

A Shift from Anthropocentric Approach to Ecocentric Approach for the Protection of Environment and Non-human Animals

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Abstract

The biodiversity of the earth and the non-human animals living on this planet are losing their lives and their intrinsic worth at an ever-increasing rate due to human activities. Recently, it was observed that the Hon'ble Supreme Court of India, in the Centre for Environmental Law, Advocacy & Research v. Union of India & Ors. case, took steps towards addressing the anthropocentric approach and recognizing the intrinsic value of non-human animals and the environment. WWF-1 Vs Union of India on 15th April 2013 adopted Tom Regan's philosophy which considered all subjects, of-life notwithstanding human or nonhuman, as equally intrinsic value. In this case, the Court shifted its focus from Anthropocentric to Ecocentric approach and clearly stated that human interest cannot take control over animal's life and humans have duties towards nature and non-human animals as mentioned under Article 51-A (g) of Indian Constitution. Ecocentrism means respecting ecosystems that recognize the intrinsic value in all life forms and ecosystems and equally respect both humans and non-humans irrespective of any instrumental value. This study will focus on the shift from an anthropocentric to an ecocentric approach for protecting the environment and non-human animals, using the case study method.

Keywords: Non-human animals, environment, anthropocentric, ecocentric

INTRODUCTION

Currently, we are living in an era where we are all facing the consequences of climate change. Floods, intense rainstorms, deforestation, frequent earthquakes, tsunamis, and cyclones are just a few of the negative effects that the steady depletion of our planet's natural resources is causing. The quality of human life is seriously damaged by air, water, noise pollution, and high consumption of meat fed with antibiotics combined with mismanagement of solid waste, groundwater pollution, and acid rains which are creating havoc in our society. It is a great challenge for the human species. As Mahatma Gandhi said and quotes "Earth provides enough to satisfy everyone's need but not anybody's greed". Our mother earth has blessed us with natural resources to survive and lead a decent life but the problem is that we are upsetting the delicate balance with nature by exploiting the resources and treating non-human animals as property.

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Besides, rapid urbanization and industrialization, the lifestyle of the people, and eating habits have also affected the environment. Rapid urbanization and overpopulation are putting pressure on the global economy's power generation, transportation, and agriculture production. The problem lies in the fact that people in developing countries are shifting to spend more money to adopt western lifestyles. Western lifestyle is resource-intensive and has a direct impact on land water, air and other natural resources.

It is imperative that action be taken to protect our ecosystem. The leaders of the country are taking seriously the environmental degradation issues. However, it should be noted that the efforts taken by international environmental institutions and government agencies to improve and safeguard the environment have largely been focused on serving the interests of human beings, thus reflecting an anthropocentric approach. However, recently the Supreme Court of India in Centre for Environmental Law, WWF-1 Vs Union of India on 15th April 2013 adopted Tom Regan's philosophy which considered all subjects of life, notwithstanding human or nonhuman, as equally intrinsic value. In this case, the Court shifted its focus from Anthropocentric to Ecocentric approach and clearly stated that human interest cannot take control over animal's life and humans have duties towards nature and non-human animals as mentioned under Article 51-A (g). Ecocentrism means respecting ecosystems that recognize the intrinsic value in all life forms and ecosystems and equally respect both humans and non-humans irrespective of any instrumental value. Using the case study technique, this research work will concentrate on the transition from an anthropocentric to an ecocentric strategy for conserving the environment and non-human species [1, 2].

ROLE OF INDIAN JUDICIARY: FROM ANTHROPOCENTRISM TO ECOCENTRISM

It is positive evidence that in the changing times, our judiciary, especially the Supreme Court of India has adopted a new strategy by supporting an ecocentric approach. Our judiciary took serious note of the rapidly increasing environmental damage and its impact on the quality of life that was being continually caused by pollution made by the intensive animal agriculture industries, transport and other industries. The apex court stepped into the field to solve the extremely complex issue. The recent judgment of the Apex Court, where the judges gave importance to the best interest of wildlife species has once again proved that our Supreme Court has truly become an “environmental court”.

Secondly, our legislation and judiciary understood that it is important to protect flora and fauna to maintain ecological balance. Human activities, such as overexploitation and high demand, have led some species to the brink of extinction. Hence, these specific species require immediate attention, and shifting towards ecocentrism is the best option.

THE TRANSITION OF INDIAN JUDICIARY FROM ANTHROPOCENTRIC TO ECOCENTRIC

The recent judgements discussed below show that The Apex Court of India has moved Anthropocentric approach to ecocentric approach to protect the environment and improve the conditions of non-human animals. This noted change can be highlighted from the following landmark judgments:

India's initial support towards anthropocentric attitude can be understood from the fact that it gave support to international declarations like the Stockholm Declaration of 1972, the Rio Declaration of 1992, the Johannesburg Declaration of 2002, etc. which were by nature anthropocentric. The definition of “sustainable development goals” given by the Brundtland Commission Report, 1987 was purely anthropocentric. As it is clearly said, “the aim of the SDGs is to fulfill the needs of the present generation without compromising the needs and ability of future generations”. From this definition, we can understand that the commission gave importance to the needs of the human civilization, and nowhere it is mentioned about the rights of the other species on the planet and our duty towards them to protect them.

On the outset, the Indian judges extracted the reasoning of these conventions in their judgments which is highlighted in the cases here:

M.C. Mehta v. Kamal Nath, 1977 [3]: In the case of M.C. Mehta v. Kamal Nath, the judges gave reliance on the Brundtland Commission Report and Stockholm Declaration, 1972, and it was stated that sustainable development and polluter pay principle are a part of Indian environmental jurisprudence. But these concepts are anthropocentric.

Vellore Citizens Welfare Forum v. Union of India: In this case, it was observed that the above-mentioned principles like “polluter pay principle” and sustainable development goals “can be

effectively implemented to promote environmental conservation and social welfare. The court emphasized that the polluter pay principle holds the polluting entities accountable for the environmental damage caused by their activities, ensuring that they bear the costs of remediation and restoration. This principle acts as a deterrent and encourages responsible behavior by industries and individuals. Furthermore, the court recognized the significance of sustainable development goals, which aim to strike a balance between economic growth, social progress, and environmental protection. It emphasized that these goals should be integrated into policymaking and decision-making processes to ensure long-term sustainability and the well-being of present and future generations.

This action is only taken when it has been demonstrated that it poses a threat to human well-being. The sustainable development goals have not mentioned anything about animal welfare in their 17 indexes but without animal welfare, it is likely impossible to achieve targets like clean water sanitation, zero poverty, zero hunger, responsible consumption, and production. This approach was repeated in various other cases as well, till our Indian judiciary brought changes in its jurisprudence to meet the present needs of the society which includes both environment and non-human animals. The Indian Judiciary system over time has made a radical shift from ecocentrism to anthropocentrism [4]. This transition can be understood from the following landmark judgments:

T.N. Godavarman Thirumulpad Case of 2012: In this significant ruling, the focus was on safeguarding the Asiatic Wild Buffalo. And, it was found that these kinds of Asiatic Wild Buffalos are found only in the western and Eastern Ghats of India. The court gave the judgment by reflecting the importance of the ecocentric approach and elaborated the necessity to apply the approach in the case.

Godavarman Thirumulpad v. Union of India, 2012: In this landmark judgment, the subject matter was the preservation of the endangered species of "Red Sandalwood" which is found only in Andhra Pradesh. In this case, the judiciary elaborated on the importance of the ecocentric approach.

Centre for Environment Law, WWFI v. Union of India, 2013 [3]: In Centre for Environment Law, WWFI v. Union of India, the Hon'ble court pronounced the judgment by applying the ecocentric principle. While the case was filed with the goal of saving the Asiatic Lion, the court's ruling emphasized the intrinsic value of all living beings. This significant decision was firmly grounded in ecocentric principles, as it highlighted the importance of protecting all animal species, particularly those facing endangerment, regardless of whether they were essential to human survival or not. After considering the opinion of experts, the court held that Asiatic white lions are endangered species. So, the court decided to construct a second home for them to preserve their species and ensure they have protected life [5]. In addition to this, the court recommended separate legislation to be made by the parliament of India for the protection and perseverance of endangered species. It also ordered the preservation of Asiatic wild lions of the Gir forest located in Gujarat. This landmark judgment would be based on a nature-centric and life-centric approach, rather than a human-centric approach. The "Species Best Standard" was to be applied from then on. Clarifications regarding the Wildlife Protection Act, 1972 were made. It was clarified that wildlife comprises all types of flora and fauna, be it wild or domesticated. The court emphasized that every effort should be made to ensure the full implementation of the act in both letter and spirit. It was also mandated that all governmental acts and schemes related to environmental protection should adopt an ecocentric perspective rather than an anthropocentric one. Additionally, it was stressed that scientific reasoning must be prioritized over any other consideration when making decisions regarding the allocation of resources or welfare programs for endangered species. These landmark cases represent a significant shift in Indian environmental jurisprudence, as they underscore the intrinsic value of all living organisms, including humans, as essential elements of nature; thus, establishing ecocentrism in India [5].

Animal Welfare Board of India V. A. Nagaraja (2014) [6]: In this landmark judgment, the matter that was presented before the SCI was whether the practice of jallikattu (taming of bulls by youth) organized in the state of Tamil Nadu nakedly violates section 3 and 11 of the PCA, Act along with Article 21 (Right

to Life) and clauses (g) and (h) of Article 51A of the Indian Constitution by inflicting unnecessary pain and sufferings to the bulls/bullocks. The MoEF and jallikattu organizers advocated that the conduct of jallikattu strikes a harmonious balance between the immense historic and cultural significance of the event (and consequential public interest) and the welfare of animals in ensuring that no unnecessary pain or suffering is inflicted on them. On the other hand, reports filed by the Animal Welfare Board of India (“AWBI”) indicated that jallikattu occasioned rampant violation of Sections 3 and 11 of the PCA just to instigate a fight between the bulls. Favoring the ecocentric approach of “species’ best interest” over anthropocentrism, the SCI observed that the PCA is welfare legislation (aimed at ensuring animals’ well-being) that must be liberally construed from the standpoint of animals’ welfare, “subject to just exceptions, out of human necessity”. The SCI held that the PCA must be liberally construed as prohibiting all situations including the ones that are not listed in the PCA, Act. The Supreme Court of India after interpreting section 3 of the PCA, Act pronounced that it is important to, firstly to ensure the well-being of an animal in care or custody and secondly by preventing any action that might cause unnecessary pain or suffering on such animal, are to be cumulatively satisfied. Deriving support from the World Health Organization of Animal Health (OIE), the SCI observed that “well-being” under Section 3 of the PCA means a state of being healthy, comfortable, well-nourished, safe, able to express innate behavior and relief from unpleasant states such as pain, fear, and distress. The SCI defined “pain” as a biological trait informed by a specific stimulus to avoid or change the instant situation, and “suffering” as being in “pain, distress, or acute or unduly prolonged discomfort [6]. When assessing whether pain or suffering inflicted on an animal was “unnecessary”, factors to consider include whether the suffering could have been reasonably prevented or lessened, whether the conduct that caused the suffering was consistent with the law, and whether the conduct that led to the animal’s suffering was justifiable. The SCI after going through the note of AWBI analyzed the situation that jallikattu was an activity that could be avoided by man because it involved extreme pain and suffering on bulls which violates Sections 3 and 11 of the PCA. In this landmark judgment, the SCI interpreted Sections 3 and 11, PCA, Articles 21 and 51A (g) of the Constitution, and the OIE Guidelines. SCI has recognized the intrinsic worth and inherent right of every species to a peaceful life, protecting their well-being, honor, dignity, privacy, and security, and conferring correlative duties on all humans, including person-in-charge/custodian of animals, to safeguard. The SCI held that the five internationally recognized freedoms of animals: freedom from hunger, thirst, malnutrition, freedom from fear and distress, freedom from physical discomfort, freedom from pain, injury, and disease, and freedom to express normal patterns of behavior as incorporated in Chapter 7.1.2 of the OIE Guidelines, to which India is a signatory, must be read along with Sections 3 and 11 of the PCA, along with Article 51A(g) of the Constitution. In addition to holding Article 51A (g) of the Constitution as the “magna carta of animal rights the SCI made a radically significant contribution to animal-rights jurisprudence by construing Article 21 of the Constitution as safeguarding the “life” of animals: Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Under Article 21 of the Constitution, the word “life” has been expanded which includes all forms of life, including animal life, which are necessary for human life too. In this judgment, the word “life” means something more than mere survival or existence or instrumental value for human beings, instead to lead a life with some intrinsic worth, honor, and dignity [3, 4, 6–13]. SCI held that the aforesaid rights and freedoms of animals are subject to the “doctrine of necessity” as incorporated in Sections 11(3) and 28, PCA act 60. Despite advocating ecocentrism, the SCI allowed human necessity to prevail and the property status of animals to continue. Observing that animals are universally recognized as property, the SCI stated that the reduction of the right to property from an erstwhile fundamental right to a mere legal right in India allows the Indian Parliament sufficient flexibility to safeguard the rights of animals, despite their property status act 61. This explains how MoEF could pass the earlier mentioned circular disallowing cetaceans, especially dolphins, to be held in captivity, while still allowing domestication and petting of other animals, including draught and cattle animals (Kansal, 2016) [6].

ANTHROPOCENTRIC V. ECOCENTRIC APPROACH

The literal meaning of the term anthropocentrism means human-centered, which means that humans alone possess intrinsic value. According to this approach, all other beings hold value to serve human

needs. From the anthropocentric viewpoint, human beings have only direct moral standing because they end in themselves other things (individual living beings, environment) only exist to serve mankind. The term anthropocentric can be defined as the belief in human superiority or exceptionalism over other forms of life.

The supporters of this philosophy separate humankind from nature and they believe that nature and non-human animals are inferior to it. We have understood from the case laws discussed above that this concept has created hindrance in the field of environmental ethics and environmental philosophy as it gave concentration to human needs and comfort. Various stories exist that talk about anthropocentrism. One of the famous ones is written in the Judeo-Christian Bible which narrates that, human beings represent the image of God on earth and they can dominate all other forms of nature and living beings. The current intensive animal agriculture system is built on the concept of an anthropocentric approach as the producers raise billions of farm animals in cages, crates, small spaces by neglecting the welfare of animals only for economic benefit and human consumption. Factory farming has a detrimental effect on our environment profoundly.

Ecocentrism on the other hand is the broadest term that recognizes the intrinsic value in all life forms and ecosystems including the abiotic components. The concept of ecocentrism goes beyond the concept of biocentrism and zoocentrism as it gives value to both environment and non-human animals. It takes a holistic view and the concept is much narrower than anthropocentrism. This concept clearly states that human interests do not take automatic control over the non-humans rather it talks about our duty and shows respect for the living entities and environment. Therefore, eco-centrism is life-centered, nature-centered. The Court has time and again repeated that our approach should shift from anthropocentric to eco-centric for the best interest of the species.

The court has further said that article 21 of the Indian Constitution protects not only the human rights but the makers of the Indian Constitution also as they cast an obligation on human beings to protect and preserve the species from getting extinct. In *M.C Mehta vs. Kamal Nath and others*, the Hon'ble Supreme Court expressed the doctrine of "Public Trust", the inside understanding of this theory is that certain common properties such as rivers, seashores, forests, and the air are under the guardianship of government for the use of the general public. The natural resources provided by the earth, such as air, water, seas, and forests, hold immense value for society as a whole. It would be a misguided decision to treat them as commodities for private ownership. As the caretaker of these resources, the state bears the responsibility of preserving them not just for the benefit of the public, but also in the best interest of the environment and its various living components.

SUGGESTIONS

This study explains the subject matter of these two approaches and the need of the hour to shift from anthropocentrism to ecocentrism. In the above-mentioned landmark judgments, we can see a positive change where our judiciary is taking note of ecocentric approach. Anthropocentric approach is totally human centric in nature which takes concern only about human needs and focuses on the activities to satisfy human desires. It is important to note that human beings can survive on this planet only if we help to create an environment suitable for the other natural organisms too. So, we should all thrive to create a harmonious society where all the natural organisms, non-human animals receive equal respect and compassion from human beings. In this planet man is considered to be most intellect among all the species and hence it is our prime responsibility to protect and preserve nature and all of its components.

CONCLUSION

It is widely acknowledged that every discipline, whether it be science or humanities, undergoes evolution and growth over time. In this study, we have explored the development of the doctrine of sustainable development by the judiciary for the purpose of managing and preventing environmental degradation. However, it is important to note that this concept was initially formulated with a focus on

human interests and was therefore anthropocentric in nature. However, we have noticed that the Centre for Environment Law, WWF-I is a unique case, where we can find the shift from Anthropocentric to Ecocentric approach and the best part in this landmark judgment is that the judges gave importance to non-human species. The Court observed that both humans and non-humans are part of nature, and therefore, humans are legally obliged to take care of them irrespective of human interest, is a welcoming step and in tune with Article 51-A(g) of the Indian Constitution.

As humans, we have a duty to safeguard and conserve the environment, particularly during periods of global upheaval. In the end, I would like to conclude that instead of treating ourselves as superior being we should perform our duties to serve the environment and show love and empathy towards non-human animals because they are sentient beings who feel pleasure and pain and have equal rights to lead a decent comfortable life. And, if we respect them, then both humans, nature, and non-human animals will live in co-existence.

Lastly, I would like to close my study by quoting the case of Narayan Dutt Bhatt v. Union of India & ors., where the court rightly recognized that it is the moral duty and legal obligations under the doctrine of *parens patriae* (the power of the state to act as guardian for those who are unable to care for themselves), such as children or disabled individuals along with that to protect the right of animals and the court has the ability to modify the legal status of animals by taking into account shifting moral values and current legal tenets [14]. This decision is ecocentric where courts are taking initiative to protect animals and the environment from human atrocities.

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