

Environmental Ethics – Anthropocentric to Eco-Centric Approach: A Paradigm Shift

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by
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For last five decades, we have witnessed a world movement to preserve and protect the environment, of which Man is one of its components. The first International Conference on Human Environment¹ was held in 1972 at Stockholm and since then it takes place after every ten years². The focal theme of this first international conference was 'to defend and improve the human environment for present and future generations', and that 'The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate'³. Thus anthropocentric approach was the crux of the Declaration, which has repeatedly been followed in all other international conferences⁴ which were held during last four decades. This approach to maintain ecological balance and prevent environmental degradation for the safeguard of the Homo sapiens was also adopted world over and the Indian apex court also reiterated it in many pronouncements. The Supreme Court always emphasized to preserve the quality of

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the various components of environment-vegetation cover⁵, air⁶, water⁷, land, fauna⁸ underground water⁹ etc., to safeguard the human being. Other components of the environment were to be protected to protect the present and future generation of mankind. This approach is known as anthropocentric approach. Recently the Supreme Court of India has made a paradigm shift from its anthropocentric approach to eco-centric approach.

I. ANTHROPOCENTRIC APPROACH

According to this approach other components or natural things are being maintained, preserved or protected as they are essential for the existence of human beings. The 'need' for mankind is the sole criterion to safeguard the natural resources and to maintain the quality of them. If we examine and analyze the International declarations e.g. *the Stockholm Declaration of 1972, Rio Declaration of 1992, Johannesburg Declaration of 2002 and Rio Declaration of 2012*, we will find that human being has been kept in the mist of all things and that natural resources may be utilized in such a way that it does not cause, directly or indirectly, any harm to the humans. All the species of flora and fauna must be maintained as it is necessary for the existence of mankind. The Rio Declaration on Environment and Sustainable Development in the year 2012 mentioned that 'We recognize that people are at the centre of sustainable development and in this regard we strive for a world that is just, equitable and inclusive, and we commit to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all' (Principle 6). Even the *Brundtland Commission Report of 1987*¹⁰ defined the term 'sustainable development' as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'. It also stresses on the survival and existence of human beings and therefore an anthropocentric ethics. Above mentioned declarations are the replication of the Stockholm Declaration of 1972 which observed that 'the protection and improvement

of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world'



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and 'Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations'¹¹. Commitment to follow Stockholm Declaration has also been reiterated in all following international declarations on human environment.

These international declarations have been accepted and followed by the courts in many environmental cases. The Court in *M.C. Mehta v. Kamal Nath*¹² referred the Stockholm Declaration, 1972 and *Brundtland Commission Report* and observed that sustainable development, intergenerational equity, polluter pays principle and precautionary principles are part of our environmental jurisprudence. The Court also based its judgment on these principles but they all were based on anthropocentric principles. Nonetheless the apex court in *Vellore citizens' welfare forum v. Union of India*¹³ observed that to invoke above principles, it is a perquisite to assess the harm to the humans. The principle of intergenerational equity also presupposes that exploitation of natural resources must be equitably distributed between the present and future generation. Thus human have become the focal point in the protection of natural resources. Similar approach was also adopted and applied in the *Taj Trapezium case*¹⁴, the *Delhi vehicular pollution case*¹⁵, the *asbestos industries case*¹⁶ and the *oleum gas leakage case*¹⁷. In all these cases environmental pollution was the cause, but the end to be achieved was the human health and well being.

The anthropocentric approach/ethics has been explained by the apex court as 'Anthropocentrism considers humans to be the most important factor and value in the universe and states that humans have greater intrinsic value than other species. Resultantly, any species that are of potential use to humans can be a reserve to be exploited which leads to the point of extinction of biological reserves. Further, that principle highlights human obligations towards environment arising out of instrumental, educational, scientific, cultural, recreational and aesthetic values that forests has to offer to humans. Under this approach, environment is only protected as a consequence of and to the extent needed to protect human well being¹⁸.' Further



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that 'Sustainable development, it has been argued by various eminent environmentalists, clearly postulates an anthropocentric bias, least concerned with the rights of other species which live on this earth. Anthropocentrism is always human interest focused thinking that non-human has only instrumental value to humans, in other words, humans take precedence and human responsibilities to non-human are based benefits to humans'. The basis of this environmental ethics is the human needs and protection for the exploitation of/damage to the natural resources. It allows to some extent the exploitation of natural resources and pollution as the activity in question does not causes irreversible harm or amounts to hazardous activity.

II. ECO-CENTRIC APPROACH

The Supreme Court of India has recently made a radical departure from the anthropocentric approach and advocated for adoption of eco-centric approach. This

approach stresses on the intrinsic values of all the natural things and that they, if preserved and protected, would help to preserve and protect other forms of life on earth. Unknowingly at national and international level there is a paradigm shift in the environmental ethics. One of the reasons of this approach may be it is prudent to protect and preserve the vegetation species and species of fauna, which will ultimately lead to the protection and preservation of human beings. Secondly, it has been realized that much has been done in the form of legislative and administrative actions, in a generalized way, to guard the natural resources. But this was not found sufficient to safeguard the various species of flora and fauna which are verge of extinction or are vulnerable for extinction. Therefore we are compelled to focus and resolve to safeguard the individual and specific species of flora and fauna which fall under this category. It was because all previous legislative, administrative and other measures adopted by the world nations were not sufficiently enough to protect and preserve various kinds of vulnerable species. Sometimes that specie may not be of much or no use to human being but they are now only in the form of 'representative samples' of nature. Because myriad forms of species of flora and fauna have been, advertently or inadvertently, destroyed by human activities in the name of development. In the words of hon'ble Justice Radhakrishnan—

Environmental justice could be achieved only if we drift away from the principle of anthropocentric to eco-centric. Many of our principles like sustainable development, polluter-pays principle, and inter-generational equity have their roots in anthropocentric principles. Anthropocentrism is always human interest focused and non-human has only instrumental value to humans. In other words, humans take precedence and human responsibilities to non-human



based benefits to humans. Eco-centrism is nature centered where humans are part of nature and non-human has intrinsic value. In other words, human interest does not take automatic precedence and humans have obligations to non-humans independently of human interest. Eco-centrism is therefore life-centered, nature-centered where nature include both human and non-humans¹⁹.

Elucidation the need of eco-centric approach, the Court clarified that

...eco-centric approach to environment stresses the moral imperatives to respect intrinsic value, inter dependence and integrity of all forms of life. Eco-centrism supports the protection of all life forms, not just those which are of value to humans or their needs and underlines the fact that humans are just one among the various life forms on earth²⁰.

It also narrated *Isa Upanishad* (about 4000 years old Hindu scripture) to explain that it has its roots in an age old Indian environmental ethics-'The universe along with its creatures belongs to the Lord. No creature is superior to any other. Human beings should not be above nature. Let no one species encroach over the rights and privileges of other species.' Such approach and philosophy has also been highlighted and found place in various international conventions also e.g. in Convention for Conservation of Antarctic Living Resources 1980, The Protocol to Antarctic Treaty on Environmental Protection 1998, The Bern Convention on Conservation of European Wildlife and Natural Habitats 1982. The Convention on Biological Diversity, 1992(CBD) also supports this approach²¹ and so the *Convention on International Trade in Endangered Species of Wild Fauna and Flora*, 1973(CITES). Since India is a participatory and signatory to these Conventions, we are bound by them. Thus India and other


signatories are duty bound to initiate measures to conserve and protect threatened species in their natural habitat. These two and other conventions do not require on their instrumental value of species of flora and fauna but they each

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one them intrinsic value²² besides most of the instrumental value²³ also. Therefore endangered, threatened with extinction and vulnerable species of flora and fauna must be safeguarded by adopting eco-centric approach which is an intrinsic part of environmental ethics.

The Supreme Court of India has also adopted and implemented this eco-centric approach/ethics in recently decided three cases- *T.N. Godavarman Thirumulpad v. Union of India*²⁴, *T.N. Godavarman Thirumulpad v. Union of India*²⁵; and *Centre for Environmental Law, World Wide Fund-India v. Union of India*²⁶. In the first case, the question involved was about protection and preservation of the 'Asiatic wild Buffalo' found in Western and Eastern Ghats only. The second case was relating to the preservation of 'Red Sandalwood' which is found in Andhra Pradesh, stated to be endangered species and the third case, animal was about the safeguarding the 'Asiatic wild Lion' (*Panthera leo persica*), an endangered species. In first two cases the Court explained the eco-centric approach and narrated the necessity to apply it, but while deciding third case of Asiatic Wild Lion the Court started the judgment²⁷ with the application of 'eco-centric approach' as they have instrumental as well as intrinsic value/worth. Commonly speaking, these three cases do not carry any value or are not of much use to human beings, but looking to their intrinsic value and that they are representative samples of nature, the Court ordered for taking necessary safeguards to preserve and look after them as they are part of the Nature-wildlife (animal kingdom). The Court also stated the necessity to change the approach-from anthropocentric to eco-centric looking to the vulnerability of the species.

In *Centre for Environmental Law, World Wide Fund-India v. Union of India*²⁸ the Center for Environmental law filed a petition for saving the

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Asiatic Wild Lion (*Panthera leo persica*)²⁹, an endangered species, 'for its long term survival and to protect the species from extinction as issue rooted on eco-centrism, which supports the protection of all wildlife forms, not just those which are of instrumental value to humans but those which have intrinsic worth'. The data collected by the Wildlife Biologists highlighted the necessity of a second natural habitat (forests in the State of Rajasthan or M.P.) for its long term conservation. Various expert reports were examined and the Court came to the conclusion that Asiatic Wild Lion is an endangered species must be preserved and for that second home may be designated keeping in view the vulnerability of the species and whether that place will be viable for that species as Rhino of Assam cannot live in and sustain the plains of U.P. while allowing the Kuno forest area in the state of Madhya Pradesh, the court directed that—

We are also inclined to highlight the necessity of an exclusive parliamentary legislation for the preservation and protection of endangered species so as to carry out the recovery programmes before many of the species become extinct and to give the following directions:

(a) NWAP (2002-2016) has already identified species like the Great Indian

Bustard, Bengal Florican, Dugong, the Manipur Brow Antlered Deer, over and above Asiatic Lion and Wild Buffalo as endangered species and hence we are, therefore, inclined to give a direction to the Government of India and the MoEF to take urgent steps for the preservation of those endangered species as well as to initiate recovery programmes.

- (b) The Government of India and the MoEF are directed to identify, as already highlighted by NWAP, all endangered species of flora and fauna, study their needs and survey their environs and habitats to establish the current level of security and the nature of threats. They should also conduct periodic reviews of flora and fauna species status, and correlate the same with the IUCN Red Data List every three years³⁰.



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In the industrial development and urban area extending its limit to urban area, the greenery has not only lost its importance but also become rare in the thickly populated area. But the Supreme Court of India has saved the forests, green areas and parks from the ecoenemic role players.³¹ The Supreme Court has moved further to save the animals from human cruelties.³² Thus the Court made an eco-centric approach to save the Asiatic wild Lion found in Gir forests of Gujarat. It also directed the Government to evolve strategies to preserve and safeguard other vulnerable or almost extinct species of flora and fauna. It adopted and implemented this approach for the preservation of an endangered species for the 'species best interest standard' not the best interest of human beings. Eco-centrism is, therefore, life-centered, nature-centered where nature includes both humans and non-humans.

It may be pointed out that the Court emphasized that 'all efforts must be made to implement the spirit and provisions of the *Wild Life (Protection) Act, 1972*; the provisions of which are salutary and are necessary to be implemented to maintain ecological chain and balance'. The Court also clarified that that 'the wildlife encompasses all uncultivated flora and undomesticated fauna and every species has the right to live and every threatened species must be protected to prevent its extinction.' *In-Situ* and *Ex-Situ* conservation and measures are also essential to provide protection to the environs and habitats of all rare and threatened species of flora and fauna under the priority projects.

The Court further made it clear that while executing various central legislation (e.g. the Biological Diversity Act in the year 2002 followed by the National Biodiversity Rules in the year 2004; Wild Life (Protection) Act, Bio-diversity Act-2002, Forest (Conservation) Act of 1980) and the various policies and plans (various policies and action plans such as the National Forest Policy (NFP) 1988, National Environment Policy (NEP) 2006, National Bio-diversity Action Plan (NBAP) 2008, National Action Plan on Climate Change (NAPCC) 2008, the Integrated development of wild life habitats and centrally sponsored scheme(NWAP) framed in the year 2009, National Wild-life Action Plan (NWAP) 2002-2016) the approach should be eco-centric and not anthropocentric³³. It declared that 'the cardinal issue is



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not whether the Asiatic lion is a "family member" or is part of the "Indian culture and

civilization", or the pride of a State but the preservation of an endangered species for which we have to apply the "species best interest standard". Our approach should not be human-centric or family-centric but eco-centric. "Scientific reasoning" for its relocation has to supersede the family bond or pride of the people and we have to look at the species best interest especially in a situation where the specie is found to be a critically endangered one and the necessity of a second home has been keenly felt³⁴. On the basis of this principle the Court denied the reallocation of African Cheetahs from Namibia to Kuno wildlife sanctuary (M.P.) and permitted Kuno to be the second home for Asiatic Wild Loin who is based at Gir forest-Gujarat.

III. CONCLUSION

It is relevant here to look to an old U.S. landmark case- *Tennessee Valley Authority v. Hill*³⁵ where the applicant wanted to preserve and protect a tiny fish-Snail Darter. This fish was discovered in a soon-to-be-flooded stretch of the Little Tennessee River dam project area. The construction on a dam that had already cost taxpayers \$100 million came crashing to a halt. Because of *the Endangered Species Act* of 1973, the snail darter was instantly transformed into both an icon for species preservation and a despised symbol of the environmental movement's alleged excesses. The ordered for halt of the water filling in the dam as could have destroyed the tiny fish, though 110 million dollars had already been spent on the construction of the dam. The intense legal battle was contested all the way to the Supreme Court of U.S.A. The U.S. Supreme Court did not permit the authorities to fill the water in the dam area fearing it would irreparable loss and that one of the species would be gone forever.

So, finally what comes out? The international environment law, from 1972-2012 has mainly adopted the anthropocentric approach, human beings, as the Central focal point. However, it further showed concern for the present and future generation. Thus man was considered as the beneficiary of liveable environment and also the role player in the protection and improvement of the environment. The Indian environmental law since 1974 down to 1986 and the government policies and plans had the main concern to protect human being from environmental pollution. However, it did not stop there. The Legislature, also focussed attention to the conservation



of forest, protection of wild animals and safeguard of *homo sapiens*. The judiciary though initially adopted an anthropocentric concern and tried to protect human beings from industrial pollution, water pollution and what not. However the Supreme Court did not loose time and showed the concern to save greenery, animals and birds from pollution so that they do not become extinct spices in turn a threat to the very existence of the human beings. Thus one finds a welcome paradigm shift from the anthropocentric to ecocentric. There is also a corresponding change in the expansion of the fundamental right to life from individual or group right to the rights of for example, trees, animals and birds, which have been claimed through the NGOs and public spirited persons. Now the changed scenario includes in the concern of a liveable environment all those who are instrumental and have intrinsic value to protect the human beings. Thus the neglect of the existence of the vulnerables, endangerals and species on the verge of existence of yester century has been now compensated by the twentyth century. In this journey, it must be said that, the Legislature and judiciary' in India are not lagging behind with one ridder that the other species of flora and funa must be given equal treatment as is given to protect the human beings, the regulation and sanction needs to be on par. Let the pious wishes of Sir Rabindranath Tagore come true for the Bharat *Mata*:

सुजलाम सुफलाम् मयलज शीतलाम् मातरम्
(Richly-watered, richly-fruited, with cool breeze of delight, Mother)

— — —

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¹ The declarations made in this Conference are known as 'Magna Carta' on Human Environment.

² Second was held in 1982 at *Nairobi*, third in 1992 at *Rio de Janeiro*, fourth in 2002 at *Johannesburg* and fifth in 2012 at *Rio de Janeiro*.

³ Principle 2 of the Stockholm Declaration.

⁴ In 'Earth Summit' Declaration (*Rio de Janeiro Conference-1992*) Principle 1 declared that 'Human beings are at the centre of concern for sustainable development. They are entitled to a healthy and productive life in harmony with nature'.

Principle 6 of the *Rio Declaration on Sustainable Development* of 2012 observed that 'We recognize that people are at the centre of sustainable development and in this regard we strive for a world that is just, equitable and inclusive, and we commit to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all'.

⁵ *Tarun Bharat Sangh v. Union of India*, 1992 Supp (2) SCC 448 : AIR 1992 SC 514; *Rural Litigation & Entitlement Kendra, Dehradun v. State of U.P.*, (1985) 2 SCC 431 : AIR 1985 SC 652, *T.N. Godavarman Thirumulkpad v. Union of India*, AIR 1997 SC 1228.

⁶ *M.C. Mehta v. Union of India*, (2002) 4 SCC 356 : AIR 2002 SC 1696; *M.C. Mehta v. Union of India*, (1997) 2 SCC 353 : AIR 1997 SC 734.

⁷ *M.C. Mehta v. Union of India*, (1987) 4 SCC 463 : AIR 1988 SC 1037; *M.C. Mehta v. Union of India*, (1987) 1 SCC 395 : AIR 1987 SC 1086; *M.C. Mehta v. Union of India*, (1998) 6 SCC 60 : AIR 1998 SC 2340.

⁸ *Consumer Education & Research Society v. Union of India*, (2000) 2 SCC 599 : AIR 2000 SC 975.

⁹ *Indian Council for Enviro Legal Action v. Union of India*, (1996) 3 SCC 212 : AIR 1996 SC 1446.

¹⁰ Our Common Future, 1987; the *Report of the World Commission on Environment and Development*, 1987.

¹¹ Principle 1 of the *Stockholm Declaration*, 1972.

¹² (1997) 1 SCC 388; In this case the defendants made constructions in the river bed of river Ravi and thereby changed the flow of the river, as a consequence of which massive erosion took place and causing damage to vegetation cover of the nearby area.

¹³ (1996) 5 SCC 647; this case was related to the discharge of untreated toxic effluents of the tanneries in the open and in canals. This caused destruction of fertility of land and contamination of water/underground water of the area.

¹⁴ *M.C. Mehta v. Union of India*, (1997) 2 SCC 353 : AIR 1997 SC 734.

¹⁵ *M.C. Mehta v. Union of India*, (2001) 3 SCC 756 : AIR 2001 SC 1948.

¹⁶ *Consumer Education & Research Center v. Union of India*, (1995) 3 SCC 42.

¹⁷ *M.C. Mehta v. Union of India*, (1987) 1 SCC 395 : AIR 1987 SC 1086.

¹⁸ *T.N. Godavarman Thirumulpad v. Union of India*, (2012) 4 SCC 362, at 374.

¹⁹ *T.N. Godavarman Thirumulpad v. Union of India*, (2012) 4 SCC 362.

²⁰ *Ibid*, at 374. The Court has widely quoted Environmental Ethics: *Stanford Encyclopedia of Philosophy*, 2002 (Revised Edn. 2008) to explain and support its reasoning.

²¹ The Court has quoted with approval the Preamble of CBD as 'Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components, Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere, Affirming that the conservation of biological diversity is a common concern of humankind'...

²² 'Intrinsic value, i.e., 'value in his or her own right independently for his or her prospects for serving the ends of others... if the plant also has some value in itself independently of its prospects for furthering some other ends such as human health or the pleasure from aesthetic experience, then the plant also has intrinsic value.'

²³ It means it is 'the value of things as means to further some other ends. They are also useful as means to other ends. For another example, a certain wild plant may have instrumental value because it provides the ingredients for some medicine or as an aesthetic object for human observers'.

²⁴ (2012) 3 SCC 277.

²⁵ (2012) 4 SCC 362.

²⁶ (2013) 8 SCC 234; Decided on April 15, 2013.

²⁷ In the Opening paragraph of the judgment, the Court stated that '(W)e have been called upon to decide the necessity of a second home for Asiatic Lion (*Panthera leo persica*), an endangered species, for its long term survival and to protect the species from extinction as issue rooted on eco-centrism, which supports the protection of all wildlife forms, not just those which are of instrumental value to humans but those which have intrinsic worth'.

²⁸ (2013) 8 SCC 234; Decided on April 15, 2013. The Judgment was pronounced by Justice K.P.S. Radhakrishnan.

²⁹ It has been included in Red List published by the *International Union for Conservation of Nature*, CIUCN as 'critically endangered species'.

³⁰ *Ibid*, at 265 The Court also referred various international instruments like the *Convention on the conservation of migratory species of wild animals* held at 'Bonn', 1979, the Red List published by the *International Union for Conservation of Nature (IUCN)*, 2008, the *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*, 1973; the *Convention on Biological Diversity*, 1992 and *Stockholm Declaration* of 1972 to arrive on this conclusion.

³¹ See, for example, *Sushila Saw Mill v. State of Orissa*, (1995) 5 SCC 615 : AIR 1995 SC 2484; *M.I. Builders (P) Ltd. v. Radhey Shyam Sahu*, (1999) 6 SCC 464 : AIR 1999 SC 2468; *D.D. Vyas v. Ghaziabad Development Authority*, AIR 1993 All 57.

³² *Consumer Education and Research. Society v. Union of India*, AIR 1995 Gujarat 133; also *Consumer Education & Research Society v. Union of India*, (2000) 2 SCC 599 : AIR 2000 SC 975; *Tarun Bharat Singh v. Union of India*, 1992 Supp (2) SCC 448 : AIR 1992 SC 514; *N.R. Nair v. Union of India*, (2001) 6 SCC 84 : AIR 2001 SC 2337; *Viniyog Parivar Trust v. Union of India*, AIR 1998 Bom. 71.

³³ In this reference the Court referred its previous pronouncements like- *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388; *Lafarge Umiyam Mining (P) Ltd. v. Union of India*, (2011) 7 SCC 338; *T.N. Godavarman Thirumulpad v. Union of India*, (2012) 3 SCC 277 (*Wilde Buffalo case*); *T.N. Godavarman Thirumulpad v. Union of India*, (2012) 4 SCC 362.

³⁴ *Centre for Environmental Law, World Wide Fund-India v. Union of India*, (2013) 8 SCC 234, at 259. This finding of the Court was also based on the recommendations made by National Board of Wildlife and Wildlife Biologists of the Wildlife Institute of India.

³⁵ 57 L Ed 2d 117 : 437 US 153 (1978) Popularly known as the *Snail Darter case*.

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