



## Empowering nature with biocentric jurisprudence

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**(Mains GS 3 : Conservation, environmental pollution and degradation, environmental impact assessment.)**

### **Context:**

- The Great Indian Bustard, a gravely endangered species, with hardly about 200 alive in India today, came under the protective wings of the Supreme Court of India in a recent judgment.
- The Court said, in *M.K. Ranjitsinh & Others vs Union of India & Others*, that in all cases where the overhead lines in power projects exist, the governments of Rajasthan and Gujarat shall take steps forthwith to install bird diverters pending consideration of the conversion of overhead cables into underground power lines.

### **Collision with power lines:**

- The overhead power lines have become a threat to the life of these species as these birds frequently tend to collide with these power lines and get killed.
- The Ministry of Power, in an affidavit has said: “The Great Indian Bustard (“GIB”) lacks frontal vision.
- Due to this, they cannot detect power lines ahead of them, from far.
- As they are heavy birds, they are unable to manoeuvre across power lines within close distances.
- Thus, they are vulnerable to collision with power lines.”

### **Biocentric value of eco- preservation:**

- In protecting the birds, the Court has affirmed and emphasised the biocentric values of eco-preservation.
- The philosophy of biocentrism holds that the natural environment has its own set of rights which is independent of its ability to be exploited by or to be useful to humans.
- Biocentrism often comes into conflict with its contrarian philosophy, namely anthropocentrism.
- Anthropocentrism argues that of all the species on earth humans are the most significant and that all other resources on earth may be justifiably exploited for the benefit of human beings.
- Expressions of such line of thought date back many centuries and find mention in Politics, a well-known work of Aristotle, as also the moral philosophy of Immanuel Kant amongst many others.

### **The ‘Snail darter’ case:**

- A noteworthy instance of the application of anthropocentrism in the legal world is in that of the “Snail darter” case in the United States.
- In 1973, a University of Tennessee biologist, David Etnier, discovered a species of fish called the “Snail darter” in the Little Tennessee river.
- Etnier contended that the snail darter was an endangered species and that its existence would be gravely threatened by the continuation of development works relating to the Tellico Reservoir project.
- Following this revelation, a lawsuit came to be filed challenging the continuation of the Tellico Reservoir project.
- The Supreme Court of the United States of America in Tennessee Valley Authority vs Hill, held that since the “Snail darter” was a specifically protected species under the National Environmental Policy Act, the executive could not proceed with the reservoir project.
- However, after the Supreme Court delivered its verdict, Congress enacted a law excluding retrospectively the snail darter from statutory protection.
- The project progressed and the fish suffered.

### **Species in danger:**

- Humans share the world with countless other species, many of which are nearing extinction on account of man’s imprudent insensitivity.
- About 50 years ago, there were 4,50,000 lions in Africa.
- Today, there are hardly 20,000. Indiscriminate monoculture farming in the forests of Borneo and Sumatra is leading to the extinction of orangutans.
- Rhinos are hunted for the so-called medicinal value of their horns and are slowly becoming extinct.
- From the time humans populated Madagascar about 2,000 years ago, about 15 to 20 species of Lemurs, which are primates, have become extinct.

- The compilation prepared by the International Union for Conservation of Nature lists about 37,400 species that are gravely endangered; and the list is ever growing.

### **Some green shoots:**

- Some aspects of constitutional law on eco conservations are significant.
- The Constitution of India declares that it is applicable to the territory of India.
- While making such a declaration, it very obviously refers to humans within that territory and its predominant aim was to give them rights, impose obligations and to regulate human affairs.
- The Constitution is significantly silent on any explicitly stated, binding legal obligations we owe to our fellow species and to the environment that sustains us.
- It is to the credit of the judiciary that out of these still and placid waters, it has fished out enduring principles of sustainable development and read them, inter alia, into the precepts of Article 21 of the Constitution.
- Amid such a gloomy landscape, one is heartened to observe some green shoots emerging.

### **Legislations are slowly evolving:**

- Pieces of legislations are slowly evolving that fall in the category of the “Right of Nature laws”.
- These seek to travel away from an anthropocentric basis of law to a biocentric one.
- In September 2008, Ecuador became the first country in the world to recognise “Rights of Nature” in its Constitution.
- Bolivia has also joined the movement by establishing Rights of Nature laws too.
- In November 2010, the city of Pittsburgh, Pennsylvania became the first major municipality in the United States to recognise the Rights of Nature.
- As a first step, these laws empower people in a community to “step into the shoes” of a mountain, stream or forest ecosystem and advocate for the rights of those local communities”.
- These laws, like the Constitution of the countries that they are part of, are still works in progress.

### **Conclusion:**

- The Supreme Court’s judgment in M.K. Ranjithsinh upholding the biocentric principles of coexistence is a shot in the arm for nature conservation.
- One does hope that the respective governments implement the judgment of the Court and that the fate of the Great Indian Bustard does not go the way of the Snail Darter.

