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## Decolonising Environmental Law through Legal Pluralism: Indigenous Tribal Knowledge Practices and the Quest for Environmental Justice in India

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### Introduction:

Indigenous Tribal Knowledge Practices (ITKP) encompass various traditional and cultural practices that have been learned and practised through generations within tribal communities in India. This knowledge and these practices are deeply connected to the land, forest, environment, and social and cultural norms. These knowledge systems and practices are an integral part of Indigenous communities' day-to-day lives and lived experiences, even though they are codified and recognized, expressly or impliedly, in formal laws. Moreover, the indigenous tribal knowledge system is integral to the social and cultural identity of tribal communities in India. In a constitutional sense, this knowledge and these cultural practices are essential to their lives and identities. These knowledge systems and cultural practices signify a distinct form of knowledge creation and its associated practices. However, the formal legal system and modernism-based developmental and environmental ideologies propagate and emphasize the predominance of their own knowledge systems and practices over other forms of knowledge and practices. This 'otherisation' is crucial for understanding the process of hegemony and the subordination of the knowledge and practices of tribal communities in India and globally. The now-recognized significance of eco-friendly and sustainable practices among Indigenous groups, as well as the hegemonic knowledge and practice systems, offers an 'alternative' and 'critique' to the failure of the world system of knowledge and practices in mitigating and adapting to climate-induced changes and environmental crises. The dominant logic of development and market solutions advocated by market economists and politicians, as well as the Bretton Woods Institutions, has utterly failed to address climate change and the environmental crisis. Some scholars also argue that international institutional and municipal mechanisms have failed to contain the negative impacts of climate change and environmental crises, even after several reports from the UNFCCC (United Nations Framework on Climate Change), IPCC (Intergovernmental Panel on Climate Change), and many rounds of COPs (Conference of the Parties). Despite all efforts, it would not be an exaggeration to argue that international and national institutions have utterly failed to control the rise of global warming, instead exacerbating it. On a large scale, climate migration, displacement, and exploitation of natural resources are occurring uncontrollably. In this grim scenario, the knowledge and practice base of indigenous practices offers some hope from the bottom. Thus, it provides an alternative to dominant climate mitigation and adaptation narratives.

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Thus, the Indigenous Tribal Knowledge Practices refer to 'a set of indigenous, locally developed skills, knowledge, customs, and practices of indigenous tribal communities passed down through generations.' These practices are deeply rooted in local social structures, practices, and knowledge systems. In other words, ITKP encompasses a set of customs and practices that have a holistic relationship with nature (Reddy & Mishra, 2019, p. 42).

In epistemology and ontology, knowledge systems and their practices are hierarchized and integrated with power, sociopolitical, and economic relations. These are the relations of power and production, as formulated by Marx. The hegemonic nature of the dominant ruling ideology, in terms of modernization and developmental projects, generally characterizes Indigenous Tribal Knowledge Practices (which encompass social, cultural, economic, and spiritual practices) as 'backwards, rustic, anti-development, and anti-modernism', which is a hegemonic and universalist logic. This paper addresses the historical debate between the modern development paradigm and the tribal knowledge and cultural paradigm in the context of environmental pollution and ecological degradation, as well as the significance of indigenous tribal expertise for sustainable development.

Environmental protection, in its broadest sense, is not merely limited to environmental pollution; it encompasses the natural world, where people, animals, land, and water coexist and interact without disturbing the biological and chemical balance. The wholeness of the environment is significant for various reasons, and people's social, cultural, economic, and political lives are ingrained and intertwined with nature and natural resources. But how? This question is discussed in the latter part of this paper.

The powerful hegemonic ideology of development, supported by powerful capital and corporations, as well as governments around the world, under the guise of modernism projects, has negatively impacted the very existence of tribal life and posed a threat to its socio-cultural identity. The design of modernist developmental projects by Western developed nations or elite policymakers in India is imperial, extractivist, hegemonic, and exploitative, reinforcing disparity and inequality. The coalition of these forces reinforces social structures and hierarchies. For several reasons, it maintains the supremacy of the political and economic classes, which are already powerful and hegemonic in nature.

Nevertheless, counter-ideas and narratives also emerge, emphasizing the motives and intentions of such hegemonic ideologies of development and modernism. Both pre-independent India and post-independent India witnessed a counter-narrative to the hegemonic narrative of the West, on the one hand, and the Indian state, as well as the cultural ideology of right-wing nationalism. The cultural hegemony of the West, as well as that of the Hindus, was challenged continuously and historically by the tribal leaders and ideologues. They constantly challenged and opposed the Varna and caste system and the logic of hierarchy and exploitation. This was a challenge to modernist and development projects. The struggle of tribal leaders against the British, Hindu landlords, and moneylenders can be viewed in this light. Moreover, this was the distinctiveness that Jaipal Singh Munda and others pursued to include tribal people as Scheduled Tribes (STs) in the Constitution of India. This is the recognition of pluralism in India, which requires legal pluralism to protect their lives, knowledge, and practices. On the other hand, the contradiction is inherent in the development project, with the

primary motive of exploiting natural resources at the lowest cost and utilizing cheap labor to maximize profits for a few at the expense of the many. The ideology of development and modernism is promoted and supported by the effective use of legal codification and its implementation through the force of law (Galanter 2018). During the British Raj, in the name of forest conservation and the declaration of tribes as criminals, the ruling class deprived the tribal community of their legitimate relations and dependence on nature. The writings of Jyotiba Phule and Dr. B.R. Ambedkar revealed that tribal people were outside the fold of the Chaturvarna system of Hinduism (Ambedkar, 1955). The present attempt by the Hindu ideologues to create a narrative to treat the 'Tribal (Adivasi) community' as 'Vanvashi' instead of 'Adivasi' is another hegemony and politics of appropriation to create a grand narrative of 'Hinduism' in opposition to other religious orders.

Similarly, the socio-cultural and customary practices of the tribal people are not formally codified and recognized in the formal legal system, which generally results in the subordination of indigenous tribal knowledge practices or, in a possible way, their coexistence with the dominant formal legal system. Thus, in India, alongside the predominance of constitutional and statutory laws as formal law, which enshrines various categories of law and legal practices, whether written or unwritten, all laws, whether statutory or customary, derive their legitimacy from constitutional principles. This recognition itself is insufficient for protecting indigenous knowledge practices, where the universalist narrative of development and the supremacy of a particular kind of knowledge and practice guide the state's political economy. Therefore, despite the predominance of constitutional and statutory law as a formal and codified body of law, indigenous tribal cultural practices are practised within the broad framework of a formal legal system and the prevailing ideology of the development and cultural dominance of a particular epistemology and ontology. Owing to this recognition and parallel operation, as well as the recognition of indigenous tribal knowledge practices, this study adopts the legal pluralism method and approach as a suitable approach to examine and analyze the prospects of protecting the environment through the indigenous tribal knowledge practice system in India. The following sections of this paper will discuss and examine these aspects of legal pluralism as a method and approach.

**Legal pluralism as a method and approach for analysing and examining the prospect of protecting the environment through Indigenous Tribal Knowledge Practices- As a working definition of legal pluralism, 'legal pluralism is a method and approach that recognises and accommodates the friendly existence of multiple legal systems within a particular jurisdiction.'** It acknowledges that the law is not only the domain of the state but also encompasses various non-state customary legal systems, such as indigenous legal systems, religious practices, and community practices (Swenson, 2018).

Legal pluralism seeks to understand and analyze the interactions, conflicts, and overlaps between different legal systems. It recognizes that individuals and communities may be subject to multiple legal frameworks simultaneously, each with its own rules, norms, and sources of authority. Legal pluralism emphasizes the need to study and comprehend these multiple legal orders to better understand how law operates in society (Merry, 1988, pp. 869-896).

Legal pluralism advocates for the recognition, accommodation, and respect of all diverse legal systems within a broader legal system, such as the Indian constitutional

law framework. This challenges the dominance of state law as the only legitimate form of law. It advocates the inclusion of 'non-state law' in the legal framework of a particular jurisdiction. Legal pluralism recognizes the importance of 'cultural practices, autonomy, and self-determination' in shaping legal norms and practices. Thus, the fundamental principles of legal pluralism include recognizing legal diversity, interaction, and hybridity among multiple legal systems and practices; dispute resolution through various forums; a contextual understanding of numerous legal systems; the recognition of human rights for different communities; and diverse interpretations of justice. Thus, legal pluralism provides the necessary and practical tools to assess, examine, and analyze the prospects of indigenous tribal knowledge practices in protecting the environment in India (Davies, 2012).

However, this does not mean that legal pluralism, as a method and approach, is ignorant of the dominant narrative of development, environmental protection, and ecological conservation within the broad framework of capitalism, which aims to exploit environmental and natural resources alongside the global division of labor and cheap labor forces. These dominant conceptual categories are sometimes called 'environmental imperialism and ecological imperialism' and are enforced through formal mechanisms, laws, and legal instruments (Chen, 2022, p. 57). At the same time, one cannot forget that legal pluralism is operating in India in a broad constitutional framework, which allows the existence of multiple systems of customs and practices, principally or ideally, but in practice is influenced by the unequal structures of caste, class, and religion, which results in the subordination of Indigenous and Tribal Knowledge Practices. Despite all the aspirational and egalitarian claims of the Constitution as the supreme law, the real execution and operation of the laws result in the deprivation and exploitation of natural resources and the tribal people of their Jal (water), Jungle (forest), and Jamin (land).

**Contextualizing the significance of Indigenous Tribal Knowledge Practices (ITKP) in protecting the environment:** The importance of Indigenous knowledge practices might be located when the contradictions of the development narratives under the capitalist mode of production can be assessed and examined in prevailing material conditions (Sen, 2009, p. 253; Piketty, 2022, pp. 341–343). Simultaneously, indigenous tribal knowledge practices must be understood as having existed separately from time immemorial, as well as their active and passive interaction with the dominant form of development ideology and legal order. Examining the material conditions of society, one cannot overlook the fault lines that exist within the culture and social order, particularly in terms of class, caste, gender, and region, and the intersections of these categories, as well as the structural and comparative power dynamics within socio-legal structures.

Thus, owing to space constraints, this study examines and analyses the capitalist mode of development as a 'paradigm' expressed in terms of 'democracy, liberal rights, and economic development' as a 'modernization project' in the guise of the Industrial Revolution. The capitalist mode of production and the industrial revolutions between the 1750s and 1850s were not merely an economic concept, but also heralded as political liberal ideas by economists such as Adam Smith, Malthus, and David Ricardo, as well as political scientists like Thomas Hobbes, John Locke, James Mill, and John Stuart Mill. Colonialism and imperialism were integral to the capitalist-liberalist and modernist projects of contemporary economic and political writing (Locke, 1689, pp. 287–289;

Smith, 1776, pp. 625–640; Young, 1969, pp. 15–17).

The capitalist mode of development, practised through colonialism and imperialism, was intertwined with liberal-democratic and modernist projects. It was entirely focused on exploiting natural and ecological resources as raw materials, fulfilling the needs of colonial masters, and expanding markets for manufactured goods across Asia, Africa, and Latin America. (Galeano 1971, pp. 12–20; Shiva 1989, pp. 22–25). Colonial writers expressed the spirit and essence of capitalist development in the language of the ‘democratic-liberal-modernist project’ as a justification for the exploitation of natural resources and modernizing mission, hiding the simple objective of exploitation of colonized subjects, profit-making, and private means of production in the name of growth and development, and expressed and formalized in the language of law and order (Marx, 1867). A similar situation occurred in India, where colonial rulers implemented capitalist interests by enacting laws (ceremonial laws) for environmental conservation and protection. However, the resultant effects of such attempts were the degradation of natural and ecological resources, as well as the deprivation of local tribal peoples of their traditional homes and livelihoods. The real motives and intentions of the capitalist development model were powerfully exposed and developed by Marx and Engels in their work, and later by Dadabhai Naroji and Ramesh Chandra Dutta during the freedom struggle, and further elaborated upon by Shashi Tharoor (Chandra 1969; Naroji 1901; Tharoor 2017).

The initial critique and analytical framework provided by the Marxist-Leninist framework highlighted the contradiction of capitalist development and its stages, specifically in the form of colonialism and imperialism. As this paper argues, the Marxist-Leninist method was further enriched by freedom struggle movements, local political movements in colonial countries, and the writing of nationalists. Thus, when the British Empire ended in India and other countries in the decade of the 1940s and 1950s, it was not merely the defeat of the dominant view of the ‘liberal-democratic-modernist project’ but also the beginning of an alternative view of society, political and legal systems, epistemology and ontology, as well as the decolonization of the world and life views. The decolonization of all aspects of life was also strengthened by the alternative ideologies of socialism and nationalist-nativist ideology, which were not seriously debated, contemplated, or recognized in academic writing as effective ideological alternatives.

Thus, the 1950s were significant from the perspective of legal pluralism in India, as the democratic rights of all citizens and diversity were recognized as constitutional principles in the Constitution of India, which identifies all laws and customary practices as law unless they are against the fundamental rights enshrined in the Constitution of India (Menski, 2003, pp. 121–123).

Nevertheless, this legal recognition was insufficient to analyze the prospects of indigenous tribal knowledge practices for environmental protection without discussing the development-led degradation and destruction of ecology and the environment in India.

Continuity of degradation and pollution of the environment in the realm of constitutional order, and a model of economic development, so far after Independence, the Indian policymakers adopted a mixed economy model where the public and private sectors were regarded as essential for the economic development of the country, amidst the Cold War situation. The Indian business class, or, more harshly, the capitalist class,

favoured the state's limited role in the infrastructure sector and the state's role in managing the economy, as emphasised by Maynard Keynes during the Great Depression of–1929-1930s (Keynes, 1936). In the 1970s, the world witnessed environmental pollution and ecological damage due to a developmental model based on exploiting natural resources and cheap labor. The pollution and exploitation emerging from the so-called developmental activities, in which fruits were primarily concentrated in a few hands in terms of profits and deprivation of the labor class, indigenous people, and deprived sections, questioned the development model and the dominant narrative of the conservation of environment and ecology. Since the Stockholm Conference in 1972, several legislative instruments in India, which also recognize customary indigenous knowledge practices, have adopted the sustainable development model, as development is essential for effectively exercising rights. In the 1990s, due to the balance of payments crisis and pressure from international financial organisations, India adopted the 'Liberalisation and Privatisation' of its economy, which is essentially a refined version of capitalism, sometimes referred to as 'neoliberalism.' Thus, neoliberalism, as a refined version of capitalism in the 21st century, contains and continues the core components of the capitalist mode of production, private control of the means of production, alienation of people from their labor, exploitation of cheap labor, exploitation of natural and ecological resources, and collaboration with states to influence policy-making to exploit resources and establish a monopoly over resources and markets (Chen, 2022). Hence, these same issues have resulted in unprecedented degradation and pollution of the environment and ecology, which need to be challenged, and new means and strategies must be developed to save the environment and ecology for the people who reside there. Thus, indigenous tribal knowledge practices fill the gaps in present-day policymaking and provide an alternative way of understanding the definition and content of development and environmental protection in their own sense of life and dignity. This ITKP offers an alternative model of development, where natural resources are not meant for 'crony profits and unlimited consumption' but rather for the survival and coexistence of nature and humans.

**Significance of indigenous tribal knowledge practices from the epistemological and ontological perspective-** thus, the changed material conditions and contradictions inherent in the development narrative, and socio-legal and ideological apparatus in which various competing and collaborative knowledge systems and practices operate and practice become significant to examine and analyze to find local and diverse knowledge systems and practices conducive and sustainable for the environment and ecology. The history of writing about tribal knowledge systems from the perspective of the bottom and the decolonization of epistemology and ontology has given voice to Indigenous tribal knowledge practices, highlighting the need for adequate protection of the environment and ecology as a necessary condition for survival, as well as the right to live with dignity in the broadest constitutional sense.

Neo-colonialism and neoliberalism with a dominant development agenda through the hegemonic narrative of international financial institutions and the exploitative nature of financialization of the economy in terms of investment and availability of natural resources and cheap labor in ecologically and environmentally rich tribal areas, and their subsequent impacts on the quality of environment and ecology,

livelihood of tribal people, and destruction of socio-cultural identity re-emphasize and re-signify the crucial importance of the tribal knowledge system for the protection and prevention of environment and ecology from pollution and degradation. The mutual and co-existential practices of tribal people regarding their interaction with nature and ecological cycles are well-tuned to the mechanics of the environment and ecology.

Based on empirical evidence, it is challenging to argue that the practice of indigenous tribal knowledge will supersede the present legal order, which is deeply ingrained in the ethics and practices of the liberal economic order, especially after the 1990s. It is the dominant form of development narrative, even though the liberal economic model (essentially, it is a neoclassical and neoliberal economic order) has reached a state where it has damaged the environment and ecology on an unimaginable scale. In the name of 'sustainable development and green economy,' a new phase and kind of 'imperialism and colonialism' has begun, where the narrative of dominance and extraction of natural resources is monopolized through dominance over technology and finance. Simultaneously, despite the dominant development narrative and its need, we cannot justify the 'de-growth theory' for protecting and preventing environmental and ecological damage because development is vital for raising the living standard and providing a quality of life to Indigenous people (Hickel, 2020). However, the 'inclusive development theory' can be proposed as an alternative model where the 'non-extractivist nature and eco-friendly knowledge and practices of the tribal people' can be recognized and mainstreamed for better management, protection, and sustainability of the natural resources.

**The capability of indigenous tribal knowledge practices as legal pluralism to address concerns of environmental justice**—the concern for environmental justice within the broad framework of emerging socio-economic and political contexts, as well as the impacts of climate change and ecological crises on the lives of vulnerable sections of society—is a relatively new phenomenon. The recognition and institutionalization of the climate and environmental crises led to the belief that the weaker sections, including tribal communities, are facing an existential threat across the world in terms of negative consequences to life and livelihood. Hence, human rights institutions, international treaties and conventions, and constitutional courts have adopted the environmental justice framework based on a progressive and expansive reading of the meaning and scope of the right to life. Constitutional courts in India have played a decisive role in the evolution of the environmental justice framework. However, these decisions have a limited impact on climate change prevention and the ecological crisis.

For the protection of the rights of indigenous tribal communities and the environment, because both are victims of dogmatic and blind exploitation and plunder of natural resources and the consequent carbonization of the social and cultural milieu. The environmental justice framework offers to include the concerns of the tribal community and their inclusion at every level of planning, decision-making, and execution of policies and laws. It is not a mechanical approach to justice where someone alien to the tribal culture and practices decides, rather than the active involvement of the epistemology of the tribal knowledge and practices. This requires conscious recognition of cultural and customary practices without imposition of 'universalist and hegemonic knowledge and practices.' Legal pluralism provides an enriching framework for

environmental justice, where ‘equality, justice, and exploitation’ can be more effectively addressed and the environment can be better protected. The dominant model of profit maximization and exploitative model of capitalist development are always wary of any justice-oriented development model that recognizes pluralism and alternative ways of addressing problems. Market forces and corporations are so capable today that they have almost monopolized policy-making and the state machinery for their interests through media control and contributions to political parties. This universal narrative of exploitation and plunder in the name of development and democracy needs to be challenged and balanced by the legal pluralist model, where the ITKP is expressly recognized as a vibrant and sustainable model for protecting the environment and climate for the whole of humanity.

**Can ITKP offer an alternative to failed universalist, state-dominated, and hegemonic regimes for environmental protection?** The universalist, top-down, state-dominated narrative and hegemony of international and municipal legal orders have almost failed to protect the environment and ecology from the perspective of those affected by such environmental and ecological crises. From the standpoint of those exploiting and extracting natural resources for profit, these crises —the exploitation of natural resources, migration, and displacement — are an integral part of development itself. For them, these climate and environmental crises are further opportunities to maximise profits by greening the ‘green economy.’

The failure and success of ITKP under the pluralist legal regime do not depend on its inherent ethical values and potential to offer an effective solution to today’s climate and environmental crisis. Rather, it depends on who ‘decides and controls’ the institutions and frameworks that create and perpetuate hegemony through sets of norms, rules, and ideologies through state and non-state actors like academia, conventional media, and mass media, as emphasized by Italian Marxist Antonio Gramsci and Louis Althusser (Althusser, 1971; Gramsci:1937). The ideological and coercive state apparatus controls the narratives that shape the direction and dimensions of law and legal systems. Academia from the Southern world, including subaltern studies, the critical school, and Marxist theory, has sought to expose the intentions behind the development narrative and the exploitation of the environment and natural resources. However, exploitation, deprivation, and exclusion persist because of control over the narrative of development and modernization, including its production, distribution, exchange, and consumption. The exploitation of natural resources and environmental degradation for profit under the broad framework of the market economy and the deprivation, exploitation, and displacement of the tribal people from their legitimate places are progressively done through controlled and regulated ‘narrative-making machines,’ although they are termed as free media and academia. These media and academia, as narrative machines, are funded and dominated by the dominant ideology of the market economy, which prioritizes exclusion, deprivation, and growth for a select few.

Can ITKP offer an alternative in such scenarios? Does the failure of the neoliberal market economy and its institutions provide new opportunities for countries such as India to consider ITKP as a viable option for environmental protection? Even in India, despite the constitutional and legal recognition of ITKP, the hegemonic dominance of the market and socially regressive forces as a unitary and statist force

will allow the alternative knowledge and practices of the indigenous tribal community to offer solutions and protect the environment? These questions need to be addressed because hegemony within the country also promotes a hierarchy and dominance of a particular kind of knowledge and practice while defying the constitutional recognition of legal pluralism in India. The dominance of a specific type of narrative in collaboration with state and non-state apparatuses limits the potential of ITKP. The destruction and deprivation of the tribal community from their legitimate resources are not just because of climate change but are determined through the 'politics of climate change and environmental crisis,' which is shaped and designed by the capitalist class and corporate monopoly in close collaboration and coordination with the state power and social power, which have power over narratives and defining the lives of others. These collective forces determine an individual's or group's existence, quality of life, and ultimately, their death. Thus, the determinative element is 'who holds the power. Using Foucault's conception of power, which changes and develops from sovereign power to biopower via disciplining power (Foucault, 1978), it is the power that decides and defines the individual and community at large. Achille Mbembe, in his book 'Necropolitics (2019), further reflects and expands on the 'power' and emphasises that biopolitics manages life and populations, while necropolitics examines the 'power to let people die or decide who is disposable, who can be sacrificed, or whose life can be ignored.' Similarly, we need to reflect further on the power of environmental politics, which decides who can be 'deprived, displaced, dislocated, and migrated' from their places. This is also about who decides the development model and policies for the tribal communities, their fate, their quality of life, who is depriving them, and who is making them victims of climate and environmental change. This involves the 'environmental politics of decision-making and narrative-building' by a few state and non-state actors, which occurs in close coordination and understanding. In these circumstances, even if the constitutional framework allows the existence of legal pluralism, the subordination of ITKP seems to exist because, without such subordination, danger and crisis to life, knowledge, and practices would seem to exist. Therefore, the internal but fundamental dynamics of environmental politics, which ensure the ruthless exploitation and destruction of the natural ecosystem of the tribal community in India, must be changed and reformulated to save it from the onslaught of the most egregious kind of exploitative, extractive, and crony profit-making.

**Conclusion:** The present and dominant development model, based on the neoliberal approach, has brought about many positive societal changes, but at the expense of environmental, ecological, and human rights costs. The underlying features of the hegemonic grand narrative of development, wrapped in vested interests and power structures at the international and national levels, revealed the uncontrollable plunder of the environment and ecology. The economic development model employed by so-called democratic countries often results in the ruthless exploitation of ecological and environmental resources, often in close collaboration with the elected governments, corporations, and the media. The tribal community is the biggest sufferer of this coalition. The development narrative has brought misery and migration to their places. The environmental and ecological crises are further aggravated by the pursuit of super profits in the name of development. Even shocks and crises created by natural forces like earthquakes, landslides, and tsunamis are being used to further the 'corporate and

private interests,' termed as 'disaster capitalism' in her 'shock doctrine thesis' by Naomi Klein (Klein, 2008).

The constitutional framework of India, with its dominant forces, allows diverse practices and knowledge systems to survive and be practiced. Considering the contradictions of the liberal economic model and its deleterious impact on the people through legal order (as liberal order operates through the instruments of law and is enforced through the help of the state's instrumentality) (Pistor, 2019), if we are concerned about the life and dignity of the tribal people and protection of the environment, we cannot ignore the environment-friendly suitable indigenous tribal knowledge practices for the adequate protection of environment and ecology.

The legal pluralism approach, which reconciles the seemingly antagonistic perspectives of the dominant knowledge system and indigenous tribal knowledge practices, allocates sufficient space for both the dominant legal and knowledge practices, as well as other practical, customary, and traditional knowledge practices that have the potential to conserve and protect the environment. It requires an angle and objective to protect the environment in various ways, as informed by Indigenous tribal knowledge practices, rather than the dominance of a singular ideological and development perspective.

Because the dominant discourse of environmental politics and environmental justice is rooted in the politics of Western nations, international institutions, courts, experts, and corporations, it is essential to examine and understand the broader framework of environmental politics and justice from a tribal perspective. The web of ecological politics is shaped by the influence of money, law, media, corporations, governments, and NGOs, which create narratives that serve their vested interests, reaping unimaginable and unspeakable profits. In a way, we need to examine 'the political economy of environmental politics', which analyses the interaction of political decision-making in furtherance of the political and economic agenda of the ruling class.

The people's movement from the margins has historically advocated for alternative models. The understanding of imperial exploitation during the British Empire, including the exploitation of natural resources, destruction, and exploitation of life and resources, served as a breeding ground for the rise and development of radical forms of Marxism in India, such as Naxalism and Maoism in their various forms. The violent aspects of these movements can be criticized. However, the political economy of death, killing, rape, destruction, extortion, and exploitation in the development model of India's economic and social planning cannot be denied (Modi 2023; Sen 2009). Across the tribal belt, activities and pro-bono efforts have been made to build movements, which continue to exist in many parts of India today. The Narmada Bachao Andolan and the Husdeo Forest movements are a few examples. These Jal (water), Jungle (Forest), and Jamin (Land) Bachao (save) movements met the brutal state power with the help of corporates and the intelligentsia, who support the extractive and exploitative model of development.

In some cases, even the judiciary has tried to strengthen these movements (Nimaigeri Hills Case) (The Supreme Court of India, 2013). However, the impact of

these judgments is limited due to the pervasive influence of governments and corporations over the state apparatus and mass media, which are crucial components of narrative-building machines and their execution. Even from the perspective of the leadership of the tribal people in tribal-populated states where they became the chief ministers, they did not do enough or were unable to do enough because of the 'superstructure', a Marxist term, which consists of state apparatus, including these organs of the state and non-state actors like educational institutions. These media protect the interests of the 'base', the selected few who have control over the means of production or the wealth of production (Marx, 1867). Thus, leadership roles serve a limited purpose but cannot change the super-narrative of development, which is inherently biased in favor of a particular class. This is happening under the constitutional scheme of federalism, where power is inclined in favor of the center, where most political and economic decisions are made (Constitution of India, 1950). The monopoly over the violence by the state is another facet of power which ruthlessly silences the fair voices through killings, arrests, imprisonment, torture without complete or relative 'impunity.' Moving forward, in the 21st century, state power and corporate power with technological capabilities are creating a more 'lethal state apparatus with surveillance power and new weapons of war.' The alignment of state and non-state corporate power is not diminishing. It will become more brutal, aggressive, and suppressive to extract natural and environmental resources for its benefits under the guise of development and growth. In such circumstances, it is challenging for the tribal community to identify and practice ITKP. Thus, in Italian philosopher Giorgio Agamben's words, it creates a state of exception in which the justice aspect of the law, including the existence of a plurality of laws, becomes meaningless. The dominant narrative version is established, dominated, and finally won through the 'Ideological State Apparatus' and 'Coercive State Apparatus' (Althusser, 1971). The systematic and systemic disappearance of tribal discourse in academia and in policy circles, as well as in the functioning of state and non-state actors, is leaving the tribal people 'living dead' in the world of death and deprivation, in Mebeme's words (2019).

Thus, this study argues that legal and developmental policies should adopt a legal pluralism approach to effectively protect the environment and ecology. However, this approach is still absent from India's policy and legal paradigms. Although some laws exist, they are being flouted and compromised by the logic of economic development, resulting in massive costs to life and ecology. The legal pluralism framework can be well established and function effectively only if ITKP is fully embraced. The totality here means how tribal communities define life, nature, environment, and ecology; what they think about their life and nature; why they treat nature as being so close to their life and existence; what they cherish about life and dignity; what they think about law and order; what they think about the legal system and its operation; and how they look at the bureaucracy and police administration. The legal pluralism approach will defy the totalistic, unified kind of narrative which accommodates the ITKP as one of the facets of alternatives but in a subordinated position till the extent that the alternative could not challenge the hegemonic nature of dominant ideology and narrative of development and the monopoly of state and non-state power of dominance and control over the 'reality, narrative and resources.' Therefore, after analyzing the different facets of relations of power, politics, and social

relations in the broad framework of law and social relations, it seems that unless and until the relations of power in the social structures and relations of the production process are challenged, it will be tough for alternatives to emerge where the dominant discourses of development and legal order are promoting and protecting the interests of the few through brutal state and non-state apparatuses through the use of coercive and non-coercive powers.

**Recommendations:** Thus, based on the above arguments and examination, the authors make the following recommendations:

1. Policymakers should recognize the limitations of the growth and development ideology and its contradictions when framing policies to protect the environment.
2. Instead of centralized planning for development and environmental protection, local Indigenous tribal knowledge practices should be recognized and promoted on a large scale.
3. Legal pluralism should be recognized in terms of diversity as a specific feature of our country that needs to be recognized and preserved through legal recognition in diverse forms.
4. That the development and legal order should be defined and construed in the sense of people for whom it is devised and conceptualized rather than imposed from the top, thus, a bottom-up approach and decentralization are crucial.
5. The Indigenous Tribal Knowledge Practice (ITKP) should not be viewed as antagonistic to the dominant view of development and formal legal order; rather, it should be regarded as a complementary alternative, which may be more effective in protecting the environment and ecology.
6. That the government (s) should promote the documentation of Indigenous Tribal Knowledge Practices (ITKP) as an independent epistemology rather than making it a part of the grand narrative and ideology.
7. Academic and research institutions should promote research and development on vast, unrecorded materials and practices, which can strengthen the ITKP (Indigenous Tribal Knowledge Practices) of indigenous tribal communities in India.
8. The contradictions in the developmental paradigm should also be investigated from a polemical perspective, particularly from the viewpoint of the indigenous tribal community.
9. Proponents of ITKP should examine the relationships of power and production that foster the control or monopoly of a select few over resources, as well as over the state's institutions and narrative-building.

10. Technology and digital resources have become new areas through which narratives and the power of a few are exercised and perpetuated. Using technology to build an alternative narrative for the ITKP may be a strategic way to counterbalance this dominant narrative.
11. The social and political movement inspired by ecological and environmental knowledge is key to protecting the environmental and eco-friendly practices of tribal communities. Hence, social and political movements must be constructed to mobilize people and ensure the outcome of elections in their favor, since electoral politics is the reality of the Republic of India.

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