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## ECOCENTRISM INFLUENCE THE COURT'S DECISION

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### INTRODUCTION

The Supreme court and other lower courts are concerned with the protection of ecosystems, Indian judicial decisions appear to be shifting from anthropocentrism to ecocentrism. This shift is evident in the evolving jurisprudence that seeks to balance developmental aspirations with ecological sustainability. The Supreme Court is of the view that environmental justice could be attained only when we float away from the rule of human-centric to Ecocentric. The main principles of environmental law that guide the decisions of the Courts like Sustainable development, Polluter Pays Principle, Intergenerational Equity are inclined towards anthropocentrism. A notable example of this trend is the Supreme Court of India's ruling in **State of Telangana & Ors. Vs. Mohd. Abdul Qasim (D) per LRS<sup>1</sup>**. In this case, the Court underscored the imperative of preserving forest land, acknowledging the critical role of forests in maintaining ecological balance and supporting biodiversity. The judgment reflects a nuanced understanding of environmental stewardship, where the protection of natural habitats is seen as integral to the well-being of both present and future generations. This article delves into the influence of ecocentrism on the Court's decision-making process, illustrating its potential to reshape environmental governance and foster a more sustainable coexistence between humanity and nature.

### Theoretical Framework

The Indian judiciary earlier was inclined towards anthropocentrism. But gradually, it has shifted more towards ecocentrism. This aspect would be dealt with later in this article. Coming to the ancient approach towards the environment, let's take a look at the Upanishads. Isa Upanishad elaborates on the ancient Indian roots of ecocentrism. It clearly says that all the living and nonliving organisms in this universe belong to God alone. There should be harmony between different species with no one above the other. Human beings, in the same manner, are

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<sup>1</sup> The State Of Telangana vs Mohd. Abdul Qasim (Died) Per Lrs. on 1 June, 2021

not superior to any species. Therefore, neither humans nor any other species have a legitimate right to encroach upon the rights of any other species. This philosophy has been treated as the base for many important international conventions and treaties, like Convention for Conservation of Antarctic Living Resources, 1980, The Berne-Convention on Conservation of European Wildlife and Natural Habitats, 1982, The Protocol to Antarctic Treaty on Environmental Protection, 1998, etc. India is a signatory to all these treaties and hence respects them. These treaties give importance to different species of flora and fauna for their intrinsic value.<sup>2</sup>

## **Case Study**

### **Case Background**

In 1960, the State surveyed a piece of land (located in Kompally, in present day Telangana state) and declared it a reserved forest. The plaintiff claimed title over the piece of land the State declared as a reserved forest and sought a declaration from the court that he is the owner of the lands and a permanent injunction to restrain the State “from interfering with his possession”. In 2018, the High Court found that the plaintiff failed to show his title to the property and that the concerned piece of land was indeed a forest and dismissed the suit. Subsequently, in 2019, the State, which had until then found this piece of land to be a protected forest, reversed its stance, citing an improperly conducted survey back in 1959. Based on this “new” information, the plaintiff invoked the High Court’s “review” jurisdiction—a power only to be rarely invoked in cases where there has been an apparent error at the time of passing judgment. In 2021, the High Court reversed its earlier findings regarding the nature of the land based on the improperly conducted survey.

### **Judicial reasoning**

The Indian Supreme Court issued a ruling in favor of a protected forest in the case of *The State of Telangana v. Mohd. Abdul Qasim* – considering ecocentrism, rights of nature, and climate change and their nexus with the economy in the judgment. In a section of the judgment titled ‘Need for Change: From Anthropocentric to Ecocentric’, the Court discusses the rights of nature, stating “The time has come for mankind to live sustainably and respect the rights of rivers, lakes, beaches, estuaries, ridges, trees, mountains, seas and air. It is imperative to do so

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<sup>2</sup> From article Anthropocentric v. ecocentric approach to the environment , Author *Tarannum Vashisht*

as there is always a constant threat to forests due to the ever increasing population. Man is bound by nature's law. Therefore, the need of the hour is to transform from an anthropocentric approach to ecocentric approach which will encompass a wider perspective in the interest of the environment." The judgment was authored by Justice (J. M.M. Sundresh) who has a longstanding commitment to the environment.

### **Impact on environmental law**

In *State of Telangana and Others vs Mohd. Abdul Qasim* case, the Supreme Court had said that the need of the hour is to adopt an ecocentric view of the environment, where nature is at the core. The Court said, "Man being an enlightened species, is expected to act as a trustee of the Earth...The time has come for mankind to live sustainably and respect the rights of rivers, lakes, beaches, estuaries, ridges, trees, mountains, seas and air.... Man is bound by nature's law."

### **Comparative Analysis**

The Indian judiciary has increasingly adopted an ecocentric approach. The Supreme Court of India has recognized the importance of environmental justice and has shifted from an anthropocentric to an ecocentric perspective. This shift is evident in cases where the court has emphasized the intrinsic value of nature. India has integrated principles of sustainable development and customary international law into its environmental jurisprudence. This includes recognizing the rights of rivers and other natural entities.

Internationally, the concept of the rights of nature is gaining traction. Countries like Ecuador and Bolivia have enshrined these rights in their constitutions, recognizing nature's inherent rights to exist and thrive. Traditionally, international environmental law has been anthropocentric, focusing on human benefits. However, there is a growing movement towards ecocentrism, which emphasizes the intrinsic value of nature. Indigenous peoples have played a crucial role in promoting ecocentric principles at the international level. Their perspectives on kinship and care for nature are increasingly being recognized in international legal frameworks. Both domestically and internationally, the main challenge is the existing legal framework, which often treats nature as a resource. Shifting to an ecocentric approach requires significant changes in legal principles and practices.

## **Conclusion**

Ecocentrism has increasingly influenced the Indian judiciary's approach to environmental protection. The courts have moved towards recognizing the intrinsic value of nature, going beyond anthropocentric views that prioritize human benefits. This shift is crucial in ensuring long-term ecological sustainability and respecting the intrinsic rights of nature. These cases demonstrate how ecocentric principles have guided the judiciary in making decisions that emphasize environmental protection as a fundamental value, ensuring that the natural environment is preserved and respected not just for human use but for its own inherent worth.

## References

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