



Environmental Jurisprudence and the Expansion of Duties: From Anthropocentric to Ecocentric Approach

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ARTICLE DETAILS	ABSTRACT
Research Paper	
Keywords : <i>Environmental jurisprudence, anthropocentric, ecocentric, duties, Indian Constitution, sustainable development, intergenerational equity</i>	<i>Environmental jurisprudence has emerged as one of the most dynamic areas of contemporary legal thought, seeking to balance the relationship between human development and ecological preservation. Historically, legal systems around the world have approached environmental protection from an anthropocentric standpoint, focusing primarily on human needs and interests. However, with the rapid escalation of environmental crises such as climate change, biodiversity loss, and deforestation, there has been a gradual yet significant transition toward an ecocentric framework that recognizes the intrinsic value of nature. This paper critically examines the jurisprudential foundations of rights and duties concerning the environment, emphasizing the expansion of duties in legal systems to reflect ecological concerns. By analyzing international developments, Indian constitutional provisions, judicial interpretations, and comparative global practices, the research explores how environmental duties have evolved from being state-centric obligations to shared societal and individual responsibilities. The study highlights the role of fundamental duties under the Indian Constitution, doctrines such as sustainable development, the public trust doctrine, and intergenerational equity, while also addressing challenges in enforcement and conflicts with economic development. The paper argues that the shift from anthropocentric to ecocentric jurisprudence is</i>



not merely philosophical but necessary for ensuring the survival of humanity and the planet.

Introduction

Law and jurisprudence have historically centered on regulating human behavior, protecting rights, and enforcing duties within a structured legal framework. The jurisprudential concepts of *rights* and *duties* are deeply interlinked, with one often corresponding to the other. In the context of environmental law, however, this relationship takes on a unique dimension, as the duty to protect and preserve nature frequently extends beyond immediate human interests and encompasses obligations toward future generations, other species, and the ecosystem itself.

Traditionally, environmental protection in legal discourse has been anthropocentric—that is, it has been justified in terms of human welfare. Laws were primarily designed to secure clean air, potable water, and healthy surroundings for people. This human-centered approach reflected a utilitarian understanding of nature as a resource meant for exploitation and consumption. However, the rapid degradation of ecosystems, the looming threat of climate change, and the recognition of biodiversity as essential for life have challenged the adequacy of anthropocentrism.

The emergence of ecocentrism represents a paradigmatic shift. Ecocentric thought recognizes nature's intrinsic value, independent of its utility to humans. This view has influenced courts, legislatures, and international institutions to reimagine environmental jurisprudence not merely as a matter of human rights but also as a set of human duties toward the environment. In India, this transformation has been especially pronounced due to constitutional innovations such as Article 48A and Article 51A(g), as well as landmark judicial pronouncements that have elevated environmental protection into a constitutional obligation.

This paper seeks to examine the expansion of duties in environmental jurisprudence, tracing the journey from anthropocentric to ecocentric approaches. It explores the philosophical foundations of environmental duties, their evolution in international and Indian law, their judicial interpretation, and the challenges that arise in reconciling environmental duties with developmental imperatives. The central argument advanced here is that environmental jurisprudence must continue to evolve toward ecocentrism if it is to provide a sustainable framework for justice that transcends human interests and safeguards the planet for future generations.

Theoretical Framework

Rights and Duties in Jurisprudence

In jurisprudential theory, rights and duties are correlative. As Hohfeld (1913) emphasized, every right corresponds to a duty, and vice versa. In environmental contexts, this correlation takes on added complexity, as rights often extend beyond direct human-to-human relations and encompass duties toward nature, society, and future generations.

Natural law theorists, such as Aquinas, argued that moral duties underpin all legal rights, suggesting that individuals have an obligation to respect the order of creation. In contrast, positivist approaches, such as those of Bentham and Austin, emphasized the role of law in enforcing duties created by the sovereign. Environmental jurisprudence integrates both views, grounding duties in moral responsibility while also codifying them through legislation and judicial interpretation.

Anthropocentrism versus Ecocentrism

Anthropocentrism views humans as the central concern of legal systems. In this perspective, environmental laws exist primarily to protect human health, safety, and economic interests. For example, air quality laws are often justified by their necessity for human survival rather than by any intrinsic right of the atmosphere to remain unpolluted.

Ecocentrism, by contrast, asserts that nature possesses intrinsic worth independent of its utility to humans. This approach aligns with deep ecology, which posits that all forms of life have equal value. Jurisprudentially, ecocentrism challenges the anthropocentric assumption and advocates for recognizing the rights of nature itself—a development visible in countries like Ecuador, which has constitutionally recognized the rights of Pachamama (Mother Earth).

Environmental jurisprudence today reflects a synthesis of these two approaches, with increasing emphasis on duties that reflect ecocentric principles.

Evolution of Environmental Jurisprudence

International Developments

The modern era of environmental jurisprudence began with the Stockholm Conference on the Human Environment (1972), which recognized both human rights to a healthy environment and duties to protect it. The Rio Declaration (1992) further elaborated principles such as sustainable development,

precautionary measures, and intergenerational equity. The Paris Agreement (2015) represents a significant step in binding nations to collective duties of mitigating climate change.

These instruments reflect a gradual movement toward shared global responsibility, underscoring duties as much as rights.

Indian Constitutional Framework

India stands out for explicitly embedding environmental duties in its Constitution. Article 48A directs the State to “protect and improve the environment,” while Article 51A(g) imposes a fundamental duty on citizens to “protect and improve the natural environment including forests, lakes, rivers, and wildlife.” These provisions demonstrate a clear recognition of both state and individual duties.

Judicial Interpretations

Indian judiciary has played a pivotal role in expanding environmental jurisprudence. In *MC Mehta v. Union of India* (1987), the Supreme Court linked the right to a healthy environment with Article 21 (right to life). In *Vellore Citizens’ Welfare Forum v. Union of India* (1996), the Court articulated the principle of sustainable development. Similarly, in *Subhash Kumar v. State of Bihar* (1991), the Court recognized the right to pollution-free water and air as part of the right to life.

These judgments reveal an expanding duty-based jurisprudence, where environmental protection is treated as a collective and constitutional responsibility.

Anthropocentric Approach in Law

Despite advances, much of environmental law remains anthropocentric. Regulations often focus on minimizing harm to humans rather than preserving ecosystems. For example, industrial pollution laws may prioritize reducing health hazards to communities rather than protecting biodiversity.

Anthropocentrism has certain pragmatic advantages—it makes environmental issues relatable to citizens and policymakers by linking them directly to human welfare. However, its limitations are stark: it fails to address ecological degradation when immediate human harm is not apparent. This approach is inadequate for addressing issues like biodiversity loss, which may not produce immediate human consequences but is catastrophic in the long term.

Ecocentric Approach in Law

The ecocentric approach reflects a more progressive development in environmental jurisprudence. It views nature as a rights-bearing entity.



In India, this transition is evident in cases such as *Animal Welfare Board of India v. A. Nagaraja* (2014), where the Supreme Court emphasized the intrinsic value of animals and prohibited cruelty in the name of tradition. Similarly, in *T.N. Godavarman Thirumulpad v. Union of India*, the Court expanded forest protection beyond human utility.

Globally, Ecuador's Constitution (2008) recognizes the rights of nature, and New Zealand granted legal personhood to the Whanganui River in 2017. These examples illustrate the embedding of ecocentric values into legal frameworks.

Expansion of Duties in Environmental Jurisprudence

Fundamental Duties in the Indian Constitution

Article 51A(g) places a duty on every citizen to protect the environment. While fundamental duties are not directly enforceable in courts, they guide judicial interpretation and legislative action. Courts often invoke Article 51A(g) when interpreting environmental statutes or constitutional provisions.

Public Trust Doctrine

The doctrine, developed in Indian jurisprudence through cases like **MC Mehta**, posits that natural resources such as air, water, and forests are held in trust by the state for public use and future generations. This doctrine expands duties by placing responsibility not just on individuals but also on governments to act as trustees of nature.

Sustainable Development Principle

The principle of sustainable development, affirmed in **Vellore Citizens** and subsequent cases, establishes that duties toward the environment require balancing present needs with future sustainability. It has become a cornerstone of Indian and international environmental jurisprudence.

Intergenerational Equity

Recognized in international law and Indian judgments, this principle stresses duties toward future generations. The Supreme Court in **State of Himachal Pradesh v. Ganesh Wood Products** (1995) emphasized that natural resources must be conserved for posterity.

Challenges and Criticisms

While the recognition and expansion of environmental duties mark significant progress in the evolution of jurisprudence, the practical implementation of such duties continues to face several challenges. These



challenges weaken the effectiveness of environmental protection regimes and often create a gap between normative legal principles and ground realities.

1. Conflict with Development

One of the most pressing challenges arises from the persistent conflict between ecological duties and developmental imperatives. In many developing countries, including India, economic growth remains a top priority for policymakers. Large infrastructure projects such as hydroelectric dams, highways, airports, industrial corridors, and mining ventures are often justified as essential for national progress, job creation, and poverty alleviation. However, these projects frequently result in large-scale deforestation, displacement of local communities, loss of biodiversity, and irreversible ecological damage.

For example, the Sardar Sarovar Dam project on the Narmada River triggered decades of legal and social struggles, highlighting the conflict between developmental goals and environmental protection. Similarly, the expansion of coal mining in forest-rich states like Chhattisgarh and Jharkhand continues to spark debate over whether immediate economic gains should outweigh long-term ecological preservation.

The problem is compounded by the adoption of an anthropocentric approach by decision-makers who justify environmental degradation on grounds of human-centric benefits. Although the principle of sustainable development seeks to balance these competing interests, in practice, short-term economic growth often trumps ecological responsibilities. This imbalance threatens to undermine the progress of environmental jurisprudence unless duty-based principles are enforced more rigorously.

2. Enforcement Gaps

Even where strong legal frameworks and judicial pronouncements exist, enforcement remains a persistent weakness. The gap between legal norms and their actual implementation is often wide, primarily due to institutional and administrative shortcomings. Corruption in environmental regulatory bodies, lack of financial and human resources, and bureaucratic inefficiency significantly reduce the effectiveness of environmental protection measures.

For instance, despite the Environment Protection Act, 1986, and numerous rulings of the Supreme Court and National Green Tribunal (NGT), environmental compliance by industries is often poor. Many polluting industries continue operations without adequate environmental clearances, and monitoring agencies struggle to enforce penalties. Reports from the Comptroller and Auditor General of India (CAG) have also revealed serious lapses in environmental monitoring and enforcement by state pollution control boards.



This enforcement gap undermines the duty-based framework because duties, whether imposed on individuals, corporations, or the state, remain aspirational unless they are backed by effective institutional mechanisms. Without robust enforcement, duties risk being reduced to symbolic commitments rather than actionable obligations.

3. Public Awareness

Another significant obstacle is the lack of widespread public awareness regarding environmental duties. While Article 51A(g) of the Indian Constitution explicitly places a fundamental duty on every citizen to protect and improve the environment, in practice, many individuals remain unaware of this obligation. Environmental protection is often viewed as the responsibility of the state or judiciary rather than a shared societal responsibility.

This lack of awareness translates into limited citizen participation in ecological conservation efforts. For example, urban citizens frequently engage in environmentally harmful practices such as indiscriminate waste disposal, overuse of plastics, and excessive consumption of natural resources without recognizing these as violations of their constitutional duties. Rural and marginalized communities, although more directly connected with nature, often lack the education and resources to engage in sustainable practices. Civil society initiatives, environmental education in schools, and public campaigns remain inadequate in scale and reach. Unless citizens actively internalize their duty toward the environment, legal mandates alone cannot achieve sustainable ecological outcomes.

4. Judicial Overreach Critique

The judiciary, particularly in India, has played a transformative role in expanding environmental duties through judicial activism. Landmark decisions such as *MC Mehta v. Union of India* and *Vellore Citizens' Welfare Forum v. Union of India* have elevated environmental protection to the status of a constitutional mandate under Article 21. Courts have frequently filled legislative and executive gaps by issuing guidelines, monitoring compliance, and even directing closure of polluting industries.

However, this judicial activism has not been free from criticism. Some scholars and policymakers argue that the judiciary has, at times, crossed its constitutional boundaries by encroaching into the legislative and executive domain. For instance, critics point out that in prescribing detailed norms for vehicular emissions, industrial regulation, and urban planning, courts may be engaging in what is essentially the work of specialized agencies and policymakers.



This raises concerns regarding the doctrine of separation of powers. While judicial interventions have undeniably strengthened environmental jurisprudence, excessive reliance on courts risks creating an imbalance in governance. Moreover, judicially driven environmental duties may lack democratic legitimacy and adequate consultation with affected communities, reducing their effectiveness in practice.

In sum, while environmental duties have expanded significantly, their realization is hampered by:

1. Developmental priorities that often compromise ecological preservation.
2. Institutional and enforcement failures that make duties more aspirational than practical.
3. Limited public awareness that prevents citizens from fulfilling their constitutional obligations.
4. Concerns over judicial overreach, which though progressive, may undermine democratic processes.

Overcoming these challenges requires a multi-pronged strategy that integrates legislative action, administrative efficiency, judicial restraint, and most importantly, citizen participation in ecological stewardship.

Suggestions and the Way Forward

The challenges in realizing environmental duties can be overcome only through a comprehensive approach that strengthens legal frameworks, enhances institutional mechanisms, and fosters active citizen and global participation. The following strategies offer a way forward:

1. Strengthening Constitutional Enforcement

Although the Indian Constitution explicitly recognizes environmental duties under Article 48A (Directive Principles) and Article 51A(g) (Fundamental Duties), their practical impact remains limited because fundamental duties are not directly enforceable by courts. To strengthen constitutional enforcement, Parliament should adopt legislative measures that transform these duties into actionable obligations.

For instance, laws could require every citizen, corporation, and local body to adopt sustainable practices such as waste segregation, conservation of water, and tree plantation. Violation of such duties could invite penalties or mandatory community service. The Swachh Bharat Abhiyan, though policy-driven, illustrates how state-led initiatives can create accountability among citizens. Similarly, environmental duties can be integrated into corporate governance frameworks by mandating corporate social responsibility (CSR) spending on ecological restoration.

Judiciary has already interpreted Article 21 (Right to Life) to include the right to a clean environment (MC Mehta v. Union of India, 1987). By linking Article 21 with Article 51A(g), courts can further strengthen the enforceability of environmental duties. Ultimately, creating statutory frameworks that transform “duties” into enforceable “responsibilities” would close the gap between constitutional aspirations and ground-level action.

2. Integrating Ecocentric Principles

A significant step forward would be the explicit integration of ecocentric principles into environmental statutes and policies. Current laws largely remain anthropocentric, focusing on minimizing harm to humans rather than recognizing the intrinsic value of ecosystems. An ecocentric legal framework would treat rivers, forests, and species as entities with independent rights.

Examples of ecocentric recognition are already visible worldwide. Ecuador’s 2008 Constitution acknowledges the rights of nature (Pachamama) to exist and regenerate. New Zealand has granted legal personhood to the Whanganui River, ensuring its protection through guardians. In India, the Uttarakhand High Court in *Mohd. Salim v. State of Uttarakhand* (2017) recognized the Ganga and Yamuna rivers as living entities, though the decision was later stayed.

Incorporating ecocentric values in statutes such as the Environment Protection Act (1986), Forest Conservation Act (1980), and Wildlife Protection Act (1972) would mark a jurisprudential shift. Such recognition would ensure that environmental protection is not merely about preventing human harm but also about safeguarding nature’s right to exist, flourish, and evolve.

3. Education and Awareness

The success of environmental duties depends heavily on public participation. At present, lack of awareness among citizens significantly undermines the realization of Article 51A(g). Strengthening environmental awareness through civic education can transform passive citizens into active guardians of nature.

Environmental education should be made a compulsory part of school and college curricula, not as an elective but as a core subject integrated across disciplines. Students should learn about sustainable living, biodiversity, waste management, and climate change mitigation. The Supreme Court of India in *M.C. Mehta v. Union of India* (1991) directed that environmental education be introduced in schools—a directive that must now be fully institutionalized.

Beyond schools, public awareness campaigns can be conducted through television, digital platforms, and community workshops. Grassroots initiatives, such as community-led afforestation drives, eco-clubs in

villages, and citizen science projects, can help inculcate a sense of duty toward the environment. Importantly, awareness should also target behavioral change—encouraging citizens to adopt eco-friendly practices in daily life, such as reducing plastic usage, conserving energy, and supporting green initiatives.

4. Institutional Strengthening

Even the strongest laws are ineffective without capable institutions. Regulatory bodies such as the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs) often suffer from inadequate staffing, lack of expertise, political interference, and corruption. Strengthening these institutions is essential to enforce environmental duties effectively.

Reforms should focus on:

1. **Adequate Resources:** Allocate sufficient funds and technical resources for monitoring air, water, and soil quality.
2. **Autonomy:** Reduce political interference by granting boards greater autonomy in decision-making.
3. **Transparency:** Implement digital platforms for granting clearances, monitoring compliance, and tracking pollution data, ensuring accountability to the public.
4. **Capacity Building:** Train personnel in modern environmental science, technology, and law to ensure effective enforcement.
5. **Integration of Technology:** Use satellite imaging, drones, and artificial intelligence to monitor deforestation, illegal mining, and industrial pollution in real time.

Institutional reforms should also empower the National Green Tribunal (NGT) by expanding its jurisdiction and ensuring its orders are implemented by executive authorities. Stronger institutions will ensure that environmental duties are not merely symbolic but practically enforced.

5. Global Cooperation

Environmental issues such as climate change, biodiversity loss, and ozone depletion are transboundary in nature. No single nation can address them in isolation, making global cooperation essential in realizing environmental duties.

Agreements like the Paris Climate Accord (2015) highlight the shared duty of nations to mitigate greenhouse gas emissions and transition toward renewable energy. Similarly, the Convention on Biological Diversity (1992) requires countries to conserve ecosystems and share benefits equitably.

However, effective implementation often faces challenges due to unequal economic capacities, political differences, and lack of trust between developed and developing nations.

To strengthen cooperation, the principle of “common but differentiated responsibilities” (CBDR) should be emphasized, ensuring that developed countries with higher historical emissions shoulder greater duties, while providing financial and technological support to developing nations. For instance, the Green Climate Fund established under the UNFCCC is a step in this direction.

India, with its constitutional duty-based framework, can play a leadership role in promoting global duty-oriented environmental jurisprudence by sharing best practices, advocating for ecocentric norms, and ensuring that international environmental law evolves beyond human-centered approaches.

For environmental jurisprudence to move effectively from anthropocentrism to ecocentrism, it is imperative that constitutional enforcement be strengthened, ecocentric values be legally recognized, citizens be educated, institutions be reformed, and global cooperation be deepened. Duties toward the environment must no longer be seen as moral ideals but as binding legal obligations, enforceable at individual, national, and global levels. Only such a comprehensive strategy can ensure ecological sustainability and intergenerational justice.

Conclusion

Environmental jurisprudence has undergone a profound transformation, moving from anthropocentric justifications of environmental protection to ecocentric frameworks that recognize the intrinsic value of nature. The expansion of duties has been central to this transition. In India, constitutional provisions, judicial pronouncements, and international commitments collectively demonstrate a duty-based approach that integrates ecological concerns into legal discourse.

While challenges remain—particularly regarding enforcement and conflicts with development—the trajectory of environmental jurisprudence suggests a growing recognition that duties toward the environment are not optional but essential. A jurisprudence rooted in ecocentrism offers a sustainable vision for the future, ensuring justice not only for present generations but also for those yet to come, and for the natural world itself.

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