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Precarious by Design: Environmental Injustice and Institutional Functioning in India

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Abstract

In an era of increasing climate emergencies, precarity cannot be reduced to a condition of vulnerability but must be grasped as a politically produced effect: produced and reproduced in the routine workings of institutions. This article considers how bureaucratic, juridical, and civic institutions replicate environmental injustice by producing ontologies of exclusion, latency, and dispossession. Centering India as a key site in the Global South, the paper examines how the country's embrace of a neoliberal politics of climate governance, framed around technocratic fixes, green capitalist formations, and elite-centered development strategies, has intensified the vulnerabilities of historically excluded populations through land dispossession, ecological zoning, and project-based exclusions. Instead of explaining injustice as a byproduct of malfunction, the paper treats it as a systemic result of institutional operation often set to realize the interests of the dominant class. In combat, it suggests the language of counter-functioning: a political tactic of intruding in how injustice is performed every day. By following the making of precarity in and through governance, this essay calls for a rethinking of justice as an active, situated, and counter-systemic act.

Keywords: precarity, environmental injustice, institutional functioning, India, counter-functioning

Introduction: Rethinking Precarity in the Climate Crisis

The intensification of the climate crisis in the Global South has brought the term *precarity* to the forefront of both policy debates and theoretical inquiry. However, to treat precarity merely as a condition of vulnerability, or as the unfortunate consequence of climatic or economic instability, is to miss its structural origin. Precarity, particularly in the Indian context, must be re-understood as a politically produced and institutionally managed effect, generated not in the margins, but in the very operations of bureaucratic, legal, and developmental institutions. This paper begins with the claim that precarity is not due to the collapse of institutions, nor is it merely a failure of governance. Instead, precarity is underwritten by mundane institutional practices that render exclusion sensible, disposability plausible, and inequality durable. Judith Butler's early framing of precarity as a politically induced condition, and the politics of its uneven distribution across populations, is key here.[1] Most notably, Butler asserted that "precarity is not simply a social or economic condition, but a fundamentally political one."[2]

In India, this political manufacturing of precarity is closely linked to the disparate impacts of climate change and environmental governance, in which affected communities are more likely to be recast not as citizens, but as impediments to progress. Precarity in the environment is considerably influenced by development policies that speak the argot of sustainability while at the same time imposing modalities of ecological violence. Rob Nixon's notion of *slow violence*, defined as the insidious harms that occur gradually and out of sight, is particularly relevant to this dynamic.[3] The slow-moving harms of air pollution, groundwater depletion, deforestation, or forced displacement by "green" infrastructure projects disproportionately affect those whose rights to land, identity, or voice are already limited. In cities like Delhi, for example, working-class communities located next to industrial pollution or sites of waste dumping are frequently erased from climate action plans that emphasize green beautification,

carbon accounting, and elite infrastructure.[4] This process is structured around a model of governance that mixes technocratic administration with bureaucratic aspiration. It masks a network of responsibilities for ecological damage while also legitimating itself through the language of "resilience," "adaptation," and "sustainable development." It is not that institutions are failing to prevent harm; they are causing it. They accomplish this via zoning laws that open the manor to land grabbing, through eviction drives disguised as ecological restoration, and through policy instruments that treat forests and wetlands as commodities.

As such, this article posits environmental injustice not as a failure of the system but as one of its functions. From an Indian standpoint, it maps how institutional logics, dwelling in bureaucratic rationality, legal normalization, and the neoliberal panaceas of development programs, keep reproducing the very injustices they claim to alleviate. This insight raises the question of what it might take to imagine justice: not as a promise to adhere to, awaiting realization through appropriate state action, but rather justice understood and practiced as an active, localized system for handling counter-functioning.

Precarious by Design: A Conceptual Understanding

Calling a system "precarious by design" means recognizing that instability and vulnerability are baked into policies, not just unfortunate side effects. In everyday language, "precarious" invokes the risk of accidents, but scholars insist on its political genealogy. As Isabell Lorey argues, in today's regimes social insecurity has become normalized; a "technique of governing" where precarity is deliberately regulated to steer society.[5] In this view, insecurity is manufactured: some people are kept on the margins so that others can be protected. Judith Butler makes a related point about life and loss, as she reminds us that when the state treats certain lives as effectively ungrievable, those lives are rendered virtually disposable.[6] She writes that without

grievability, life does not quite register as life at all, at least for some people, and it becomes, as Butler puts it, "a life that will never have been lived."[7] In other words, governing powers have always decided whose suffering "counts." Together, these perspectives tell us that precarity often serves a purpose: it is an output of governance rather than just a failure of it.

We see this dynamic acutely in environmental and climate governance. Disasters, pollution, and resource scarcities are often posed as natural or technical problems, but power politics determine who gets to pay the price. According to one study of floods in India, for example, uneven impacts are "largely due to . . . a combination of socio-economic processes" by elites who protect their own interests and *fail* to protect the marginalized.[8] In effect, powerful actors arrange land, water, and resources so that floods or droughts fall hardest on the poorest.[9] Colonial and postcolonial state policies have entrenched this imbalance: laws on land ownership and water use have centralized control under the state and its industrial partners, dispossessing local people—a process one scholar describes as an internal "subjecthood" that denies rights to the majority.[10] The result is that entire areas become de facto sacrifice zones, such as tribal villages, slums, and remote farming districts, where contamination and disaster are allowed to run rampant and residents are left living on the edge. Importantly, even modern climate policy often reproduces these legacies. Adaptation laws and environmental regulations tend to make only incremental fixes rather than transform power relations, so the same communities stay vulnerable.[11] Seen this way, life on the frontlines of climate change is not an accident of bad luck but the continuation of old political designs.

Crucially, the machinery of governance, the laws, bureaucracy, and institutions, actively embeds this precarity. As one study notes, legal regimes "permit certain activities, mediating relationships, and institutionalizing governance systems" that in turn "embed ideas and knowledge systems" which drive investment and steer decisions,

literally helping to produce the world we live in.[12] In practice, this means statutes and permits shape every environmental outcome. Zoning, resource leases, and pollution laws are written to favor big projects (often citing "public good") while giving little remedy to the displaced. Courts and review boards often decide claims through strict legal procedures, privileging procedural compliance over substantive justice, or in other words, adequate compensation, rehabilitation, and protection of livelihoods and environmental rights. In this manner precarity is institutionalized not as an unfortunate bug but as a built-in feature. Activists and civic society organizations that enter the system often find themselves co-opted, working within it and seeking redress through the very official channels that caused the problem in the first place. The irony is that each bureaucratic procedure, from red tape to formal reports, becomes part of the design. In the end, then, "precarious by design" is less a metaphor than a diagnosis: it names a politics where instability is a policy outcome, systematically reproduced in the name of progress. The next section will unpack how exactly bureaucracies, laws, and civil society operate together to institutionalize this injustice.

Institutionalizing Injustice: Bureaucracy, Law, and Civil Society

Environmental injustice in India cannot simply be understood as the result of external shocks or ill-conceived governance—it is produced through the everyday workings of institutions that are supposed to operate with fairness, legality, and development. Bureaucracies, judicial procedures, and even sections of the civil society serve as interlocutors that mediate and legitimize environmental precarity. These institutions rarely act dramatically with violence or outright denial, but rather with administrative rationality as they fashion zones of exclusion and forms of slow abandonment through the language of files, permits, zoning, and procedure.

An important ethnography of Indian bureaucracy is provided by Akhil Gupta. In *Red Tape*, Gupta argues that India's state institutions are not "missing," inefficient, or disjunctive, as some have argued; state institutions are often structured to replicate social inclusion and exclusion. In discussions of agricultural policy and poverty programs, Gupta demonstrates how "bureaucratic practices 'work' to enable structures of inequality to be kept in place while appearing neutral and rule-based."[13] Applied to environmental governance, this logic becomes even more insidious: communities are displaced or denied relief not because the law failed, but because the law followed its proper course, just not in their favor. Consider how ecological zoning is used in Delhi and Mumbai. Laws like Coastal Regulation Zone (CRZ) notifications or Environmental Impact Assessment (EIA) rules, for instance, are commonly used to demolish working-class homes or forest-dwelling settlements in the name of ecologic protection. Pretty much the same rules, however, get broken or ignored for luxury coastal developments and elite infrastructure projects. As Oishik Sircar argues, environmental law often operates as legal violence because it enlists suffering not by violating norms, but by rigidly and differentially applying them.[14]

The judiciary also plays a double role, especially in so-called "green" judgments. A number of Indian courts have supported urban beautification and mass eviction in the name of ecological protection, effectively turning public interest litigation (PIL) against the urban working class. Gautam Bhan writes that such legal-political mechanisms have less to do with protecting the environment and more to do with producing an aestheticized city free of "encroachments."[15] This process becomes embodied even by civil society, often celebrated for democratizing environmental governance, when elite environmentalism fixates on aesthetics or technocratic fixes (clean air, green spaces, sustainable design) rather than distributive or equity issues. Such elite environmentalism, closely intertwined with real estate capital and moral anxieties about urban order, aligns with rather

than contests the state's exclusionary practices.

Some recent events show how institutional rationalities still produce precarity. At the end of 2022, for instance, the Uttarakhand High Court ordered the demolition of more than 4,000 homes in Haldwani and declared that mostly poor residents were "encroachers" on railway land. Issuing the judgement "without any serious rehabilitation plans," the court put over 50,000 people in danger of losing their homes overnight—a demonstration of juridical zeal in line with Sircar's insistence on inflexible norm enforcement.[16] The Supreme Court stepped in later in January 2023 to stay the eviction, noting that authorities must exhibit "humaneness" and take into account rehabilitation, but it highlighted all too easily how law-as-written can be weaponized to justify mass dispossession. Even the higher judiciary, for its part, has sometimes upheld developmentalist rationality at the expense of marginal lives. The Supreme Court of India also refused to stop a proposed coal mine in the Hasdeo Arand forests in December 2022, with a judge stating that the "Court will not come in the way of development."[17]

What emerges is a model of institutional functioning where injustice is not an aberration, but a patterned output. The dispossessed are not so much slipping through the cracks as being actively pushed through them with bureaucratic cunning and legal approval. The point is that institutions do not merely miss protecting vulnerable populations; they are doing the work to reproduce environmental injury through classification, exclusion, and procedural legitimacy. Grasping this is important not only for understanding the problem, but for imagining forms of resistance that confront this deeply entrenched violence.

Green Capitalism and Technocratic Climate Governance

Over the past two decades, India's climate governance has been dominated by the discourse of resilience, sustainability, and a

transition to clean energy and green growth. These may seem like positive developments at first glance. But behind this high-gloss rhetoric lies a profound change: from environmental policy as a mode of market regulation to market expansion as the essence of climate policy. "Survival tactics" take the place of more profound ruminations on justice, or even fairness. This section analyses how Indian neoliberal environmentalism largely defaults to technocratic and market solutions that displace or sideline rather than protect communities.

The idea of green capitalism—the attempt to internalize ecological considerations within capitalist production—provides a useful lens to think about this transformation. Erik Swyngedouw observes that climate change is frequently treated as a depoliticized problem of expert management rather than as an issue for democratic contestation.[18] This "post-political" framing redefines political conflicts as technical issues to be resolved through consensus and administered by experts.[19] In India, too, the state's dependence on market mechanisms, such as carbon trading and green bonds of public-private partnerships in solar and wind power, has shifted ground for mass land acquisition, with new forms of dispossession. Such projects are frequently advertised as "win-win solutions," but they are structurally blind to their distributive effects on disadvantaged communities. One study has observed that India's solar park schemes, which are part of a broader state-backed renewable infrastructure build-out, have become associated with speculative land grabs and state-subsidized transfer payments without just distribution in land use and fair opportunities for local employment.

Recent conflicts over renewable energy projects also have brought this dynamic into stark relief. In the middle of 2025, several thousand farmers in Andhra Pradesh just south of Nellore took to highways to protest the government's decision to acquire 8,300 acres of fertile cropland for a solar power park. The proposal, to be developed by a private company, with initially negligible local consultation, saw surveyors gain entry to the first villages only under police protection.

But farmers arranged a three-kilometer march and shut down National Highway 16 in protest, saying "clean energy" was not reason enough to lose their livelihoods. Faced with mounting pressure, local officials finally acquiesced and said they would propose scuttling the project.[20] A similar story unfolded in India's Northeast. In Karbi Anglong, Assam, a 1,000-megawatt solar park funded by the Asian Development Bank (ADB) threatened to displace some 20,000 Indigenous people across 23 villages. The plan, a self-proclaimed centerpiece of green transition, blatantly violated the region's Sixth Schedule protections for tribal land and proceeded without proper environmental or wildlife clearances. In 2023, Karbi and Adivasi communities began protesting against the "green" venture that they claimed would dispossess them of their ancestral lands and livelihoods. Their resistance also took an institutional route: local leaders formally petitioned the ADB, alleging that, while the Bank's safeguard policies promised participation and consent, authorities on the ground manipulated and submitted consent documents—a scandal that later became national news. As a big victory for the campaigners, the ADB withdrew $434 million of its funding that had been pledged to the controversial land issue in June 2025.[21] These episodes serve as a reminder that India's green energy transition all too frequently reproduces the same hierarchies it claims to dismantle: extracting common lands in the name of sustainability and disenfranchising those it was meant to uplift.

Another example is Bhadla in Rajasthan where large areas of so-called "wasteland" were turned into a solar park, even though those scrublands were critical for the lives and livelihoods of local pastoralists. The wasteland scape, as Jennifer Baka shows us, is a political invention, one called forth by the state to devalue land use by custom and legitimatize extraction-friendly transformation.[22] Economically and ecologically significant sections of land are made to vanish with the stroke of a bureaucracy's brush.[23] Climate governance in India is also characterized by a growing dependence on technocratic institutions, task forces, high-powered expert

panels, and centralized data dashboards that bypass participatory, decentralized processes. This new strategy of data-driven governance, exemplified by the Council on Energy, Environment and Water's 2021 report mapping climate vulnerability district-by-district, aligns with a move toward evidence-based policy. Although such tools afford detailed risk assessments, they do not allow much space for situated local knowledge, historical experiences, or social memory that form the basis of resilience and justice on the ground.[24] And local knowledge and political bargaining are eclipsed by Geographic Information System (GIS) maps, efficiency ratings, and pilot projects. As Birkenholtz wrote in his analysis of groundwater management, this may lead the state to "discipline" subjects into submitting to expert-driven models even when these models are at odds with the people's own material existences and community practices.[25]

The mystique of green modernity in India thus fits comfortably with elite urban aspirations, speculative real-estate stakes, and state discourses of national success. By pulling environmental problems from their social context into a technical-managerial space, this model reproduces precisely the hierarchies that it purports to cure. In reality, the neoliberal refocusing of climate governance is more a redesign of past development exclusions than anything particularly new. What ensues is not a break from injustice but simply a greenwashed perpetuation of it.

Spatial Politics: Land, Zoning, and Ecological Dispossession

The politics of environmental injustice in India are not abstract; they are bound up with space. Precarity becomes territorialized by land, regulated by zoning, and performed through the disarticulation of bodies from their ecologies and social worlds. Whether in the name of environmentalism, urbanism, or development, the primary tool to give form to precarity is frequently control over land. This section looks at how spatial regimes have employed tools of dispossession,

such as zoning laws, eviction drives, and ecological classifications, in contemporary India.

One clear example is the manipulation of land-use regulations that criminalize some habitats while legitimizing others. In Mumbai, coastal mangrove belts and traditional fishing enclaves are ostensibly protected under law (the Supreme Court banned construction on mangroves in 2005), yet these areas have been repeatedly re-designated or encroached upon when an "inevitable" developer or state project comes along. Coastal Regulation Zone provisions that should safeguard fisherfolk's lands are quietly redrawn, and tracts are transferred for ports, housing, or roads under the guise of the public good.[26] The logic extends beyond metros. In Kerala, the Vizhinjam deep-water port was built in 2022, and fishing people had to wage a bitter struggle. For months, the fisherfolk had blockaded the construction of the port, which they contended was accelerating coastal erosion and ruining their homes and beaches with big breakwater. Despite multiple High Court orders to vacate the area, local churches backed the protest near the project site that had turned into a "no-go" zone.[27] The standoff became so politicized that police were reluctant to evict the protesters, wary of a social explosion. Although the blockade was lifted in the end, after the state government announced a relief package (and arrested the demonstrators), the Vizhinjam struggle exposed how even legally sanctioned mega-projects cause localized environmental degradation and how those costs are offloaded onto communities dismissed as expendable by developmental calculation.

A different aspect of spatial politics is the covert removal of commons such as wetlands. The East Kolkata Wetlands, a sprawling Ramsar-recognized ecosystem that feeds thousands with fish and farming, have for years been smothered piecemeal by real estate expansion and state-backed "beautification" projects. Satellite photos and site survey work suggest that at least 2,000 acres of these wetlands have disappeared in two decades despite legal protection, often through rezoning or special approvals granted at various levels of

government.[28] What is publicly presented as urban betterment or infrastructure development frequently constitutes officially permitted enclosure of ecologically important spaces.

Perhaps one of the most visible theaters of spatial injustice is the urban eviction drive. In Delhi, agencies like the Development Authority and the Forest Department have torn down informal homes on grounds that they stood within forests or protected river zones. The PILs come from India's middle-classes, often at the behest of non-governmental organizations (NGOs) working in environmental protection; and the orders also occur occasionally. As noted earlier, these juridical interventions tend to target the poor under the pretext of environmental restoration. There is a perverse irony that even as working-class settlements are erased at the behest of environmental rhetoric, commercial and state projects routinely flout the same zoning rules with impunity. Bhan noted this irony in Delhi's millennial evictions, and his observations remain apt today.[29]

These spatial exclusions are underwritten by a logic of classification: wherein certain ways of life are deemed illegitimate and others normalized. Adivasi communities living in forests are labeled "encroachers" when in fact they preceded the modern state's claim to those lands. Pastoralists and small farmers are painted as obstacles to progress, even as industrial polluters are granted a haven via "environmental clearances" based on assurances that often prove empty. Michael Levien's research on land grabs in Rajasthan, too, shows how the state as a rentier figure simply transforms land into capital to be used by private developers within both ecological and economic rationalities.[30] Dispossession here is not simply the obliteration of property but the erasure of ways of life, customary rights, and patterns of ecological cohabitation. Formal tools that manage space, zoning maps, land-use classifications, and environmental permissions become muted instruments of inequality, legalizing processes that undermine substantive justice.

Current land struggles help to concretize these abstract dynamics.

In Punjab, the planned Delhi-Amritsar-Katra Expressway (a high-priority infrastructure project under the "Bharatmala" program) has met with continuous resistance from farmers in its path. Since 2022, villages in districts including Ludhiana, Tarn Taran, and Gurdaspur have rallied to resist what they see as forcible acquisition of fertile community-held lands. Protests broke out at various points where the highway was proposed: in some instances, farmers were seeking better compensation for their land; in others they were simply refusing to give up fields that had sustained them for generations. Tensions boiled over in early 2025 when police and contractors arrived before dawn at one village to requisition land; farmers flocked in and clashed with the authorities. Dozens of demonstrators were arrested and a handful of them injured in the fracas, sparking social media outrage.[31] Facing these hurdles, the National Highways Authority had to halt the construction of a 30-km stretch of the expressway's Amritsar spur. In fact, by March 2025, the Authority canceled the construction tender for that section, admitting it "could not achieve" possession of the required land due to local opposition.[32] While construction continues in areas where land was more readily acquired, the expressway conflict highlights a crucial point: even "national interest" projects encounter the spatial limits set by people's refusal to be erased.

Likewise, in Karnataka, villagers recently proved that relentless local resistance can overturn well-laid state plans. In Bengaluru's rural outskirts, the Karnataka government had notified 1,777 acres in 2022 for a new Aerospace and Defence Park, part of an industrial corridor meant to attract investment. What followed was one of the longest-running land rights protests in India's recent history. For 1,198 days, farming communities of Channarayapatna hobli in Devanahalli Taluk camped out and agitated against the takeover of their land. Operating under the aegis of a local struggle committee, they mounted tractor marches, torchlight processions, and even pitched tents outside the state assembly building. Their slogans were clear, direct, and down-to-earth: "Our land, our right," and "We'll give our lives, not our land."

Through this unprecedented movement, the unthinkable was achieved by mid-2025: the government surrendered and canceled its land acquisition notice.[33] The Devanahalli victory is a rare ray: an example where years of sustained community mobilization compelled the state to give up a mega-development project. It highlights that designating land for "public purpose" is never a neutral but a contested act; it can be actively resisted. But it also raises the issue of scalability: not every community is able to maintain a three-year protest, and not every protest will trigger a government climbdown. Even so, these examples show how much spatial politics are interwoven with environmental justice: farmland, forests, coasts, wetlands, and slums are the fields in which abstract ideas of advancement or conservation tangibly meet the actual geographies of ordinary people.

Reframing Injustice: From Malfunction to Function

In development and governance discussions, an age-old assumption is that injustice results from a failure in the system, say, when bureaucracies are under-resourced, when laws are misapplied, or when well-meaning institutions are hijacked by corrupt actors. Certainly, many injustices do stem from malfeasance or ineptitude. But such a failure narrative does little to capture a more disquieting reality: that injustice can be, and often is, the intended product of the institutional process functioning as designed. Within Indian environmental governance, this observation is not just analytical; it is political. Recognizing injustice as a function rather than a malfunction (a feature rather than a bug) forces us to shift our gaze from what is "broken" to what is working all too well.

This represents the point of view from which James Ferguson argues in his seminal work, *The Anti-Politics Machine*. His study of development projects in Lesotho concludes that development apparatuses do not fail due to inefficiency; rather, "they succeed in one respect: they succeed in re-invigorating bureaucratic power,

in extending the reach of state power, even as they fail to achieve the goals announced for them."[34] In the Indian context, many environmental laws, planning tools, and institutional practices similarly consolidate state and corporate power while systematically excluding the poor, Adivasis, Dalits, and informal workers. These results are not the product of dysfunction but of design. This is quite obvious with the Environmental Impact Assessment (EIA) regime in India. Though intended as a safeguard, over the years it has been hollowed out by legal amendments, procedural fast-tracking, and a culture of rubber-stamping in the bureaucracy. The 2020 draft EIA notification, for example, sparked nationwide protests because it sought to formalize post-facto environmental clearances, effectively making violations legal if approval were granted after the fact. This was no inadvertent loophole; it was a policy choice. As Kanchi Kohli and Manju Menon argue, such procedural redesigns "shift regulatory responsibility away from accountability and toward compliance theatrics."[35]

This principle extends beyond environmental regulation into the daily logic of governance. The distribution of water, electricity, and public space in Indian cities routinely favors elite areas, while skimping on or excluding the poor. These inequities are generally rationalized through some technocratic measure of utility or legality. For example, the master plans of cities frequently see slums as transient aberrations rather than authentic forms of urban life, thereby justifying slum removals without recognizing the violence inherent in such "planning."[36] Here, too, injustice is not merely a by-product but built into the very logic of rational governmentality.

Moreover, the courts, frequently portrayed as the last refuge of environmental justice, have mirrored elite spatial and ecological preferences in case after case. The judiciary has repeatedly endorsed "world-class city" visions for Delhi and Mumbai, resulting in eviction orders against the poor under the guise of environmental protection.[37] When the law becomes instead a venue for reproducing inequality

rather than remedying it, the grammar of justice is turned upside down. Admitting that institutions work as modes of exclusion does not require giving up the concept of justice, but it does call for more radical ways of thinking about what justice means. We need to imagine justice not as the logical outcome of better policies or more efficient institutions, but as something that must often be wrested from a system performing exactly as intended. In other words, the system is not *rigged* in spite of itself; it is working as designed, and that is precisely the problem.

The Concept of Counter-Functioning: A Political Tactic

When injustice is embedded in the very functions of institutions, when harm flows not from institutional failure but from institutional success, the usual language of reform falls short. In such circumstances, we cannot expect minor policy tweaks or calls for transparency to fix the problem. What is needed instead is a form of political intervention that operates inside the realm of institutional functionality but against its dominant logic. This is where the notion of *counter-functioning* comes in, not as a formal theory, but as a tactic of being, resisting, and organizing in settings defined by routinized injustice.

Conventional models of resistance often operate at a remove from state institutions: through street protest, civil disobedience, or advocacy for new laws. While vital, such approaches risk treating "the system" as a neutral entity that has simply been co-opted or misdirected. Counter-functioning departs from this view by assuming that injustice is not an aberration but an intended outcome. It seeks to intrude upon the everyday mechanisms through which injustice is reproduced, be it zoning maps, the routine circulation of files through offices for review, clearance, and approval, courtroom routines, or legal classifications. This approach resonates with what Partha Chatterjee termed the "politics of the governed": a politics in which subaltern groups do not necessarily aim to seize the instruments of power,

but rather to negotiate, resist, or subvert the terrain of governmental power from within.[38] Slum residents in Delhi use creative paperwork (like false address proofs) to delay evictions; fisherfolk in Tamil Nadu leverage a combination of legal petitions and religious processions to halt polluting industries; and pastoralists in Rajasthan deliberately graze their herds in "protected" zones to assert customary rights—all are examples of counter-functioning. These are not reformist gestures so much as acts of functional sabotage: tactics that disable or confuse the smooth operation of an unjust system without depending solely (or at all) on formal redress.

A salient case of counter-functioning is found in the story of the East Kolkata Wetlands mentioned earlier. Local communities there, many surviving on the wetlands' fragile sewage-fed fisheries, have fought back against state efforts to convert the commons into commercial real estate and IT parks. Operating often without formal political standing, these groups have employed a panoply of tactics (from grassroots mapping and savvy use of bureaucratic complaint mechanisms to media outreach and court petitions), managing to delay or halt several unsustainable projects. A 2021 case study of the wetlands describes how activists cleverly leveraged the state's own planning and regulatory tools to block harmful development, "not by refusing the state's logic but by inhabiting and redirecting it."[39] It is a mode of politics that is messy, slow, and often invisible, but deeply generative. It transforms into obstruction those everyday "weapons of the weak" catalogued by James C. Scott—foot-dragging, petitions, evasions—through which activists disrupt the system's operation from within.[40] Counter-functioning thus inhabits the terrain of institutional logic but retools it toward justice.

Counter-functioning, then, is both strategic and affective. As Oishik Sircar reminds us, to fight everyday injustice in its everyday bureaucratic form involves not only legal expertise but affective labor characterized by the patience of waiting in government corridors, the emotional cost of repeated petitions and hearings, and the relentless

hope that some morsel of justice may be coaxed from the interstices of the system.[41] In this sense, counter-functioning is a moral practice as well. We must develop solidarity and become caretakers of each other and of embattled ecologies. We must cultivate our collective dignity in spaces that are carefully built to efface it. These tactics have also been theorized in feminist and decolonial thought. Silvia Federici in her work on reproductive labor describes how daily acts of care and survival under capitalism are already acts of resistance.[42] Similarly, Nandini Sundar shows that Adivasi forest dwellers in Bastar press claims on the state not only for identity recognition, but through historically grounded memories and kinship-based ties to land and authority—while also framing these demands in the state's own administrative and legal language.[43]

To be sure, counter-functioning is not without risk. As the main opposition force to the established order, it rarely enjoys the shield of legitimacy. Demonstrators are easily dismissed as squatters, anti-development agitators, or even security threats. As Sundar's account details, once grassroots environmental defenders in Bastar were labeled "Maoists," they became targets of violent repression and legal persecution under draconian laws like the Unlawful Activities Prevention Act (UAPA).[44] But the very fact that such tactics elicit heavy-handed suppression only demonstrates their efficacy. Counter-functioning is disruptive precisely because it understands how injustice works and dares to disrupt its rhythm.

We have contemporary evidence of this as well. In Chhattisgarh's Hasdeo Arand, where Adivasi villagers have been protesting coal mining for years, activists endured detentions and intimidation yet persisted in monitoring official moves and asserting their rights at every step. As an example of the latter, in March 2024, unidentified arsonists burned down the protest camp at Hasdeo when disturbances had quieted down during a holiday period, burning materials and spreading fear among activists.[45] The community, however, refused to be cowed, framing the arson as evidence of the "state-corporate

nexus" they were up against, and vowing to continue their sit-ins. And indeed, they have continued, filing new court appeals and amassing wider public support even as trees fall to the chainsaws. Similarly, the farmers of Devanahalli mentioned above exemplified counter-functioning by transforming a routine land acquisition procedure into a protracted political crisis for the state. For three years, by simply refusing to vacate and by continuously occupying both physical and bureaucratic spaces (such as protest sites, petition offices, and media airwaves), they made the cost of "business as usual" too high for the government to bear.[46] And in Assam, the Karbi resistance to the solar park showed a sophisticated hybridity: on one hand, the villagers demonstrated on the ground; on the other, they engaged the ADB's compliance mechanisms and media networks, effectively turning a local land fight into a question of international accountability.[47] All of these examples suggest that counter-functioning takes many guises—relatively quiet subversions, long sit-ins, or legal gambits—but at its core it is about interrupting the otherwise unquestioned functioning of power.

Conclusion: Justice as Situated, Active, and Counter-Systemic

What if institutions are not sleeping at the wheel, but driving exactly where they are meant to go? What if the zoning maps, the forest clearances, the solar parks, and the beautification drives are all instruments of a highly selective, exclusionary order, not failures of vision? This paper began with a provocation: that environmental injustice in India is not the residue of dysfunction, but the output of a system functioning as intended, an outcome that is by design, not by accident.

We have seen how bureaucratic processes, technical legalities, and climate governance in India do not merely ignore the marginalized but actively create vulnerability through practices of exclusion, abstraction,

and legal violence. In this way, they transform the meaning of precarity from a passively endured condition of the governed to an active modality of governmentality. This recasting is not just semantic; it is political. It forces us to ask not simply "why is there no justice?" but rather "how is injustice being produced?"[48] Such a shift requires that we rethink the terrain of justice itself: not as an idealized building site at the end of more righteous laws or better-greased institutions, but as a practice that continues to counter-function. In this reimagining, justice is not a product externalized from on high; it is a tactic, something enacted in an ongoing performance of interruption, subversion, and reclamation. It is situated, messy, sometimes invisible, but always embodied in everyday acts of refusal, sabotage, and care. It lives in the wetlands of Kolkata, in the embattled forests of Hasdeo and Karbi Anglong, in the solar-parched lands of Rajasthan, in the besieged farms of Punjab and Karnataka, in the slums of Delhi under threat of demolition, and on the battered coasts of Kerala. It lives in the data sheets and counter-maps drawn by people who have never set foot in a planning office but understand the land better than any satellite.[49]

But this realization also raises urgent, uncomfortable questions:

Is justice possible within a system designed to be structurally exclusive? Or does it only ever emerge from the margins, from those willing to obstruct, delay, or divert the machinery itself?

What kinds of knowledge count in our climate governance frameworks? Why do data dashboards and satellite maps carry more weight than oral histories, customary claims, or ecological memory?

Is it conceivable to build institutions that function for justice, not by superficially promising inclusion, but by genuinely redistributing power? What would such institutions look like, and who would get to build them?

Finally, what does resistance mean in a world where every form of disruption is quickly criminalized, co-opted, or silenced? How do we imagine counter-functioning not just as a means of survival, but as a

tactic of transformation?

These are not rhetorical questions. They are imperatives. They demand not just academic attention but political courage, interdisciplinary solidarity, and a willingness to unlearn the comforts of systems that work too well for the few and too violently for the many.[50] In closing, the call is not to "fix" the machine but to confront what it is designed to do. Justice, then, is not something awaiting delivery by benevolent institutions—it is something awaiting performance: here, now, and by all those who dare to interrupt.

Notes

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