Environmental Discourses in Ancient India : Lessons from the Vedas

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Abstract

Environmental concerns that began to evolve in the past include three core assumptions: anthropogenic acts as the core factors of environmental degradation; man has a civic duty and moral responsibility to maintain the environment, and technocentrism as a means of tackling environmental problems. Albeit technocentrism remains to be an extensively used scientific tool for addressing environmental problems, nevertheless, it is criticised on grounds of its potential failure to produce enduring & steady results, limited & confined applicability, temporal dimensions and volatile results. Keeping this hypothesis in view, this paper seeks to examine if the ancient Indian environmental ethics, particularly the environmental teachings of the Vedas, can be applied to address the current environmental crisis of the world, to what extent and in what ways. The study finds that ecocentrism, deep ecology & non-interference are the three fundamental environmental gospels that the Vedas have prescribed. Considering these three principles as the foundational values of environment protection, this paper intends to propose a theoretical model of legal standing for nature and natural objects in the Indian environmental defense paradigm. The principal argument of the paper is that incorporating the model would help at least in three vital ways: first, it would provide an Ante-Mortem legal protection to the environment, second, it would mitigate the environment-development conflict significantly, and third, it would promote sustainable development.

KeyWords: *The Vedas, Environmental Discourses, Environmental Jurisprudence, India, Technocentrism.*

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Introduction

Environmental crisis is one of the biggest dangers that humanity is facing today. Literatures emanating from several sources indicate that anthropogenic acts have been the core factors of environmental degradation during the last two or three centuries. While unchecked population growth has led to overconsumption of resources, simultaneously, economic growth particularly during the post industrial revolution era has caused overexploitation of world resources, produced irreversible pollution and unmanageable wastes. Scholars have predicted that some of the environmental problems including global warming, biodiversity loss, and ecological collapse can even pose an existential risk to the human race capable of causing partial or complete human extinction from the earth. Against this backdrop of environmental concerns, there has emerged a plethora of environmental schools, often conflicting, who prescribe a wide range of theories, ideas and principles for environment protection. Regardless of divergences of ideas, their prescriptions can fall naturally into two major domains: anthropocentrism (founded on the principle of technocentrism) and ecocentrism. It has widely been observed that global environmental protection policy has largely been based on the principles of technocentrism. Albeit technocentrism remains to be an extensively used scientific tool for environment protection, nevertheless, it is often criticised on grounds of its potential failure to produce long term & steady results, limited & confined applicability, and temporal dimensions & volatile results. Correspondingly, while ecocentrism is advocated as a noble idea, it is not completely insulated from criticisms as well. Opponents of ecocentrism argue that this theory is fundamentally non-pragmatic, excessively value-laden, and intrinsically Antiscience. Rejecting the conventional technocentrism and antithetical ecocentrism debate on grounds of incongruence, this paper seeks to argue for implanting a more synthesized integrative paradigm in the environmental protection framework. Reverting to ancient Indian literatures, this study seeks to examine if the environmental teachings of the Vedas can be applied to address the current environmental problems of India in particular. The study is divided into five sections. The first section critically examines the Indian environmental defense paradigm and its pros and cons. The second section is a study about the environmental teachings of the Vedas. The third section sets down the Vedic ideas of environment management. The fourth

section recommends methods and techniques to materialize the Vedic principles of environment protection. The final section comes with a conclusion.

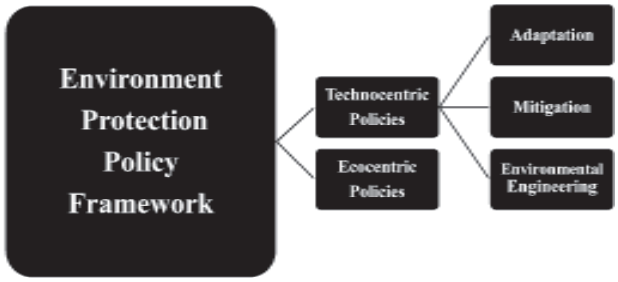
Revisiting the Indian Environmental Defense Paradigm

Viewed from an Inertial frame of reference, the Indian environment & development paradigm is based on three broad legal principles of *Eminent Domain*, *Compensation Liability* and *Limited Right*. While the principle of Eminent domain institutes the legal capacity of the state to take over nature and natural resources including private property, particularly land, and other immovable properties for public purposes, the principle of compensation liability is rather an obligatory duty of the state to provide just and fair compensation to the victims of Eminent domain. Limited right which is a natural corollary of Eminent domain authorizes the state to put a lawful restriction on right to property of the individual. The dilemma is that in development paradigm, these three concepts are so interdependent with each other that they cannot be separated. Singh (2010) and Pandey (2018) argue that if Eminent domain is completely eliminated from the state-capacity, it would catastrophically damage national development and state-progress. Conversely, if the people's access to environmental services is infringed by the state arbitrarily, it would amount to loss of livelihoods. This is a paradox that has to be dealt with by the state justly and fairly with the art of statecraft so that neither party has to lose. Disorder arises when the state fails to uphold this balance.

Secondly, legislations in the Indian environmental defense paradigm have consistently been construed to impose merely procedural obligations, requiring full disclosure of environmental impacts and mitigations options, but not a particular decision. Although sustainability remains to be the fundamental principle of development both at the Union and at the Provincial levels, regrettably however, neither the Union Government nor the Provincial Governments in India have shown a propensity to decide in favour of sustainability. To put it honestly, the Indian environmental defense paradigm works more as a *post-mortem examination* instead of working as an *ante-mortem obligation*, i.e. curing the disease instead of preventing it. Currently, the Indian environment protection framework includes three major policy measures: adaptation[2], mitigation[3], and environmental

engineering[4]. Major drawbacks with these measures are that these measures are more curative than preventive and are biased towards technocentrism leaving out any scope for ecocentrism.

Figure 1: Indian Environment Protection Policy Framework



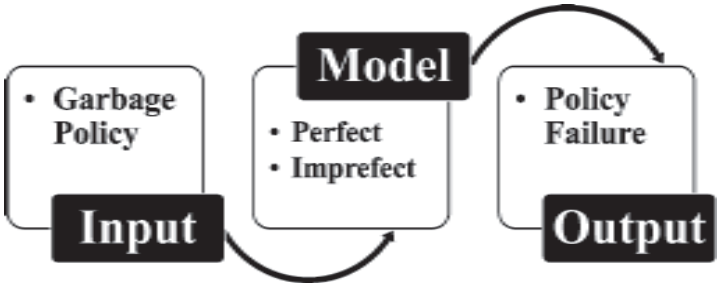
Thirdly, it is the institutional issue. In India, there are two primary environmental-legal institutions: the National Environmental Tribunal and the National Green Tribunal. While the National Environmental Tribunal provides for strict liability for damages arising out of any accident occurring, handling any hazardous substances, the National Green Tribunal is established for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property. Although these institutions have been assigned responsibility to resolve disputes regarding ordinary environmental issues, however, they have not been authorized to look into matters relating to nature and natural resources protection. The fact is that there are no such legislations which can empower or authorize these institutions to interpret nature and natural entities as legal entities. These institutions are limited only to the domains of *liability*, *compensation*, and *damage control* which are merely a set of banal mechanisms of traditional environmental regulatory system.

The Environment and the GIGO Swindle Hypothesis

GIGO is a computer language. It stands for Garbage-In-Garbage-Out, meaning if wrong or poor quality data is put into a computer, wrong or poor quality result will come out of it. Similarly, if wrong or poor quality policies are framed in the environment protection domain, wrong or poor

quality result will come out of it. Instead of cleaning and protecting the environment, we will be creating more garbage. Needless to argue, the current Indian environmental defence framework is suffering from the similar disease. It is working in a paradigm wherein the Rights of the Accused far outweigh than that of the Victim. In the Environment-Development dichotomy, it has been pragmatically observed that the Environment has often been the victim of anthropogenic hazards, and not the vice-versa. Accordingly, the environment, as the victim should have more rights than human beings who are the accused of environmental degradation in environmental jurisprudence. Albeit, a thousand environmental policies are made and implemented both at the Union and at the Provincial levels, nevertheless, those policies fail to fulfill one basic premise of environmental jurisprudence, which is, ensuring the rights of victim, the environment. Putting it simply, the environment as the victim does not have a right of self defense (right to defend) in a court of law. Until and unless, this requirement is fulfilled, all other policy efforts to protect the environment would definitely go in vain.

Figure 2: Model Calculation in the GIGO Paradigm



The Vedas: Heeding the Omens of Environment Protection

The Vedas are large bodies of knowledge texts composed in Vedic Sanskrit and originating in the Ancient Indian Sub continent. The Vedas are believed to originate in the Vedic Period or the Vedic Age that flourished and sustained between 1500 BCE to 600 BCE. Principally, there are four Vedas: the Rig-Veda, the Yajur-Veda, the Sama-Veda, and the Atharva-Veda. The Vedas broadly deal with the universe, nature, environment, ecology, cosmos, and terrestrial & extra-terrestrial objects on the one hand, and on the other, they seek to explore the relationship between these objects and

the living-beings, and their impacts and effects on the living-beings on earth, and the vice-versa. The Vedas, while illustrating the man-nature relationship, hold a very scientific logic. That is, any living or non-living entity that exists on earth is a composite creation of five classical elements of nature: Earth, Water, Fire, Wind, Space/Aether. Accordingly, any variations, damages or defilement to these classical elements, weather natural or anthropogenic, would catastrophically damage the very existence, survival and growth of that living or non-living entity. Thus the Vedas have prescribed humanity not to temper with the classical elements, rather to, cordially co-exist with the elements. Human and non-human living beings are born and live in the realm of nature. They are constantly surrounded by nature and interact with nature. They are parts of nature and not the vice versa. The environment which is an integral element of nature although outside us, has within us not only its image, as something both actually and imaginatively reflected, but also its material energy and information channels and processes. This presence of nature in an ideal, materialised, energy and information form in man's Self is so organic that when these external natural principles disappear, man himself disappears from life. If we lose nature's image, we lose our life.

The Vedic Mantras of Environment Management[5]

There are principally two major scientific theories on origin of life: Abiogenesis and Biogenesis. The Abiogenesis theory holds that origin of life is a natural process by which life originated on earth and elsewhere, if exists, from non-living matters, such as simple organic compounds. In other words, Abiogenesis is a hypothesis which states that all life is from non-life or non-living matters. Biogenesis encompasses the belief that complex living things come only from other living things, by means of reproduction. That is life does not arise from non-living material, rather, life arises only from living material. This hypothesis holds that all life is from life. Considering either of the two theories, it is obvious that human and non-human living beings are only a part of nature, and not the vice-versa. Everything is connected to everything else. Human and other species are connected to and dependent on other species, the nature, environment, and ecology for their origin, survival, and growth. One affects the other. If one is affected, it would definitely affect the other. The effect can be circular, linear, ripple,

horizontal or vertical. Any intrusion into nature has numerous effects, many of which are unpredictable and immeasurable. Better is the environment within which we live, better will be the living standard of us and the vice-versa.

Divinity is omnipresent, omniscient, and omnipotent, and takes infinite forms. Divinity resides in every living being. Every living being that exists in the world is a composite creation of the Five Classical Elements, and the Five Classical Elements are the creation of Divinity. Thus explicitly or implicitly every living being is a part of Divinity. Thus defying the sanctity of a living being weather human or non-human would amount to defying the will of Divinity. As all living beings are the creations of one Divine Entity, all have equal shares in nature. Man, animals, nature, natural objects, environment, ecology, to name a few, are equal in status in the eyes of the Divine. Neither one supersedes the other. They are complimentary to each other, not competitors of each other. They have to exist with cordial harmony and not in discord for their respective survival and growth. Thus there comes the natural law theory.

The Vedanta Philosophy never forbids consumption. In fact, it postulates the same laws of modern science as we are studying today, such as the law of conservation of energy and the laws of thermodynamics. Action without energy consumption is a logical impossibility. If water is not used as a source, hydroelectricity production is not possible. If coal is not burnt as a source of heat energy, thermal electricity cannot be produced. Similarly, if an anatomy does not consume food, it cannot survive and grow. For, it can't produce energy required for its biological function. That's why the Vedas in every sphere of discussion have prescribed required consumption. What they have forbidden is destruction. For, nature possesses enough resources to feed, it has but a little for our greed. We are allowed to consume as long as we are not an imminent and potential threat to nature.

The Vedas prescribe three simple but very rational environmental principles: First, it is the *Rights of Nature* which signifies nature and natural objects; all forms have certain inherent and inviolable rights, such as the right to exist, persist, maintain and regenerate its vital cycles. Human beings have no right to infringe, abridge or take away the rights of nature. Second, it is *Deep Ecology* and *Ecocentrism*. The two are complementary to each other.

Deep ecology promotes the inherent worth of non-human living beings regardless of their instrumental utility to human needs. It holds the view that the natural world is a harmony of homeostasis due to the complex inter-relationship in which the life of organisms is actively regulated, partially by the existence of other organisms within biosphere, in order to constantly be conducive to life. Deep ecology's core belief is that the living environment as a whole should be respected and regarded as having certain inalienable rights to live and flourish independent of its utilitarian instrumental benefits for human use. Ecocentrism which carries the similar views and which is a natural corollary of Deep Ecology states that environment has to be managed according to the rules of nature, and not according to man's whimsical impulse. Third, it is the non-interference theory which asserts not to interfere in the natural cycles and processes of nature. It is rather a negative aspect. This prohibits human beings to violate the natural rights of environment and nature. This theory holds that by not interfering in the natural functions of environment, we allow it to survive and flourish so that environment can provide its best to the survival of other species.

Figure 3: The Vedic Justification of Environment Protection

Materializing the Vedic Principles: From Legal Positivism to Legal Naturalism

The Vedas, it is clear from the above discussions, set down three fundamental principles for environment protection: deep ecology, ecocentrism, and non-interference. Now the big problem is: How to embed these Vedic Ideas in the environmental jurisprudence? What is noteworthy

is that these three principles cannot functions in legal-constitutional vacuum. The principles have to be institutionalized through Legal-Constitutional mechanisms to protect and guarantee the fundamental and inalienable rights of nature for its existence, survival and growth. The concept can be termed as the *Rights of Nature* model of environment protection, and sustainable development. In other words, what is required is Integrative Jurisprudence that is a combination of all the three Schools of Jurisprudence: the Positivist School, the Historical School, and the Naturalist School.

Rights of Nature is a legal-politico notion that advocates legal standing for the natural environment. This notion argues that similar to other legal entities, such as, natural persons, the state and non-state institutions, nature and natural objects, such as ecosystems, forests, marine, wild resources, and biodiversity, are legal entities as well, and thus, they are entitled to enjoy such legal rights and immunities as has been provided and guaranteed to the former. It asserts that nature in all its life forms possesses certain basic rights, like, right to exist, persist, maintain and regenerate its vital cycles. Rather than treating nature as a property under the law, this concept regards nature as a living entity similar to human beings, and accordingly ensures and guarantees such rights that are extremely imperative for the existence, survival, and sustenance of nature and the environment.[6] This approach is a major break away from Traditional Environmental Regulatory System (TERS) in two broad ways. Firstly, in TERS, nature is considered as a mere property, and hence, possessionship, ownership, uses and management of this property is controlled and maintained through ordinary property rights legislations. In such a system, nature does not have any legal rights but its users have. The users make decision how to use, manage and control it. However, in the later form, nature becomes a legal entity and possesses all such legal rights as held by other legal entities. Nature itself becomes the defendant. It can fight for its own rights whenever there is a condition of breach of its right due to encroachment by any other party. Secondly, the basic principle on which TERS stands is that nature is a mere service provider to man. It thus establishes a master-servant relationship between the two. Accordingly, it confers all rights on the master to use, manage and control the servant according to the master's impulse. *Rights of Nature* strongly discards this relationship. It postulates that man and nature are two separate and full-

fledged legal entities interacting with each other for their respective benefits, interests and necessities. They are complementary to each other and nobody subdues the other.

Rights of Nature in Legal History

The origin of *Rights of Nature* as an academic legal-politico discourse can be traced back to Christopher Stone's seminal work *Should Trees have Standing?- Toward Legal Rights for Natural Objects* (1972) in which Stone argued for conferring legal rights on nature and natural objects. Roderick Frazier Nash's *The Rights of Nature* (1989) is another influential work. Charting the history of philosophical and religious beliefs regarding nature, Nash, in the book, focused his attention primarily on changing attitudes toward nature in the American society. Drawing heavy influence from history, he explained how the right-less, such as slaves, women, and others have struggled to expand the domain of legal rights to include themselves. Nash's principal argument was that there had appeared an uncontrolled cult of anthropocentric and Technocentric notion of environment protection which was running towards its doom. This attitude was not only dangerous, but logically and philosophically wrong also. Nash's study concerned the attitude of the Americans towards the idea of wilderness. Nash stated that if wilderness would be to survive, management of the wilderness was necessary, i.e. human behaviour towards nature had to be controlled. Attributing anthropocentric attitude as the cause of all evils, Nash argued that an Ecocentric view was an ideal notion to establish a natural relationship between man and nature. In 2001, Thomas Berry published *The Origin, Differentiation and Role of Rights* in which he described how all members of the earth community possess certain basic and intrinsic rights. Berry argued rights meant giving every being its due and no entity could abridge or encroach another's rights. Superiority of one living being over the other is essentially wrong and against the law of nature. There happens to be a symbiotic relationship between human beings and other living beings. Human rights are not superior to the rights of other living beings. Nor do human rights cancel out the rights of other modes of being to exist in their natural capacity. *Wild Law* (2003) by Cormac Cullinan succeeded Berry's work and opened up a new front on rights of nature. Together Berry and Cullinan aided spiritual and moral elements to the discussions initiated by Stone and Nash.

The *Sierra Club* is a landmark environmental judgment in the Federal legal history which not only recognised legal standing for inanimate natural objects to sue in courts, but also paved the way for future judicial standings. Justice William O. Douglas, in his dissenting judgment asserted that natural resources ought to have legal standing for their own protection. Although Sierra Club lost the case, there was a moral victory. The dissenting jury's views based on the moral idea of conferring legal standing on natural objects actively challenged conventional environmental regulatory principles and called for environmental personification concept. This was probably the first instance in the history of federal environmental law in which a jury walked out of convention and attempted to justify his judgment, not on the basis of text, history or precedent, but on the basis of ethical and philosophical insights.[7] In practice, Ecuador became the first and only country on planet earth to codify rights of nature in her 2008 Constitution. In 2009, *Rights of Nature* was included as Constitutional rights in Article 10 of the Ecuadorian Constitution. Subsequently, Articles 71 to 74 were incorporated in Chapter Seven of the newly framed Constitution compiling *Rights of Nature*. The Ecuadorian notion of *Rights of Nature* (*Derechos de la Naturaleza)* is founded on the principles of *Pachamama* (mother earth) and *BuenVivir* (good living).[8]

***Rights of Nature*: From Ecuador to India**

According to the estimates of the National Commission for Enterprises in the Unorganised Sector, roughly 93 percent of the total working population of India are absorbed in the unorganised sector. Keeping this figure as 100 percent, it has been calculated that more than 82% are employed in the rural informal economy. Barring primary agricultural and allied activities, the entire rural economy of India depends on nature and ecosystem services for its survival.[9] On the contrary, Dreze and Sen (2013), Dreze et al. (ed. 1997), Patnaik (1998), and Alier (2003) claim that despite her immense economic growth since the New Economic Policy in 1991, India's development paradigm has currently failed to address the core issues of poverty, vulnerability, livelihood security and environment protection on the one hand, and has aggravated environmental conflicts over competing claims on natural resources primarily between two sharp opposite groups, *viz*. the peasantry and the industry, between the market and the citizens,

and between the government and the people. Development process in India, during the last four or five decades, has caused much socio-political tension, and unquestionably, the poor, the tribal, and the vulnerable groups have become the victims of development. Land acquisition, displacement, loss of livelihoods, large scale migration, increased labour informalization and environment degradation are some of the core issues that the current model of development has resulted in.

Keeping this scenario in mind, it is highly advisable that, as much like the South American practice, India should march towards the *Rights of Nature* model of development as well. One major legal constraint that has been blocking the path of environmental justice in the Indian environmental jurisprudence is that the subject-matter of environment protection is placed in the Directive Principles of State Policy (DPSPs) of the Constitution that is neither enforceable by any court nor mandatory on the part of the State.[10] As much like the South American practice, the need of the hour in the Indian environmental jurisprudence is to construct environmental legal positivism (technocentrism) on the foundation of legal naturalism (ecocentrism). This would require a paradigm shift-relocating the subject-matter of environment protection from DPSPs to Fundamental Rights. Building such a movement is not impossible whatsoever, complicated albeit. It requires sheer political will and public awareness and participation. This model of development would help at least in five vital ways:

(1) Nature and natural objects with legal standing can fight for their own existence and protection from second party encroachment. Courts will have to consider nature and natural objects as party to judicial decisions, and thus, they can fight for their sustainability.

(2) Those who depend on ecosystem services for their livelihoods can approach the court whenever there appears a probable instance of livelihood threat due to anthropogenic interference in nature.

(3) Rights of Nature can be used as a foundational principle of legal framework for development.

(4) Rights of Nature does not completely proscribe natural resources use or Eminent domain. It is a legal constraint on unbridled anthropogenic interference in nature.

(5) Rights of Nature will increase the scope for *Rights to Nature* (capacity to access to natural resources)

Conclusion

The last four or five decades have been the longest and the darkest part of India's ostensible development movement politics. How does one weigh human life? How does one weigh development? One billion men against the policy of development and in the middle poverty, vulnerability and insecurity that we have ignored, abandoned or marginalized.....a devastating menace to the Indian society..... and that the Indians have paid for that neglect in blood.....is equally real and equally tragic. Albeit India has adopted the sustainability notion as one of her core development policies, however, the country has not been able to develop an appropriate legal framework for the same. Providing legal rights to nature and natural objects in India may not be a magic spell or a radical panacea which can cure all evils, it could however balance the competing claims of sustainable development, environment protection, and livelihood issues. All this would require a shift from legal positivism to legal naturalism in the environmental jurisprudence, i.e. a paradigm shift from exclusively technocentrism to inclusively ecocentrism. This can be achieved by incorporating *Rights of Nature* in the Constitutional Jurisprudence of the country. Although India has been a land of vast wisdom since time immemorial, and has been imparting this wisdom to the whole world, however, India herself has failed to materialize her own wisdom in her own land. Ancient India literatures like the Vedas, the Puranas and the Upnishads are truly vast sources of knowledge that have contributed immensely to humanity. Unfortunately, Indians have neglected the values of that knowledge, while others have benefited. The *Rights of Nature* model of development and environment protection that Ecuador has adopted recently is not entirely a new concept. It had long been prescribed in the Vedas and in the Arthashastra. It is high time therefore that we should go back to the ancient Indian literatures and devise ways to materialize their values and ethics not only for environment protection and development but also for the entire good of humanity.

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End Notes

[2] Adaptation policies seek to reduce the effects of Collateral-Damage that occurs to the environment during development process but do nothing directly to prevent it. Adaptation policies are, therefore, curative, and not preventive. Adaptation policies are responses to environmental damage that are intended to reduce the vulnerability of social and biological systems to

relatively sudden change and thus counterbalance the effects of environmental damage.

[3] Mitigation policies are designed to reduce & limit the magnitude of both short and long term environmental damage. Mitigation generally involves reductions in anthropogenic acts that cause damage to environment. Mitigation may also be achieved by increasing technology-inputs. Mitigation policies can substantially eliminate the risks with human-induced environmental damage.

[4] Environmental Engineering is the deliberate large-scale intervention in the earth's environmental and climatic system with the aim to curtail adverse effects of natural and man-made disasters. It is a scientific and technological method that uses science and technology for the said purpose. However, this method suffers from certain shortcomings, such as, confined applicability, temporal dimension, and volatile results.

[5]The Vedas are a vast body of knowledge composed of Books (Mandalas), Chapters, and Verses. The Rig-Veda Samhita which is considered to be the oldest extant Indic text is a collection of 1, 028 Vedic Sanskrit Hymns and 10, 600 verses in all organised into Ten Books (Mandalas). The Hymns are dedicated to the Rig-Vedic Ditties. The Sama-Veda Samhita is consisted of 1, 549 stanzas. The earliest and most ancient layer of the Yajur-Veda Samhita includes about 1, 875 verses. Similarly, the Atharva-Veda contains about 760 Hymns, 6, 000 Mantras, and divided into 20 Books. Furthermore, a good deal language of the Vedas is still obscure, and many contents, as a consequence, seem to be unintelligible, that are yet to be understood. Therefore, practically, it is not feasible to discuss all the contents of the Four Vedas. This is an adumbrated summary of the ideas discussed in the Vedas with respect to nature, environment, and ecology. The discussions presented in this study are based on the translated works of Ralph T.H. Griffith extracted from Web Sources.

[6] For more details, see the Reports of the Global Alliance for the Rights of Nature.

[7] For more details, see, *Sierra Club v. Morton*, 405, U.S. 727 (1972)

[8]For more details about *Rights of Nature*, see the 2008 Constitution of Ecuador.

[9] For more details, see the Millennium Ecosystem Assessment Reports.

[10]Article 48-A of the Constitution reads that the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.