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## Introduction

### 1.1. INTRODUCTION

Just write it as I'm telling it. You will understand.

That was eighty-six-year-old Adivasi woman Maariamamma's advice to me the first, and only, time I interrupted her for a clarification while she narrated a story she had heard from her elders. Neither writing nor understanding has been easy for me. These words therefore haunted me as I struggled to do both. It is difficult to identify with any certainty when this book began to take shape, but it was most likely on a bus ride in rural Kerala in India that I started to understand some of what I present here. I was returning from a public meeting where many had spoken with passion about what is popularly known as the Plachimada Struggle.<sup>1</sup> As I watched the silhouettes of thatched roofs pass by in the fading light and reflected on what had been said by those who had started protests against Coca-Cola operations in the area and their many supporters, I began to understand that being the most dispossessed means much more than losing one's land and water. It is to experience an injustice that often, as in this case, goes unrecognized. This book is an attempt to identify and understand the violence of such injustice.

### 1.2. THE DISPUTE

In 2002 a dispute began with Adivasi protests against Hindustan Coca-Cola Beverages Private Ltd., a subsidiary of The Coca-Cola Company, in a village

<sup>1</sup> Plachimada is the name of one of the hamlets beside the Coca-Cola plant in Kerala and has become synonymous with the agitation against Coca-Cola.

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in Kerala in south India. A *dharna*, or sit-in agitation, initiated by the Adivasis soon after the company bought 32 acres of farmland in Moolathara village and set up a beverage bottling plant in the middle of small hamlets is now in its thirteenth year. Adivasis who began objecting to the operation of the Coca-Cola plant have lived on and cultivated the farmlands in the area for generations. After some initial reluctance, and in some cases even strong opposition to Adivasi protests, other residents of the area, large farm owners, local activists, several political organizations, and civil society groups also joined in the protests. As a result of the agitations, operations in the bottling plant were suspended in 2004. The anti-Coca-Cola people's movement in Plachimada, with its focus on the excessive extraction of groundwater by Coca-Cola and the ways in which it has violated environmental and human rights of residents, has since received widespread local, national, and international support from committed activists, numerous social and religious organizations, and eventually also from the Government of Kerala.

More than a decade later, even as the litigation related to the dispute awaits final adjudication in the Supreme Court of India, and the central government disagrees with the Government of Kerala over the legality of a proposed law aimed at awarding compensation to those who suffered losses due to the operations of the beverage plant before it was closed, two Adivasi women continue to sit in protest outside the gates of the plant every day, waiting for the company to leave "their place."

The dispute continues to pose significant political and legal challenges, and much has been written about the Plachimada Struggle over the last decade in newspapers, online blogs, reports, research papers, administrative decisions, petitions, and judgments by various courts. This project began with critical questions that have not been raised in any previous engagement with the dispute: What does this dispute mean to those who started it? How do we understand the claims of the different protestors and the wrongs that they mean to draw attention to? These questions led me to a number of locations, such as the hamlets that are home to Adivasi protestors, the High Court of Kerala and the Supreme Court of India, the Kerala State Archives in Trivandrum and Ernakulam, National Archives of India in New Delhi, offices of various government departments and publications, offices of lawyers in Kerala and New Delhi, and other locations where I interviewed activists involved in the struggle against Coca-Cola.

I had set out with the hope that speaking with the protestors, their supporters, and those who claim to represent them in various capacities would offer a clearer understanding of the dispute, especially from the perspective

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of those who began it. I spoke at length with several Adivasis, as well as with non-Adivasi residents of the place, activists, local politicians, bureaucrats, lawyers, and judges. I found some answers, and more significantly, discovered more questions. I also found something I had not anticipated: incompleteness, uncertainty, anxiety, tears, guilt, anger, and affection. Through all of these emotions and reactions – mine and those of the people I met during my research – I have also learned to learn.

In this book I juxtapose the multiple accounts of this dispute as narrated by various people I spoke with, as well as the accounts that emerge from legal records and media reports. This juxtaposition enables a closer look at the ways in which meanings are gained and lost as Adivasi claims originating in contested, layered, histories and in the narratives of displacement and exclusion are translated into the stronger languages of social movements and the formal legal system. Many of the particular and situated meanings critical to the Adivasis' opposition to the operation of the Coca-Cola plant have been eclipsed in the accounts of their many supporters, more often than not in pursuit of justice *for* the Adivasis. Thus the purpose of this book is twofold: to demonstrate that when the Adivasi protests against Coca-Cola are understood on their own terms, in the context of their lives in the place, the meanings that emerge are quite different from the ones conveyed by the accounts of others; and to show that a recognition of this difference is important for a meaningful resolution of this dispute for the Adivasis whose lives have been most significantly affected by it.

By presenting the multiple accounts of the dispute in Plachimada, I attempt to draw attention to the violence done even before the Supreme Court of India decides the appeals before it, even before the central and state governments resolve their differences over the proposed law on compensation, and even before any claims for compensation lead to any actual money reaching the hands of any real people. These accounts reveal the injustice brought about by and through the very processes of the Adivasis' grievances being put forward for consideration, that is, in the very acts of re-presentation of their stories. Thus, regardless of which side "wins," the Adivasis who began the protests appear to have already "lost," because critical elements of what the dispute means to them have been eclipsed.

In addition to providing a deeper understanding of a particular dispute, the accounts presented here help us grasp the complex interplay of the global and the local in disputes of this nature, which are too often understood as isolated events. These stories also help us understand indigeneity in a broader context than the one offered by scholarship on states identified as settler-colonial

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978-1-107-08118-5 - Indigeneity and Legal Pluralism in India: Claims, Histories, Meanings

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and point to the urgent need for an interdisciplinary engagement with issues of access to justice raised by indigenous mobilization against ongoing appropriation of lands and resources. Before I turn to accounts of the dispute in Plachimada, I introduce concepts that have informed my understanding of this dispute and explain important themes that recur throughout this book.

### 1.3. ADIVASI

Several Adivasis I spoke with referred to themselves, as well as to each other, as “Adivasi.” At times they also self-identified as “Eravalan” or “Malasar,” which are two of the thirty-six communities recognized as Scheduled Tribes in the state of Kerala. For this reason perhaps, a few also self-identified simply as “ST,” a reference to their membership of a Scheduled Tribe. Non-Adivasi residents of the area, local activists, politicians, and public officials almost always referred to the protestors as “Adivasi,” but “Scheduled Tribe” and “tribal” were also used.

These terms – “Adivasi” and “Scheduled Tribe” – used interchangeably in everyday conversations in the country, are not, however, synonyms, but rather have distinct origins and invoke different histories.<sup>2</sup> The word “Adivasi” is a combination of the words “adi” and “vasi,” which mean “of earliest times” and “resident” respectively, and is generally translated as “original inhabitant.”<sup>3</sup> The phrase “Scheduled Tribes,” on the other hand, refers to “tribes or tribal communities” that are explicitly identified as such in a periodically revised schedule of the Constitution of India.<sup>4</sup> During the debates in the Constituent Assembly, these communities were identified as “backward” and in need of “uplift” following the logic and language of the colonial administration.<sup>5</sup> It was felt that they had to be “developed” and “assimilated” in the new and “modern” India.<sup>6</sup> Inspired by this sentiment, as well as partly in response

<sup>2</sup> See Pooja Parmar, “Undoing Historical Wrongs: Law and Indigeneity in India,” *Osgoode Hall Law Journal* 49:3 (2012): 491.

<sup>3</sup> See David Hardiman, *The Coming of the Devi: Adivasi Assertion in Western India* (Delhi: Oxford University Press, 1987), 13.

<sup>4</sup> See *Constitution of India*, 1950, Articles 366(25) and 342.

<sup>5</sup> These views were expressed several times during the debates of the Constituent Assembly. See Parmar, “Undoing Historical Wrongs,” 505, 512–517.

<sup>6</sup> Parmar, “Undoing Historical Wrongs,” 505, 513. See also Ajay Skaria, *Hybrid Histories: Forests, Frontiers and Wildness in Western India* (New Delhi: Oxford University Press, 1999), xii. Skaria notes that “[t]he wildness of the tribe epitomized Indian backwardness, [which] had to be overcome for the nation to become modern, or simply for the nation to become.” See also Nandini Sundar, *Subalterns and Sovereigns: An Anthropological History of Bastar, 1854–2006*, 2nd ed. (New Delhi: Oxford University Press, 2007).

to Adivasi demands to undo historical injustices, the Constituent Assembly approved a legal framework for the country's affirmative action policies, which include reservation of seats for members of Scheduled Tribes in educational institutions and public service employment.<sup>7</sup> A few laws enacted since then for preventing the commission of further "atrocities" on Scheduled Tribes, or for protecting their rights to access forests and natural resources, are also aimed at addressing some prevalent inequalities.<sup>8</sup>

As per the census data for 2001, 84.3 million or 8.2% of the total number of people in India are members of various recognized Scheduled Tribes.<sup>9</sup> In a judgment handed down in 2011, the Supreme Court of India notes that they are among the country's "most marginalized and vulnerable communities," with the everyday realities of their lives marked by a "high level of poverty, illiteracy, unemployment, disease, and landlessness."<sup>10</sup> This is confirmed by the latest available statistics compiled by the Ministry of Tribal Affairs: childhood mortality rates are higher among Scheduled Tribes than in any other social group in the country; a large percentage of men, women, and children suffer from "high nutritional deficiency" and are anemic; the literacy rates among these communities are much lower and school dropout rates much higher than the national averages.<sup>11</sup> Reports commissioned by the government as well as independent studies have repeatedly noted the connections between these conditions and processes of alienation from traditionally occupied lands, subordination of local economies, and erosion of indigenous laws and institutions.

The phrase "Scheduled Tribe" had replaced the word "aboriginal" in India's draft Constitution despite objections from Jaipal Singh, an Adivasi representative in the Constituent Assembly.<sup>12</sup> This "invented" phrase was preferred by the drafters of the Constitution over the word "Adivasi," which was favored by

<sup>7</sup> See *Constitution of India*, Articles 46, 244, 244A, 330, 332, 335, 338A, and 339, and Fifth and Sixth Schedules.

<sup>8</sup> See *Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act*, 1989; *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act*, 2006; and *The Panchayat (Extension to Scheduled Areas) Act*, 1996. But see Apoorv Kurup, "Tribal Law in India: How Decentralized Administration Is Extinguishing Tribal Rights and Why Autonomous Tribal Governments Are Better," *Indigenous Law Journal* 7 (2008–2009): 87–126 for how some of these laws end up eroding traditional indigenous laws and institutions.

<sup>9</sup> Government of India, "Census of India 2001," accessed August 3, 2014, [http://www.censusindia.gov.in/Census\\_Data\\_2001/India\\_at\\_glance/scst.aspx](http://www.censusindia.gov.in/Census_Data_2001/India_at_glance/scst.aspx).

<sup>10</sup> *Kailas & Ors v. State of Maharashtra*, 1 *SCI* 94, (2011), para. 4.

<sup>11</sup> Government of India, Ministry of Tribal Affairs, "Statistical Profile of Scheduled Tribes in India 2010," accessed August 3, 2014, [www.tribal.nic.in](http://www.tribal.nic.in), at 9, 11, 15, 18, 21, and 25.

<sup>12</sup> See Parmar, "Undoing Historical Wrongs," 514–515. Note that some communities are still defined as "aboriginal tribes." See *The Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation*, 1956.

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the Adivasi representative, because it was understood to provide a more “precise definition” of who the Adivasis were.<sup>13</sup> The word “Adivasi,” it was said at the time, lacked legal specificity.<sup>14</sup> Consequently, the word “Adivasi” has no legal recognition in the country today. More significantly, this change serves to eclipse the histories of dispossession that Singh wanted to be acknowledged even as the legal foundations of the postcolonial nation-state were being laid.<sup>15</sup>

Unlike Scheduled Tribe, tribal, and Adivasi, the English word “indigenous” was not used to refer to the Adivasi protestors by anyone I interviewed, with the exception of one lawyer. Not only is the English word not commonly used in everyday conversations in India, the very “idea of indigenous peoples” is highly contested in the country.<sup>16</sup> While scholars continue to debate the applicability and relevance of the term “indigenous peoples” in India, raising several important questions of epistemology, history, and politics in the process,<sup>17</sup> the position of the permanent Indian mission to the United Nations is that the entire population of the country at the time of independence from British rule and their successors are indigenous.<sup>18</sup> This is a clearer articulation of the

<sup>13</sup> *Debates of the Constituent Assembly of India*, vol. VII (December 2, 1948) at 782.

<sup>14</sup> *Ibid.*

<sup>15</sup> See Parmar, “Undoing Historical Wrongs,” 496–499.

<sup>16</sup> Virginius Xaxa, “Tribes as Indigenous Peoples of India,” *Economic and Political Weekly* 34:51 (December 18–24, 1999): 3589.

<sup>17</sup> Scholars cite several reasons for caution in relation to the term. There are concerns over a lack of attention to particular histories of the region including the complex history of migrations into and within the subcontinent, as well as concerns over distinguishing with certainty “tribes” from other castes and communities classified by the colonial administration. Other reasons for caution include the long history of interactions and cultural exchange between various communities in the region, a questioning of colonial knowledge production and categorization, and the perceived imposition of a Western concept of “indigenous peoples.” See generally Bengt G. Karlsson and T. B. Subba, eds., *Indigeneity in India* (London: Kegan Paul, 2006); Sumit Guha, *Environment and Ethnicity in India, 1200–1991* (London: Cambridge University Press, 1999); Irfan Habib, “The Formation of India: Notes on the History of an Idea,” *Social Scientist* 25:7/8 (1997): 3; Virginius Xaxa, “Transformation of Tribes in India: Terms of Discourse,” *Economic and Political Weekly* 34:24 (June 12, 1999): 1519. See also Kaushik Ghosh, “Between Global Flows and Local Dams: Indigeness, Locality, and the Transnational Sphere in Jharkhand, India,” *Cultural Anthropology* 21:4 (2008): 501–534. Ghosh argues that the terminologies “indigenous,” “Adivasi,” and “tribal” “roughly mark the transnational, national, and colonial histories through which indigenous populations have been bound to modernity” (p. 528, fn. 1). For more nuanced histories of the relations between Adivasis and non-Adivasis in particular regions of India and the ways in which colonial law and policies changed the balance of power between people categorized as “tribes” and others, see Sundar, *Subalterns and Sovereigns* and Skaria, *Hybrid Histories*.

<sup>18</sup> “Explanation by Mr. Randhir Jaiswal, First Secretary, on Position of India on the Report of the 9th Session of the Permanent Forum of Indigenous Issues to the ECOSOC,” July 22, 2010, New York, accessed August 3, 2014, <https://www.pminewyork.org/pages.php?id=997&page=5>.

country's stand against recognition of any particular communities as Indigenous than that reflected in India's previous statement made at the time of its vote in favor of the UN Declaration on Rights of Indigenous Peoples in 2007.<sup>19</sup> Noting the long use of the word "Adivasi" to refer to particular communities in India, Xaxa associates the more recent critical examination of and opposition to the term "indigenous," which is basically an English equivalent of the Indian word, to the "internationalisation of the rights and privileges associated with" the term "indigenous."<sup>20</sup>

Contests over indigeneity, or more specifically over who are Indigenous peoples, are not particular to India. The UN Declaration does not provide a definition of Indigenous Peoples even as it sets out their rights. In fact, there is no consensus among States as to whether a definition is even necessary.<sup>21</sup> The meaning of Indigenous Peoples and the contours of their rights are subject to fierce debates and disagreements in both international and domestic forums, driven to a considerable extent by anxieties over territorial integrity and state sovereignty.<sup>22</sup> Meanwhile, peoples making the claims of indigeneity continue their struggles to bring about real change in their lives and resist the accelerating destruction of their lands and livelihoods.<sup>23</sup> In such struggles indigeneity often emerges as a political tool.<sup>24</sup>

<sup>19</sup> "Statement of Ajai Malhotra," September 13, 2007, New York. UN GA 10612, accessed August 14, 2014, <http://www.un.org/News/Press/docs/2007/ga10612.doc.htm>.

<sup>20</sup> Xaxa, "Transformation of Tribes in India," 3590.

<sup>21</sup> See Shin Imai and Kathryn Buttery, "Indigenous Belonging: A Commentary on Membership and Identity in the United Nations Declaration on the Rights of Indigenous People," in *Oxford Commentaries on International Law: A Commentary on the United Nations Declaration on the Rights of Indigenous Peoples*, eds Marc Weller and Jessie Hohmann (Oxford University Press, Forthcoming) accessed August 3, 2014, <http://C:/Users/Win%207/Downloads/SSRN-id2360323.pdf>, 1–3.

<sup>22</sup> See Amelia Cook and Jeremy Sarkin, "Who Is Indigenous? Indigenous Rights Globally, in Africa, and among the San in Botswana," *Tulane Journal of International and Comparative Law* 38 (2009–2010): 93–130; Imai and Buttery, "Indigenous Belonging." In the case of India this anxiety is also reflected in its statement to the UN. See "Statement of Ajai Malhotra."

<sup>23</sup> See Cook and Sarkin, "Who Is Indigenous?," 94–97. For complexities of determining tribal identity in the United States, see Matthew L. M. Fletcher, "Tribal Membership and Indian Nationhood," *Social Science Research Network*, accessed August 3, 2014, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2129813](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2129813) and for Canada, see Pamela D. Palmater, *Beyond Blood: Rethinking Indigenous Identity* (Saskatoon: Purich Publishing Ltd., 2011).

<sup>24</sup> Cook and Sarkin, "Who Is Indigenous?," 116. For an argument that the transnational discourse of indigeneity, when based on an essentialized idea of indigeneity, can be limiting and might even undermine local struggles, see Ghosh, "Between Global Flows and Local Dams," 501–534. On how contemporary politics of recognition might reproduce the relationships of colonial power that indigenous demands for recognition seek to transcend, see Glen Coulthard, "Subjects of Empire: Indigenous People and the Politics of Recognition in Canada," *Contemporary Political Theory* 6 (2007): 437–460.

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Despite questions over the identity of the Indigenous peoples or original inhabitants of any particular region in the country, and the absence of formal legal recognition, the word “Adivasi” is widely used to refer to certain peoples in India today by “politicians, social workers, administrators and social scientists.”<sup>25</sup> It is also a term preferred by Adivasis, for it signals “historical experiences and social consciousness [that] are markedly different from those” of other historically oppressed groups in the country, such as the *dalits*.<sup>26</sup> As such, it is not only a marker of a distinct identity but also an important political tool for articulating demands for empowerment and justice in the country.<sup>27</sup> The fact of such claim making and of actual references to certain peoples as “Adivasi” in particular locations, like Plachimada, also make its use a “social fact.”<sup>28</sup>

In addition to the fact that the term is preferred by Adivasis themselves, I choose to use it because it allows recognition of a particular history. That is the history of “subjugation during the nineteenth century of a wide variety of communities which before the colonial period had remained free, or at least relatively free, from the controls of outside states.”<sup>29</sup> Accounts of this subjugation do not often find a place in the official historical narratives of the postcolonial nation, and as such, the Adivasi identity can be understood as one grounded in “re-telling of the past.”<sup>30</sup> Extending beyond the connotations of “autochthonicity” conveyed by its literal meaning, the articulation of “being Adivasi” in contemporary India is also “about shared experiences of the loss of the forests, the alienation of land, repeated displacements since independence in the name of ‘development projects’, and much more.”<sup>31</sup> It is an articulation

<sup>25</sup> Virginius Xaxa, *State, Society, and Tribes: Issues in Post-Colonial India* (New Delhi: Pearson Longman, 2008), 10. It is worth noting that the word “Adivasi” is used to refer to “tribes or tribal communities” in parts of central and south India and not to those in the northeastern states of Assam, Meghalaya, Tripura, and Mizoram. Tribes in the northeast have a different historical, political, and legal relationship to the Indian State. Tribes in that part of the country are governed by the Sixth Schedule to the Constitution of India, which also recognizes tribal areas in the region as autonomous units within the parameters of the Constitution.

<sup>26</sup> *Ibid.*, 5. The word “*dalit*” translates as “oppressed.” Like the word “Adivasi,” it invokes a particular history of oppression and subjugation of peoples once referred to as “untouchable” or the “lower castes” within the Hindu caste system.

<sup>27</sup> See Xaxa, *State, Society, and Tribes*, 28–40.

<sup>28</sup> Amita Baviskar, “The Politics of Being ‘Indigenous,’” in Karlsson and Subba, *Indigeneity in India*, 36.

<sup>29</sup> Hardiman, *Coming of the Devi*, 15.

<sup>30</sup> See Stuart Hall, “Cultural Identity and Diaspora,” in *Contemporary Postcolonial Theory: A Reader*, ed. Padmini Mongia (London: Arnold, 1996), 111. Hall urged that we understand identity as not one grounded in archeology, but rather in “re-telling of the past.”

<sup>31</sup> Skaria, *Hybrid Histories*, 281. See also Xaxa, “Transformation of Tribes in India,” 3595.



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## 1.4. Legal Pluralism

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of loss of autonomy. Understood thus, the term also refers to “a distinctive way of being outside the narratives of the Indian nation state.”<sup>32</sup> It is a call to imagine the nation differently.<sup>33</sup>

As I have learned from my conversations with Adivasis in Kerala, claims to being an “original inhabitant” arise in particular contexts, in moments in time when experiences of having been wronged in a particular way in the past take on certain meanings in the face of inequalities and exclusions of the present. These claims and the injustices they seek to draw attention to can only be understood by paying attention to the complex relations rooted in layered histories of “original inhabitants,” “settlers,” and “outsiders” in particular locations like Plachimada, even as we acknowledge the many global connections.

## 1.4. LEGAL PLURALISM

Most simply, legal pluralism is the recognition of the simultaneous coexistence of multiple normative worlds, with the state being only one among other creators of legal meaning.<sup>34</sup> These worlds “of right and wrong, of lawful

<sup>32</sup> Skaria, *Hybrid Histories*, 281.

<sup>33</sup> See Parmar, “Undoing Historical Wrongs.” Sundar has also suggested that struggles articulated as those over the choice between “backwardness” and “development” or “tradition” and “modern civilization” are better understood as struggles over different visions of democracy. Sundar, *Subalterns and Sovereigns*, front flap and p. 190.

<sup>34</sup> There is a vast body of literature on legal pluralism. Robert Cover’s work was an important influence on my own understanding. See Robert Cover, “Nomos and Narrative,” *Harvard Law Review* 97 (1983–1984): 4–68; Robert Cover, “Folktales of Justice: Tales of Jurisdiction,” *The Capital University Law Review* 14 (1985): 179–203; Robert Cover, “Obligation: A Jewish Jurisprudence of the Social Order,” *Journal of Law and Religion* 5 (1987): 65–74; and Robert Cover, “Violence and the Word,” *Yale Law School Journal* 95:8 (1986): 1601–1629. As with any approach to law, there are numerous debates regarding the possibilities and limitations of legal pluralism. Some important work that helped me understand the early influences on the development of the concept, as well as appreciate its possibilities and limitations is: Lon Fuller, “Human Interaction and the Law,” *The American Journal of Jurisprudence* 14 (1969): 1; Clifford Geertz, “Local Knowledge: Fact and Law in Comparative Perspective,” in *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983); Marc Galanter, “Justice in Many Rooms: Courts, Private Ordering and Indigenous Law,” *Journal of Legal Pluralism* 19 (1981): 1–47; Sally E. Merry, “Legal Pluralism,” *Law and Society Review* 22 (1988): 869–896; Jeremy Webber, “Legal Pluralism and Human Agency,” *Osgoode Hall Law Journal* 44 (2006): 167–198; Roderick A. MacDonald, “Custom Made – For a Non-Chirographic Critical Legal Pluralism,” *Canadian Journal of Law and Society* 26 (2011): 301–327; Martha-Marie Kleinhans and Roderick A. MacDonald, “What Is Critical Legal Pluralism?,” *Canadian Journal of Law and Society* 12 (1997): 25–46; Emmanuel Mellisar, “The More the Merrier? A New Take on Legal Pluralism,” *Social and Legal Studies* 13:1 (2004): 57–79; Gunther Teubner, “The Two Faces of Janus: Rethinking Legal Pluralism,” *Cardozo Law Review* 13 (1991–1992): 1443–1462; Lauren Benton, “Beyond

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and unlawful, of valid and void” are “constantly create[d] and maintain[ed]” by those who inhabit them through common understandings, rituals, language, myths, strong interpersonal obligations and commitments.<sup>35</sup> Histories and other common narratives are as much a part of a normative world as the formal rules and institutions of law.<sup>36</sup> In fact, within a normative universe, “law and narrative are inseparably related.”<sup>37</sup> Narratives locate and give meaning to law within legal worlds.<sup>38</sup> Claims arise in particular legal cultures and are articulated in the languages of those specific cultures.<sup>39</sup> It is this understanding of inseparability of law from language and narratives that informs my understanding of the dispute in Plachimada.

In order to understand the nature of injustice experienced by those who began the protests against the operation of the Coca-Cola plant and, more critically, to understand how to meaningfully “right” those “wrongs,” we have to begin by taking seriously what the protestors say, and attempt to make sense of it within all of that which comprises their normative world, including their accounts of their past, present, and future. These narratives have many forms: accounts of old and new unequal social relations, articulations of everyday experiences of injustice, stories about humans and nonhumans, personal life histories and oral histories of a community, as well as accounts of encounters with formal state law and legal institutions. All of these narratives

Legal Pluralism: Towards a New Approach to Law in the Informal Sector,” *Social Legal Studies* 3 (1994): 223–242; Boaventura DeSousa Santos, “The Heterogenous State and Legal Pluralism in Mozambique,” *Law and Society Review* 40 (2006): 39–76; Mitra Sharafi, “Justice in Many Rooms Since Galanter: De-Romanticizing Legal Pluralism through the Cultural Defense,” *Law and Contemporary Problems* 71 (2008): 139–146. For the plurality of state-made law itself, especially in postcolonial contexts, see Merry, “Legal Pluralism,” 869, and Shalini Randeria, “The State of Globalization: Legal Plurality, Over-lapping Sovereignties and Ambiguous Alliance between Civil Society and the Cunning State in India,” *Theory, Culture, and Society* 24:1 (2007): 1–33.

<sup>35</sup> Cover, “Nomos and Narrative,” 4, 7, 9, 11, and 12. According to Cover, it is “the force of interpretive commitments” that not only holds together a normative universe, but also “determine[s] what law means and what law shall be” (Cover, “Nomos and Narrative,” 7, and 44–60).

<sup>36</sup> Cover, “Nomos and Narrative,” 4, 5, and 19. See also Cover, “Obligation.” See MacDonald, “Custom Made – For a Non-Chirographic Critical Legal Pluralism,” 324, for the argument that production of formal legal rules is often an “indication of dissonance among different orders.”

<sup>37</sup> Cover, “Nomos and Narrative,” 5.

<sup>38</sup> Ibid.

<sup>39</sup> See Cover, “Obligation,” 65 for the suggestion that every “legal culture has its fundamental words” that are used to tell stories of law and justice. The example Cover used was of the word “rights” and he suggested that when we use the word “rights,” we basically locate ourselves within a particular normative universe.