

NOTES AND COMMENTS

ENVIRONMENTAL ETHICS ANTHROPOCENTRIC TO ECO-CENTRIC APPROACH: A PARADIGM SHIFT

Abstract

The Stockholm Conference of 1972 is the focal point which created environmental awareness world over. Basically the document produced by the Conference aimed at safeguarding the *homo sapiens* and it did not lay much emphasis on the protection of other components of the environment. Later on, with the progress of time it was realized that the existence of mankind fully depends on the presence and survival of other important components like vegetation cover, animal kingdom *etc.* Man can survive with them, not without them. Therefore ever since the Earth Summit of 1992 more prominence was given to each component of the environment howsoever small it may be. The Agenda 21 and Convention on Biological Diversity are testimony to it. Therefore, focus shifted from mankind to all species of flora and fauna. It is essential, as whatever fauna and flora we have today are only representative samples. Many thousand species of flora and fauna have been annihilated by various activities of mankind. It must also be realized that existence of our future rests on the subsistence/ presence of flora and fauna. The judiciary has recognized and ascertained it in many judicial pronouncements propagating this philosophy.

I Introduction

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 years.² 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

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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'.

and prevent environmental degradation safeguarding *homo sapiens* was also adopted world over and Indian Supreme Court also reiterated it in many pronouncements. The Supreme Court has always emphasized on the need preserve the quality of the various components of environment-vegetation cover,⁵ air,⁶ water,⁷ fauna,⁸ underground water,⁹ etc. The environment need to be protected to safeguard the interest of the present and future generation of mankind. This approach is known as anthropocentric approach. Recently however, there has been a paradigm shift from its anthropocentric approach to eco-centric approach.

II 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 one examines and analyzes the international declarations e.g., the Stockholm Declaration of 1972, Rio Declaration of 1992, Johannesburg Declaration of 2002 and Rio Declaration of 2012, one 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, direct or indirect, 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:¹⁰

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.

Even the Brundtland Commission Report of 1987¹¹ defined the term 'sustainable development' as 'development that meets the needs of the present without

5 *Tarun Bharat Sangh v. Union of India*, AIR 1992 SC 514; *Rural Litigation & Entitlement Kendra, Dehradun v. Union of India*, AIR 1985 SC 652; *T.N. Godaverman Thirumulkpad v. Union of India*, AIR 1997 SC 1228.

6 *M.C. Mehta v. Union of India*, AIR 2002 SC 1696; *M.C. Mehta v. Union of India*, AIR 1997 SC 734.

7 *M.C. Mehta v. Union of India*, AIR 1998 SC 1037, 1088, 2340.

8 *Consumer Education & Research Society v. Union of India*, AIR 2000 SC 975.

9 *Indian Council for Enviro Legal Action v. Union of India*, AIR 1997 SC 1446.

10 Available at: http://www.uncsd2012.org/content/documents/774futurewewant_english.pdf. (last visited on Dec. 23, 2013).

11 *Our Common Future*, 1987 Report of the World Commission on Environment and Development

compromising the ability of future generations to meet their own needs'. It also stresses on the survival and existence of human beings and therefore on 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' 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'.¹² Commitment to follow Stockholm Declaration has also been reiterated in international declarations on human environment that followed.

Moreover these international declarations have been accepted and followed by the courts in many environmental cases. The court in *M.C. Mehta v. Kamal Nath*¹³ 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*¹⁴ observed that to invoke above principles, it is a pre requisite 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 humans have become the focal point in the protection of natural resources. Similar approach was also adopted and applied in *Taj Trapezium case*,¹⁵ *Delhi Vehicular Pollution case*,¹⁶ *Asbestos Industries case*¹⁷ and *Oleum Gas Leakage case*.¹⁸ In 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:¹⁹

Anthropocentrism considers humans to be the most important factor and value in the universe and states that humans have greater intrinsic value than

12 Principle 1 of the Stockholm Declaration, 1972

13 (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 causing damage to vegetation cover of the nearby area.

14 (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.

15 *M.C. Mehta v. Union of India*, AIR 1997 SC 734.

16 *M.C. Mehta v. Union of India*, AIR 2001 SC 1948.

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

18 *M.C. Mehta v. Union of India*, AIR 1987 SC 987 & 1086.

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

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 being.

Moreover, 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 and 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 need 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.

III Eco-centric approach

But the Supreme Court of India has recently made a radical departure from this approach and advocated for adoption of eco-centric approach. This approach stresses on the intrinsic values of all the naturally preset 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 that 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 on the 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. Sometimes that specie may not be of much or no use to human beings 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 Radhakrishnan J:²⁰

20 *Id.* at 362.

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-humans.

Elucidating the need of eco-centric approach, the court clarified that:²¹

[E]co-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 earth.

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 *e.g.*, in Convention for Conservation of Antarctic Living Resources, 1980; The Protocol to Antarctic Treaty on Environmental Protection, 1998; The Berne-Convention on Conservation of European Wildlife and Natural Habitats, 1982. The Convention on Biological Diversity, 1992 (CBD) also supports this approach²² and so does the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973 (CITES). Since India is

21 *Id* at 374. The court has widely quoted *Environmental Ethics: Stanford Encyclopedia of Philosophy*, 2002 (revised edn.2008) to explain and support its reasoning.

22 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...’

a participatory and signatory to these conventions, it is 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 rely on the instrumental value of species of flora and fauna but they rely on each one of them for their intrinsic value²³ besides the instrumental values²⁴. 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* case,²⁵ *T.N. Godavarman Thirumulpad v. Union of India-II*,²⁶ and *Centre for Environment Law, WWF-I v. Union of India*.²⁷ In the first case, the question involved was about protection and preservation of the 'Asiatic wild Buffalo' found in Western and Eastern Ghats only, second case was relating to the preservation of 'Red Sandalwood' which is found in Andhra Pradesh, stated to be endangered species and third case, was about 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 judgment²⁸ with the application of 'eco-centric approach' as they have instrumental as well as intrinsic value/worth. Commonly speaking, these three 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 keeping in mind the vulnerability of the species.

23 '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.

24 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'.

25 (2012) 3 SCC 277.

26 *Supra* note 19.

27 (2013) 8 SCC 234 decided on Apr. 15, 2013.

28 In the opening paragraph of the judgment, the court stated that 'We 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'.

In *Centre for Environment Law, WWF-I case*²⁹ the center for environmental law filed a petition for saving the Asiatic wild Lion (*Panthera leo persica*),³⁰ 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 directed thus:³¹

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 years.

29 *Supra* note 27.

30 It has been included in Red List published by the International Union for Conservation of Nature (IUCN) as 'critically endangered species'.

31 *Supra* note 27 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.

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 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 was also 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 ‘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 other measures are essential to provide protection to the environs and habitats of all rare and threatened species of flora and fauna under the priority projects.

It was also made 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, 1988; National Environment Policy 2006; National Bio-diversity Action Plan, 2008; National Action Plan, on Climate Change 2008; the Integrated development of wild life habitats and centrally sponsored scheme framed in the year 2009; National Wild- life Action Plan, 2002-2016) the approach should be eco-centric and not anthropocentric.³² They declared that “the cardinal issue is 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 is for its own sake 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 re-location 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 felt’.³³ On the basis of this principle the court denied the relocation of African Cheetahs from Namibia to Kuno Wildlife Sanctuary (M.P.) and permitted Kuno to be the second home for Asiatic wild Lion who is based at Gir forest-Gujarat.

32 In this reference the court referred its previous pronouncements like- *M. C. Mehta v. Kamal Nath* (1997) 1 SCC 388, *T.N. Godavarman Thirumulpad v. Union of India* (2011) 7 SCC 338. See *supra* note 19 and 25.

33 *Supra* note 19 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.

IV Conclusion

The judicial pronouncements made by the apex court as mentioned above are trend setters. It has been emphasized that we must adopt a realistic and practical approach for the protection and preservation and long term survival of species present on the planet-Earth. This issue is rooted on eco-centrism as it supports the protection of all species wildlife and plant life. It unequivocally declares that all those which has instrumental or intrinsic value/worth of must be protected. Previously the main emphasis was on anthropocentric approach, means protect whatever has instrumental worth to humans. This reminds the author of an old U.S. landmark case *Tennessee Valley v. Heath*³⁴ 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 order for halt of the water filling in the dam could have destroyed the tiny fish, though 100 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 US. The US Supreme Court did not permit the authorities to fill the water in the dam area fearing it would have caused irreparable loss and that one of the species would be gone forever.

The court found it as one of the endangered species under the Endangered Species Act of 1973. The above mentioned decisions of the Indian Supreme Court, in the absence of such the Endangered Species Act of 1973, propounded the theory of 'eco-centric approach' to preserve and protect the endangered species of flora and fauna, may be they do not possess instrumental value to *homo-sapiens* but they have intrinsic values. Therefore this approach must be adopted to safeguard the existence of vulnerable, endangered species on the verge of extinction. It is to be remembered that whatever species of plants and animals that are present that were there are only the representative samples of vast variety of species of flora and fauna. Enormous number of species has been destroyed by human activities, but whatever is left must be preserved and looked after by this generation and for progeny. Thus the apex court has pronounced gives landmark judgments and come out with a new philosophy for the protection of environment.

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34 437 U.S. 153 (1978) popularly known as *Snail Darter* (name of a fish) case.

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