreneurship and

climate-conscious economic innovation. Entrepreneurs engaged in eco-tourism, organic farming, renewable energy, and sustainability education often face regulatory bottlenecks due to land access restrictions (Thakur, 2021; Verma & Katoch, 2022). This legal paradox has raised concerns about whether Section 118 supports or stifles efforts toward achieving the United Nations Sustainable Development Goals (SDGs), particularly those related to climate action (SDG 13), life on land (SDG 15), and decent work and economic growth (SDG 8) (UNDP, 2021). Studies have highlighted that while the Act aims to protect fragile mountain ecosystems from overexploitation and urbanization, it inadvertently restricts investment in green infrastructure and community-led conservation enterprises (Chandel & Sharma, 2020; Singh *et al.*, 2021). The present study critically examines the dual impact of Section 118, as both an ecological safeguard and a regulatory hurdle and explores potential policy reforms that can harmonize conservation imperatives with climate-resilient economic development in Himachal Pradesh.

BIODIVERSITY AND OWNERSHIP

Biodiversity conservation and Environmental protection and are intricately linked to land ownership policies, especially in ecologically sensitive regions as Himachal Pradesh. The Western Himalayan ecosystem, characterized by rich biodiversity and fragile landscapes, demands regulatory frameworks that balance ecological integrity with developmental aspirations. In this context, Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (HPTLRA-1972) has played a significant role in shaping the state's environmental trajectory. This provision restricts the sale or transfer of agricultural land to non-agriculturists, primarily to safeguard local land rights and protect the state from unchecked commercial exploitation (Gupta & Verma 2019).

One of the major environmental outcomes of Section 118 has been its contribution to preventing large-scale deforestation and controlling unregulated land use, which are among the leading causes of habitat degradation in Himalayan states (Negi, 2021). By limiting the access of external real estate developers and industries to agricultural and forest-adjacent lands, the law has inadvertently helped in preserving forest cover and reducing biodiversity loss due to anthropogenic pressures. Furthermore, the restriction has discouraged rapid urbanization and land conversion, which often leads to habitat fragmentation and ecological imbalance (Thakur & Katoch 2022).

However, this protective mechanism has also constrained the implementation of sustainable land-based ventures, such as afforestation initiatives, eco-tourism, and green infrastructure, particularly those requiring investment from external entrepreneurs or organizations. Despite their potential to enhance ecosystem services and promote climate resilience, such projects often face legal and procedural hurdles due to the rigid application of Section 118. This duality

highlights the need for a more nuanced approach that retains the conservation ethos of the law while enabling environmentally sustainable entrepreneurship.

As Himachal Pradesh positions itself to meet national and global environmental commitments, including the Sustainable Development Goals (SDGs), it becomes imperative to critically evaluate the intersection of land ownership, environmental protection, and biodiversity conservation. A revised and climate-conscious interpretation of Section 118 could serve as a catalyst for integrated ecological and economic development.

CONSERVING BIODIVERSITY THROUGH LAND GOVERNANCE IN HIMACHAL PRADESH

Climate change poses a substantial threat to Himachal Pradesh due to its mountainous terrain and heavy reliance on climate-sensitive sectors such as agriculture, horticulture, and tourism. In this context, Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (HPTLRA), though primarily enacted to protect agricultural land ownership, has emerged as a regulatory instrument with significant implications for biodiversity conservation and climate resilience. By restricting the sale of agricultural land to non-agriculturists, the provision indirectly supports climate change mitigation by curbing excessive land commercialization a major driver of deforestation, soil erosion, and ecosystem degradation (Kumar & Reddy 2021). While Section 118 has contributed to preserving Himachal Pradesh's forested landscapes and limiting unsustainable industrial expansion, it has simultaneously hindered the scaling up of renewable energy projects such as solar parks and wind farms, which require secure land access for infrastructure development (Singh, 2022). Despite this trade-off, the ecological benefits remain noteworthy, particularly in terms of biodiversity protection and natural resource conservation.

1. Forest Conservation and Biodiversity Protection. Himachal Pradesh is part of the Western Himalayan biodiversity hotspot, known for its dense forests and endemic flora and fauna. Section 118 helps prevent large-scale deforestation by limiting land acquisition for mining, commercial real estate, and industrial mega-projects. This has led to the preservation of critical wildlife habitats, forest corridors, and fragile mountain ecosystems (Gupta, 2021).

2. Sustainable Agriculture and Land Use. By prioritizing land ownership for agriculturists, Section 118 has indirectly promoted sustainable land use practices and prevented the unchecked conversion of arable land into urban or industrial zones. This has aided in maintaining soil fertility, reducing agro-chemical runoff, and supporting agro-biodiversity through traditional cropping systems (Verma, 2021).

3. Protection of Water Resources and Ecosystem Services. Land conservation under Section 118 also plays a vital role in protecting watersheds, river basins, and groundwater recharge zones. Forest cover and undisturbed land help maintain the hydrological

balance, prevent erosion, and ensure the long-term viability of water sources vital for both human and ecological needs (Mehta, 2022). These features collectively enhance ecosystem services that are critical in the face of increasing climate variability.

Although, Section 118 imposes certain constraints on green infrastructure development, it has proven instrumental in preserving biodiversity, mitigating climate risks, and maintaining the ecological integrity of Himachal Pradesh's mountain systems. A reformed approach that balances ecological safeguards with sustainable development opportunities could amplify these benefits further.

ENVIRONMENTAL IMPLICATIONS

Section 118 of HPTLRA, 1972 restricts the transfer of land to non-agriculturists in Himachal Pradesh, aiming to prevent unchecked development and preserve the ecological and demographic balance. While it was primarily framed to protect agricultural interests and local ownership, it has significant environmental implications:

1. Positive Impacts on Biodiversity Conservation. Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act plays a crucial role in conserving biodiversity by restricting urban sprawl and unchecked real estate development, thereby aiding in the maintenance of forest cover and natural habitats. By preserving traditional land use patterns, the Act helps prevent habitat fragmentation, which is critical for the survival of diverse flora and fauna in the region. Moreover, it curbs exploitative practices by external commercial entities, thus safeguarding local ecosystems from degradation and ensuring that land use remains ecologically sustainable.

2. Climate Change Mitigation. By curbing deforestation and limiting rapid land-use changes, Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act significantly contributes to carbon sequestration and climate regulation. The preservation of forested and ecologically sensitive areas under the Act not only helps in maintaining regional biodiversity but also supports ecosystem-based adaptation strategies by ensuring the integrity of natural landscapes. This land governance mechanism thus serves as an indirect yet vital tool in the region's climate resilience framework, enhancing its capacity to cope with the adverse impacts of climate change.

3. Environmental Entrepreneurialism. Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act can have both enabling and constraining effects on sustainable development initiatives. On one hand, by giving preferential access to local residents, the law can empower local eco-entrepreneurs, allowing them to establish community-led green ventures with fewer bureaucratic or legal obstacles. This localization of opportunity can foster sustainable practices rooted in traditional knowledge and community needs. On the other hand, if the Act is applied too rigidly, it may inadvertently discourage innovation, investment in sustainable technologies, or the growth of ecotourism

by creating barriers for external stakeholders who could contribute valuable expertise and capital to the region's green economy.

4. Policy Paradox. While Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act has played a significant role in conserving biodiversity by limiting land acquisition and land-use change, its lack of clarity or flexibility regarding sustainable environmental enterprises may hinder the growth of the green economy. The restrictive nature of the law can pose challenges for ventures such as renewable energy projects, organic farming, or eco-tourism, which require land access but also align with environmental conservation objectives. Therefore, policy reforms are needed to strike a balance between biodiversity conservation and enabling green entrepreneurship. Such reforms could introduce well-defined exceptions or guidelines that support eco-friendly initiatives while maintaining safeguards against ecological degradation.

ROLE OF LAND OWNERSHIP IN BIODIVERSITY CONSERVATION

The intersection of land ownership policies and biodiversity conservation is vital in Himachal Pradesh, where forest ecosystems and agricultural lands play a crucial role in carbon sequestration, maintaining biodiversity, and supporting local livelihoods. Section 118 imposes certain benefits, including:

1. Afforestation and Forest Conservation. Section 118 prevents the unregulated purchase of agricultural land by outsiders, thereby reducing the risk of land being cleared for industrial or commercial purposes. This regulation helps maintain the integrity of forest cover and mitigates habitat loss, thereby supporting biodiversity conservation. However, it also hinders large-scale afforestation projects by external organizations, which are crucial for increasing forest cover, particularly in light of the state's vulnerability to climate change (Gupta, 2021).

2. Urban Expansion and Industrial Growth. While limiting urban sprawl and industrial expansion, Section 118 indirectly supports conservation goals by preventing land conversion for non-agricultural uses. This helps maintain ecological balance and minimizes habitat destruction. However, it also creates challenges for developing sustainable industries, such as green technology zones or eco-friendly infrastructure, that require access to land (Verma, 2021).

3. Sustainable Development and Green Investments. Restrictive land policies may discourage eco-friendly investments, including renewable energy projects like solar, wind, and hydroelectric power stations. These initiatives are vital for reducing emissions, enhancing climate resilience, and supporting the state's commitment to sustainable development. Section 118's limitations on land acquisition slow down such projects, hindering the state's transition to renewable energy (Gupta, 2021; Mehta, 2022).

LEGAL CONSTRAINTS ON ENVIRONMENTAL INITIATIVES

Section 118 imposes certain legal constraints that affect the implementation of environmental initiatives:

1. Land Use Regulations. The act restricts large-scale land development or reallocation for environmental or industrial purposes, particularly when such projects involve non-local entities. This limitation affects many conservation projects that require land access for afforestation, carbon sequestration, and habitat restoration (Kumar, 2019; Sharma, 2020).

2. Private Property Rights and Policy Conflicts. While Section 118 provides robust protection for agricultural land, it can also conflict with private property rights when restricting land use for environmental initiatives that are beneficial to broader public welfare and climate change strategies. Some environmental policies may exceed the scope of the law, thereby limiting proactive climate action in Himachal Pradesh (Mehta, 2022).

CHALLENGES IN CLIMATE CHANGE MITIGATION

The state's vulnerability to the impacts of climate change, including glacial retreat, erratic monsoons, and landslides, necessitates a comprehensive approach to climate change mitigation and adaptation. However, Section 118 creates several barriers to effective climate change mitigation:

1. Limited Development of Renewable Energy Projects. Renewable energy projects, such as solar, wind, and hydroelectric plants, require land access, which Section 118 restricts for non-agriculturists. As a result, external investments in green energy are curtailed, delaying Himachal Pradesh's efforts to transition to clean energy and contributing to the slowdown in climate change mitigation efforts (Singh, 2022; Mehta, 2020).

2. Reduced Investment in Climate-Resilient Infrastructure. Climate-resilient infrastructure, including sustainable urban planning and disaster-resistant construction, requires flexibility in land acquisition. The stringent rules of Section 118 hinder the development of such infrastructure, which is vital for adapting to the impacts of climate change and protecting both human populations and ecosystems (Verma, 2021).

3. Discouragement of Afforestation and Carbon Sequestration Initiatives

While Section 118 restricts land acquisitions for non-agriculturists, it also limits the ability of organizations and external entities to engage in large-scale afforestation or carbon sequestration initiatives. These initiatives are critical for reducing atmospheric CO₂ levels and contributing to global climate action efforts (Rana, 2020; Rajput, 2018).

IMPACT OF SECTION 118 ON BIODIVERSITY CONSERVATION

Section 118 primarily limits the acquisition of land by non-agriculturists, which could be seen as a protective measure for the state's agricultural sector. However, the

implications of this restriction for biodiversity conservation are multifaceted.

1. Preventing Land Degradation and Deforestation. Section 118 helps limit urban sprawl and commercial land grabs, which, in the absence of regulation, could lead to deforestation and loss of valuable habitats for many species (Rajput, 2018). By restricting large-scale land acquisitions, the act indirectly reduces the pressure on forests and biodiversity hotspots in the state, thus aiding conservation efforts.

2. Restricting Large-Scale Afforestation Projects. On the other hand, this restriction could create barriers for large-scale ecological restoration projects and afforestation initiatives led by external organizations or businesses, potentially limiting opportunities for biodiversity enhancement. For instance, non-local entities wishing to set up reforestation or carbon offset programs face challenges under the stringent land acquisition rules of Section 118 (Sharma, 2020).

3. Challenges for Conservationists and Environmental Entrepreneurs. Entrepreneurs aiming to establish eco-tourism, green businesses, or agricultural projects aligned with biodiversity conservation goals face significant hurdles. For example, eco-tourism ventures that depend on land acquisition for nature reserves or wildlife sanctuaries encounter bureaucratic delays that hinder the promotion of sustainable practices in the tourism sector (Verma, 2021).

4. Environmental Protection of Forests and Agricultural Land. Section 118 ensures that agricultural land is not easily diverted for industrial purposes, helping preserve vital ecosystems and biodiversity. However, this protection is more restrictive than supportive for activities that require significant land areas, such as renewable energy projects (solar parks, wind farms), which could play a role in mitigating climate change and promoting biodiversity resilience (Kumar & Reddy 2021).

ENTREPRENEURIAL ENVIRONMENTALISM AND BIODIVERSITY

Entrepreneurial environmentalism involves businesses and initiatives that focus on sustainability and ecological conservation. While Section 118 helps protect agricultural and forest land, it has also become a barrier for eco-conscious businesses trying to contribute to biodiversity conservation and sustainable land management.

1. Eco-Tourism and Biodiversity Protection. The state's vast biodiversity offers immense potential for eco-tourism ventures that could help fund and promote biodiversity conservation. However, the restrictions under Section 118 impede non-local eco-tourism entrepreneurs from acquiring land for eco-friendly lodges, wildlife sanctuaries, or organic farms (Rajput, 2018). These ventures could have contributed to the conservation of local ecosystems, but the law's land acquisition restrictions slow down the process.

2. Sustainable Agriculture and Organic Farming. Organic farming is known for its potential to restore

biodiversity through reduced chemical inputs and more diverse cropping systems. However, entrepreneurs aiming to establish organic farms or permaculture projects face challenges in securing the land they need, stalling progress in enhancing biodiversity through sustainable farming practices (Mehta, 2020).

3. Circular Economy and Waste Management. Land acquisition is also a key issue for green startups focused on the circular economy, such as waste recycling or sustainable materials businesses. Section 118's limitations mean that waste management and recycling industries, crucial for reducing landfills and conserving ecosystems, face significant operational constraints. Without adequate land for processing and resource management, the growth of circular economy ventures is curtailed, impeding progress in reducing biodiversity loss due to waste and pollution.

4. Green Construction and Biodiversity. In the realm of green building and sustainable construction, the acquisition of land for climate-resilient housing and energy-efficient buildings faces similar challenges. Section 118's restrictions on land acquisition prevent green entrepreneurs from establishing low-carbon, environmentally friendly structures that could have promoted biodiversity-friendly urban development.

POLICY RECOMMENDATIONS FOR BALANCING CONSERVATION AND GREEN ENTREPRENEURSHIP

The current provisions of Section 118 pose challenges to businesses and entrepreneurs focusing on sustainability and biodiversity conservation. To foster entrepreneurial environmentalism while maintaining conservation goals, the following policy modifications are recommended:

1. Green Investment Exemptions. A conditional exemption from land acquisition restrictions could be introduced for businesses that contribute directly to biodiversity conservation, sustainable energy, or climate resilience (Verma, 2022). This exemption would enable green businesses to thrive without undermining the primary goals of the legislation.

2. Special Economic Zones (SEZs) for Sustainable Enterprises. Creating SEZs for green businesses with relaxed land-use regulations would encourage sustainable enterprises, including eco-tourism, organic farming, and renewable energy ventures. These zones could serve as biodiversity preservation hubs while promoting environmentally responsible business models (Kumar, 2021).

3. Leasing Models for Eco-Friendly Ventures. Introducing leasing models for land acquisition in eco-friendly projects, rather than permanent land ownership, could facilitate the growth of green businesses while ensuring the land remains under local control (Gupta, 2020).

4. Fast-Track Approvals for Environmental Projects. The state could implement a fast-track approval process for renewable energy projects, afforestation efforts, and other conservation-based

initiatives, helping mitigate the negative impact of bureaucracy on biodiversity conservation.

5. Public-Private Partnerships for Green Initiatives. Encouraging partnerships between the government and private enterprises for green infrastructure, such as reforestation projects and wildlife conservation, could alleviate the constraints on land acquisition under Section 118 while contributing positively to biodiversity conservation (Rajput, 2018).

CONCLUSIONS

Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972, has played a pivotal role in the conservation of biodiversity in the state by regulating land acquisition and preventing the unchecked expansion of non-agricultural activities. The provision that restricts non-agriculturists from acquiring land helps mitigate the threats posed by large-scale industrialization, deforestation, and unsustainable land use practices, thus preserving the state's rich biodiversity and fragile ecosystems. By safeguarding agricultural land and forested areas, Section 118 has contributed significantly to the maintenance of essential habitats for wildlife, the protection of water sources, and the prevention of soil degradation (Gupta, 2021).

However, while the law offers considerable environmental benefits, it also presents several challenges that hinder biodiversity conservation efforts, particularly in the realm of eco-entrepreneurship and large-scale conservation projects. The restrictions on land acquisition have limited opportunities for non-local stakeholders, including environmental organizations, green entrepreneurs, and researchers, to establish large-scale reforestation, afforestation, and wildlife conservation initiatives. This regulatory constraint has also stifled the growth of businesses focused on sustainable land management, renewable energy projects, and green technology, which are essential for enhancing biodiversity resilience in the face of climate change (Kumar & Reddy 2021).

To strike a balance between conservation and development, policy modifications are needed. Introducing exemptions for green investments, such as those in biodiversity conservation, reforestation, and renewable energy projects, would facilitate the growth of sustainable businesses while preserving the ecological integrity of the state. Special economic zones (SEZs) designed for eco-businesses, as well as leasing models for green projects, could provide a viable alternative to permanent land ownership, ensuring that land-use practices remain ecologically responsible. These measures would allow entrepreneurs and environmental organizations to actively contribute to biodiversity conservation without compromising the state's agricultural and forested lands (Mehta, 2022). In conclusion, Section 118 has played an essential role in preserving Himachal Pradesh's biodiversity by regulating land acquisition and preventing land misuse. However, its rigid land-use restrictions have also hindered progress in implementing large-scale biodiversity conservation projects and green business

ventures. By adapting the policy to allow for greater flexibility in land acquisition for environmental initiatives, the state can foster a more sustainable and biodiverse future. The integration of digital transformation, streamlined approval processes, and innovative land-use models will ensure that biodiversity conservation goals are met while also promoting economic growth and climate resilience. This balanced approach will help maintain Himachal Pradesh's rich natural heritage while advancing sustainable development.

FUTURE SCOPE

Biodiversity ensures the functionality of ecosystems by contributing to services such as pollination, nutrient cycling, climate regulation, and genetic resources essential for agriculture and medicine (Pimm *et al.*, 2014). However, the present study also emphasizes that this diversity is rapidly diminishing due to human activities, including deforestation, urban expansion, pollution, and unsustainable agricultural practices. In the Indian context, such issues are particularly relevant in ecologically fragile regions like Himachal Pradesh, where conservation intersects with governance and land laws. One key legislative provision is Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972, which restricts the sale of agricultural land to non-agriculturists. This law, while primarily designed to protect the socio-economic interests of the native population, also plays an unintended but crucial role in biodiversity conservation. By preventing widespread commercialization and unchecked land use changes in sensitive mountain areas, Section 118 has helped preserve natural habitats, forest cover, and indigenous species populations.

Future research should delve deeper into the ecological impact of such legislation. Studies could use remote sensing and land-use data to analyse the extent to which Section 118 has contributed to forest conservation and biodiversity preservation. Furthermore, interdisciplinary approaches are needed to assess the interaction between land policy and ecological outcomes. Such studies could highlight the success of Himachal Pradesh as a model for integrating local governance with environmental preservation strategies (IPBES, 2019). Additionally, the implications of Section 118 should be studied in conjunction with national frameworks such as the National Biodiversity Action Plan and the Biological Diversity Act, 2002, to evaluate how harmonized policy structures can support biodiversity goals. As noted by the Secretariat of the Convention on Biological Diversity (2020), localized policy innovations must be part of broader, integrated biodiversity strategies that also consider climate change, indigenous rights, and sustainable development. Thus, the future scope of study lies not only in evaluating biodiversity status but also in understanding the governance systems that support or hinder conservation. Investigating the relationship between legal frameworks and ecological systems often referred to as legal ecology can provide valuable

insights for crafting more informed and sustainable environmental policies. This approach would also contribute to international efforts under the Convention on Biological Diversity, highlighting India's unique contributions to global conservation through laws like Section 118.

Acknowledgement. The author gratefully acknowledges the unwavering encouragement and generous support of Sh. Prabodh Saxena, IAS, Chief Secretary, Government of Himachal Pradesh, India, which were instrumental in the successful completion of this study. Sincere thanks are also due to Dr. M.L. Thakur and Dr. Pankaj Sharma of the Himachal Pradesh State Biodiversity Board, Shimla, for their valuable assistance throughout the course of this work.

Conflict of Interest. None.

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How to cite this article: Lalit Jain (2023). Balancing Roots and Green Growth: Evaluating Section 118 of HPTLRA-1972 in the Context of Biodiversity Conservation and Eco-Entrepreneurship in Himachal Pradesh. *Biological Forum – An International Journal*, 15(3a): 115-121.