
WHEN THE EARTH GASPS FOR BREATH, WILL LAW AWAKEN BEFORE ITS DEATH? – CONSTITUTIONAL JUSTICE FOR ECOCIDE

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ABSTRACT

Climate change is constantly accelerating, ecosystems are constantly collapsing, the Earth is crying for help. This paper deals with the concept of “ecocide”, by way of this paper, we expect to help the readers garner a better understanding of the mass destruction being caused to our environment. We tackle various questions as to whether the ambit of Article 21 can be increased to give a “Right To Life” to “Nature” to safeguard it and ensure mass deforestation and resource depletion is curbed. In the comparative analysis of India with other countries, India was not at a very good standing. It is high time that certain rules and regulations are put in place to stop sabotaging the environment for our own personal good. In this paper, we have delved deep into the current standing with regards to environmental protection in India as well as internationally. We deal with how the nations are dealing with the Kyoto Protocol, UNFCCC’s guidelines and also those of the Conference of Parties. We have suggested various measures which can be taken by the legislature and judiciary of the country to ensure compliance with the already in place environmental laws.

RESEARCH METHODOLOGY

This research adopts a doctrinal and qualitative methodology, rooted in the examination of primary and secondary legal sources, combined with philosophical and comparative analysis. The primary objective is to evaluate the extent to which constitutional remedies in India can address environmental degradation in the age of ecocide and whether the recognition of the "Right to Nature" within the Indian constitutional framework is both necessary and viable.

The research comprised of close scrutiny of the various environment protection laws in place, the burden on the National Green Tribunal was also studied. The aim of various international protocols was greatly researched and considered apart from that the ambit of Article 21 of the Constitution was looked into along with various cases which have come before the Supreme Court with respect to environmental justice along with suo-moto action taken by the Apex Court for the same. Criminal Laws of various countries have been thoroughly researched to examine whether the practice is criminalized or not. Current issues have also been covered to help lay emphasis on the fact that the time isn't far when the human race faces extinction, for which we will only have ourselves to blame. This paper deals with various aspects of why ecocide must be criminalized, and what other measures can be taken for the same.

I. INTRODUCTION

The age that the humans live in, often called the Anthropocene, is defined by the deep imprint human activity has left on Earth. Climate change is accelerating, species are vanishing, forests are disappearing, oceans are turning more acidic, and entire ecosystems — from the Amazon to the Arctic — are nearing collapse. This damage, driven by unchecked industrial growth, deforestation, pollution, and reckless resource use, isn't just harming distant landscapes; it's shaking the foundations of life itself.

Nature doesn't speak the language of human courts and parliament, cause only if they could have, humans would have known the pain and suffering caused to the very planet that we call "Mother Earth". The bearer of the lives and existence the planet Earth has been repaid by irreversible destruction and damage in the name of political ambition and development. Thus, it's high time that humans realize their duty as the natives of this planet and raise their voice against the brutal crimes being committed against nature.

In the words of Polly Higgins, “*we have harmed and injured the earth enough; the earth is in need of a good lawyer*”, a statement which couldn’t stand truer even today¹.

Humanity has done everything in their power to kill Earth -- one crime at a time, one bomb drop at a time. Wartime has always caused mass destruction be it genocide or ecocide, but the problem doesn’t end there. Driven by endless greed and never-ending hunger for more, mankind has turned against the planet itself, slowly butchering its life systems in pursuits of these worldly pleasures. If this path continues, there will come a day when humanity wakes to find nothing left but a lifeless concrete jungle — and by then, it will be too late.

The largest rainforest of the world, the Amazon, is decaying, the North and South Poles are also becoming the victims of the widespread destruction, the Himalayan glaciers are melting, ice is fracturing, and cracks are occurring. Los Angeles and Australia are being grappled in forest fires, and island countries such as the Maldives are expected to be submerged underwater by the coming decade. Amidst all these dreadful natural occurrences, the question arises, that with these repetitive natural mishaps are we steadily fasting ourselves towards another ice age or another big bang just because of the sheer amount of carelessness with which we look after our Earth?

Drastic measures have to be taken in order to protect the Earth from the genocide which has been unleashed on our ecosystem. Can we make this genocide a crime against peace? Can Governments take measures to prevent this “ecocide” that is being relentlessly unleashed? In this paper, we are going to discuss in depth the role that the Constitution plays in providing remedies for addressing the drastic environmental degradation in the age of ecocide, and whether or not the “Right to Nature” should have constitutional recognition.

II. DEFINITIONS OF ECOCID

The term ecocide originates from the Greek word “*oikos*” (home) and the Latin suffix “*-cide*” (to kill) which means the large-scale destruction of the natural environment by human activity². An ecocide puts all forms of life in danger as well as humans as we too are extensively

¹ Ecocide, the 5th Crime Against Peace: Polly Higgins at TEDxExeter, available at <https://www.youtube.com/watch?v=8EuxYzQ65H4>

² Isabel Liao & Tharun Pranav, The Criminalization of Ecocide – An Indian Perspective, Volume VII, Issue II, NUJS, Pg 52.

dependent upon natural resources, in order to sustain ourselves and the ecosystem around us and to ensure that our future generations have enough resources left.

The term “ecocide” was first coined by Professor Arthur W. Galston, a US biologist. He coined this term at the Conference on War and National Responsibility in Washington in 1970, wherein he had also proposed an international agreement to ban the same.³

Polly Higgins in speech defined ecocide as “*the extensive destruction, damage to or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished.*”⁴

The Independent Expert Panel for the Legal Definition of Ecocide, defines it as “*unlawful or wanton acts committed with the knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.*”⁵

III. CURRENT LEGAL SCENARIO PERTAINING ECOCIDE

1. Indian Legal Scenario:

In India, the judicial branch has played a crucial role in expanding the scope of environmental rights, primarily through its interpretation of Article 21 of the Constitution. While Article 21 traditionally guarantees the right to life and personal liberty, the Indian judiciary has progressively broadened this interpretation, integrating environmental protections into its scope. The shift from a narrow understanding of the right to life, focusing solely on personal liberty and security, to a more expansive interpretation that includes the environment, has been one of the most transformative aspects of India's environmental jurisprudence. This has been enshrined in the landmark case of *M.C. Mehta v. Union of India (1987)*⁶, wherein the court introduced the concept of “absolute liability” for industries involved in hazardous activities, particularly concerning their impact on public health and the environment. The judgment in this case was pivotal because it established that industries must be held accountable for

³ Ecocide Law, History 1970s, available at <https://ecocidelaw.com/history/>

⁴ Ecocide, the 5th Crime Against Peace: Polly Higgins at TEDxExeter, (Apr 12, 11:00 P.M.) available at <https://www.youtube.com/watch?v=8EuxYzQ65H4>

⁵ June 21: Historic Moment as Independent Expert Panel launches definition of Ecocide, available at <https://www.stopecocide.earth/legal-definition>

⁶ *M.C. Mehta v. Union of India (1987)* 1 S.C.R 819, Vol 1987/Volume 1

environmental harm caused by their operations, regardless of whether negligence or intent could be proven.

This ruling was an important departure from traditional tort law, which required proof of negligence, and it reflected the courts' growing awareness of the disproportionate risks posed by industrial activities to public health. The best example to cite here is the *Bhopal Gas Tragedy*⁷ and the *Oleum Gas leak*⁸, both incidents in which people were severely injured and some killed due to the harmful gases which escaped their premises. The people who were not physically affected by these two major events, ended up birthing children with disabilities or deformities and themselves faced these disabilities and deformities too.

Initially, when the Indian Constitution came into force, environmental concerns were not explicitly recognized as part of the right to life. However, over the years, as industrialization and urbanization began to take a significant toll on India's natural resources, the need for legal safeguards against environmental degradation became undeniable. The turning point in this transformation came through judicial innovation rather than through changes to the Constitution itself. India's courts began to recognize that the health of the environment directly influences the quality of life, thereby justifying a more inclusive interpretation of Article 21.

In previous Conference of Parties 27 meetings (COP27) India laid immense focus on climate funds. This shows us how much care a nation's government has for the well-being of its citizens. This also goes to show that countries have found a way to prioritize acquisition of climate funds in the name of curbing climate change, because, the on ground scenario, unabashedly shows a different picture altogether. Though, surprisingly, a country as large as India being the second largest fossil fuel market in Asia, which means constant exploitation of ecological resources is planning to decriminalize environmental violations and instead is planning to replace them with penalties.⁹

As of 2025, India's ecosystem is heading towards its death, with projects being sanctioned without any alternative action being put in place. Recently, 9,000 mangrove trees are being planned to be cut down in Mumbai for a 'Mumbai Coastal Road'. This news raises concerns, for a city like Mumbai which lies on the coasts of the country, mangrove trees are a necessity

⁷ Union Carbide Corporation vs Union of India Etc on 4 May, 1989, 1990 AIR 283, 1999 SCC (2) 540

⁸ *Supra*

⁹ Isabel Liao & Tharun Pranav, The Criminalization of Ecocide – An Indian Perspective, Volume VII, Issue II, NUJS, Pg 52.

to the ecosystem of the city as they have acted as buffers for ages everytime the city sees floods coming its way. These trees have prevented coastal erosion and protect the shorelines of the city and hence, the communities. 9,000 trees are said to be cut whereas a total of 60,000 will stand affected.¹⁰

Further more recently on 2nd of April, 2025, The Hon'ble Telengana High Court stayed the felling of trees in the Kancha Gachibowli forested area. Two days later, the Hon'ble Supreme Court directed the halt of this "alarming deforestation". The Telengana government had started to clear out 400 acres of forest land, but amid student protest by the students of University of Hyderabad (UoH) against the state, which gave voice to the wildlife, the courts recognized it and stepped in to support. Various videos were also circulated amongst all social media platforms wherein one could hear the cries of various animals and birds, inhabiting the forest land therefore highlighting the urgency of the government to take an action and halt this horrendous action under the veil of development.¹¹

The court has acknowledged that the environmental conditions surrounding an individual are integral to their right to life, as pollution directly affects human health and well-being. This decision was a critical juncture in Indian environmental law, signalling a shift toward viewing environmental rights as a part of fundamental human rights.¹²

Another notable development in Indian environmental jurisprudence is the increased use of Public Interest Litigation (PIL), it has provided a channel for addressing environmental issues that might otherwise be overlooked or neglected. In cases where governmental or corporate negligence threatens the environment, PILs allow the courts to intervene proactively and ensure remedial action. This has been particularly effective in cases involving pollution, deforestation, and wildlife conservation. The court has also exercised suo motu powers, initiating legal action on its own, based on media reports or public grievances. This has been particularly valuable in addressing environmental crises that demand immediate attention.

One of the principles that has gained prominence in Indian environmental law through judicial rulings is the precautionary principle. This principle holds that when there is uncertainty about

¹⁰ Pratip Acharya, Mumbai Coastal Road: 9000 Mangrove trees to be cut, total 60,000 trees will be affected, source- The Indian Express on April 8, 2025 01:45 IST

¹¹ Supreme Court stays clearing of 400-acre green cover near Hyderabad University, seeks report from HC Registrar, source – The Indian Express on April 04, 2025 03:50 IST

¹² Subash Kumar vs. State of Bihar And Ors (1991) 1 S.C.R. 5, 1991/Volume 1, pronounced on 09 January 1991

the potential environmental harm of a particular activity, the lack of full scientific evidence should not be a reason to delay preventive action. The case of *Vellore Citizens Welfare Forum v. Union of India (1996)*¹³ brought this principle to the forefront in India, particularly in the context of tannery industries that were polluting rivers in Tamil Nadu. The court ruled that industries should bear the costs of pollution they cause, aligning with the "polluter pays" principle. This ruling reinforced the idea that industries must take proactive steps to prevent harm to the environment and society, rather than simply addressing the consequences of their actions after the fact.

A more recent landmark case, *M.K. Ranjitsinh & Ors. v. Union of India (2024)*¹⁴, further expanded the judicial interpretation of environmental rights. This case addressed the delicate balance between the development of renewable energy sources and the protection of biodiversity, specifically the critically endangered Great Indian Bustard. The Supreme Court recognized the "right to be free from the adverse effects of climate change" as a fundamental right under Articles 14 and 21. This case was pivotal in acknowledging that climate change poses a direct and severe threat to fundamental rights, reinforcing the urgency of addressing environmental degradation not just as an ecological issue, but as a matter of human rights.

Despite these innovations, the judiciary's approach faces significant limitations. Judicial intervention, while crucial, remains heavily dependent on the executive and legislative branches for enforcement. Courts can issue orders, but they lack the institutional power to directly implement policies. Moreover, the judiciary's activism, while progressive, is vulnerable to shifts in political will and judicial philosophy, which can affect the consistency and continuity of environmental protections. While these rulings have expanded the scope of environmental rights, they remain contingent on the cooperation of other governmental branches.

In conclusion, the judiciary's role in broadening the right to life to include environmental protections has been instrumental in shaping India's environmental law. However, to ensure the long-term sustainability of these efforts, a more formal constitutional guarantee for a healthy environment is needed, which would provide clearer legal enforceability and prevent the

¹³ Vellore Citizens Welfare Forum vs. Union of India and Ors (1996) Supp. (5) S.C.R 241, 1996/Supp. (5) pronounced on 28 August 1996

¹⁴ M.K. Ranjitsinh & Ors vs. Union of India (2024) 2024 INSC 280

potential regression of these rights.

2. International Legal Scenario:

Conference of Parties, 2024 also known as COP29 was held in Azerbaijan, the main agenda of this conference was to implement measures to curb global warming to 1.5 degrees Celsius and countries also emphasized the need for an urgent investment to help aid climate action. COP29 has also decide to shift it's focus to renewable energy instead of using fossil fuels and reducing carbon-dioxide emissions. During the conference, global financial companies and institutions have been urged to increase climate finance and help foster green innovation for a cleaner and sustainable future.¹⁵

Even though there are various conventions in place, whose basic aim is to curb environmental harm, none of them except for the Rome Statue talk about ecocide or make it a crime against peace or humanity. For example, the UNFCCC's main focus is has been to curb prevent dangerous human intervention with the climate system, whereas, the exact opposite is what we have been doing. We have been interfering with it for the past so many decades, that slowly our ecological balance will be lost.

The main aim of countries was to reduce the emission of greenhouse gases by becoming signatories to the Kyoto Protocol and the Paris Agreement, but, none of that has reduced because the Earth is still heating at alarming rates. Scientists and environmentalists are on the verge of crying for help to stop this unaccounted exploitation of the Earth, which in the near future could lead to mass destruction of the whole world. The need of the hour is to become an advocate for the Earth, as it needs us to raise our voices and save it from such atrocities which are being lashed out on it.

When we talk about the international perspective, we need to look at countries like Russia, Ukraine, Gaza and Israel. Does the ongoing genocide in all four of these countries contribute to ecocide? As stated above, ecocide is a crime during wartime and that is exactly what all these nations are indulged in at the present. They have caused mass damage and destruction to the world around them, the ecosystems around them as without consequence, they took it to

¹⁵ COP29 UN Climate Conference Agrees to Triple Finance to Developing Countries, Protecting Lives and Livelihoods, 24 November 2024, available at <https://unfccc.int/news/cop29-un-climate-conference-agrees-to-triple-finance-to-developing-countries-protecting-lives-and>

themselves to make sure that nothing is left behind by way of this mass destruction of land, humans and the overall ecosystems. The Vietnam War stands as another such example, though the country criminalized the practice of ecocide in the 1990s.

Israel's constant bombardment has led to the total collapse of the infrastructure in Gaza, not just buildings, but the sewage system, waste disposal system, and its glory, the olive trees, the forests which once sustained life, now stand withered as they couldn't protect themselves against a war. The same can be said for the Russian invasion of Ukraine. The living conditions have deteriorated drastically, some might say that life in the slums of Mumbai is better than the conditions in Gaza and Ukraine.

Are humans that content that they can afford to sit idle and wait for the day when the air we breathe, the water we drink and land that we walk on will be so polluted that survival would become impossible and will have to euthanize ourselves like we do for animals when their suffering leaves no scope of survival. Even though these provisions are suggestive in nature, there is a dire need to make the existing rules and regulations binding in nature.

III. CONSTITUTIONAL ENVIRONMENTAL PROTECTIONS: A COMPARATIVE OVERVIEW OF ENVIRONMENTAL RIGHTS IN CONSTITUTIONS

As stated, when the Indian Constitution came into force in 1950, its drafters could not have foreseen the scale of environmental degradation that industrial growth would eventually unleash. At the time, the document was a bold declaration of democratic values, laying out an ambitious framework of rights and duties. But nature — its protection, preservation, and intrinsic worth — was largely absent from this vision. In the early years of postcolonial India, the nation's priorities were clear: tackling poverty, illiteracy, disease, and economic instability left little room for environmental reflection. Only later, as development deepened its ecological footprint, did the need for legal protections become impossible to ignore.

India's approach to constitutional environmental protection has evolved through judicial interpretations rather than explicit constitutional guarantees. Unlike countries such as Kenya and Norway, which have embedded environmental rights directly into their constitutions, India's framework for environmental justice remains more reliant on the judiciary to expand environmental protections.

The Indian Constitution initially addressed environmental concerns through the 42nd Constitutional Amendment of 1976, which introduced Articles 48A and 51A(g)¹⁶. These articles called for the state to protect and improve the environment and for citizens to help safeguard it. However, these provisions were included under the Directive Principles of State Policy and Fundamental Duties, both of which are non-justiciable, meaning they do not provide a direct legal avenue for enforcement in court. In India, the judiciary played a central role in interpreting Article 21 (the right to life) expansively, linking it to environmental health. Landmark cases such as *Subhash Kumar v. State of Bihar (1991)*¹⁷, where the court ruled that the right to life includes the right to a pollution-free environment, reflect the judiciary's active role in environmental protection. However, the lack of an explicit constitutional right to a healthy environment leaves India's legal framework dependent on judicial discretion .

In contrast, Kenya's 2010 Constitution took a more direct approach, embedding environmental rights within its constitutional text. Article 42 guarantees every person the right to a clean and healthy environment, and this right is justiciable, meaning citizens can bring legal action if the government fails to uphold these protections. Kenya's constitution is part of a broader trend in several African nations to align environmental rights with human rights, ensuring that environmental sustainability is integrated into the national legal framework .

Norway also provides a clear example of constitutional environmental protection through Article 112, which acknowledges the right to an environment that ensures health and sustainable natural resources. This provision is enforceable in courts, and Norway's legal framework balances environmental protection with economic and industrial development (Hennig, 2018). Additionally, global examples such as Ecuador's 2008 Constitution and Bolivia's 2010 Law of Mother Earth go even further by granting legal personhood to nature, allowing nature to be represented in court. These radical innovations emphasize a shift from human-centered environmental law to one that recognizes the intrinsic rights of the environment itself.

India's reliance on judicial interpretations, as opposed to explicit constitutional rights, creates an environmental legal system that is reactive rather than proactive. Countries like Kenya and

¹⁶ Indian Const. art. 48A, art.51A(g)

¹⁷ Supra

Norway, with justiciable environmental rights, offer clearer paths to legal redress and accountability for environmental degradation.

IV. ECOCIDE – A BANE FOR THE DESTRUCTION OF INDIGENOUS PEOPLE

The idea of conferring rights on the nature is not a far-off idealistic goal in a utopian world but has its basis in the much-required legal evolution derived from philosophical, ethical and indigenous worldviews. This is an attempt that tried to shed light on the human-centric frameworks that have treated nature as commodity and a resource rather than a living entity the requires the much needed moral and legal respect.

In the words of Thomas Berry “*The universe is a communion of subjects, not a collection of objects*”¹⁸. That reimagines law as a medium of protecting the stability, beauty and integrity of the biotic community. This perspective does not stand in isolation rather it emphasizes the lived reality of Indigenous communities around the world, for whom nature has never been an external possession but an extension of their own self.

Indigenous environmental activists for the longest time have been pushing to make ecocide an internationally recognized crime against humanity and have often risked their life to protect the environment. Recent global report shows that out of the 227 environment defenders who were killed, one out of three were from indigenous communities¹⁹. Countries like Colombia, Mexico, Brazil, and the Philippines have seen the highest rates of such violence against such defenders where the defence of forests, rivers, and ancestral lands is met with brutal silencing. When one looks at Brazil, the condition is no better, soon enough the Amazon which is home to 1.6 million Indigenous communities would shrink under the weight of mindless destruction caused due to rapid industrialization and development. Similar is the condition in India, where deforestation under the veil of development is a prevalent practice and yet we fail to scrutinize the impact such actions that have a detrimental effect on the inhabiting tribes and locals.

Indigenous tribes for centuries have been living in harmony with nature, unlike the humans of the modern world who see the nature as a pool of resources which can be extracted and

¹⁸ Thomas Berry, *The Dream of The Earth* (Reprint: Berkeley: Counterpoint, 2015)

¹⁹ Linda Zheng, *Ecocide: The Destruction of the Environment and Indigenous Peoples* Dec 16, 2022 available at <https://www.genocidewatchblog.com/post/ecocide-the-mass-destruction-of-the-environment-and-indigenous-peoples>

exploited at their own convenience. Their knowledge systems and values are often dismissed by being classified as backward and in the favour of modern economic models that prioritize extraction over coexistence.

Admist all the contradictions the legal system has tried to bridge the gap between these two conflicting opinions. In the case of *Mohammed Salim vs. State of Uttrakhand (2017)*²⁰, a PIL was filed in the High Court of Uttrakhand wherein it was held that “*the Rivers Ganga and Yamuna and all their tributaries and streams, every natural water flowing with the flow continuously of these rivers are declared as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person in order to preserve and conserve river Ganga and Yamuna*”²¹. But we can clearly see that even after being granted the status of a legal person, the conditions of both the rivers have not improved one bit which showcases the hollowness of such judicial precedents without appropriate enforcement measures.

Thus it has been signified that the recognition of nature’s rights is not merely about legal status, but about restoring relationships — between humans, their environment, and the systems that govern both.

VJ FROM ECOCIDE TO ACCOUNTABILITY: LEGAL WAY FORWARD

With the onset of the age of ecocide the humans are faced with a legal and moral paradox that is while environmental degradation has been unfolding on an unprecedented scale, the legal frameworks designed to safeguard nature remain fragmented, suggestive, and often unenforceable. The question that arises is whether constitutional law, as the supreme custodian of nation’s ethical and legal rights, can provide effective remedies in such a scenario and whether the “Right to Nature” deserves special constitutional recognition in India.

The way forward requires a multi-faceted legal strategy that operates at domestic, international, and educational levels. Each approach and initiative strengthen the other and, collectively, they have the potential to shift environmental governance from a human-centered model to one that recognizes nature as a living legal subject.

²⁰ Mohammed Salim vs. State of Uttrakhand, Writ Petition (PIL) No. 126 of 2014 (December 5, 2016 and March 20, 2017)

²¹ Ibid

A) STRENGTHENING THE LEGAL RECOURSE IN INDIA

- A constitutional amendment or judicial interpretation could integrate the Right to Nature within Article 21, ensuring nature is protected not merely for human benefit but as a legal entity with intrinsic rights.
- An amendment to the *Bharatiya Nyaya (Second) Sanhita, 2023* could be proposed to criminalize ecocide as a specific offense, introducing strict punishments that deter large-scale environmental harm.
- Establishing state-level environmental courts would help decentralize enforcement and ease the burden on the National Green Tribunal, ensuring faster and more region-specific judicial redress.
- Environmental laws such as the *Air (Prevention and Control of Pollution) Act, 1981*, the *Water (Prevention and Control of Pollution) Act, 1974*, the *Forest Conservation Act, 1980*, and the *Environment (Protection) Act, 1986* must be revised to strengthen penalties and improve compliance mechanisms.

B) ENGAGING WITH INTERNATIONAL ENVIRONMENTAL LAWS AND INSTITUTIONS

- India should actively come in support of international efforts to criminalize ecocide under the *Rome Statute of the International Criminal Court (ICC)*, placing environmental destruction on par with the brutal crimes against humanity and genocide.
- Resonating domestic law with global environmental treaties, such as the *Paris Agreement* and the *Convention on Biological Diversity* would strengthen constitutional remedies and enforceable provisions for nature.
- The judiciary can invoke international environmental principles using the doctrine of harmonious construction, which allows courts to interpret domestic law in line with global obligations, filling enforcement gaps at the national level.

- India can also seek guidance and support from global bodies like the *United Nations Environment Programme (UNEP)* for legal frameworks and environmental governance, and the *International Union for Conservation of Nature (IUCN)* for conservation policy and ecological rights. Funding and technical aid can be accessed through the *Green Climate Fund (GCF)* and *Global Environment Facility (GEF)*, while advocacy and model legislation for nature's rights can be sourced from groups like *Earth Law Center* and *Stop Ecocide International*.

C) LEGAL EDUCATION AND STUDENT-LED SOLUTIONS

- Law students play a critical role in advancing the Right to Nature by advocating and creating awareness for ecological justice, both in the courtroom and in the society.
- Academic curriculum should integrate Indigenous people's background their histories and legal philosophies, Earth Jurisprudence etc. to inspire future lawyers to approach nature as a living entity, not a resource.
- Participation in environmental litigation, policy internships, and collaborations with advocacy groups will empower law students to master nature's rights both as future litigants and as citizens.
- By amplifying Indigenous voices of those who have long protected nature without legal recognition can be helped by students in creation of laws that mirror ecological wisdom rather than colonial, human-cantered frameworks.

VI. CONCLUSION

Amidst such changing climates, is it right to indulge in deforestation? Is it right to displace wildlife from its habitat? These questions remain unanswered. In the backdrop of such development projects which require mass deforestation, there should be rules and regulations in place which ensure that if a certain number of trees are being chopped down, a double of them are being planted back. The country had a green cover of about 68 million hectares, i.e., 22% in 2010, which now stands at 25.17% as of 2023²², but, the question still remains whether,

²² PIB Delhi, Union Minister Bhupender Yadav Releases India State of Forest Report 2023, 21 Dec 2024, 1:06 PM, available at <https://pib.gov.in/PressReleasePage.aspx?PRID=2086742>

with major development projects lined up, will this green cover reduce drastically or will measures be taken to keep it intact? An answer to this question can only be achieved with time.

The Indian Constitution, the living document of India, must evolve to confront the existential threats posed by ecocide. No longer can law remain confined \ that recognizes only human interests while disregarding the living world that sustains us. Whether through bold judicial interpretations under Article 21, thoughtful legislative amendments, or the adoption of international environmental norms, it is essential that the “Right to Nature” be acknowledged as a fundamental constitutional value. Only then can the Constitution truly fulfill its purpose as a guardian of life in all its forms, human and non-human alike and ensure that the Earth remains habitable not just for us, but for every exiting species that calls it home.