
TOWARDS HUMAN–NATURE RESONANCE: MORAL RIGHTS FOR SUSTAINABLE ENVIRONMENTAL GOVERNANCE IN CONTEMPORARY BHARAT

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ABSTRACT

In the era of rapid industrialization and environmental degradation; the nexus between Moral Rights under Intellectual Property Rights Law and Environmental Sustainability is under-explored. On the backdrop of the 'development,' the relationship between human being and nature needs to be reconsidered to harmonize with sustainability. This article seeks to explore 'morality' in moral rights to achieve better environmental governance in contemporary Bharat.

In creative industries, an impact of moral rights on environmental sustainability may lead to promote or hamper environmental, social and cultural sustainability. There are two widely recognised moral rights: the right of 'attribution' and the right of 'integrity'. Authors have dealt with this under-explored and indirect issue from socio-legal viewpoint. Firstly, transparency about the source of a work which produces consumer goods. Secondly, respecting the author's right of attribution which can promote social appreciation of creative work and its results. Thirdly, recognising the creative value of utilitarian objects recognises the cultural sustainability. Thus, it is the possibility that moral rights can promote the sustainable development or may create hinderance too.

Authors have paid an attention to the philosophical perspective behind moral rights as well as the environmental sustainability in lifestyle of people in India. Considering the nature of environmental governance in Bharat, this aspect plays significant role in achieving the sustainability. The study critically evaluates contemporary environmental crises, such as deforestation, pollution, and climate change, and explores how a moral rights framework can create a synergy between environmental protection and human development. The integration of such rights would encourage more sustainable lifestyles, informed by an ethic of stewardship, where humans

are seen as part of a larger ecological community rather than separate from it.

This article proposes a blueprint for Bharat's environmental policy, rooted in the moral rights of both individuals and nature, suggesting the incorporation of these principles into legal systems, educational curricula, and grassroots movements. By doing so, it calls for a shift in how society views its relationship with nature- a shift that is urgently needed to safeguard environmental sustainability and ensure a resonant and symbiotic human-nature coexistence in the face of contemporary challenges.

A. Introduction:

अयं निजः परो वेति गणना लघुचेतसाम्।

उदारचरितानां तु वसुधैव कुटुम्बकम्॥¹

*This is mine, that is his, say the small minded,
The wise believe that the entire world is a family.*

The Indian Knowledge System i.e. philosophies in Bharat believe in 'oneness' and this aspect brings the moral responsibility on human being. Considering the contemporary development; the time has come that the relation between human and nature need to be reconsidered from the lens of morality.

India has a diversity in environmental surroundings. On the backdrop of the diversity, the nature of Environmental Law in Bharat changes at the different scenarios. That may be the reason why the implementation of Environmental Law in Bharat is weaker. In first instance, when the liability for pollution under 'Polluter Pays Principle' is imposed on polluter; here, environmental law is a 'rule of law'. Secondly, there are cases wherein the local communities protect the ecosystems as a part of their livelihood since ages despite of having no legal authority. This gives an idea that, here, environmental law in 'morality' which is in practice. The culture in Bharat is based on the scriptures – *Ramayana* and *Mahabharata* which imbibe the values in citizens. Especially, the *Aranya Kanda* in *Ramayana* enshrines the provisions regarding compassion towards nature. This may be considered as a philosophical base for Environmentalism in Bharat. Thus, here, Environmental Law is 'philosophy'. Thus, the authors

¹ ReSanskrit, <https://resanskrit.com/blogs/blog-post/vasudhaiva-kutumbakam?srsItd=AfmBOop9h3nl7ICJMZiQncXadTqgZD5zLqWkV1673OcD7bCfzM45QqnK> (last visited June 9, 2025).

will be discussing here, the significance of Indian Knowledge System and its relevance with Moral Rights under Intellectual Property Rights Law through the lens of Environment-Sustainability to reinforce the relation between Human and Nature.

Intellectual Property laws play significant role in nation-building through innovations. With special reference to the sustainable development, these innovations can be considered as dynamic ways to achieve sustainability. Innovation is an inquiry into the nature through the intellectual mind of the human being to create a better future. Innovation is not a concept limited to industries and technology, it connects the state, market and society, and contributes in developing a conducive ecosystem for the future sustainable development of humankind, which is inclusive and sensitive to the aspirations and needs of the country.² WIPO focuses on the significance of Intellectual Property Laws in regard with sustainability in these words, “a nation’s ability to innovate, attract foreign investment, and develop valuable businesses offering products and services that can compete on a global scale is intrinsically linked with intellectual property (IP) and its supporting innovation ecosystem. Appropriate IP policies, an effective legal framework, robust operational infrastructure and effective education are key elements of this innovation ecosystem that leads to an innovative and competitive nation.”³

In its 2030 Sustainable development agenda, the World Intellectual Property Organization (WIPO) reaffirmed the significance of IP protections for green technology and sustainability, noting that IP and its supporting innovation are linked to a country’s capability towards innovation, investment-friendly FDI and encourage commercial products and services on the worldly horizon.⁴ The term ‘Green Intellectual Property’ refers to the protection of innovation in the field of green technology.⁵ In contemporary era, the green technology and concerned innovations are at prime significance to achieve sustainability. The authors here will be discussing the concept of the moral rights in nexus with sustainable development.

B. Concept of Moral Rights in Intellectual Property Laws:

Moral rights are non-economic rights under Copyright Law. Moral rights allow authors

² M R Sreenivasa Murthy & Priya Kumari, Green Innovation, Intellectual Property Rights and Environmental Protection: Ways and Means to Achieve Sustainable Goals, 3 HPNLU Law Journal 22, 22-23 (2022).

³ WIPO, <https://www.wipo.int/sdgs/en/story.html> (last visited June 30, 2025).

⁴ Z. A. Khan and Shireen Singh, Intellectual Property Rights Regime in Green Technology: Way Forward to Sustainability, 22 Nature Environment and Pollution Technology an International Quarterly Scientific Journal 2145, 2148 (2023).

⁵ Ronika Tater, Green Ip: a way towards a green future, Pleaders (June 28, 2025, 09.37 AM), <https://blog.ipleaders.in/green-ip-way-towards-green-future/>

and creators to take certain actions to preserve and protect their link with their work. The author or creator may be the owner of the economic rights or those rights may be transferred to one or more copyright owners. Many countries do not allow the transfer of moral rights.⁶ The author has a right to preserve, protect and nurture his creation through his moral right. Author has right to fix & maintain quality of his creative work. Moral rights are the natural rights available to author for to protect, preserve & recreate his creation. Copyright Act does not expressly mention moral rights but provide under the heading of Special Rights of Author.⁷ Under the purview of moral rights; there are following rights which are recognised in India: right of Attribution or Paternity right, right of Integrity, Right of Disclosure and Right of Retention or Right of Withdrawal.

India recognizes moral rights under Section 57 of the Copyright Act, 1957, which grants authors “special rights” independent of their economic copyrights. Under the purview of Moral rights, following rights are recognised: firstly, the right of attribution which is also known as Paternity Right recognises the right of author to be credited as the creator of the work which includes right to prevent false attribution or plagiarism as well. Secondly, the right of attribution recognises that the author can object to any distortion, mutilation or modification which harms their honour or reputation. The objective behind this right is to ensure that the author’s work is not altered in a way that will misrepresent author’s original content. Thirdly, author has right to disclosure recognising the author’s decision about when and how their work will be first made public. This right is not explicitly recognised in India. Fourthly, right of retraction is considered under moral rights which enables the author to withdraw their work from circulation if it is no longer representing the views of author.

The Delhi High Court ruled that moral rights are inalienable.⁸ In Amar Nath Sehgal⁹, the mural’s destruction was seen as a loss to cultural and environmental heritage. Thus, the nexus between moral rights and environmental sustainability plays significant role in environmental concerns in Bharat.

Authors have paid an attention to the philosophical perspective behind moral rights as

⁶ WIPO, Understanding Copyright and Related Rights, WIPO ((June 28, 2025, 10.40 AM), https://www.wipo.int/edocs/pubdocs/en/wipo_pub_909_2016.pdf

⁷ K. R. Yadav, Moral Rights and Indian Copyright Law, 2 International Journal of Research in Engineering, Science and Management 207, 208 (2019).

⁸ Mannu Bhandari v. Kala Vikas Pictures, AIR 1987 DELHI 13.

⁹ Amar Nath Sehgal v. Union of India, 2005 (30) PTC 253 (Del).

well as the environmental sustainability in lifestyle of people in India. Considering the nature of environmental governance in Bharat, this aspect plays significant role in achieving the sustainability.

C. Moral Rights and Environmental Sustainability:

The nexus between Moral Rights and Environmental Sustainability in Bharat can be discussed on the basis of following perspectives: Transparency in Attribution and Sustainable Sourcing; Cultural Sustainability and Traditional Knowledge; Ethical Consumption and Green Branding & Judicial Recognition of Economic Branding.

a. Transparency in Attribution and Sustainable Sourcing:

Sustainable Sourcing refers to the minimum negative impact on environment. This demands three perspectives namely consumer, profit and environment. Transparency in Attribution plays significant role in artforms in Bharat. Especially, this perspective plays vital role in cinemas. Movies/ Cinemas is the most effective way to create awareness among society along with entertainment.

In recent years, Indian Cinema has dealt with environmental concerns in Bharat to spread awareness. Indian cinema, a powerful force in shaping cultural narratives, has increasingly embraced the crucial task of depicting and confronting pressing environmental concerns. From the nuanced environmental subtexts woven into classic films to the stark, contemporary narratives directly addressing climate change, pollution, and ecological devastation, Indian cinema mirrors the nation's evolving environmental awareness.¹⁰ The last few years have witnessed a shift in thinking about transparency. It was once seen quite simply. Stakeholders and the community would use information provided by governments and organizations to bring about change through their consumption and voting behavior.¹¹ While some films have masterfully integrated entertainment with compelling environmental messaging, others have struggled to strike the right balance, occasionally sacrificing

¹⁰ Change Started, <https://changestarted.com/indian-cinema-and-the-environment-crisis-captured-through-the-green-lens/> (last visited June 26, 2025).

¹¹ Sage Journals, <https://journals.sagepub.com/doi/10.1177/00081256221094876> (last visited June 26, 2025).

narrative depth to deliver a message.¹²

Integrating cinema with tourism is an excellent way for putting film tourist destinations on the map and generating economic benefits for the local population. In India, film-induced tourism witnessed a steady increase with a significant rise in the number of international and domestic tourists visiting locations featured in popular films. This prompted the government of India to offer several incentives to encourage film tourism, such as tax rebates and film subsidies to encourage filmmakers to film in India.¹³

Effective planning of using natural resources and the source of attracting tourists may create the belongingness about the nature among the citizens. For that, we need to adapt the policies and its successful implementation for valuation of natural resources along with the sustainable sourcing.

b. Cultural Sustainability and Traditional Knowledge

Traditional knowledge represents the wise information which people have shared from one generation to the next. Over the years humans have developed practices and skills which included various beliefs. Traditional knowledge enables people to solve problems and adapt to world changes that occur in their environment.¹⁴

There are many community conserved areas (CCAs), some that have existed from ancient times, and some which have emerged in recent times, after having observed some form of degradation, related to local communities are trying to salvage the ecosystem in Western Ghats. While Sacred Groves, or protected patches of forests are relatively well documented, sacred fish sanctuaries which protect the fish as well as rivers, are lesser known.¹⁵ The fish sanctuaries like Walen Kondh and Tilase are well managed and conserved by local communities despite of having

¹² Change Started, *supra* note 9.

¹³ KMPG, <https://assets.kpmg.com/content/dam/kpmgsites/in/pdf/2024/03/transforming-location-into-vacation-a-report-on-film-tourism.pdf.coredownload.inline.pdf> (last visited June 22, 2025).

¹⁴ The Legal School, <https://thelegalschool.in/blog/importance-of-traditional-knowledge> (last visited June 29, 2025).

¹⁵ SANDARP, <https://sandrp.in/2016/03/31/fish-sanctuaries-in-western-ghats-of-maharashtra/#more-10163> (last visited June 22, 2025).

any statutory power or authority under environmental legislations. For centuries, communities around the rocky Kal River from villages like Walen Kondh, Dapoli, Panderi, etc., have worshipped and protected Mahseer fish as babies of Goddess Vardayini (The boon-bestowing one). Kal, arising from the Sahyadri (Western Ghat Ranges) is a major tributary of the west-flowing River Savitri, which originates at Mahabaleshwar. Kal flows mostly through Mahad block of Raigad District, meets Savitri which forms the vast Bankot estuary as it meets the Arabian Sea.¹⁶

Local people have acquired deep knowledge of their environments by observing all the changes happening in their ecosystem. In recognition of this, the Intergovernmental Panel on Climate Change (IPCC) and the Convention on Biological Diversity (SCBD) have incorporated the role of traditional knowledge into sustainable climate change adaptation.¹⁷ Especially in forest management, now the local communities have negligible significance in its management. The livelihood of the local communities is in tune with the nature and they better know how to use the natural resources, but they have less significance in the eyes of law. Thus, to protect and conserve the environment; we must rely on the traditional knowledge.

c. Ethical Consumption and Green Branding

The consumption pattern of the consumers matters in environment sustainability. The concepts of Carbon footprint and water footprint have been evolved to analyse the sustainability of resources in connection with the consumption of commodities. Considering the dependency of human being on nature; human is expected to consume natural resources in ethical and sustainable manner. Current issues and challenges of unsustainability are mainly arising due to unethical consumption by human beings. A retreat of the rich from overconsumption is the necessary first step towards improving the lives of an increasing number of people.¹⁸

¹⁶ *Id.*

¹⁷ Thrive, <https://thrivabilitymatters.org/traditional-knowledge-and-sustainable-development/> (last visited June 26, 2025).

¹⁸ Ramchandra Guha, *How Much Should a Person Consume?*, 28 *Vikalpa* 1, 1 (2003).

The impact of population statistics on green purchasing varies according to different factors. Evidence indicates that environmental consciousness depends on age group distribution and educational level and socioeconomic background of consumers so marketers should use specific advertising approaches accordingly. The difficulty consumers face when understanding sustainable choices while lacking sufficient knowledge about them presents major challenges for green marketing initiatives.¹⁹

Simple living and Minimalism may create ethical foundation for effective sustainable consumption by human beings.

d. Judicial recognition of Ecological Branding

On the backdrop of the Public Trust Doctrine, the environmental legislations in India have established the statutory bodies to manage natural resources. In landmark case of *Lalit Miglani v. State of Uttarakhand*²⁰, the Court has dealt with personhood of the natural resources and said, “We, by invoking our *parens patriae* jurisdiction, declare the Glaciers including Gangotri & Yamunotri, rivers, streams, rivulets, lakes, air, meadows, dales, jungles, forests wetlands, grasslands, springs and waterfalls, legal entity/ legal person/juristic person/juridicial person/ moral person/artificial person having the status of a legal person, with all corresponding rights, duties and liabilities of a living person, in order to preserve and conserve them. They are also accorded the rights akin to fundamental rights/ legal rights.”

The Indian judiciary, noted for expansive thinking, and acting as a ‘lever of transformation’, is slowly addressing climate cases. These cases categorised as – climate conscious, climate accountability and climate futurity – reflect progressive cumulative outcomes, albeit incremental, but they nevertheless enable conditions for transformative change.²¹ Recognising the legal personality of the natural resources poses the questions to be answered. If we recognise the natural resources

¹⁹ SDG Review, <https://sdgsreview.org/LifestyleJournal/article/view/6594/2921> (last visited June 30, 2025).

²⁰ *EcoJurisprudence*, https://ecojurisprudence.org/wp-content/uploads/2022/02/India_Miglani-v.-State-of-Uttarakhand_128.pdf (last visited July 1, 2025).

²¹ Gitanjali N. Gill and Gopichandran Ramachandran, Sustainability transformations, environmental rule of law and the Indian judiciary: Connecting the dots through climate change litigation, 23 *Environmental Law Review* 228, 228 (2021).

as legal personalities, who will be the natural guardian of those legal persons? If the laws governing the management of natural resources are implemented in strict manner; then there is no need to recognise the rights of nature separately because the laws themselves put restriction and duty to use the resources in sustainable manner.

The local communities are protecting the natural resources in effective manner; no matter what power and authority they possess. For example- A strict ban on fishing is a part of the lore, no desecration of the river is allowed in any way. Drinking alcohol even in vicinity of the river banks is banned, so is tree felling. The code is not to disturb the fish in any way. This led to the villagers refusing an agency which proposed to collect seed from these fish for their hatchery. Economic interests take the back seat when it comes to the river and fish. The picture of Mahseer congregating swiftly in an emerald green river, as the devotees clap and throw puffed rice has an unreal, dream-like quality to it.²² Such practices need to be brought under the purview of ecological branding which will create the consciousness among the citizens about the natural resources and its sustainability.

D. Findings, Conclusions and Suggestions:

Concept of Moral Rights in India is recognised by statutory provision under Section 57 of the Copyright Act, 1957. The philosophical basis for Moral Rights throws the light on 'morality' in contemporary world. The authors opine that the scope of 'morality' in today's era is subjected to environmentalism, especially consumption of natural resources. Co-relation between 'Moral Rights' and Environment sustainability has been discussed on the basis of Transparency in Attribution and Sustainable Sourcing; Cultural Sustainability and Traditional Knowledge; Ethical Consumption and Green Branding & Judicial Recognition of Economic Branding.

As far as Transparency in Attribution and Sustainable Sourcing is concerned; the right to information in nexus with environmental law plays significant role to get an idea of ground reality. Considering the ineffective management of resources and environmental degradation; transparency in the reports and concerned data in state administration is required. The necessary

²² *Supra*, at 15.

steps should be taken to maintain the transparency rather than giving more significance to the industrialists.

Bharat is diverse nation having diversity in population, culture, natural resources etc. The traditional knowledge plays dynamic role in managing the resources sustainably. Unfortunately, in recent years; the significance of local communities has been weakened and thus, we are going away from traditional knowledge. The powers and functions are more concentrated in government officials who may not be having local connect wherein they are appointed. Their knowledge may not be useful at all the times for local management. Therefore, irrespective of caste, language, race; local communities should be given utmost importance in getting the knowledge regarding resource management. Rather, state should invest time and money in bring this traditional knowledge into practice.

The judicial recognition of natural resources as argued in Lalit Miglani Case, poses ambiguity and confusion as to guardianship of these resources. If the courts are of the opinion that the natural resources are to be recognised as legal personalities; then there is question about their guardianship. Despite of having power and authority; the statutory bodies are not functioning effectively and thus we had to recognise the legal personality of natural resources. Considering this situation; if natural resources are recognised as legal persona and guardianship is given to statutory and government local bodies then it will be continuation of the vicious circle of unsustainability. Therefore, the guardianship of natural resources can be given in the hands of local communities having traditional knowledge. The local communities must be recognised in the eyes of law as the administrators and caretakers of natural resources.

For ethical consumption and green branding, Bharat should again refer back to its philosophical treasure which signifies minimalism and simple living. *Bhartiy Dnyan Parampara* imbibes the approach of sustainability in human lifestyle. The time has come that we should go back to the duty-based approach. The suggestions will help to achieve the harmony between human and nature.