

## A PARADIGM SHIFT IN ENVIRONMENTAL APPROACH

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### ABSTRACT

Today, the ecosystem of the world is on the verge of decline. Since 1850, the average global temperature has increased about 2° and there have been rapid climate changes which have led to calamities like wild bushfires, extreme heat wave and landslides etc further leading to environmental degradation. Countries from around the globe have now come together for the conservation of global environment as they have realised that their end might be near. Incidents like Great Smog of London and many more have shifted the countries focus to preserve the environment because of which The Stockholm Declaration took place that on a global stage presented the problems of environment degradation.

Talking of India, post Stockholm Declaration many laws were enacted to conserve and preserve environmental degradation some of them were the Wildlife protection act, 1972 and Environment Protection Act, 1986 and many more. This paper covers major laws and conventions which were done to create a healthy and safer environment, but these laws are not implemented properly that poses some legal challenges too. As the times have passed the countries have adopted the approach of Sustainable development that has pressed to conserve and use environment in such a way that meets the need of present and without harming the environment for future generations.

In the coming years, countries have realised that the human centric approach would not be able to meet the goals to conserve the nature and hence have decided to adopt the idea of ecocentrism where they value nature and doesn't harm them. Thus there has been a gradual shift from Anthropocentrism to Ecocentrism which will help in preserving our environment and natural resources more efficiently.

**KEYWORDS** – Ecosystem, Global temperature, United Nations, Stockholm Declaration, Human environment, Sustainable development, Anthropocentrism, Eco centrisism

### INTRODUCTION

There was once a town in the heart of India where all life seemed to live in harmony with its surroundings. The town lay in the midst of a checkerboard of prosperous farms, with field of grain and hillsides of orchards where, in spring, white clouds of bloom drifted above the green fields. In autumn, oak and maple and birch setup a blaze of colour that flamed and flickered across a backdrop of pines. Then, half-hidden in

the mists of the autumn mornings, deer stealthily crossed the fields as foxes barked in the hills. Then an odd plague spread across the region, and things started to shift.

A terrible enchantment had descended upon the village: enigmatic illnesses ravaged the henhouses, while the livestock and ovines grew ill and eventually perished. There was a shadow of death around. The farmers mentioned that many members of their families were ill. The

town's medical professionals were growing more confused by the novel illnesses that their patients were developing. There had been several sudden and unexplained deaths, not only among adults but even among children, who would be stricken suddenly while at play and die within a few hours.

There isn't any community that I am aware of that has gone through all I have described. However, each of these calamities has in fact occurred at some point, and a significant number of them have already affected numerous genuine populations. A gloomy spectre has almost completely hidden itself from us, and this tragic dream could very well turn into a harsh reality that we are all going to have to deal with it.

### ENVIRONMENTAL DEGRADATION

The degradation of the environment occurs when the natural surroundings are harmed, leading to a decrease in biodiversity and overall environmental health. This degradation can be a result of natural processes or can be hastened or triggered by human actions. Numerous global organizations acknowledge environmental degradation as a significant peril to the planet because humans have been entrusted with only one Earth, and if the environment is permanently damaged, it could result in the extinction of human life.

Over the last few decades, environmental degradation has become a major concern for humanity. The current environmental issues are primarily caused by human activities rather than natural occurrences. The negative effects of excessive consumerism and economic growth on the environment have become evident. Despite this, the pursuit of economic development continues unabated. Economic considerations have heavily influenced environmental policy, with a focus on integrating ecology with economics through the use of science and technology. This has led to the popularization of the concept of sustainable development. This final chapter explores the underlying philosophy of green/clean

development, arguing that it is driven by economic goals. It examines different economic approaches to addressing environmental problems and critically assesses the role of technology in sustainable development. Additionally, it addresses socio-legal issues related to photo management. The author maintains the scientific tone required by the book but acknowledges limitations in formal training in science and technology.

### <sup>2665</sup>CAUSES OF ENVIRONMENTAL DEGRADATION

**1) High Population Growth** – Population impacts on environment primarily using natural resources and high production of wastes and is associated with environmental stresses like biodiversity loss, air and water pollution and an increased pressure on the arable land.

India's land area is only 2.4 percent of the world, yet it supports 17 percent of the global population. The country's population is growing at a rate of 1.85 percent, which remains a significant challenge. Given the connections between population and the environment, the importance of actively addressing population control cannot be overstated.

**2) Poverty** – The relationship between poverty and environmental degradation is a complex phenomenon with poverty being both a cause and an effect of environmental degradation. Inequality can contribute to unsustainability as the poor, who rely more on natural resources than the wealthy, use up natural resources more quickly without having access to other types of resources. Additionally, a degraded environment can speed up the impoverishment process as the poor directly depend on natural assets. The country's overall poverty rate dropped significantly over time, from 55% in 1973 to 36% in 1993–1994, while the number of impoverished people has been relatively constant at 320 million. It is crucial to accelerate poverty reduction efforts to break the link between poverty and the environment.

<sup>2665</sup> (No date) *The underlying causes of environmental degradation*. Available at: [https://www.indiabudget.gov.in/budget\\_archive/es98-99/chap1104.pdf](https://www.indiabudget.gov.in/budget_archive/es98-99/chap1104.pdf) (Accessed: 13 October 2024).

**3) Urbanisation-** In rural areas, the lack of job opportunities and environmental challenges are causing more and more impoverished families to move to urban areas. As a result, large cities are growing, and their slum areas are getting larger. The urban population has increased eight times between 1901 and 1991. In the two decades from 1971 to 1991, India's urban population has doubled from 109 million to 218 million, and it is expected to reach 300 million by the year 2000. The rapid and unplanned growth of cities has led to the deterioration of the urban environment. This has widened the disparity between the demand and supply of essential services like energy, housing, transportation, communication, education, water supply, sewage, and recreational facilities, resulting in the depletion of the cities' valuable environmental resources. Consequently, there is a growing trend of declining air and water quality, increased waste generation, the spread of slums, and undesirable changes in land use, all of which contribute to urban poverty.

**4) Economic Factors-** The degradation of the environment largely occurs due to the failure of the market, where there are inadequate or poorly functioning markets for environmental goods and services. This degradation can be seen as a specific example of consumption or production externalities, which result from the difference between private and social costs (or benefits). The absence of clearly defined property rights may contribute to this market failure. Additionally, distortions in the market caused by price controls and subsidies may further hinder the accomplishment of environmental goals.

**5) Institutional Factors-** The Government's Ministry of Environment & Forests (MOEF) is tasked with safeguarding, preserving, and advancing environmental concerns. The Ministry collaborates closely with other government departments, state authorities, Pollution Control Boards, as well as numerous scientific and technical organizations, universities, and non-governmental

organizations. The pivotal legislation governing environmental management is the Environment (Protection) Act, 1986, while other significant laws in this domain include the Forest (Conservation) Act, 1980, and the Wildlife (Protection) Act, 1972. The current system's weakness stems from the enforcement capabilities of environmental institutions at both the central and state levels. Inadequate coordination exists among various ministries and institutions when it comes to integrating environmental considerations at the project's inception or planning stages. Furthermore, existing policies are fragmented across multiple government agencies with distinct policy mandates. Delays in numerous projects are caused by the lack of trained personnel and a comprehensive database. Most state government institutions are relatively small and suffer from a shortage of technical staff and resources. Although the overall quality of Environmental Impact Assessment (EIA) studies and the effective implementation of the EIA process have shown improvement over the years, there is a need for institutional strengthening measures, such as the training of key professionals and employing qualified technical personnel, to enhance the EIA process as an effective tool for environmental protection and sustainable development.

#### STOCKHOLM DECLARATION AND FOCUS ON ENVIRONMENT

##### Historical background of Stockholm Declaration

- **Great Smog of London:** In 1952, there occurred the Great Smoke of London which raised the level of air pollution in London. During the foggy period, a significant amount of impurities entered the atmosphere. Each day during this period, the atmosphere received the following pollutants: 1,000 tonnes of smoke particles, 2,000 tonnes of carbon dioxide, 140 tonnes of hydrochloric acid, and 14 tonnes of fluorine compounds. Furthermore, 370 tonnes of sulphur dioxide were transformed into 800 tonnes of sulphuric acid, which was potentially the most hazardous consequence.



### • **Minamata Disease and convention:**

Then, there was a disease incident of Minamata in Japan. In the 1950s, poisoned water in a Japanese fishing village was associated with Minamata disease. The water had high levels of mercury because a nearby company was disposing of waste into it. Consumption of the fish from the water by the village residents (including cats) resulted in the ingestion of elevated levels of mercury, causing severe illnesses.

The Minamata Convention on Mercury, established in 2013 and enforced in 2017, is a global agreement that seeks to safeguard the environment and human health from mercury contamination. Named after the Japanese city of Minamata, where the "Minamata disease" resulted from a mercury poisoning outbreak in the mid-20th century.

The aims of the convention are to:

- Reduce and eliminate the use of mercury in artisanal and small-scale gold mining
- Control mercury emissions from coal-fired power plants and industrial boilers
- Regulate the supply and trade of mercury
- Increase public awareness
- Enhance institutional capacity

With all this in picture, concerns for water and air raised during this period. In 1972, a conference was initiated by Sweden and 193 members attended this conference of United Nations Conference on human environment, human development, and sustainable development. The concept of One Earth emerged out through this conference which was said as a collective effort to heal the planet and address the climate crisis and biodiversity loss.

### **Preamble of Stockholm Declaration**

The entire document is based on following:

- The impact of environment in relation to human being.
- Enjoyment of basic human rights

Highlights the need for global perspective

- Stresses the importance of safeguarding the environment for future generations or to create a balance between rights and development.

This declaration contained 26 principles. Some of the principles included:

- Environment protection (Human centric)
- Assistance to developing countries
- Reduce toxic substances in order to protect human health
- Human Impact
- Global cooperation
- Use of resources (natural/renewable)
- Responsible Management (Sustainable Development)

### **Outcomes**

- No legal obligations or binding forces
- **United Nations Environment Protocol (UNEP)**

It is an intergovernmental organisation established on 5-6 June, 1974 in Kenya. Its mission is to enhance the leadership and partnership among the State to provide or achieve quality of life.

### **Mandate of UNEP**

- Environmental Awareness
- Science Policy Interference
- Capacity Building

### **<sup>2666</sup>DEVELOPMENT OF ENVIRONMENTAL LAW IN INDIA POST STOCKHOLM DECLARATION**

Mrs. Indira Gandhi, the Prime Minister of India at the time, attended the Stockholm conference and found great inspiration in the discussions, issues raised, and the subsequent developments. The impact of the Stockholm Conference was evident in the rapid progress that followed.

The **42<sup>nd</sup> Amendment of the Constitution of India** introduced **Article 48-A** as part of the

<sup>2666</sup> The underlying causes of environmental degradation (no date) DEVELOPMENT OF ENVIRONMENTAL LAW IN INDIA POST STOCKHOLM DECLARATION. Available at: [https://www.indiabudget.gov.in/budget\\_archive/es98-99/chap1104.pdf](https://www.indiabudget.gov.in/budget_archive/es98-99/chap1104.pdf) (Accessed: 13 October 2024).

Directive Principle of State Policy. The state was mandated to **"protect and improve the environment and to safeguard the country's forests and wildlife."**

Article 51-A [15] introduced 10 fundamental duties for the citizens. These duties were imposed because citizens have fundamental rights, and as rights and duties are interrelated, the Constitution required citizens to fulfil certain duties as well. This serves as a reminder that the Constitution grants them fundamental rights and expects certain duties to be fulfilled as responsible citizens. Thus, residents were given the fundamental obligation to **"protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures," as stated in Article 51-A (g).**

### Major enactments for protection of environment in India

#### 1. Wildlife (Protection) Act, 1972

The Wildlife (Protection) Act of 1972 is a legislation approved by the Indian Parliament aimed at safeguarding the nation's wildlife, flora, and avifauna. Its primary objectives are to regulate the illicit trade, smuggling, and poaching of wildlife and its products, ensure the environmental and ecological security of the country, establish protected plant schedules, and prohibit the hunting of specific animal species. This act is applicable across the entire expanse of India. Notable features of the act include the designation of national parks by the government for the preservation of natural habitats, which are subject to more stringent regulations than wildlife sanctuaries. Additionally, each state or union territory is mandated to have a State Board for Wildlife, chaired by the respective Chief Minister. Furthermore, individuals holding licenses are prohibited from retaining, collecting, uprooting, or harvesting any specified plant without adhering to the terms and conditions of their license.

#### 2. Water (Prevention and Control of Pollution) Act, 1974

The Water (Prevention and Control of Pollution) Act of 1974 was established in India to prevent and manage water pollution. The Act's main components are as follows:

- **Definition of pollution**  
The Act characterizes pollution as any water contamination, which includes the disposal of sewage waste or making water harmful to public health or safety.
- **Boards for controlling pollution**  
The Act established pollution control boards to enforce its regulations.
- **Regulations**  
Act establishes guidelines for effluent and sewage and mandates approval from the State Board for new outlets to discharge sewage or effluent.
- **Prohibitions**  
The Act forbids the release of polluting substances into streams or wells that exceed the standards set by the Board.
- **Sharing of information**  
The Act mandates that industries provide the State Board with information about accidental discharges of toxic substances into water.
- **Penalties**  
The Act stipulates imprisonment and financial penalties for individuals who do not comply with the Act.

#### 3. Air (Pollution and Control of Pollution) Act, 1981

The Air (Prevention and Control of Pollution) Act, 1981, or the Air Act, is a law that aims to prevent and control air pollution in India. It was enacted in 1981 and amended in 1987. The Act was a response to the growing problem of air pollution in India, which was caused by industrialization and the concentration of industries in already industrialized areas.

Here are some key features of the Air Act:

- **Pollution Control Boards:** the Act established Central and State Pollution Control Boards to carry out the Act's objectives.

- **Monitoring:** Pollution Control Boards (PCBs) monitor the presence of pollutants in every state.
- **Punishment:** the Act provides for punishment for those who fail to comply with its rules. The punishment can include a minimum of one year and six months in prison, a fine, and an additional fine of up to 25,000 rupees per day if the failure continues.
- **Delegation of powers:** State Boards can delegate some of their powers and functions to the Chairman, member-secretary, or other officers of the Board.

#### 4. Environment (Protection) Act, 1986

The Environment Protection Act (EPA) of 1986 is a legislation in India with the objective of safeguarding and enhancing the environment.

- **Objective:** the EPA was enforced to carry out the resolutions of the United Nations Conference on the Human Environment. It was enacted following the Bhopal gas tragedy.
- **Authorities:** Under the EPA, the central government is empowered to:
  - Regulate industrial operations
  - Establish emission standards
  - Oversee adherence to regulations
  - Institute bodies to prevent pollution
  - Take actions to preserve and enhance the environment

#### 5. National Green Tribunal Act, 2010

The specialized body established by the National Green Tribunal (NGT) Act of 2010 is responsible for handling cases related to environmental protection and conservation of natural resources. This act was put into effect under Article 21 of the Indian Constitution, which ensures the right to a clean and healthy environment.

Here are some main characteristics of the NGT Act:

- **Jurisdiction:** the NGT has authority over civil cases concerning environmental issues, including the enforcement of environmental legal rights. It also has the power to hear cases related to violations of environmental laws or government decisions made under those laws.

- **Procedure:** the NGT is not bound by the Civil Procedure Code, 1908, but it follows the principles of natural justice. It aims to resolve applications and appeals within a period of six months.

- **Structure:** the NGT consists of a chairperson, judicial members, and expert members. The chairperson is a retired Supreme Court judge, and the other judicial members are retired high court judges. Expert members are required to have a professional qualification and a minimum of 15 years of experience in the field of environment or forest conservation.

- **Appeals:** decisions made by the NGT can be contested in the Supreme Court within 90 days.

- **Penalties:** the NGT has the authority to levy fines of up to 25 crores, and additional fines of 25,000 per day if the company continues its activities after being penalized.

#### Relevant Case Laws

##### 1. Vellore Citizens Welfare Forum v. Union of India (1996)

The Vellore Citizens Welfare Forum v. Union of India case stands as a significant Supreme Court ruling that emphasized the significance of environmental protection and enforcement in India. This case originated from the contamination of the Palar River by tanneries and other industries in Tamil Nadu:

#### Petition

The petitioner contended that the pollution rendered the river's water undrinkable and unsuitable for agriculture.

#### Court's decision

- The court mandated the central government to:
  - Set up an authority to enforce the precautionary and polluter pays principles
  - Impose penalties on tanneries
  - Require the establishment of common treatment facilities
  - Direct the closure of non-compliant units
  - Establish a "Green Bench" in the Madras High Court to oversee implementation.

##### 2. M.C Mehta v. Union of India (1996) or Taj Trapezium Case



In the legal case known as *M.C. Mehta v. Union of India and Ors.*, also called the Taj Trapezium Case, efforts were made to protect the Taj Mahal from pollution and environmental harm. In 1984, M.C. Mehta, an environmentalist and public interest lawyer, observed that the Taj Mahal's white marble was changing colour. In response, he filed a petition with the Supreme Court of India in 1986.

In 1996, the Supreme Court issued a ruling that directed 292 polluting industries to either relocate outside the Taj Trapezium Zone or switch to natural gas. Additionally, the court set forth guidelines for pollution control and emphasized the principles of the polluter pays, the precautionary principle, and sustainable development.

The court established a Taj Trapezium zone covering an area of 10,400 sq km to oversee air pollution. It also suggested the creation of a green belt around the Taj Mahal, urged the state to improve the city's power supply, and instructed tanneries in Agra to move out of the Trapezium. Furthermore, the Pollution Control Boards were tasked with monitoring air quality and reporting to the court, while the government was required to clean up the Taj Mahal and rectify the environmental damage.

### 3. **M.C Mehta v Kamalnath (1996) or Span Motels Case**

The case *M.C. Mehta v. Kamal Nath and Others* is a significant legal precedent in Indian environmental law, establishing the application of the Public Trust Doctrine and the Polluter Pays Principle. The case pertained to the following circumstances:

- A private company, Span Motels Pvt. Ltd., encroached upon the land adjacent to the Beas River.
- The then Minister of Environment and Forests, Kamal Nath, granted the company a lease for their project on the land.
- Bulldozers and earthmovers were used by the company to alter the river's course to protect the motel from potential floods.

- The construction work exerted pressure, causing the river to change its course and wash away the neighbouring lawns.

The Supreme Court of India ruled in favour of the petitioner and issued the following directives:

- The Himachal Pradesh Government was instructed to take control of the area and restore it to its original natural state.
- Span Motels was ordered to provide compensation for the restoration of the area's environment and ecology.
- Span Motels was prohibited from discharging untreated effluents into the river.
- The Himachal Pradesh Pollution Control Board was barred from permitting the discharge of untreated effluent into the Beas River.

The court further stressed that pollution constitutes a civil wrong and a tort against the entire community. It emphasized that those responsible for pollution must pay damages to restore the environment and ecology, as well as compensate those who suffered losses thus maintaining Polluter Pays Principle.

### 4. <sup>2667</sup>**M.C Mehta v. Union of India (1986) or Oleum gas leak case**

The Oleum Gas Leak Case, also known as the *M.C. Mehta v. Union of India* case, set a precedent by establishing absolute liability for industries involved in hazardous activities.

In response to an oleum gas leak from Shriram Foods and Fertilizers in Delhi on December 4, 1985, social activist lawyer M.C. Mehta filed the case. The leak, occurring a year after the Bhopal Gas Disaster, caused harm to workers and the public, resulting in the death of an advocate.

Under Article 32 of the Indian Constitution, Mehta filed a writ petition to shut down Shriram's hazardous units. The Supreme Court's ruling in favor of Mehta established the principle of absolute liability for hazardous industries, stating that they must ensure community safety without exception.

<sup>2667</sup> (No date) *M.C. Mehta and Anr vs Union of India & Ors* on 20 December 1986. Available at: <https://indiankanoon.org/doc/1486949/> (Accessed: 13 October 2024).

The ruling had a long-term impact on corporate accountability, environmental protection, and industrial safety policies in India. It also emphasized the significance of environmental protection in India and the potential risks associated with industrial growth.

##### 5. MC MEHTA VS UNION OF INDIA (GANGA POLLUTION CASE)

A PIL was filed by Mr. MC Mehta u/a 32 of the Indian Constitution demanding the issuance of a direction restraining the State of UP from letting out the trade effluents into the Ganga river. Supreme Court observed that the water was highly toxic near the city of Kanpur because of the tanneries as the same discharged their toxic untreated effluents and sludge in the water. Similarly, dead bodies of humans and animals have also been thrown into the river. It was contended by the respondents that due to lack of funds and physical facilities it was not possible for them to install proper treatment plants. The Apex Court rejecting their contentions said that "Financial capacities of the tanneries should be seen irrelevant while establishing proper treatment plants, further it said that tanneries that cannot set up a primary treatment plant cannot be permitted to continue. Court ordered that the tanneries which didn't appear before them should stop functioning and also held Kanpur Mahanagar Palika liable and also passed several directions like increase in the sewer sizes in labour colonies, construction of urinals, instalment of treatment plants, observe "keep the village clean week".

##### SUSTAINABLE DEVELOPMENT GOALS

According to WHO, the objective of the Sustainable Development Goals (SDGs) is to bring about a fundamental change in our world. They serve as a call to eradicate poverty and inequality, safeguard the environment, and guarantee that everyone has access to health, justice, and prosperity. It is essential to ensure that no individual is excluded. The 2030 Agenda and its Goals present a comprehensive perspective on sustainable development that:

- Is not limited to "developing" countries like the Millennium Development Goals (MDGs) were.
  - Is founded on principles such as fairness and recognition of human rights.
  - Depends on methods such as sustainable funding, scientific exploration and advancement, and oversight and assessment.
  - Calls for a new way of operating, involving collaborative action across sectors by numerous stakeholders.
  - Aims to enhance health systems for universal health coverage (UHC).
- The well-being of people, along with justice and prosperity, is something that everyone should be able to enjoy. Ensuring that no one is left behind is of utmost importance, in 2015, the 2030 Agenda for Sustainable Development was adopted by all the countries in the United Nations. This agenda outlines 17 Goals, encompassing 169 targets. These comprehensive and ambitious Goals are interconnected. Goal 3 aims to guarantee healthy lives and well-being for people of all ages. Moreover, it has implications across various areas, so progress in its implementation contributes to advancement in other Goals, and action on other Goals reciprocally contributes to achieving Goal 3. Additionally, most of the Goals encompass specific health targets, and all of them have indicators to measure progress.

These goals encompass economic, social, and environmental aspects. Some of these goals include:

- Empowering women and girls through gender equality
- Sustainable Development Goal 2: Eradicating hunger, achieving food security, and promoting sustainable agriculture
- Goal 3: Enhancing health and well-being by improving health services and public health programs
- Ensuring access to affordable, reliable, and modern energy through sustainable energy
- Developing new measures to address climate change through climate action



- Investing in inclusive and equitable quality education to create economic opportunities through quality education

- Goal 8: Fostering decent work opportunities and economic growth

The United Nations emphasizes that sustainable development can only be attained through the harmonization of economic growth, social inclusion, and environmental protection.

### ENVIRONMENTAL NGOS AND THEIR ROLE

India is now the most populated country in the world with a population of over 145 crores and to provide basic needs to all the people present, we are forced to damage and harm the environment in many ways. India too has many environmental problems like water pollution, air pollution, poor management of hazardous wastes etc. To curb these environmental problems various NGOS have also come forward and shook hands with the government to mitigate these issues.

#### Role of NGOS

**1) Advocacy and Awareness** – The participation of Non-Governmental Organisations in India is of paramount importance in generating knowledge about environmental issues. They carry out awareness campaigns, workshops and seminars that are aimed at informing public about the significance of conservation and sustainability of environment.

**2) Research and Data Collection** – Many NGOs take on the role of research to seek out data about environmental problems. This information is very important as it forms the basis of policies and programs made by the government for environmental protection and conservation.

**3) Policy Advocacy**– Several NGOs take part in policy making process by campaigning for conservation and environment friendly development. Their work is oriented on changing relevant government regulations and rules that are made for environment. They work for conservation of wildlife, renewable energy

and resources management, waste management etc.

**4) Conservation Projects** – Non-Governmental organisations frequently engage in conservation projects that include protection of endangered species and ecosystems and the degradation reversing processes of natural habitats. It is possible that they could establish partnerships with the neighbouring communities and the local government to kick start these initiatives.

**5) Community Engagement** – NGOs partner with community people to implement and encourage sustainable behaviours. It is the community that implements the ideas of tree plantation, decomposition of biological wastes etc.

**6) Legal Actions** – In situations where the rules and regulations set by the government are breached by the people or the industries, NGOs act as a watchdog, as they may initiate legal actions for the same. They may sue the individual or the industry for polluting the environment. They serve as a policeman to protect the environmental regulations from being breached.

**7) Capacity Building** – NGOs provide training and capacity building initiatives to communities and individuals as the most active members of the society, and they equip them with proactive strategies for environmental conservation. For e.g.- Sustainable farming practices, Installing renewable energy resources etc.

#### <sup>2668</sup>Environmental NGOs in India

##### 1) Indian Environmental Society

This organisation was established in 1972 with the goal of creating a system that is ecologically stable, self-sustaining, and promotes equitable resource allocation. IES also prioritises solid waste management, biodiversity conservation, and environmental education. This organisation suggests global solutions for

<sup>2668</sup> 5 NGOs working for Environmental Protection in India (2023) Sakal Relief Fund. Available at: <https://www.sakalrelieffund.com/blog/ngos-working-for-environmental-protection-in-india/> (Accessed: 13 October 2024).

critical environmental problems at both local and national levels.

## 2) Environmentalist Foundation of India

This foundation works towards wildlife conservation and habitat restoration. Its goal is to restore the nation's diminishing freshwater ecosystems through cooperative, community-based conservation activities. They work in 14 states in India including Karnataka, Andhra Pradesh, Delhi and more.

## 3. Wildlife Trust of India

It is non-profit, charitable organisation founded by Mr. Vivek Menon in 1998, and as their name suggests their focus is animal welfare, wildlife conservation and environmental conservation. They have also been successful in recovering some endangered species with their extensive each of 150 professionals working around the country.

## 4. ATREE

Ashoka's Trust for Research in Ecology and Environment, an organisation that was founded in 1996 whose goal is to raise awareness and enforce rules regarding sustainability and conservation of environment. This organisation offers interactive, hands-on programs in a number of places. They work to implement ground-level environmental interference which in turns spreads awareness amongst the masses.

## 5. Vanarai

To make villages self-sufficient, Padma Vibhushan Mr. Mohan Dharia started this NGO in 1982. Their primary areas of concentration are soil conservation, afforestation, farmer training and skill development, etc. They seek to safeguard the environment and promote rural development. They follow the words of Mahatma Gandhi "Go Back to Villages". They have conserved around 37 crores litres of water. They plant one lakh trees annually and construct thousands of restrooms and drainage systems to handle garbage.

### LEGAL CHALLENGES

#### 1. Poor Implementation of Laws

Laws are not effectively implemented, which hinders environmental protection. Despite being

based on the doctrines and principles of the supreme law of the land, environmental laws often fail to provide comprehensive solutions. The government at both central and state levels struggles to fully enforce these laws, leading to environmental degradation. Furthermore, the public fails to recognize the need for ecological balance. Consequently, rivers remain polluted, wildlife is endangered, deforestation continues, air quality is poor in some areas, industrial effluents continue to contaminate water bodies, and the environment suffers due to inadequate protection.

#### 2. Conflict between environment and development

The conflict between development and the environment persists as rapid global growth often prioritizes economic progress over environmental conservation. The Stockholm Declaration of 1972 emphasizes the importance of sustainable development, but achieving this balance remains challenging. The concept of inter-generational equity, which requires the current generation to use environmental resources in a way that benefits future generations, is often overlooked.

#### 3. Technology and environment

While science and technology have greatly influenced the modern era, their impact on the environment cannot be ignored. Many industries utilize advanced technologies that generate various types of waste, causing irreparable harm to the environment. Each innovation poses a new threat to the environment, whether through sludge, toxic air emissions, or domestic and trade effluents.

#### 4. Difficulty on ascertainment of polluter

Identifying polluters and holding them accountable is challenging due to the complexity of environmental damage and the delayed effects of pollution. The precautionary principle and the polluter pays principle hold developers and industrialists responsible for preventing and compensating for environmental damage. However, determining the specific individuals responsible for the

damage and enforcing punishment has become increasingly difficult for the courts.

### 5. Difficulty in ascertainment of risk and environmental impact

The developers and industrialists must identify their activities to prevent irreversible damage to nature through proper data collection, research, and analysis. When a possible risk of damage is recognized, precautionary measures should be taken, even if there is uncertainty about the reality of the risk. However, the lack of concrete provisions prevents the government from assessing the risks involved in a particular activity before the industry is established. This failure in actions further promotes environmental degradation, as the delay in identifying risks makes certain problems impossible or costly to solve. It is also common for certain companies carrying out inherently hazardous activities to remain silent and deliberately avoid disclosing such events, keeping the government and the public completely unaware of the hazards and potential dangerous effects on the environment and human life.

### 6. Lack of awareness and sensitisation regarding environment and environmental laws

The entire scope of environmental studies and laws revolves around maximum awareness and sensitization of the public about their surrounding environment, its protection, and the prevention of pollution. There is a significant lag in the measures taken for the process of this awareness and sensitization, making the general public unaware of their rights and duties towards the environment. The government alone cannot succeed in protecting the environment single-handedly; it is the duty of both the government and the general public to be alert about the possible damages that can be caused to the environment through their actions. The lack of awareness and sensitization poses a greater threat to the environment.

### ANTHROPOCENTRIC APPROACH TO ECOCENTRIC APPROACH

While the importance of human need and rights cannot be denied, anthropocentrism has insufficient to address the demands of the climate crisis, at times producing the undesirable ecological results like floods, droughts etc. Environment protection is a necessary condition for the effective enjoyment of human rights, but the protection of human rights does not by itself provide a sufficient protection to the environment. Further, the idea of Sustainable Development, a prominent example of anthropocentric approach, has demonstrated its failures, encouraged exploitation while labelling such activities as sustainable instead of enacting true environmental approach.

An independent group of scientists and experts appointed by the United Nations have warned that the world is not on track to achieve any of the sustainable goals by 2030. They highlight three priority areas for action:

1. Removing roadblocks to progress
2. Finding feasible and cost-effective pathways to goals.
3. Strengthening governance.

The sustainable Development Goals were established in 2015 as an urgent call to action by all countries to tackle global challenges such as poverty, climate change, and other factors. Conversely, recognising the inherent value of nature through ecocentrism would lead human towards comprehensive protection under the idea of the rights of nature.

### <sup>2669</sup>Ecocentrism as a solution and not a sacrifice of human needs

Ecocentrism refers to a view in which nature must be valued for its own sake however, it does not require the sacrifice for human needs. As it confers rights to nature as a subject morality of protection, ecocentrism compels humans to

<sup>2669</sup> Nivia (2024) *Ecocentrism: A refusal to compromise on Ecological integrity*, OpenGlobalRights. Available at: <https://www.openglobalrights.org/ecocentrism-refusal-to-compromise-ecological-integrity/> (Accessed: 13 October 2024).



accept limit on their conduct. In the ecocentric model, they cannot engage with nature solely as an object by gravely exploiting and treating it merely as a commodity in a consumption cycle. Experiences shows that its not impossible to protect and at the same time, utilize nature wisely for the benefit of mankind. Some of the communities around the world have an alternative life system in which they align human life with nature rather than exerting power and authority over it.

In order to make villages self-sufficient, Padma Vibhushan Mr. Mohan Dharia started this NGO in 1982. Their primary areas of concentration are soil conservation, afforestation, farmer training and skill development, etc. The uncertainty of nature makes it nearly impossible to determine how much we need to conserve nature to maintain human interest and their life. IT is impossible to predict for instance, precisely how much mining is enough to devastate the human life and the environment.

Moreover, thorough the anthropocentrism approach certain community interests are recognised while others are disregarded. When nature is treated merely as an object to support human life, people's interest in protecting it goes only so far as it gives benefits and does not threaten their existence. However, ecological degradation affects many societies and communities differently.

The notorious cobalt mining in the Democratic Republic of Congo or Oil Drilling in the Niger Delta are the prime examples. These events have gone mostly unopposed by societies outside Africa since they provide a considerable number of economic benefits from an anthropocentric view it is illogical to provide equity globally. In the case of resource extraction in DRC and the Niger Delta, the most affected are the least advantaged i.e. the Congolese and the Nigerian people.

As the time has passed, several attempts have been made, nationally, to legally establish an ecocentric approach. Countries where such developments have taken place are New

Zealand, India, Belize whose signs of progress would be discussed.

#### i. **New Zealand**

This country happens to be an active example, recognising three important elements of nature- forest, mountain and a river t be recognised as a subject-matter of rights being an integral part of the ecosystem. One of the earliest tribes is found in the island nation. The Moori who are indigenous to New Zealand. For them, Jane Mahuta, is an important forest that has been provided with legal rights. Apart from the forest, the mountains and Whanganui River have all been declared as legal entities having legal rights. Interestingly, the authorities and the Court have implemented "Guardianship Principle" where the Maori Tribe has been recognised as the legal person having rights and power, duties and liabilities to protect and preserve them and nature which is crucial to them. A special legislation called the Whanganui River Claims settlement Act, 2017 has been passed that guarantees protection for the provisions like funding etc.

#### ii. **Belize**

It is a Latin American nation that has most of its landmass open to the sea and is known for the Belize Barrier Reef, which is the second largest barrier reef in the world and is recognised by UNESCO as a heritage site. It is home to millions of species of animals and plants. Also, it happens to be the Mesoamerican Biological Corridor that links North and South America. However, in 2009, a cargo ship collided with the reef that damaged about 6000 square meters of the reef. When this was brought before the Supreme Court of Belize, the Court held that the Reef is not owned but is a living being and a part of the national heritage that can't be sacrificed. The company was made responsible and was directed to pay a compensation of 11 million Belize Dollars with 3% interest per year for the environmental catastrophic ensued and the cost of restoration.

There are also a few instances of indirect protection of nature in the country where the Sartoosh Institute for Indigenous Management

launched a Maya Lands Registry in August 2011 towards the protection of rights of nature through the scheme of guardianship of the Maya Tribes of Belize.

### iii. India

In a historical move, the Uttarakhand High Court in the Landmark decision in *Salim v. State of Uttarakhand* and *ors* held that the sacred perennial river of Ganga and Yamuna were considered as living entities possessing the right to survive. These rivers were declared as persons in loco parentis as the human face to protect, conserve and preserve the rivers Ganga and Yamuna and their tributaries. The court directed officials to promote the health and well-being of these rivers.

So, we can see by the above examples that how the countries have shifted their focus to Ecocentrism and has recognised the effectiveness of this approach in safeguarding human rights holistically.

### CONCLUSION

The nation's ecology and environment have been increasingly harmed since the start of industrialisation and urbanisation. Rise in the global temperature, Ozone layer depletion, Biodiversity extinction etc have been on a rise and are increasing daily. The issue of Environment protection was first seen in the Stockholm Declaration 1972 which marked a dialogue between the developed nations and the developing nations on the link between growth and development and the protection of the environment. India was also one of the signatories of this declaration and because of this the framing of Environment Protection Act and other major acts were done to protect the environment. The Acts provided punishments and penalties for those who disobeyed the laws and regulations pertaining to environmental preservation. Furthermore, NGOs and other institutions that advocate for environmental conservation and assist governments in formulating policies in this regard have emerged in India and other nations. Their focus is on people's participation and raising awareness in all the sections of the society.

These organisations have contributed to the restoration of the environment and the depleted ecology, and they are still taking action to guarantee protection. The general public should take the initiative to aid in the restoration of the lost environment by improving their attitude and not acting carelessly and upsetting the natural cycle, in addition to the government and these organisations taking steps to ensure protection.