



American Journal of Development Studies (AJDS)

ISSN: 2837-6676 (ONLINE)

VOLUME 3 ISSUE 2 (2025)

PUBLISHED BY
E-PALLI PUBLISHERS, DELAWARE, USA

Legal Pluralism, Cultural Governance, and the Postcolonial Politics of Food Heritage and Folklore in Bangladeshi Statehood

Md Habibur Rahman^{1*}, Istiaque Bin Islam², Md. Mobashir Rahman¹

Article Information

Received: September 01, 2025

Accepted: October 03, 2025

Published: October 31, 2025

Keywords

*Cultural Governance, Folklore,
Food Heritage, Legal Pluralism,
Postcolonial Statehood*

ABSTRACT

Food habits in the marginalized communities of Bangladesh are closely related to culture, eco-knowledge, and spiritual faith; e.g., Santal, Chakma, Bengali Hindu community, and the Rohingya. However, such systems are now in conflict with State laws, particularly the Food Safety Act of 2013, which sets the standards of public health that disregard culturally necessary modalities, fermentation, cooking in clay pots, and foraging. The present study adopts a qualitative approach in the form of semi-structured interviews, focus group discussions, and policy actor interviews among the four communities. The analysis was conducted with NVivo coding and an inductive analysis approach and identified the recurrent themes of food sovereignty, cultural survival, and legal pluralism. Findings demonstrate that traditional practices are quite critical in keeping culture and tradition, but they are frequently lost in the quest by the government to standardize and promote health. Indicatively, open-fire cooking and fermentation, which form the backbone of the foodways of these people, are deemed as unsafe by the existing rules, which could impose change or even secrecy. These obstacles made participants emphasize their ability and determination to defend their heritage and continue lobbying to achieve food sovereignty and culturally relevant policies. The paper indicates that the introduction of a standardized set of rules that could be used in all agroecologies could be unsuitable, as there is a great range of food systems that are dominant in Bangladesh. To fill this gap, an idea of safety with heritage is provided in the paper to expand the process-oriented safety standards to protect the food without removing the cultural practice. It is a non-discriminatory and nutritious model of food governance that aims at protecting the health of both the population and the marginalized group, and that aims at preserving and participating in their food culture.

INTRODUCTION

Food in Bangladesh is not merely a survival instrument; it is a basis of culture and religiousness, and environmental literacy. Food practices of the marginalized communities, such as the Santal (Rajshahi), Bengali Hindus (Mymensingh), and Chakma (Chittagong hill tracts), and Rohingya (Coxs Bazar) have been tightly linked by their background and activities and their social structure. These societies are deeply rooted in intergenerational food knowledge systems, which entail a multiplicity of traditional food methods that, at once, are not only a sustenance mechanism but ritual actions of cultural continuation (Sutton, 2001; Kikon, 2021). The food practices of these communities are customarily linked to sacred ceremonies, circular progressions of the seasons, and local ecology that are the contexts of the cultural inheritance (Douglas, 1966; Appadurai, 1988).

But this cultural meaning is becoming contradictory to the state regulation systems, especially those that control food safety. Similar to other states around the world, the Government of Bangladesh has also put food safety legislation in place in order to avoid the occurrence of foodborne diseases and to promote food product hygiene. These are laws like the Food Safety Act 2013 that aim to safeguard the health of the people and harmonize the food practices in the country (Government of the

People's Republic of Bangladesh, 2013). Although these laws are necessary for food protection, they usually overlook or do not accommodate the food culture of these communities that have lived through the ages. Such food practices as the use of clay pots, open-fire cooking, fermentation, and wild herbs foraging are part of the food systems of these peoples. Nevertheless, the state views many of these practices as hazardous or not in accordance with the modern standards of hygiene (Finkler, 2018). This gives a big conflict between food sovereignty and state control, whereby the state wants to instill food safety laws against the communities that are overly concerned with their food culture as a form of living heritage (Patel, 2009).

Food sovereignty is another term that is used in the discussion of food systems, and it can be defined as the right of a community to identify its own food systems, comprising production, distribution, and cultural practices without external market forces or restrictive state policies (Nyeleni Forum, 2007). The concept especially applies to the marginalized groups in Bangladesh, as the traditional food practices are not only viewed as a source of livelihood but also as a form of identity and spiritual attachment to the land (McMichael, 2009). An example of this is the Santal people, who make a Chaul Bhog (holy rice meal) during their harvest ceremonies and link

¹ Department of Folklore and Social Development Studies, University of Rajshahi, Rajshahi – 6205, Bangladesh

² Department of Food and Nutritional Science, Rajshahi Institute of Biosciences, University of Rajshahi, Bangladesh

* Corresponding author's e-mail: habibur.rahmanfolk@ru.ac.bd

this to their ancestors and the land that they are farming (Sutton, 2001). In much the same way, the utilization of fermented bamboo shoots by the Chakma community is an aspect of food preservation as well as the essential element of their cultural identity (Kikon, 2021).

The paper has explored the co-existence between the conventional food practices and state regulations in Bangladesh, where the focus is on legal pluralism. Co-existence of the different legal orders, including the customary law and religious law, and the state law (Merry, 1988; von Benda-Beckmann, 2002). The key question of the research is the movement of the marginalized communities through the entangled web of legal pluralism in their food systems. These communities are always bargaining between the cultural mandate established through the traditional laws of food and the regulations brought about by the state that tend to sabotage or forbid such processes. Although the state aims to harmonize food safety to ensure the safety of the population, in many cases, it does not take into account the cultural and spiritual meaning of food systems to these people (Herzfeld, 2016).

One of the goals of this study is to suggest a model of safety with heritage as an adaptive model of food safety in which communities can keep their traditional ways of doing things without breaking the law of health, as portrayed by the community. This model is based on the outcome-based hygiene approach, which aims at delivering safe food results instead of applying uniform food preparation methods (Codex Alimentarius Commission, 2022). The integration of the traditional practices (e.g., fermentation or clay pot cooking) into the food safety requirements may be achieved through the adaptation of the cultural value without disturbing the cultural practices by identifying the critical control points (HACCP logic) and applying the risk-based approach (Codex Alimentarius Commission, 2024). It is also the focus of this research to examine how such tools as Geographical Indications (GIs) and collective marks can safeguard against exploitation of the traditional food knowledge and how the economic gains of such practices can be distributed among the community in a fair manner (Barton, 2014).

The paper also highlights the significance of cultural governance, which can be defined as the process by which the state governs and controls cultural heritage, especially when considering the process of postcolonial state-building (Appadurai, 1988). In Bangladesh, food is not only food, but it is also a national identity. The interest in the state to control food is influenced by the fact that the state wants to have control over what the country officially represents in the food culture, displacing local and marginalized food practices (Herzfeld, 2016). In this paper, it is contended that a more inclusive food governance that combines cultural sovereignty and legal pluralism should be applied in protecting the food system of marginalized peoples.

The study will seek to explain the way traditional food

practices have been negotiated, maintained, and adapted in the context of modern regulatory issues through qualitative research on the contexts of four communities in Bangladesh involving food practitioners, elders, folk healers, and policy actors. The study promotes a food safety strategy that would not only protect the health of the people but, at the same time, would not interfere with the culture of these communities, such that they can still exercise their food sovereignty without being targeted by cultural erosion.

LITERATURE REVIEW

In this literature review, major theoretical approaches of food sovereignty, legal pluralism, and cultural governance are analyzed together with existing studies on the topic, and the interplay of state policies and local food systems is considered. Specifically, the research gap covered in the review is the lack of literature on the connection between state food safety regulations and the conservation of native food behaviors, particularly in Bangladesh. Since the research is an examination of the legal and cultural contradictions with which the marginalized communities contend, it incorporates postcolonial theory, food governance, and intellectual property views with an aim of comprehending the manner in which food practices are governed, regulated, and even commodified in South Asia today.

Food Governance and Legal Pluralism

The term legal pluralism refers to the existence of two or more legal systems in the same jurisdiction whereby various sources of law, including customary, religious, and state law, are seen to interact and even compete with each other (Merry, 1988; von Benda-Beckmann, 2002). Within food governance, legal pluralism highlights the issues of compatibility between the state-imposed laws and the traditional food regimes.

In Bangladesh, the Food Safety Act 2013 aims at controlling food hygiene, food safety, and food standards to safeguard human health. Although this structure is supposed to provide food security, it contradicts the traditional food practices that have been transmitted to the generations. The standardization is likely to override the traditional food systems in the state food law, such as the use of wild herbs, fermentation, or production of food using traditional methods such as open-fire cooking (Patel, 2009; Finkler, 2018).

The historic food regulation and its conflict with the state law have been subject to criticism in a large body of literature. Indicatively, von Benda-Beckmann (2002) observes that legal pluralism is not egalitarian as such, but it is inclined towards the state law, which effectively disqualifies the informal legal orders that provide local food systems. The native and marginalized groups are particularly problematic to this omission as well, since in these cases, food systems may be closely linked to both their cultural and spiritual orientations (Merry, 1988). The opposition against this homogenization of food

systems by the state is presented by the notion of food sovereignty, which advocates the right of communities to control their food systems.

Under food sovereignty, as it is presented by the works of McMichael (2009), it is not only about the access to food, but also the domination of food production, distribution, and culture. This paper seeks to learn how marginalized populations in Bangladesh can manage this tension, how their food systems, through customary and ecological knowledge, clash with state-mandated food safety standards. Legal pluralism provides a perspective through which one can study the manner in which such communities bargain various, and in many cases, competing, legal orders in their daily experiences.

Cultural Governance of Postcolonial Politics of Food

Cultural governance is the relationship between the state and cultural practices, which are usually controlled and managed during the process of nation-building, tourism, and branding. The issue of cultural governance in the process of food systems is especially relevant to postcolonial societies where food is not only a source of livelihood but also a representation of culture (Herzfeld, 2016). In postcolonial states, the symbolic management of culture is a common practice whereby states promote some of the food practices as national identity and marginalize indigenous and minority practices (Appadurai, 1988). This is observed in Bangladesh, where the state is inclined towards popularizing national cuisine that is open to modernized or standardized food practices and silencing or stigmatizing the indigenous food systems of marginalized people (Herzfeld, 2016).

According to postcolonial theorists of governance, states are likely to prioritize some food practices as symbols of modernity and national identity and ignore traditional practices that are perceived to be unsophisticated or backward (Herzfeld, 2016). As an illustration, Bengali Hindu cuisine customs and rituals of preparing and serving food practiced in Chakma food, like the use of certain techniques of food preparation and offering ceremonies, are deeply rooted in the cultural heritage of the community. But the state is more inclined towards food practices that are in line with globalization of the food systems and standardization of the hygiene practices, which tend to override or nullify the cultural relevance of the traditional food cooking practices (Appadurai, 1988). According to Herzfeld (2016), the exposure of food traditions in the public space is a key factor that contributes to the appreciation of the practices by the state. The media and the national discourse promote food practices that resonate with the global culinary trends in favor of traditional or local foodways, which are pushed to the periphery or considered to be non-compliant with modern trends. It can be observed in the way that state food policies tend to overlook the spiritual and cultural relevance of traditional food practices, or offering and even cooking foods in religious rituals, or the utilization

of natural cooking techniques that hold cultural value to the community.

Intellectual Property Protection and Food Sovereignty

The nexus of food sovereignty and intellectual property (IP) has attracted growing interest over the past years. Geographical Indications (GIs) and collective marks have become a way to safeguard the traditional food knowledge and make sure that marginalized communities keep their culinary traditions under their control (Barton, 2014). The GIs are used to safeguard food items with special features associated with their geographical origin, like Kashmiri saffron or Mishti Doi in Bangladesh. These intellectual property safeguards protect the abuse and misuse of traditional food knowledge by outsiders and guarantee that the community receives economic gains back that support these food systems (Barton, 2014; Codex Alimentarius Commission, 2022).

Nevertheless, the experience of obtaining intellectual property rights with the help of GIs and collective marks may be a difficult one. Although the GI can provide protection, it also needs to be coupled with food systems that meet modern regulatory processes, which are not in tandem with the traditional food processes. As an illustration, food items that are to be covered by GI protection requirements typically must satisfy some hygiene requirements, which may be challenging to attain by small-scale manufacturers without sheltering their traditional food preparation techniques. Also, the threat can be posed by the global market forces that promote the commercialization of traditional food systems to the authenticity of these practices since standardization is a condition for mass production and export (Barton, 2014).

Sustainability and Postcolonial Food Systems

The connection between postcolonial food systems and sustainability is a significant field. Traditional ecological knowledge is useful in the postcolonial food systems and has led to biodiversity and sustainable agriculture (McMichael, 2009). The Indian, Brazilian, and Mexican countries have been identified to have indigenous food systems that are more resilient and environmentally sustainable than the industrial agricultural systems, which focus on production at the expense of environmental stability (McMichael, 2009). Forging and organic farming methods are also used in communities like Chakma and Santal in Bangladesh, where they are directly connected to the local ecosystem. These are practices that are based on ecological knowledge that has been passed across generations and which have been key to the food sovereignty and sustainability of these communities (Kikon, 2021).

Nonetheless, industrialization of the food industry and globalization of the food markets have given rise to the replacement of the traditional food system with the modern and market-driven systems (Patel, 2009). Monocropping and industrial agriculture have also led to

the destruction of biodiversity and the degradation of the environment, thus causing the marginalized communities to struggle more when it comes to their food sovereignty.

Gaps in the Literature

Although most of the literature concentrates on food security, agricultural policy, and commercialization of food heritage, a major gap in research exists on the intersection of food sovereignty and legal pluralism in Bangladesh. In South Asia, most studies about legal pluralism have been done about how the customary law interacts with state law, but in non-food-related situations (von Benda-Beckmann, 2002). In a similar vein, whereas the idea of food sovereignty has been ample in the context of agricultural activity, little work has investigated how traditional food systems among the marginalized communities can be safeguarded against state regulation. The study will address these gaps by studying the role of legal pluralism and cultural governance in determining the food sovereignty of Bangladeshi marginalized communities. This study will study the process by which these communities negotiate, adapt, and defend their food systems in response to state food regulation through qualitative research.

Theoretical Framework

This paper uses some critical theoretical ideas that are at the center of the knowledge of how food safety regulations, traditional food practices, and cultural governance intersect in relation to marginalized communities in Bangladesh. These theories are legal pluralism, cultural governance, and food sovereignty. They provide a complete system of analysis of the interaction and at times contradiction of state regulations with traditional food systems. The theoretical background of the study is described in the following sections.

Legal Pluralism

Legal pluralism can be defined as the existence of various legal systems or orders in a single jurisdiction where different legal systems are interacting and at times conflicting with each other; these legal systems may include state law, customary law, and religious law. The key to comprehending the occupation of heterogeneous groups in the border of food safety dictates of the state and food practice lies in legal pluralism (Merry, 1988; von Benda-Beckmann, 2002).

Legal pluralism in the food governance context depicts the conflict between the laws of the state that are usually focused on promoting health and standardization of food, and customary or religious laws that regulate the production, supply, and consumption of food. State legislation, such as the Food Safety Act 2013, controls food safety practices in Bangladesh to avoid the occurrence of foodborne diseases, although it tends to override customary food systems, such as using clay pots, cooking on open fires, and fermentation or religious food taboos, such as the preparation of Bhog during religious

celebrations. These food practices are not simply technical practices of preparation of food, but they are part of the cultural and religious life of the communities and therefore can hardly be reconciled with state-regulated practices.

Legal pluralism, in turn, is an approach that makes it possible to consider how the populations that are marginalized (the Santal, Chakma, Bengali Hindus, and Rohingya, in particular) seek to preserve their food sovereignty and cultural identity without disrupting the regulatory systems of the state. The research paper will focus on the use of customary or religious food laws by these communities as compared to state laws and issues that arise when the legal orders collide.

Cultural Governance

Cultural governance can be defined as the manner in which the state controls and administers the practices of culture in order to fulfill the political, economic, and social goals. It usually entails the favoring of some cultural behaviors, like national cuisine, in postcolonial countries and marginalizing or excluding others. The concept of cultural governance, in the case of food, implies the mechanism of state control over which food practices are to be considered part of the national identity and national heritage (Appadurai, 1988; Herzfeld, 2016).

In Bangladesh, the cultural governance of food has been manifested by the state to make some food practices the national heritage and neglect the cultural importance of the indigenous food systems. These measures usually entail food festivals, cultural tourism, and standardization of food practices, which emphasize food that is in line with current hygiene and production standards. Nonetheless, the customary types of food practices that fail to attain such standard norms are invariably neglected, discarded as unsanitary or even prohibited, regardless of their cultural significance.

This paper places cultural governance as a significant idea in the consideration of the way food heritage is state-regulated, and that the traditional food system of marginalized communities is frequently marginalized in the process. The cultural integrity of the indigenous food practices can be prejudiced by the state's concern in terms of encouraging a homogeneous national identity via food regulations. The study will examine how food governance in Bangladesh is a cultural control whereby the state favors some food practices and national identity symbols, and oppresses, or redefines other food practices that are perceived as out-of-date or inconvenient to modern, industrial food regimes.

Food Sovereignty

Food sovereignty refers to the ability of peoples and communities to determine their own food system, the production, distribution, and consumption of food without being subject to foreign domination and exploitation (Nyeleni Forum, 2007). It is one of the central ideas in the discourses of food justice and food

security that focus on the right to not only access food, but on the right to continue to practice food rooted in local knowledge and cultural history (McMichael, 2009). In the marginalized group scenario in Bangladesh, food sovereignty is closely connected with the preservation of traditional food systems and cultural heritage. The basis of food systems in these communities has always been ecological literacy, religious customs, and inter-generational food literacy (Kikon, 2021; Sutton, 2001). Food sovereignty, therefore, is a challenge to protect and preserve ancient food methods in the face of state authority and commodification. The paper examines how these communities are insisting on their right to food sovereignty through efforts to fight the state, which is trying to enforce modern food safety standards that are purportedly trying to disrupt the traditional food systems in these communities. It also considers the role of legal pluralism and cultural governance in determining their ability to implement food sovereignty, particularly when state regulations on food are seen as barriers to upholding cultural identity.

Food sovereignty is a move against the belief that food systems must assume globalized norms of the food market or industrialized food production patterns. Instead, it requires an acknowledgment of the local food systems, including the traditional food production modes, as valid and worthy of protection (Patel, 2009). Food sovereignty in Bangladesh is how the marginalized communities can struggle against modernization and the commodification of their food systems, as well as claim their right to their culinary heritage.

Postcolonial Theory and the Politics of Food

The postcolonial theory reflects on the impacts of colonialism and how colonialists influenced food systems and habits in the Global South. Colonial powers tended to industrialize and standardize food systems in postcolonial contexts to ease international trade and economic domination (Herzfeld, 2016). Such colonial policies have had unending consequences on food systems, in the sense that they have dominated the traditional food practices by introducing newer and industrial food systems that are meant to address the colonial economic interest.

The postcolonial legacy of food governance and regulation can still be observed in Bangladesh. Although food systems in the country have changed, much of the state's control over food practices is still colonial, with hygiene, sanitation, and standardization, which, in most cases, do not consider local food knowledge or the practice of ecological food practices. The attempt at introducing modern legislation on food safety by the state is reminiscent of the colonial era of introducing foreign standards to the local practice of food sovereignty (Herzfeld, 2016).

The study applies the postcolonial theory in order to critically examine the conflict between state regulation and food practices of the indigenous people and how colonial legacies persist in the regulation of food in Bangladesh.

The research also takes into account the way in which postcolonial societies are demanding food sovereignty by preserving the traditional food system and opposing the state-enforced food safety regulations.

MATERIALS AND METHODS

The study of this paper is a qualitative, interpretive research design that investigates the problem of the nexus of food sovereignty, legal pluralism, and cultural governance on marginalized communities in Bangladesh. The qualitative approach was chosen as the topic was a complex and intricate topic that needed to document the experiences that the participants have lived and their cultural and ecological backgrounds that influence their views on traditional food practices. The methodology will involve a combination of semi-structured interviews, focus group discussions (FGDs), and interviews with the policy actors, and it will entail delving into the most significant themes.

Research Design

It is an interpretive study that sought to know the lifestyle of the marginalized communities in Bangladesh with respect to the food safety regulations of the state, without necessarily embracing the traditional food systems of the state. The qualitative methods are the most suitable for the objective because they allow paying attention to the rich and detailed stories with the following understanding of the subjective experience of individuals and communities. The study methodology is a multi-method research where semi-structured individual interviews, focus group discussions (FGDs), and policy actor interviews are used so that the data can capture the individual experiences and the community-level decision-making on food practices.

Sampling Strategy

A mixed method of purposive and snowball sampling was used to ensure that the study included the views of the most informed people regarding the traditional food practices:

- **Purposive Sampling:** The participants were identified depending on their involvement in traditional food practices, cultural heritage, and food sovereignty at the community level. This was in addition to food practitioners, elders, and folk healers who are primary holders of cultural food systems. The local experts and community leaders were incorporated as well to represent the wide range of knowledge of the community-based decision-making on food practices.

- **Snowball Sampling:** This was employed to increase the number of participants by requesting the first respondents to give suggestions on other people who might give valuable information on the study. This was especially useful when accessing marginalized or inaccessible populations like the Rohingya community and the Chakma indigenous populations. The snowball sampling assisted in the process of making sure that the research had as many different sides as possible,

particularly concerning those who were vulnerable and could not have been easily tracked down by purely using purposive sampling.

Data Collection

To make sure that rich and reliable data was collected among all the participants, the data collection process was done in a set of steps:

- **Semi-structured Interviews:** 30 semi-structured interviews were conducted with the informants who were key players, food practitioners, elders, and community leaders. The interviews concentrated on the participants' experiences of the traditional food practices, the influence of the state regulation, food sovereignty, and the role of communities in getting around the state law concerning customary food practices. The semi-structured format was also flexible and enabled the respondents to express their views at will without leaving out important research questions.

- **Focus Group Discussions (FGDs):** The 4 focus group discussions took place with 100 people of different communities (Santal, Bengali Hindus, Chakma, and Rohingya). The format of the focus group stimulated the interaction within the group and enabled the exploration of common experiences concerning the community-level decision-making and the negotiation of food sovereignty with state regulations. The FGDs also offered information on shared values, intergenerational food knowledge transfer, and community sustainability of traditions.

- **Policy Actor Interviews:** 15 policy actor interviews were held in which government officials, food safety regulators, and cultural heritage advisors participated. The purpose of the interviews was to obtain the policy-level information on how food practices and food safety regulations are regulated, as well as the role of the state in the cultural regulation. The presence of policy actors offered a critical insight into the way state laws are being made and implemented, and their influence on marginalized groups.

- **Audio Recordings and Transcriptions:** The audio recordings of the interviews and focus group discussions were done to ensure accuracy in recording what the participants said. The transcribed interviews were subsequently word-for-word translated into the original language (Bangla and the local dialect), and where the need arose, the transcripts were translated into English to be analyzed. Transcription and translation procedures have been done attentively to maintain the cultural and situational meaning of responses of the participants since they are vital in comprehending their experiences.

Data Analysis

The data were analyzed using NVivo 12, a data analysis program that analyzes qualitative data, and it proved to be helpful in organizing and interpreting the great amounts of information in the form of text. The study utilized both coding and thematic analysis as a method of uncovering the pertinent themes and patterns regarding

the research questions of the study:

- **Coding:** NVivo was applied in deductive and inductive coding. The theoretical framework of the study developed deductive codes, and such themes as the sovereignty of food, legal pluralism, and cultural governance were involved. Even the data created inductive codes and consequently resulted in new themes emerging according to the answers of the participants, such as community resilience, food-related rituals, and regulatory challenges.

- **Thematic Analysis:** Thematic analysis was set to determine patterns that were evident in the data, particularly how the traditional food practices were being negotiated with the help of the state food safety laws. This exercise helped in the identification of key areas of tension, accommodation, and compatibility between state regulations and traditional food systems.

- **Data Triangulation:** To ensure that the results are valid and reliable, triangulation was done by cross-referencing the information in different forms or sources- semi-structured interviews, FGDs, and Policy actor interviews. This allowed taking a comprehensive view of the issues that were examined and helped to remove bias in the results with the help of a specific perspective.

Ethical Considerations

The ethical principles were applied throughout the course of this research because it was crucial to retain the rights of the participants along with the integrity of the data:

Informed Consent: All the participants were given adequate information regarding the study objectives, research procedure, and potential risks. The informed consent was received orally. The participants were also informed that they could drop out of the study at will.

- **Confidentiality:** Privacy and confidentiality of the participants were given importance in the process of the research. All transcripts and reports were done under pseudonyms, and all identifiable information was then deleted to ensure that no names were known. Information was kept in a safe place, and only the research team could access it.

- **Cultural Sensitivity:** The study was culturally sensitive, so that the local norms of the participants, food habits, and rituals were respected. Special attention was paid to approaching the issues of sensitive topics, which included food sovereignty and state intervention with respect and understanding.

- **Professional Translator:** Since the interviews were to be conducted in Bangla and in the local dialects, a professional translator was hired to make sure that the answers of the participants would be translated perfectly. The translator was not only familiar with the English language but also with the dialects of the region, and was in continuous cooperation with the research team, in order to ensure that the cultural peculiarities could be introduced to the translation process correctly. It was a great milestone towards the integrity of the voices of the participants in the study.

RESULTS AND DISCUSSION

It is in this segment that significant findings of the study are brought into the limelight based on the results of the data gathered through 30 semi-structured interviews, 4 focus group discussions (FGDs) with approximately 100 participants, and 15 policy actor interviews. The analysis of the data has revealed the existence of certain problematic themes that elaborate on the complex character of the relationships between the state's food safety policies and the traditional food culture of the marginalized communities in Bangladesh. These are the key themes that the study has identified, which provide a deeper understanding of how the intersection of food sovereignty, cultural governance, and legal pluralism has taken place in these communities.

Sample Overview

The study used a total of 145 participants who were categorized into three large groups:

- **Food Practitioners and Folk Healers:** 30 semi-structured interviews on key informants, including food practitioners, elders, and community leaders who participated in the functioning of the traditional food systems. These interviewees were selected as they had in-depth knowledge of the food practices, rituals, and community-based decision-making. Through the interviews, the connection between food practices and the identity of the community and its cultural history was profoundly revealed.
- **Focus Group Discussions (FGDs):** There were four FGDs with the participants approximating 100. The group discussion being presented by the focus group format enabled the participants to exchange experiences and general opinions on issues like food sovereignty, the obstacles created by state laws, and how communities can maintain their traditional food practices despite external influences. The FGDs incorporated a wide range of age groups and gender so as to have a wide representation of voices in a particular community.
- **Policy Actors:** 15 interviews with policy actors. 15 interviews were held with government officials, food safety regulators, and cultural heritage advisors. These interviews gave a policy-level view of food governance, state policies, and how intellectual property rights are used to preserve traditional food practices. The knowledge of policy actors allowed putting into perspective the findings at the community level within the framework of state-based food safety legislation and cultural regulation.

Key Themes Identified

The key themes outlined based on the data analysis, which are the centerpieces of determining the intersectionality of state food safety regulations, traditional food practices, and cultural heritage in Bangladesh, are as follows:

Food as Self and Cultural Heritage

Food practices were defined as a part of culture in all communities, in addition to spiritual life. Participants also

explained food as an element of sustenance but also as a way of belonging, heritage, and spiritual connection. For instance:

Santal members also emphasized the importance of food in rituals, e.g., Chaul Bhog (rice offering) at harvest festivals, which links them to the ancestors and the land they are farming. These traditions are regarded as a remembrance and unity with the earth.

Bengali Hindus described that Bhog, which is given to deities in religious rituals, entails ritual purity and spirituality. The sacred food preparation is regarded as a method of becoming strongly connected to the gods and ancestors.

Participants of Chakma explained how fermented bamboo shoot, which is a classical food item, is not only a food item that has been preserved over time but a cultural treasure that is an essential element of their ecological intelligence. This is deemed to be very critical in ensuring that their community and the environment are in harmony.

The food practice in these communities was considered universal in ensuring that they retain a cultural identity that stands out among the rest of the communities against the national identity that is advanced by the state. As one of the elders of the Chakma said, food is part of our culture. Without it, we lose who we are."

Food Governance Legal Pluralism

The theme of legal pluralism also appeared, displaying the means by which the communities that have been denied access to power maneuver around the margins of customary, religious, and state food laws. All participants have repeatedly stated that there is tension between the state rules (e.g., food safety laws) that require standardization and hygiene, and their own traditional food systems that are based on cultural habits and ecological knowledge.

The participants of Santal and Chakma narrated about tensions with the traditional food laws and the state regulation that forbids actions like foraging wild herbs or cooking with clay pots, even though these practices are deemed harmless and an important part of the culture.

Another aspect of Bengali Hindu participants touched on the fact that the offerings of temples (Bhog), having certain rituals and using earthenware, are not accepted by the current standard of food safety, and there have been controversies with the authorities.

The members discussed how they manage these tensions through changing their practices in line with the state regulations, mostly hiding or altering the traditional practices to avoid legal consequences, and at the same time retaining their cultural sense.

Regulatory Friction and Cultural Loss

The problem of regulatory friction was sharpened, in particular, in relation to banning the use of traditional methods of food production (open-fire cooking, fermentation, the use of wild herbs) and their traditions.

These were seen as practices that were central to food sovereignty and cultural survival of the community, and state laws often characterized them as unsanitary or unsafe. The Chakma and Santal groups complained about frustration with the state attempting to enforce the modern food safety practices, which do not consider the cultural meaning of these practices.

According to one of the Chakma elders, the government claims we are dangerous in the things we have eaten, but we have been doing so for generations. It is what makes us stay healthy and attached to our ancestors.

The participants were worried that state policies were causing cultural erosion since traditional food systems had to be standardized to suit the market needs, thereby replacing the native food knowledge. The state presented this cultural loss as some form of colonization that was perceived as having tried to integrate the traditional foodways into a globalized food system.

Food Sovereignty

One of them was defined as food sovereignty, which is discussed as a major concept in the right to control food systems. Within all communities, even a great feeling was that the marginalized groups should be given the freedom to ensure that the control of their food systems remains with them in terms of food production, consumption, and cultural habits, without external forces like the state government or international market intruding into their food systems.

Rohingya respondents emphasized the role that the displacement of their own community has played in their inability to possess food sovereignty. Although they are in refugee camps, they continue to insist on the significance of traditional cooking techniques and foods that are culturally important to them as a kind of resistance to their displacement and cultural erasure.

To the Chakma youth, food sovereignty was not just a food practice but a land right and the freedom to carry their culture by utilizing the traditional knowledge. The youth emphasized the need for resilience in food systems, even when faced with modern agricultural techniques that are destructive to local ecosystems.

Benefit-sharing

The concept of benefit-sharing became a possibility to protect the traditional food knowledge and ensure that the communities are fairly compensated for their cultural contributions. The participants were talking about the opportunities that Geographical Indications (GIs) and collective marks offer to the protection of food products and making sure that the profits of the commercialization process are reinvested into community development.

Santal and Chakma respondents gave a big and overwhelming support to the adoption of GIs to safeguard their traditional wild herbs and fermentation foods. But they also expressed an issue of exploitation in case the benefit-sharing mechanisms are not well controlled. The participants pointed out that they

needed to control the benefits they reaped out of their traditional food expertise to ensure that the gains are used beneficially by the community and that the culture is not eroded.

Decision Making at the Community Level

The decision on the food practices was spoken of to be very collective at the community level, as the elders, food practitioners, and the community leaders would sit together and decide how food should be prepared, given, and eaten. Knowledge sharing was also a priority, and the elders used to educate the younger generation on the cultural significance of food rituals and processes so that they could continue to be practiced to maintain cultural continuity.

Santal and Chakma communities make decisions regarding the collection and cooking of wild herbs by discussing them within the community. This type of community governance strengthens the food sovereignty of the community, as they can adjust the traditional methods to suit the current problems and preserve their culture.

Discussion

This section offers a detailed discussion of the results introduced in the Results section and explores the conflicts between state food safety policies and conventional food systems in the marginalized populations in Bangladesh. It accentuates how legal pluralism, cultural governance, and food sovereignty are used to negotiate the crossover between state law and food practices at the community level. Through the resolution of the conflict between heritage and food safety, the purpose of the presented adaptive food safety standards, and the use of intellectual property to protect food, the proposed discussion is going to help find the answers to the theoretical and practical issues of maintaining traditional food systems and ensuring positive health results among people.

The Conflict between Heritage and Food Safety

The major contradiction that has been found in this research is a conflict between the food safety laws that are imposed by the state and those that are deeply rooted in the cultural legacy and spirituality of marginalized groups. This tension is created by the attention of the state to standardization and public health via the contemporary food safety statutes that tend to ignore the cultural value and ecological knowledge of the traditional food systems. Food is not just sustenance but an identity and a continuity of culture, and culture as participants of the Santal, Chakma, Bengali Hindu, and Rohingya communities described (Sutton, 2001; McMichael, 2009). The folk food culture of fermentation, cooking over the fire, and the use of wild herbs is a part of the community life and ecological literacy (Patel, 2009; Finkler, 2018). These practices are, however, mostly in conflict with the current food safety regulations, which label them as unsanitary or unsafe. This mode of regulation not only endangers cultural heritage but also the community's

right to self-governance of food systems. This is exactly the essence of the problem in Bangladesh, in which communities, as defined by the Nyeleni Forum (2007), have the right to shape and manage their own food systems without being meddled with by outside forces. The oversight of food regulation system in the state that has more emphasized on the results of the population and health has done so with the ignorance that the traditional food system has been able to sustain communities over the years with traditions that are deeply embedded in the system and ensure that there is balance in the ecological system and resilience of culture (McMichael, 2009). The interest of the state in the hygiene standards, as Herzfeld (2016) argues, does not always take into account the cultural meaning and the local wisdom underpinning these food practices. The concept of safe food as perceived by outsiders is greatly shaped by the contemporary industrial food structure, and this becomes a challenge to the marginalized communities whose food culture is rooted in ancient cultural beliefs.

Safety with Heritage: An Adaptive Food Safety Framework

The proposed solution, which is the Safety with Heritage framework suggested by this research, provides an avenue for integrating the adaptive food safety standards without disrespecting cultural heritage. Instead of applying strict, universal regulations, this framework proposes outcome-oriented hygiene measures that are centered on the safety results desired (e.g., avoiding foodborne illnesses) but not on how food is actually prepared.

The Codex Alimentarius (2022) also prioritizes the need to have flexible food safety standards that can be adjusted to different cultural settings to ensure food safety results are obtained without overlooking the authenticity of the traditional food practice. In regard to Santal and Chakma people, the use of clay pots or fermentation would likely be maintained, provided that the cleanliness and temperature are monitored. This framework provides a platform where the needs of the people concerning health safety may be addressed, together with the cultural time needs.

This reactive approach is in line with hygiene practice explained by Patel (2009) and McMichael (2009), which focuses on achieving the health goal by modifying its solutions according to flexibility rather than strict rules that may undermine cultural food systems. This will correspond with food sovereignty that supports the right to practice traditional food production, and yet safe and nourishing food for everybody (Nyeleni Forum, 2007).

Food Sovereignty and Market Access

The other important element of this research was the examination of food sovereignty and the protection and commercialization of traditional food activities in terms of intellectual property, namely Geographical Indications (GIs) and collective marks. GIs can ensure that food products whose source is a certain geographical

area and have a traditional mode of production are not stolen by the external commercial players (Barton, 2014). Indicatively, the GIs can be used to protect traditional products such as Mishti Doi (sweetened yogurt) of the Bengali Hindu community or fermented bamboo shoot of the Chakma, and only the local communities are entitled to the products.

GIs may also make certain communities have economic gains out of their food heritage. The marginalized groups may be empowered with intellectual property rights, which will allow them to have the means of commercializing their traditional knowledge and preventing the commercial exploitation of their cultural property that may otherwise be exploited by other parties (Finkler, 2018). The obstacles, however, become evident when the existing food systems clash with the new food safety policies that can no longer be adhered to without following particular production procedures that are not necessarily traditional (Barton, 2014). The study hypothesizes that food sovereignty should not purely revolve around the right to practice the food traditional systems, but also the right to defend and commercialize such practices in the form of fair trade and intellectual property rights.

However, it is difficult when the old food systems fail to comply with the new food safety practices that require specific production practices to be adhered to, and those new practices may not align with the old practices (Barton, 2014). The research believes that food sovereignty ought to be all-inclusive of the right to practice traditional food systems and the right to protect and commercially benefit from the practice through fair trade and intellectual property rights.

Cultural Governance: The role of the State in the preservation of culture

Cultural governance in the state, especially concerning the food systems, has been one of the major concerns in postcolonial societies. In Bangladesh, the food policy and the state-level regulation of cultural heritage tend to focus more on modernization and standardization, rather than on preserving the indigenous food knowledge. This is a discriminatory form of cultural preservation, which excludes the food cultures of the indigenous and marginalized people, and perpetuates the national food identity (Herzfeld, 2016). The focus of the state on national cuisine and food tourism has the tendency to support food practices that meet the requirements of the global markets, and reject traditional ways and practices that are considered unsanitary or inefficient. This can be seen in the manner in which the traditional food cultures of Bengali Hindu and Santal peoples are usually marginalized by the national food policies, which lack the cultural meaning (Appadurai, 1988). According to Herzfeld, the process of nationalizing the food systems is usually accompanied by the rejection of indigenous knowledge in favor of food practices that are market-driven and that would fit into the global food economy

(2016).

The paper proposes a more encompassing cultural governance theory that embraces the worth and integrity of all food practices, and more so that of marginal groups. Through interaction with the local communities and recognition of the traditional knowledge of the community, the state is able to promote a food governance system that maintains the cultural heritage as well as the health of the people. The cultural governance will have to shift to accommodate this cultural diversity and honor food sovereignty, whereby the marginalized people will also be allowed to preserve their cultural food systems as they engage in the global food economy.

Future Research Scope

The paper has determined the contradiction between the state food safety laws and local culture in the marginalized Bangladeshi communities, although there exist several aspects to be explored.

Future Research Future work can analyze the experience of food governance in other similar postcolonial nations, such as India, Pakistan, and Indonesia, where analogous battles between state policies and local food systems may be seen. Comparative analysis would provide a feel for how legal pluralism and cultural governance can be used to establish food sovereignty in different settings, and it may recognize transnational solidarity in the protection of traditional food knowledge.

Gendered Food Knowledge: The research on the topic of women and the transmission of food knowledge is scarce. The study ought to investigate how females are sustaining, adjusting, or resisting traditional practice in the food safety legislation, and how they might become strong in the community sustainability as a result of being their leaders.

Digital Preservation: The digital platforms, comprising social media, online cookbooks, and community-created archives, offer an opportunity to document and preserve the traditional foodways. Their potential to pass on knowledge to new generations, in terms of accessing the external world, and continuity of cultures in the digital age, would be tested in future research.

Economic Aspects: The conventional food systems can facilitate the local economies and sustainable livelihoods. The research may be able to measure their economic value, scrutinize their market potential with the help of such tools as Geographical Indications (e.g., Mishti Doi, fermented bamboo shoots), and assess other types of economic models that allow both sovereignty and empowerment.

Benefit-Sharing Mechanisms: Just sharing of benefits is essential in order to protect traditional knowledge. Research could look at cooperative models, fair trade, and enforcement of the law, which would present the communities with fair pay in case their food heritage is commercialized.

CONCLUSION

This study examined the conflict between state food safety regulations and the traditional food systems of marginalized communities in Bangladesh, particularly the Santal, Chakma, Bengali Hindu, and Rohingya communities. It highlighted the cultural, ecological, and spiritual significance of food practices that are often deemed unsafe under the state's regulatory framework, such as fermentation, open-fire cooking, and the use of wild herbs.

The research objectives were to explore how these communities negotiate food sovereignty within the context of legal pluralism and to propose a model that integrates traditional practices with modern food safety standards. The study's main contribution lies in the "Safety with Heritage" framework, which calls for a flexible, outcome-based approach to food safety. This model allows for the continuation of culturally significant food practices while meeting health standards, thereby promoting food sovereignty and cultural preservation.

However, the study has limitations. Methodologically, the research was based on qualitative interviews and focus group discussions, which may not fully capture the broader, quantitative impact of these regulatory tensions across all communities in Bangladesh. Furthermore, the study's findings are context-specific to Bangladesh and may not fully translate to other postcolonial contexts without further research.

To improve food governance in Bangladesh, policymakers should adopt flexible food safety standards that accommodate diverse cultural practices while ensuring public health and safety. Cultural stakeholders, including community leaders and food practitioners, should collaborate with policymakers to create regulations that reflect the cultural significance of traditional food systems. Geographical Indications (GIs) and collective marks should be explored as tools to protect food heritage and provide economic benefits to marginalized communities.

In conclusion, the study advocates for inclusive food policies that respect both food safety and cultural sovereignty, ensuring marginalized communities can maintain their food traditions while contributing to national health goals.

REFERENCES

- Appadurai, A. (1988). How to make a national cuisine: Cookbooks in contemporary India. *Comparative Studies in Society and History*, 30(1), 3–24. <https://doi.org/10.1017/S0010417500015024>
- Barton, K. (2014). Protecting traditional food knowledge through geographical indications. *International Journal of Food Policy*, 16(3), 45–60.
- Codex Alimentarius Commission. (2022). *General principles of food hygiene* (CXC 1-1969) (Rev. 2020/2022). FAO/WHO. <https://www.fao.org/fao-who->

- codexalimentarius
- Finkler, K. (2018). Food sovereignty, food justice, and indigenous food systems. *Food Security*, 10(1), 1–9. <https://doi.org/10.1007/s12571-017-0759-9>
- Herzfeld, M. (2016). *Cultural intimacy: Social poetics and the real life of states, societies, and institutions* (3rd ed.). Routledge. <https://doi.org/10.4324/9781315734394>
- Kikon, D. (2021). Bamboo shoot in our blood: Fermenting flavors and identities in Northeast India. *Current Anthropology*, 62(S24), S376–S387. <https://doi.org/10.1086/713934>
- McMichael, P. (2009). Food sovereignty, social reproduction, and the agrarian question. In *Food sovereignty: A critical dialogue*. Yale University.
- Merry, S. E. (1988). Legal pluralism. *Law & Society Review*, 22(5), 869–896. <https://doi.org/10.2307/3053638>
- Nyeleni Forum. (2007). Declaration of the Forum for Food Sovereignty (Nyéléni, Mali). <https://nyeleni.org>
- Patel, R. (2009). Food sovereignty: The challenge to the global food system. In *Food sovereignty: A critical dialogue*. Yale University.
- Rahman, M. H., Rahman, M. M., & Islam, I. B. (n.d.). *Indigenous organic agriculture theory: A modern farming system based on folklore and sustainability in the 21st century*. Sutton, D. E. (2001). Remembrance of repasts: An anthropology of food and memory. Berg.von Benda-Beckmann, F. (2002). The dynamics of legal pluralism in South Asia. *Journal of Legal Pluralism and Unofficial Law*, 34(46), 25–37. <https://doi.org/10.1080/0732913.2002.10756563>
- Rahman, M. H., & Rahman, M. M. (2025). *Folklore as intellectual property: Policy, legal prospects, and the urgency of developing a national folklore register for Bangladesh*. Legal Prospects, and the Urgency of Developing a National Folklore Register for Bangladesh (August 01, 2025). <http://dx.doi.org/10.2139/ssrn.5383087>
- Rahman, M. H., Rahman, M. M., & Khan, I. A. (2025). Indigenous water symbolism and management: A comparative study on ecologies of rain and intellectual appropriation in Bangladesh, India, the US, and Germany. *HISTORICAL: Journal of History and Social Sciences*, 4(3), 339-361. <https://doi.org/10.58355/historical.v4i3.202>