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Q1(d)

Customary laws and Environmental conservation.

UPSC Civil Services Mains 2023 · Anthropology GS 1 · 10 marks · Marriage

2.3 Marriage: Definition and universality; Laws of marriage (endogamy, exogamy, hypergamy, hypogamy, incest taboo); Type of marriage (monogamy, polygamy, polyandry, group marriage). Functions of marriage; Marriage regulations (preferential, prescriptive and proscriptive); Marriage payments (bride wealth and dowry).

Core demand of the question

- Write a note on customary laws and environmental conservation
- Keep the note to a 10-mark length of about 150 words

Revision summary

Customary law governs land, water, and forest through taboo, fine, and office.

Sacred groves in Kodagu, Kerala, and Meghalaya are standard Indian examples.

Ostrom's commons design matches many of those local rules.

Chipko and **Niyamgiri** show custom in political defence of habitat.

Custom can fail under market pressure, so recognition must be empirical, as in the **Forest Rights Act**.

Introduction

Customary law is the local rule of land, water, forest, and sanction. It can conserve an environment when the rule and the habitat still fit each other.

Body**Custom as conservation**

- **Sacred groves** such as **kaavu** in Kerala, **devara kadu** in Kodagu, and **law kyntang** in Meghalaya close felling and hunting by ritual fine, which **Madhav Gadgil** and others have treated as living conservation.
- **Elinor Ostrom** showed that commons need nested rules, monitors, and sanctions; many customary systems already have those, without a state forest code.
- Chipko in the Garhwal Himalaya and Dongria Kondh defence of **Niyamgiri** show custom joining protest when the state or a company claims the hill.

Limits and law

- Custom can also exhaust a resource when population, market timber, or elite capture break the old restraint, so custom is not automatically green.
- The **Forest Rights Act, 2006**, and related PESA rules try to recognise community forest rights rather than treat all local use as theft.
- Anthropology's task is to record tenure, taboo, and sanction, then ask whether those rules still match ecology under new markets.

Flow diagram

Customary law -> Sacred grove pasture
Customary law -> Sanction and taboo
Sacred grove pasture -> Conservation
Market and state -> Customary law

Conclusion

Customary law can protect groves, pastures, and hills when rights and sanctions are real. Conservation policy works better when it recognises those rules instead of erasing them.

Facts & figures

Sacred groves

Ritual forests such as devara kadu and law kyntang where felling is restricted by customary sanction.

Elinor Ostrom

Showed that common-pool resources can be conserved by local rules, monitoring, and graduated sanctions.

Niyamgiri

Dongria Kondh sacred hill in Odisha, a contemporary case of customary landscape versus mining.

Forest Rights Act, 2006

Indian statute that can recognise community forest rights rather than treating customary use as encroachment.