

# ECOLOGICAL JURISPRUDENCE AND KINSHIP ETHICS: CUSTOMARY LAW, FAMILY SYSTEM, AND ENVIRONMENTAL BONDING AMONG THE NYISHI TRIBE OF ARUNACHAL PRADESH

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#### **Abstract**

This paper critically examines the interconnections between customary law, kinship systems, and ecological bonding among the Nyishi tribe of Arunachal Pradesh, India. It foregrounds how indigenous jurisprudence and family structures act as frameworks for environmental sustainability and cultural continuity. The Nyishi, a major tribal community of Arunachal Pradesh, embody a patrilineal and patrilocal kinship model wherein inheritance, marriage customs, and family obligations are governed by orally transmitted customary laws. These legal-ethical codes extend beyond interpersonal relations to include nonhuman entities, forests, rivers, and landscapes. Drawing on ethnographic studies, anthropological reports, and ecological literature, the study illustrates how Nyishi customary law incorporates ecological ethics through ritual practices, taboos, and ancestral belief systems. Practices such as widow inheritance, clan exogamy, and patrilineal succession are shown to intersect with ecological responsibilities, particularly in the regulation of land use, shifting cultivation, and forest management. The paper adopts an ecocritical lens to argue that the Nyishi worldview constitutes a form of ecological jurisprudence in which spirits, sacred groves, and taboos serve as normative agents limiting ecological exploitation. At the same time, it recognizes that Nyishi customary law is under stress from modern legal systems, religious transformation, and market economies, leading to tensions between traditional ecological knowledge and contemporary developmental pressures. The analysis concludes that the Nyishi family system and customary law, when understood through ecological jurisprudence, offer valuable insights for environmental conservation, indigenous rights, and sustainable development. By acknowledging both the strengths and challenges of these systems, this paper contributes to wider discourses on legal pluralism, ecocriticism, and indigenous ecological ethics.

**Keywords**: Nyishi tribe, customary law, ecological jurisprudence, family system, traditional ecological knowledge

#### Introduction

The Nyishi tribe, one of the largest ethnic communities of Arunachal Pradesh, inhabits districts such as Kurung Kumey, Papum Pare, East Kameng, and Lower Subansiri (Hina, 2012). Their settlement across a wide ecological zone ranging from river valleys to hilly



terrains has given rise to distinct cultural practices tied to geography and environment. The Nyishi are recognized not only for their demographic strength but also for the resilience of their socio-legal institutions, which remain largely rooted in customary traditions even in the twenty-first century. These institutions function as both legal and cultural frameworks, regulating kinship, marriage, inheritance, and land relations while also serving as mechanisms for ecological stewardship. The family and clan systems of the Nyishi, deeply embedded in patrilineal descent and patrilocal residence, provide a durable base through which customary law is transmitted across generations. As in other indigenous societies, law among the Nyishi is not codified in written form but sustained through oral traditions, adjudicatory practices, and ritual processes mediated by elders (Dutta & Duarah, 1990).

At the core of Nyishi society lies the belief that law and life are inseparable from ecology. Customary law, while ostensibly regulating social relationships, also incorporates prescriptions for the use of forests, rivers, and land. These prescriptions are not abstract; they are deeply entwined with the practicalities of subsistence strategies such as shifting cultivation, hunting, and gathering. Every family unit, under the authority of the male head, is entrusted with the responsibility of managing land and resources in accordance with both kinship obligations and ecological norms. Such norms, although not documented in state archives, have been carefully preserved in the collective memory of the community, transmitted during village councils, ritual observances, and family deliberations (Hina, 2012). In this sense, Nyishi customary law constitutes a living jurisprudence—one that operates simultaneously as a legal code, a moral guideline, and an ecological ethic.

The oral transmission of law is central to its vitality. Elders play the role of interpreters of precedents, citing examples from the past to resolve disputes in the present. Their authority rests not on written charters but on collective recognition of wisdom and experience. In disputes related to inheritance or land distribution, the elders recall ancestral practices and use them as guiding principles. This practice reflects what Dutta and Duarah (1990) describe as "customary adjudication," where the legal order is legitimized by tradition rather than by external codification. The reliance on oral precedents ensures flexibility, allowing customary law to adapt to ecological changes or new social challenges while retaining continuity with the past.

Marriage, inheritance, and kinship laws provide further evidence of how social institutions intersect with ecological considerations. Patrilineal descent ensures that land and property pass through the male line, keeping cultivation rights and forest management within the clan (Borang, 2005). The system of bride price, prevalent among the Nyishi, is not merely a financial transaction but a symbolic recognition of the labour and ecological knowledge that a woman contributes to her new household (Bagra, 2007). Exogamy across clans encourages wider social alliances, reducing intra-clan conflict over resources and promoting broader ecological cooperation. Even the institution of widow inheritance (Tacho, 2014) has an ecological logic, for it ensures that a widow is reintegrated into the lineage of her deceased husband, maintaining continuity of land tenure and preventing fragmentation of agricultural plots.

These kinship and marital regulations cannot be understood in isolation from the environment in which they operate. The Nyishi practice shifting cultivation, or jhum,



which requires collective regulation to prevent soil exhaustion and ecological degradation. Customary law prescribes periods of fallow and delineates clan or family rights to particular tracts of land (Ramya & Tarh, 2014). By embedding agricultural practices within customary frameworks, the Nyishi minimize overexploitation and ensure intergenerational sustainability. This regulation of agriculture is supported by spiritual beliefs: forests and rivers are seen as inhabited by uyu or spirits, whose displeasure can result in sickness or misfortune (Mibang & Chaudhuri, 2004). The ecological dimension of customary law thus functions at both the material and spiritual levels, shaping behaviour through practical rules and metaphysical sanctions.

The Nyishi worldview exemplifies what scholars have called ecological jurisprudence, wherein the environment is not a passive backdrop but an active participant in the legal order. Taboos, rituals, and myths function as normative agents that constrain human behaviour. For instance, the principle of Diir-Jangha Hanam, a moral admonition against exploiting nature beyond its regenerative capacity, encapsulates the ecological conscience of the tribe (Ramya & Tarh, 2014). Such principles are articulated during communal rituals, narrated in oral tales, and enforced by social sanction, creating a holistic framework that binds family obligations with ecological responsibilities. This stands in contrast to modern legal systems, which often separate social law from environmental regulation. In the Nyishi case, both are inseparable: the family is at once a legal unit and an ecological custodian.

The clan structure further reinforces this ecological jurisprudence. Each clan holds collective rights and obligations toward particular landscapes, ensuring that natural resources are shared and preserved for future generations. Decisions about forest use, river fishing, or hunting practices are made not by individuals alone but by councils representing family and clan interests (Dutta & Duarah, 1990). The authority of these councils derives from their role as custodians of both social harmony and ecological balance. By linking kinship with ecology, the Nyishi embed environmental responsibility within the very fabric of social life.

It is important to note that customary law is not static. While it preserves continuity, it also responds to ecological and social transformations. When forests decline or soil fertility diminishes, elders may reinterpret precedents to adjust fallow periods or restrict hunting. Similarly, as inter-clan marriages expand or external pressures from state law intervene, customary norms evolve in negotiation with new realities. Hina (2012) underscores this adaptive capacity, observing that Nyishi customary law survives precisely because of its flexibility. In this sense, the law operates as a dynamic dialogue between tradition and ecology, ensuring survival amidst change.

The family system plays a pivotal role in transmitting ecological values. From childhood, individuals learn ecological norms within the household, observing taboos on hunting certain species or participating in rituals that honour rivers and forests. These practices cultivate ecological literacy alongside kinship obligations. By embedding ecological knowledge within family life, the Nyishi ensure that environmental ethics are not taught as abstract rules but lived as daily practices. This intergenerational transmission, safeguarded by the patrilineal system, guarantees that ecological jurisprudence is sustained across centuries.



When viewed through an ecocritical lens, the Nyishi experience challenges anthropocentric assumptions of law and family. Their customary system demonstrates how kinship can be a site of ecological ethics, and how law can be a vehicle for sustaining biodiversity. Plumwood's (2002) critique of anthropocentrism resonates strongly here: the Nyishi extend moral agency to forests, rivers, and spirits, treating them as actors in their legal and cultural order. This orientation disrupts the human-centred models of law, offering instead a relational worldview where humans, non-humans, and the environment are bound in mutual obligations.

The Nyishi family system and customary law illustrate a profound integration of social, legal, and ecological dimensions. Patrilineal descent and clan structures ensure continuity of custodianship, oral precedents sustain flexibility, rituals and taboos enforce ecological limits, and spiritual beliefs sanctify the environment as a moral agent. Together, these elements constitute a jurisprudence that is both social and ecological, ensuring the survival of the community and the preservation of its environment. The resilience of this system underscores the importance of indigenous knowledge in contemporary debates on environmental ethics, legal pluralism, and sustainability.

# **Family System and Customary Law**

The family system of the Nyishi tribe is the primary institution through which social, cultural, and ecological norms are both articulated and enforced. At its foundation lies a patrilineal descent structure where lineage is traced through the male line, ensuring that property, ritual authority, and social identity are preserved within paternal kinship networks (Hina, 2012). Patrilineality among the Nyishi is not merely a matter of descent classification; it provides the essential framework for regulating inheritance, organizing marriage alliances, and sustaining land rights. The structure guarantees continuity, preventing fragmentation of ancestral property and reinforcing the idea that land and resources must remain tied to family custodianship rather than individual ownership. This system simultaneously preserves kin solidarity and establishes enduring ecological responsibility.

The Nyishi family is traditionally organized into extended households. Brothers and their families often reside together, forming joint family units under the authority of the eldest male. This collective structure allows for pooling of labour in shifting cultivation and hunting activities, and it ensures that ecological responsibilities are distributed across members of the lineage (Borang, 2005). The senior male assumes not only administrative authority but also custodial duties over ritual practices, mediating between the family and the spirit world. His leadership reinforces the interconnection between law, kinship, and ecology, since his role involves maintaining both social harmony and the observance of environmental taboos. The embeddedness of authority within kinship demonstrates that customary law is lived out in the daily routines of family life rather than imposed from external institutions.

Marriage within the Nyishi community is clan-exogamous, meaning that individuals are forbidden from marrying within their own clan. Exogamy has both social and ecological implications. On the social level, it ensures broader alliances between clans, strengthening networks of reciprocity and reducing potential conflicts over inheritance and land distribution (Bagra, 2007). On the ecological level, it disperses knowledge and responsibilities across kinship networks, broadening access to resources across varied



ecological zones. The institution of bride price further highlights the dual social and ecological logic of marriage. Bride price is not simply an economic transaction; it acknowledges the productive and reproductive roles of women. Women contribute substantially to cultivation, food gathering, and household management, and the transfer of wealth at marriage symbolizes recognition of her ecological labour (Hina, 2012).

Inheritance is another area where customary law and ecological concerns converge. Property, especially land, is inherited by sons, with the eldest often enjoying greater authority (Dutta & Duarah, 1990). While daughters generally do not inherit ancestral land, some ethnographic evidence suggests that under special circumstances, daughters may receive movable property or limited usufruct rights if there are no male heirs (Borang, 2005). This practice reflects the patriarchal orientation of Nyishi society but also reveals flexibility in the law when ecological or social continuity demands it. By concentrating land rights in male heirs, the Nyishi system avoids excessive subdivision of agricultural plots, preserving land in a manner suited for sustainable cultivation. In a fragile hill ecosystem, such consolidation of property ensures that shifting cultivation can be managed in a coordinated fashion.

The practice of widow inheritance, often described as levirate marriage, further illuminates the interplay of law, kinship, and ecology. According to customary norms, the widow of a deceased man may be married by his younger brother, provided the union does not violate rules of prohibited kinship (Tacho, 2014). This practice, while criticized from the standpoint of gender equality, serves multiple social and ecological functions within the Nyishi context. It ensures that widows are reintegrated into the family system, preventing marginalization and providing security. At the same time, it guarantees continuity of property rights within the lineage, thereby avoiding disputes or fragmentation of resources. By maintaining land and resource custodianship within the patriline, levirate marriage reinforces the ecological responsibilities of the family system. Dispute resolution mechanisms also illustrate how the family system is embedded within customary law. Conflicts over land, marriage, or inheritance are typically addressed at the level of the family and clan before being taken to the village council. Elders rely on oral precedents, often invoking cases from the past to justify decisions (Dutta & Duarah, 1990). These adjudications are not abstractly legalistic but draw upon principles of kinship solidarity and ecological responsibility. For example, in disputes over shifting cultivation plots, elders often consider not only genealogical rights but also the need to allow land adequate fallow periods. The flexibility of such decision-making reflects the ecological sensitivity of the Nyishi legal order.

The family system also provides the cultural scaffolding for the transmission of values and norms across generations. From an early age, children observe the practices of their parents and elders, learning the customs that regulate kinship and ecological behaviour. Boys are instructed in lineage responsibilities, including land management and participation in rituals, while girls are socialized into roles of household and agricultural work (Hina, 2012). In this manner, ecological knowledge—such as awareness of forest species, hunting taboos, and cultivation practices—is embedded within family life, ensuring continuity of traditional ecological knowledge. The family thus acts as a cultural classroom where law and ecology are jointly taught.



Spiritual dimensions further reinforce the authority of family and customary law. The Nyishi believe in the presence of uyu, spirits inhabiting natural sites such as forests, rivers, and hills (Mibang & Chaudhuri, 2004). Families are responsible for propitiating these spirits through ritual offerings, especially before agricultural cycles or hunting expeditions. Neglecting such rituals is believed to invite ecological imbalance or misfortune. The authority of the family head in organizing these rituals emphasizes his role not only as social leader but also as custodian of ecological harmony. This spiritual ecology ensures that families recognize themselves as part of a broader moral universe where human action is continually judged by non-human agents.

In addition to its ecological and spiritual functions, the family system also operates as a unit of economic production. The collective labour of the joint family allows for cooperative participation in agriculture, construction of houses, and communal hunting. By pooling resources, families mitigate ecological risks such as crop failure or shortage of game. Customary law reinforces this cooperative ethic, discouraging individualism and promoting collective responsibility. Such arrangements are vital in fragile ecosystems where survival depends on the ability to adapt flexibly to environmental fluctuations.

What is particularly striking in the Nyishi context is the fusion of legal, ecological, and familial obligations. Unlike in modern legal systems, where law, economy, and ecology are treated as separate domains, the Nyishi integrate these dimensions seamlessly. The patrilineal family system sustains property rights, organizes social reproduction, and enforces ecological stewardship. Customary law articulates these responsibilities not through written codes but through oral traditions, taboos, and rituals. The family thus becomes both a legal entity and an ecological institution.

From an ecocritical perspective, this integration challenges the anthropocentric model of family as merely a social or biological unit. Instead, the Nyishi family embodies a moral ecology, a living institution that connects kinship to the environment. It is through the family that customary law regulates ecological limits, ensures continuity of land custodianship, and sanctifies nature as part of the legal order. The Nyishi case illustrates how indigenous family systems can serve as vehicles for ecological jurisprudence, preserving biodiversity and cultural identity simultaneously.

In conclusion, the Nyishi family system is far more than a social structure. It is the institutional foundation of customary law, the medium of ecological knowledge, and the guardian of sustainable resource use. Patrilineal descent ensures continuity, exogamous marriage fosters alliances, inheritance consolidates land, and widow inheritance preserves lineage custodianship. Each of these practices, while socially significant, also has ecological consequences, demonstrating the holistic nature of indigenous jurisprudence. The endurance of this system underscores the importance of respecting indigenous family law within broader frameworks of legal pluralism and environmental governance.

### **Customary Law as Ecological Regulation**

Customary law among the Nyishi tribe is not confined to the regulation of kinship or property alone; it also encompasses a comprehensive set of rules, taboos, and practices that guide human interaction with the environment. Unlike statutory laws imposed by the state, which compartmentalize legal, economic, and ecological domains, Nyishi customary law integrates them into a unified framework of ecological jurisprudence. This framework is both normative and practical, addressing the sustainable use of resources,



maintaining ecological balance, and safeguarding community survival in a fragile Himalayan ecosystem (Dutta & Duarah, 1990).

One of the clearest areas where customary law functions as ecological regulation is in agriculture, particularly shifting cultivation or jhum. The Nyishi rely heavily on jhum for subsistence, and the practice is embedded within a body of customary norms that govern land allocation, cycles of cultivation, and periods of fallow. Land is cleared by families or clans, but it is not regarded as private property in the modern sense. Rather, it is seen as communal or lineage-based property, with usage rights regulated through customary law (Ramya & Tarh, 2014). These laws specify which family may use a given tract, how long it can be cultivated, and when it must be left fallow to regenerate fertility. Such regulations prevent overuse of land and ensure intergenerational sustainability. By encoding ecological rhythms into social law, the Nyishi minimize risks of soil erosion and ecological collapse.

Hunting and fishing are also governed by a complex system of restrictions. Customary law imposes seasonal taboos on hunting during breeding periods, prohibitions against killing pregnant animals, and restrictions on hunting in sacred groves (Tynsong, Dkhar, & Tiwari, 2020). These prohibitions are often explained in terms of respect for spirits but have practical ecological consequences: they safeguard breeding populations and maintain biodiversity. In addition, method-specific prohibitions discourage destructive practices such as poisoning rivers or burning forests to trap animals (Pappi, 2024). The reliance on these prohibitions reveals the Nyishi's awareness of ecological interdependence and their understanding that unsustainable methods threaten the very survival of the community.

Spiritual beliefs reinforce these ecological regulations. The Nyishi perceive their environment as inhabited by uyu, or spirits, who occupy forests, rivers, mountains, and even specific species (Mibang & Chaudhuri, 2004). Violations of customary ecological norms are interpreted not merely as breaches of social law but as transgressions against spiritual beings. Misfortune, illness, or crop failure are often attributed to the anger of spirits caused by ecological negligence. Ritual offerings before clearing land or beginning hunting expeditions serve both as acts of propitiation and as reminders of the moral obligations humans owe to non-human agents. This spiritual ecology embeds environmental ethics within the daily practices of the community, ensuring that ecological stewardship is not optional but obligatory.

The principle of Diir-Jangha Hanam exemplifies how customary law translates ecological awareness into normative codes. This principle, often cited by elders, symbolizes a collective admonition against exceeding ecological limits (Ramya & Tarh, 2014). It is not a formal statute but a moral guideline that discourages overexploitation. For instance, excessive felling of trees, overhunting of particular animals, or reckless clearing of land are condemned under this principle. By articulating ecological restraint as a moral and legal duty, Diir-Jangha Hanam highlights how Nyishi jurisprudence integrates conservation into its very fabric.

Water resources are similarly regulated through customary norms. Fishing in rivers is often restricted during spawning seasons, and some stretches of rivers are designated as sacred or taboo zones where exploitation is strictly forbidden (Borang, 2005). Families perform rituals before diverting water for irrigation, acknowledging the river as a life-



giving entity rather than a mere resource. Such practices exemplify the Nyishi's recognition of ecological reciprocity: humans depend on rivers for survival, and therefore they must also honour and protect them.

Forests, central to Nyishi life, are managed through customary restrictions on tree felling and resource extraction. Certain species are considered sacred and cannot be cut without ritual permission, while others are reserved for specific ritual or communal purposes (Hina, 2012). Customary law further distinguishes between household use, such as firewood collection, and commercial exploitation, which is generally frowned upon. This distinction reflects an ecological ethic that prioritizes subsistence needs over profit, aligning resource use with community survival rather than market logic.

The ecological dimension of customary law also extends to health and medicine. The Nyishi possess a rich corpus of ethnobotanical knowledge, with plants identified for their medicinal, nutritional, and ritual value (Mibang & Chaudhuri, 2004). Access to these resources is regulated by customary norms, which restrict indiscriminate harvesting. Elders and traditional healers act as custodians of such knowledge, ensuring that collection is done sustainably and with respect for spiritual taboos. This governance system preserves both biodiversity and cultural heritage.

Dispute resolution mechanisms further illustrate how customary law acts as ecological regulation. When conflicts arise over land, forest resources, or water rights, they are settled by councils of elders who deliberate not only on kinship rights but also on ecological considerations (Dutta & Duarah, 1990). For example, in cases of disputed jhum plots, councils weigh both ancestral claims and the ecological necessity of allowing land to recover. Such decisions highlight the fusion of social justice with ecological prudence. The authority of elders in these matters reinforces the perception that law is a tool for maintaining harmony not only among humans but also between humans and nature.

Customary law also regulates rituals associated with agricultural cycles. Before sowing or harvesting, families are required to perform rituals that honour deities and spirits, acknowledging the dependence of human labour on ecological processes (Hina, 2012). These rituals function as cultural reinforcements of ecological awareness, reminding the community that agricultural success depends on respectful engagement with the environment. In this way, customary law transforms ecological processes into cultural events, binding nature into the rhythm of social life.

From an ecocritical perspective, Nyishi customary law demonstrates how legal and ecological systems can be mutually constitutive. Whereas modern legal frameworks often treat the environment as an object to be regulated, Nyishi jurisprudence recognizes it as a subject with moral agency (Plumwood, 2002). By embedding ecological constraints within kinship and ritual, the Nyishi ensure that environmental regulation is not external to social life but internalized within family and community practices. This orientation reflects what scholars call "moral ecology," where the health of the environment is inseparable from the health of the social order.

The effectiveness of these ecological regulations, however, must be understood within their historical and cultural context. For centuries, they have functioned as adaptive responses to ecological uncertainty, enabling the Nyishi to survive in a demanding environment. By regulating resource use through customary norms, the tribe has



maintained ecological balance and cultural continuity. Nevertheless, the resilience of this system is currently challenged by external pressures such as deforestation, development projects, and integration into market economies. Yet even under these pressures, the moral and spiritual dimensions of customary law continue to provide a framework for ecological restraint.

Nyishi customary law functions as an indigenous system of ecological regulation. Through rules governing agriculture, hunting, fishing, and forest use; through spiritual beliefs in spirits and sacred groves; and through principles such as Diir-Jangha Hanam, the Nyishi articulate an ecological jurisprudence that is both moral and practical. Families and clans act as custodians of resources, elders adjudicate disputes with ecological considerations in mind, and rituals sanctify ecological relationships. Far from being a residual tradition, Nyishi customary law represents a sophisticated ecological ethic that integrates sustainability into the heart of social life.

## **Taboos and Environmental Knowledge**

Among the Nyishi tribe of Arunachal Pradesh, taboos are not merely prohibitions rooted in superstition; they form a systematic body of ecological knowledge encoded in cultural norms. These taboos represent the community's lived philosophy of environmental regulation, ensuring that everyday practices in agriculture, hunting, fishing, and foraging conform to ecological balance and spiritual harmony. They operate as unwritten laws, legitimized by social sanction and reinforced through oral traditions, thereby functioning as effective instruments of environmental governance (Pappi, 2024). Far from being irrational, these taboos reveal a sophisticated understanding of ecological interdependence, conservation ethics, and the moral agency of nature.

The Nyishi classify taboos in ways that correspond closely with what Colding and Folke (2001) termed "resource and habitat taboos" in anthropological theory. Species-specific taboos restrict the killing or consumption of particular animals considered sacred or ecologically significant. For example, hornbills, whose feathers play a symbolic role in Nyishi culture, are often associated with ritual significance and thus protected from indiscriminate hunting (Ramya & Tarh, 2014). Similarly, some freshwater fish species are avoided during spawning periods, ensuring the continuity of fish populations. These prohibitions, though embedded in spiritual language, serve as practical conservation strategies that sustain biodiversity.

Habitat-specific taboos forbid human interference in certain areas deemed sacred. Sacred groves, streams, and forest patches are believed to be inhabited by powerful uyu spirits (Mibang & Chaudhuri, 2004). Entry into such areas without ritual permission is believed to invite misfortune, illness, or even death. These sacred landscapes, protected by cultural sanctions, function as de facto conservation zones where biodiversity thrives. Ethnobotanical studies in Arunachal Pradesh have documented higher species richness in areas protected by such taboos, demonstrating the ecological effectiveness of cultural prohibitions (Hina, 2012).

Method-specific taboos address the techniques used in resource extraction. For instance, poisoning rivers with herbs or chemicals to catch fish is forbidden, as it is seen as an affront to the spirits of water and a threat to collective well-being (Tynsong, Dkhar, & Tiwari, 2020). Similarly, setting fire to large tracts of forest to drive animals into traps is



condemned because it causes indiscriminate destruction of habitats. These prohibitions reveal an ethical awareness that methods of extraction are as important as the act itself, foreshadowing modern principles of sustainable harvest.

The symbolic dimension of taboos is equally significant. By investing prohibitions with spiritual meaning, the Nyishi render ecological practices into moral imperatives. Violating a taboo is not simply a breach of social etiquette but a transgression against a cosmic order. The belief that spirits mete out punishment—whether through sickness, crop failure, or misfortune—functions as a deterrent more powerful than external policing. This internalization of ecological ethics ensures compliance without the need for formal enforcement mechanisms (Pappi, 2024). In this way, taboos are deeply entwined with customary law, operating as its spiritual and moral counterpart.

Transmission of these taboos occurs through oral traditions, myths, and proverbs. Elders recount stories of individuals who suffered calamities after disrespecting sacred sites or hunting forbidden animals. Such narratives serve as cautionary tales, embedding ecological wisdom within collective memory. Proverbs and idioms condense ecological observations into memorable forms, making them accessible to younger generations. For example, sayings about the hornbill emphasize both its symbolic beauty and its role as a seed disperser, underscoring ecological interconnectedness. This mode of cultural transmission guarantees that ecological knowledge is internalized from childhood, shaping behaviour long before individuals directly engage with resource use.

Taboos also serve important social functions, linking ecological practices with kinship obligations. Families are collectively responsible for observing restrictions, and violations bring shame not only upon individuals but upon entire lineages (Borang, 2005). This collective accountability strengthens ecological restraint, as social pressure complements spiritual fear. In communal societies such as the Nyishi, where reputation and solidarity are vital, taboos become binding obligations that extend beyond personal conscience.

The ecological outcomes of these taboos are tangible. Sacred groves, protected rivers, and restricted species act as biodiversity reservoirs, safeguarding habitats against overuse. Conservation biologists have noted that areas governed by indigenous taboos often contain higher ecological resilience than those subjected to external management regimes (Tynsong et al., 2020). For the Nyishi, this resilience translates into long-term food security and cultural survival. Thus, taboos are not marginal customs but core elements of ecological governance.

The Nyishi worldview also reveals a relational ontology wherein humans, animals, and spirits are interconnected. By prohibiting certain acts, taboos articulate boundaries between acceptable and unacceptable relationships with nature. These boundaries remind individuals that nature is not inert matter but an animate partner in social life (Plumwood, 2002). For instance, treating a river as a living being with rights reinforces the sense that humans are merely one part of a larger ecological community. Taboos thus encode a philosophy of reciprocity, ensuring that extraction is balanced by reverence and restraint. Comparatively, anthropologists have found similar systems of taboos among other indigenous groups across the globe, suggesting a universal logic underlying such practices. However, the specificity of Nyishi taboos—shaped by local ecology, animist cosmology, and kinship law—makes them uniquely suited to their Himalayan



environment. While global conservation policies often rely on legal enforcement and external monitoring, the Nyishi system achieves compliance through cultural embedding, showing how indigenous jurisprudence can be more sustainable than top-down regulations (Hina, 2012).

It is also significant that taboos evolve in response to ecological and social changes. Elders may reinterpret prohibitions to address new threats, such as overhunting driven by market demand or deforestation caused by commercial logging. This adaptability ensures that taboos remain relevant, adjusting to the pressures of modernity while retaining their moral authority (Ramya & Tarh, 2014). In this sense, taboos are not static relics but dynamic institutions capable of negotiating contemporary challenges.

Critically, however, the erosion of belief systems poses risks to the efficacy of taboos. The spread of modern education, formal legal systems, and religious conversion has weakened the spiritual foundations of taboo observance (Elwin, 1959). As faith in spirits diminishes, taboos lose their deterrent power, and ecological practices may shift toward unsustainable exploitation. Scholars such as Mibang and Chaudhuri (2004) caution that the weakening of oral traditions could unravel centuries of accumulated ecological knowledge. This challenge underscores the importance of documentation and revitalization of taboos as part of cultural preservation and ecological sustainability.

From an ecocritical perspective, taboos function as texts through which environmental ethics are narrated, performed, and internalized. They dramatize the tension between human needs and ecological limits, encoding it in rituals, prohibitions, and myths. As Plumwood (2002) argued, non-anthropocentric ethics are essential for ecological survival. The Nyishi taboos exemplify this ethic, granting agency to rivers, forests, and species as moral participants in human law. They transform ecological knowledge into lived practice, bridging the gap between cultural meaning and environmental function.

In conclusion, taboos among the Nyishi tribe embody a sophisticated synthesis of ecological knowledge, spiritual cosmology, and customary law. By restricting certain acts, methods, and spaces, they conserve biodiversity, regulate subsistence practices, and sustain cultural identity. Their effectiveness lies in their integration into family, kinship, and oral traditions, making them inseparable from everyday life. While modern pressures threaten their vitality, the underlying logic of taboos—respect for ecological limits and recognition of non-human agency—remains profoundly relevant. Far from being archaic prohibitions, Nyishi taboos represent a living jurisprudence of ecological responsibility that merits recognition within contemporary conservation discourse.

#### **Ecocritical Perspectives**

The Nyishi customary system, when viewed through the lens of ecocriticism, reveals itself as a profoundly ecological jurisprudence that challenges the anthropocentric orientation of modern law and family systems. Ecocriticism, as articulated by theorists such as Plumwood (2002), emphasizes the need to recognize non-human agency, resist the domination of nature, and situate culture as part of the larger ecological whole. In the Nyishi worldview, this integration is neither theoretical nor abstract; it is enacted daily through customary law, kinship obligations, and ritual practices. The tribe's ecological thought demonstrates how culture, law, and environment can coexist in a relational ontology that blurs boundaries between humans and nature.



Central to an ecocritical reading of Nyishi customary law is its rejection of the separation between the human and the non-human. While state law treats rivers, forests, and species as resources or property, Nyishi cosmology invests them with spiritual vitality. Trees, mountains, and streams are inhabited by uyu spirits, rendering them subjects of reverence rather than objects of exploitation (Mibang & Chaudhuri, 2004). This worldview aligns with Plumwood's critique of the "hyperseparation" between humans and nature, a dichotomy that has fuelled ecological degradation. By contrast, Nyishi law insists on interdependence, embedding ecological actors into the moral and legal order.

The kinship system further reinforces this ecological ethic. Patrilineal descent and patrilocal residence ensure continuity of land tenure, while collective management of resources situates families as custodians rather than exploiters of the environment (Hina, 2012). From an ecocritical standpoint, this arrangement represents an alternative to capitalist notions of private property that commodify land. Land in Nyishi jurisprudence is not an alienable asset but a trust passed down through generations, carrying with it obligations of ecological stewardship. By enshrining these obligations within kinship, the Nyishi challenge anthropocentric property regimes that prioritize individual gain over ecological sustainability.

Ritual practices also carry significant ecocritical meaning. Agricultural cycles, hunting expeditions, and fishing ventures are preceded by offerings to spirits, acknowledging the agency of non-human forces in determining outcomes (Ramya & Tarh, 2014). These rituals, often dismissed by outsiders as superstition, can be interpreted ecocritically as performative acts of ecological humility. They remind human actors that their survival depends on cooperation with, not domination over, the natural world. In this sense, ritual becomes a cultural text that embodies ecocentric ethics, rendering environmental reciprocity a sacred obligation.

Taboos, discussed earlier as ecological restrictions, can also be understood through ecocritical theory. They operate as cultural codes that resist anthropocentric exploitation, limiting human intervention in sensitive ecological zones. Prohibitions against killing pregnant animals or entering sacred groves articulate an ethic of care for non-human life (Pappi, 2024). From an ecocritical viewpoint, these taboos challenge the modern assumption that humans possess an unlimited right to exploit nature. They embody what Plumwood (2002) calls "recognition of ecological limits," emphasizing the need to curb human dominance and accept interdependence with other life forms.

The oral transmission of ecological knowledge within Nyishi society further enriches this ecocritical reading. Myths, legends, and proverbs often narrate encounters between humans and spirits of the natural world, encoding ecological lessons in memorable forms. Elders recount stories of misfortune befalling those who violated taboos, effectively dramatizing the consequences of ecological irresponsibility (Borang, 2005). These oral narratives function as cultural ecologies—texts through which ecological wisdom is communicated and internalized. Ecocriticism recognizes such stories as crucial to constructing alternative imaginaries where nature is not subordinated but honoured as a co-participant in social life.

Dispute resolution practices also reveal ecocritical sensibilities. Councils of elders adjudicate land conflicts not only by reference to genealogical claims but also by considering ecological requirements such as the need for fallow periods in shifting



cultivation (Dutta & Duarah, 1990). In doing so, they extend justice beyond human disputants to include the land itself as a stakeholder. This conception of justice resonates with ecocritical calls for extending moral consideration to ecosystems, a principle that modern environmental law struggles to integrate. By embedding ecological concerns within customary adjudication, the Nyishi exemplify what might be termed a "green jurisprudence" long before the term was coined in Western discourse.

A further dimension of the Nyishi worldview that lends itself to ecocritical analysis is its emphasis on reciprocity. Whether through offerings to spirits, respect for sacred groves, or observance of hunting taboos, Nyishi customary law encodes a reciprocal relationship between humans and nature (Hina, 2012). Reciprocity entails both rights and responsibilities: humans may take from the environment, but they must also give respect, restraint, and ritual acknowledgment. This ethic of reciprocity disrupts the exploitative logic of anthropocentrism, replacing it with a dialogic relationship between human and non-human agents.

Ecocriticism also highlights the political significance of indigenous ecological ethics in resisting environmental degradation. For the Nyishi, customary law has historically provided a counter-narrative to external forces that sought to commodify or exploit natural resources. While state policies often treat forests and rivers as state-owned assets, Nyishi jurisprudence situates them within familial and spiritual custodianship. This divergence reflects deeper tensions between anthropocentric and ecocentric worldviews. The resilience of Nyishi customary practices thus represents a form of ecological resistance, a refusal to relinquish the environment to purely economic or administrative control (Plumwood, 2002).

However, an ecocritical approach must also remain self-reflexive, acknowledging tensions within the Nyishi system itself. While customary law demonstrates ecological wisdom, it also reflects patriarchal biases, such as the exclusion of women from inheritance rights (Borang, 2005). Ecocriticism reminds us that ecological justice cannot be separated from social justice. True sustainability must incorporate gender equality alongside environmental responsibility. Hence, while Nyishi jurisprudence offers a model of ecological restraint, it must also be reimagined to address internal inequities without dismantling its ecological logic.

The adaptability of Nyishi ecological jurisprudence further underscores its ecocritical significance. Elders reinterpret precedents and taboos in response to ecological or social changes, demonstrating a dynamic capacity for resilience (Ramya & Tarh, 2014). This adaptive quality aligns with ecocritical calls for flexible, context-sensitive approaches to environmental governance. Rather than rigid laws, what is needed are living traditions that can negotiate change without abandoning ecological ethics. The Nyishi system illustrates how law can be both rooted in tradition and responsive to contemporary challenges.

Importantly, ecocriticism foregrounds the role of narrative, and the Nyishi case provides abundant evidence of narrative ecology. The stories, songs, and ritual performances of the tribe serve as cultural texts that encode ecological lessons. These narratives operate as what Plumwood (2002) might call "counter-stories," challenging dominant anthropocentric discourses by presenting alternative visions of human—nature relations. They articulate a world where forests, rivers, and animals are kin rather than



commodities, partners rather than property. In this sense, Nyishi ecological jurisprudence is not only a legal system but also a cultural narrative that resists ecological alienation. In conclusion, applying an ecocritical perspective to the Nyishi customary system illuminates its role as a living form of ecological jurisprudence. By rejecting anthropocentrism, recognizing non-human agency, enforcing ecological limits through taboos, and embedding reciprocity within law and ritual, the Nyishi articulate an ecocentric worldview of enduring relevance. While internal inequities and external pressures challenge this system, its resilience and adaptability offer important lessons for global debates on environmental ethics and sustainability. The Nyishi demonstrate that law need not be divorced from ecology, and that family systems can serve as custodians of environmental balance. Ecocritically understood, their worldview is both a cultural heritage and a vital resource for rethinking human relationships with the earth.

Challenges and Transformations

While Nyishi customary law and ecological jurisprudence have demonstrated remarkable resilience over centuries, they are not immune to the pressures of modernization, religious change, state legislation, and market penetration. These forces have generated tensions that threaten to erode the delicate balance between kinship, ecology, and customary law. A close analysis of these challenges reveals both the fragility and the adaptive potential of Nyishi socio-legal systems.

One of the most pressing challenges comes from the growing encroachment of statutory law and state-administered governance. Indian constitutional frameworks recognize customary law to some extent, but the integration remains partial and often contradictory (Dutta & Duarah, 1990). Land in Arunachal Pradesh is increasingly subject to state regulations, including forest reserves, conservation policies, and developmental projects. These measures, while aimed at resource management, often disregard indigenous tenure systems. For example, where Nyishi customary law defines land as a communal lineage resource managed through family custodianship, statutory law treats it as state property. This disjunction not only undermines indigenous authority but also destabilizes the ecological prudence encoded in customary practices. Conflicts between village elders and government officials illustrate the ongoing negotiation between legal pluralism and state centralization.

Religious transformation poses another significant challenge. The traditional Nyishi worldview is deeply animist, attributing agency to spirits inhabiting forests, rivers, and mountains (Mibang & Chaudhuri, 2004). However, the spread of Christianity in parts of Arunachal Pradesh has altered this cosmology, diminishing belief in uyu spirits and reducing the perceived moral force of taboos. Conversion often encourages a rejection of indigenous rituals as "pagan," weakening the cultural mechanisms that once regulated ecological practices. Without the spiritual deterrent of angry spirits or sacred groves, prohibitions against hunting or tree felling lose their effectiveness. Elwin (1959) noted this phenomenon as early as the mid-twentieth century, when missionary influence began to transform the cultural landscape of North East India. The long-term consequence is a decline in the internalized ecological ethics that customary law once guaranteed.

The penetration of market forces introduces yet another layer of strain. Whereas Nyishi customary law historically discouraged commercial exploitation of resources, prioritizing subsistence over profit (Hina, 2012), contemporary economic pressures have reoriented



ecological practices. Logging for timber sales, cash cropping, and trade in wildlife products are increasingly common, often undermining sustainable use patterns. The commodification of land also challenges patrilineal custodianship: land that was once considered communal lineage property is now bought and sold as a commodity. This transition from use-value to exchange-value destabilizes ecological stewardship and promotes short-term gain over long-term sustainability. The attraction of market income, especially for younger generations, further erodes respect for customary law and the authority of elders.

Modern education and exposure to external value systems contribute to cultural transformation as well. Formal schooling emphasizes statutory law and national frameworks, often neglecting indigenous jurisprudence. Younger Nyishi, educated in towns and cities, may perceive customary practices as outdated or incompatible with modern aspirations (Ramya & Tarh, 2014). As a result, intergenerational transmission of ecological knowledge is weakened. Oral traditions, myths, and proverbs that once reinforced taboos and ecological ethics risk being forgotten. The decline of oral authority undermines the cohesion of the family system, eroding its role as the primary site of ecological and legal education.

Gender justice debates further complicate this picture. Nyishi customary law, like many patriarchal systems, privileges male heirs in inheritance and excludes women from property rights (Borang, 2005). While this system historically functioned to consolidate land and ensure ecological stewardship, it also perpetuates gender inequities. As awareness of women's rights grows, fueled by legal reforms and education, customary norms are increasingly contested. Women seek greater recognition in inheritance, land rights, and decision-making. These claims, though legitimate, challenge the patriarchal basis of the family system. The difficulty lies in reconciling gender justice with ecological jurisprudence: reforms must avoid dismantling the custodianship logic of the patrilineal system while ensuring equity for women. This negotiation represents one of the most sensitive transformations facing Nyishi society today.

The expansion of infrastructure and development projects in Arunachal Pradesh adds to the ecological and cultural stress. Roads, dams, and urbanization disrupt traditional landuse patterns, forcing displacement and altering ecological rhythms. Such projects often bypass customary institutions, further marginalizing the authority of elders and clan councils. Sacred landscapes are sometimes destroyed in the name of progress, eroding cultural taboos and weakening ecological ethics (Pappi, 2024). These disruptions not only degrade ecosystems but also fracture the cultural narratives that sustain Nyishi jurisprudence.

Another dimension of transformation comes from demographic change and migration. Increased movement of people, both within Arunachal Pradesh and from outside the state, introduces new cultural practices that may not respect local customs. Migrants who do not share Nyishi cosmology or taboos are less likely to observe ecological restrictions, creating tension between indigenous norms and external practices. Such demographic mixing challenges the cohesion of customary law, which depends on collective belief and shared values for enforcement.

Despite these challenges, Nyishi customary law exhibits resilience and adaptability. Elders continue to reinterpret precedents in light of new circumstances, adjusting taboos



and practices to address contemporary issues (Ramya & Tarh, 2014). For instance, where wildlife populations decline due to external pressures, customary councils may impose stricter restrictions on hunting. Similarly, families adapt rituals to incorporate new symbols while retaining their ecological intent. This flexibility demonstrates the dynamic nature of customary law: it is not a static relic but a living system capable of negotiating transformation.

Ecocritical analysis highlights both the dangers and opportunities inherent in these changes. On one hand, the weakening of animist cosmology and the commodification of land risk dismantling centuries of ecological jurisprudence. On the other hand, the very adaptability of Nyishi customary law suggests that it can integrate elements of modernity while retaining its ecological ethos. Plumwood's (2002) insistence on non-anthropocentric ethics resonates here: the challenge is to preserve the recognition of non-human agency even as cultural forms evolve. By reinterpreting taboos in ecological rather than purely spiritual terms, and by embedding sustainability into modern education, Nyishi society may sustain its ecological heritage while adapting to contemporary realities.

The tension between state law and customary law also presents opportunities for constructive pluralism. Rather than undermining indigenous institutions, state frameworks could recognize and support customary jurisprudence as part of environmental governance. Collaborative conservation projects, for example, could integrate Nyishi taboos and family custodianship into formal policies, thereby strengthening both cultural survival and ecological protection (Tynsong, Dkhar, & Tiwari, 2020). Such recognition would not only legitimize customary law but also enrich state law with indigenous ecological ethics.

Overall, the challenges facing Nyishi customary law are multifaceted, involving religious conversion, statutory intrusion, market pressures, education, gender justice, development, and migration. These forces destabilize the delicate balance between kinship, ecology, and law that has historically sustained Nyishi society. Yet the capacity for reinterpretation and adaptation offers hope that this system may endure in new forms. The future of Nyishi ecological jurisprudence depends on creative negotiation between tradition and modernity, ensuring that ecological ethics are not lost but transformed to meet contemporary needs.

#### Conclusion

The study of Nyishi customary law and family systems through the lens of ecology and ecocriticism reveals a profound interconnection between social institutions, cultural beliefs, and environmental stewardship. What emerges from the analysis is a form of jurisprudence that integrates ecological ethics into every dimension of life — from family inheritance patterns to taboos regulating resource use. This section discusses the wider implications of these findings and concludes by situating the Nyishi experience within broader debates on sustainability, cultural preservation, and legal pluralism.

A striking feature of Nyishi customary law is its holistic approach to life. Unlike modern legal systems that compartmentalize law, environment, and kinship, the Nyishi worldview embeds them in one continuum. Property is not seen merely as an asset but as a lineage responsibility, linked to the survival of both family and ecosystem (Hina, 2012). Marriage is not just a social arrangement but a means of redistributing ecological



responsibilities through bride price and exogamy (Bagra, 2007). Inheritance rules, though patriarchal, are designed to maintain continuity of custodianship over land and prevent fragmentation that could compromise shifting cultivation cycles (Borang, 2005). This integration demonstrates that law in indigenous contexts often functions not as an abstract code but as a living ecology of obligations.

The ecological dimension of Nyishi customary law becomes most visible in the practices of jhum cultivation, hunting, and fishing. Here, customary norms regulate not only access but also methods of use, fallow cycles, and spiritual propitiation. The fact that clearing land or embarking on a hunt requires ritual acknowledgment of spirits illustrates the recognition of non-human agency (Mibang & Chaudhuri, 2004). From an ecocritical standpoint, these rituals dramatize the ethic of humility: humans are reminded that they are not masters but participants in a broader ecological system (Plumwood, 2002). Such practices contrast sharply with modern regimes of exploitation that prioritize profit or yield over sustainability.

Taboos deepen this ecological jurisprudence by transforming ecological restrictions into moral imperatives. Prohibitions on entering sacred groves, killing pregnant animals, or using destructive hunting methods operate as unwritten but binding codes (Pappi, 2024). Their effectiveness lies in their dual grounding: they are backed by both spiritual fear and social sanction. Elders narrate oral tales of calamities befalling those who broke taboos, embedding ecological lessons in cultural memory. Ecologically, these restrictions preserve biodiversity hotspots, protect breeding populations, and prevent destructive methods. Culturally, they reinforce kinship solidarity and remind families of their role as ecological custodians. Ecocritically, they embody what Tynsong, Dkhar, and Tiwari (2020) describe as traditional ecological knowledge — knowledge encoded not in books but in prohibitions, rituals, and narratives.

Yet, as the earlier sections have shown, Nyishi ecological jurisprudence is under strain. State law often overrides customary institutions by imposing statutory frameworks that do not align with indigenous cosmologies (Dutta & Duarah, 1990). Market penetration has shifted subsistence patterns toward commodification, eroding the ethic of restraint (Hina, 2012). Religious conversion diminishes the moral force of animist taboos, while formal education distances youth from oral traditions. Gender justice demands further complicate matters, as patriarchal inheritance systems are increasingly questioned (Borang, 2005). Each of these transformations destabilizes the fabric of Nyishi customary law, raising questions about its future relevance.

This tension is at the heart of the discussion: can Nyishi ecological jurisprudence survive in a modern world dominated by statutory law, markets, and global religions? The answer may lie in the adaptive nature of customary law itself. As Ramya and Tarh (2014) note, customary practices are not static; they are reinterpreted by elders to meet new circumstances. The adaptability of taboos, the flexibility of oral adjudication, and the resilience of family custodianship suggest that Nyishi jurisprudence can negotiate change without losing its ecological essence. The challenge, however, is to ensure that the ecological wisdom encoded in customary law is not dismissed as superstition but recognized as an alternative model of sustainability.

This recognition demands a new form of legal pluralism, where state law and customary law are not in conflict but in dialogue. For example, conservation policies could integrate



Nyishi taboos into formal management, designating sacred groves as protected areas recognized under both systems. Similarly, inheritance reforms could balance gender justice with ecological custodianship, ensuring women's rights without dismantling the lineage-based logic of land use. Such integration would require state institutions to respect indigenous cosmologies rather than impose uniform models of governance.

From an ecocritical perspective, the Nyishi experience offers vital lessons for rethinking environmental ethics. Modern environmental law often operates within anthropocentric frameworks, treating nature as a resource for human exploitation. The Nyishi worldview disrupts this paradigm by recognizing forests, rivers, and animals as moral participants in social life (Plumwood, 2002). Their jurisprudence enacts what ecocritics call "moral ecology" — a recognition of reciprocity and interdependence between humans and non-humans. In a time of global ecological crisis, such indigenous perspectives are not merely cultural curiosities but urgent resources for sustainable futures.

The broader implications of this study extend beyond the Nyishi. Indigenous ecological jurisprudence across the world shares similar features: oral transmission, taboos, ritual acknowledgments, and kinship-based custodianship. What makes the Nyishi case distinctive is its continued vitality in the face of rapid change. Despite external pressures, Nyishi elders continue to adjudicate disputes with ecological considerations, families continue to perform rituals acknowledging spirits, and taboos continue to regulate behavior in many villages. This endurance suggests that indigenous systems, while vulnerable, possess reservoirs of resilience that modern governance must not overlook.

The conclusion, therefore, is twofold. On the one hand, Nyishi customary law and family systems represent a living model of ecological jurisprudence, demonstrating how law can integrate kinship, culture, and environment into a holistic framework. On the other hand, these systems face significant threats from statutory law, market penetration, religious conversion, and gender justice debates. The future of Nyishi ecological jurisprudence depends on its ability to adapt while preserving its core ethos: respect for ecological limits, recognition of non-human agency, and embedding of ecological ethics in family life.

Ultimately, the Nyishi case challenges us to reconsider the foundations of law and sustainability. It asks whether modern societies can learn from indigenous jurisprudence to create systems that are not only legally just but also ecologically viable. By acknowledging customary law as a form of ecological jurisprudence, scholars, policymakers, and communities can begin to build bridges between tradition and modernity, ensuring that the ecological wisdom of the past informs the sustainable futures of tomorrow.

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