

DAY 19
GREENER

PROJECT GREEN CHALLENGE



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RIGHTS OF NATURE MOVEMENT IN LAW IN WHOLE WORLD



India and the world

The seemingly outlandish Lake Erie Bill of Rights, regarded as a product of the Rights of Nature Movement, was quick to garner global attention in 2019, when it gave one of America's five Great Lakes similar legal rights to that of humans, so that it could "exist, flourish, and naturally evolve." While the Bill was later declared unconstitutional, it still made remarkable strides in environmental protection by recognising the river's right to file a law suit if harmed.

In Uganda, in the same year, a law was introduced to allow citizens and custodian communities to bring forth cases on behalf of nature in order to hold those who damage or pollute Ugandan rivers, forests, or wetlands accountable in courts of law.

In Kenya, too, Article 69 of the Constitution obligates the State to protect biodiversity and encourages public participation in the management, preservation, and conservation of the environment.

These strides in environmental law force one to contemplate where India stands, especially in light of the recent anti-mining protests in central Indian states, that have led to devastating casualties in marginalised communities.



WHAT INDIA IS UPTO



The Rights of Nature Movement has predominantly manifested in India through judgments pronounced by Justice Rajiv Sharma, currently at the Punjab and Haryana High Court, and formerly at the High Courts of Uttarakhand and Himachal Pradesh, who gave the status of “living entity” to rivers like the Ganga, and Yamuna, along with the Sukhna lake. He later held that the animal kingdom, including birds and aquatic life, have similar rights as humans and declared animals throughout the state of Uttarakhand “legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person.”

The highest court in one of India’s 28 states ruled last month that “Mother Nature” has the same legal status as a human being, which includes “all corresponding rights, duties and liabilities of a living person.”

The decision from Madras High Court, located in the southeastern state of Tamil Nadu, also said that the natural environment is part of the human right to life, and that humans have an environmental duty to future generations.

“The past generations have handed over the ‘Mother Earth’ to us in its pristine glory and we are morally bound to hand over the same Mother Earth to the next generation,” Justice S. Srimathy said in a 23-page opinion.



LAWS IN INDIA FOR NATURE



RESPONSIBILITY OF CITIZENS

Article 51-A (g) of the Constitution of India lays down that it is the fundamental duty of every citizen to protect wildlife and have compassion for all living creatures.

RIGHTS CONFERRED TO THE RIVERS

The Indian Constitutional provision of Article 48-A in the Directive Principles of State Policy stating “the State shall protect and improve the environment and safeguard the forests and wildlife of the country”

CLEANINESS RESPONSIBILITY

Art 21 and few other fundamental rights are now interpreted and extended to accommodate, right to clean environment as a fundamental right of humans

RIGHT TO EQUALITY ON PAR WITH HUMANS

Right to equality on par with humans and equal protection in the eyes of law.

This promotes the concept of eco-centrism and thereby protecting the ecosystem. This right to equality in itself, includes every other granted for other juristic person or natural person, which ultimately allows the rivers to enjoy those fundamental rights that are promptly applicable to it.

RIGHT AGAINST CHANGING NATURAL INTERCOURSE

Right against changing the natural course of the river unless there is a public need. This was also observed in the case *M C Mehta v. Kamal Nath*, popularly known as *Span Motel Case*, where the river course was changed to build a motel and when challenged in Court, the Supreme Court of India ordered for cessation of construction and asked the defendant to pay for the restitution of the river course



WORLD AND INDIA



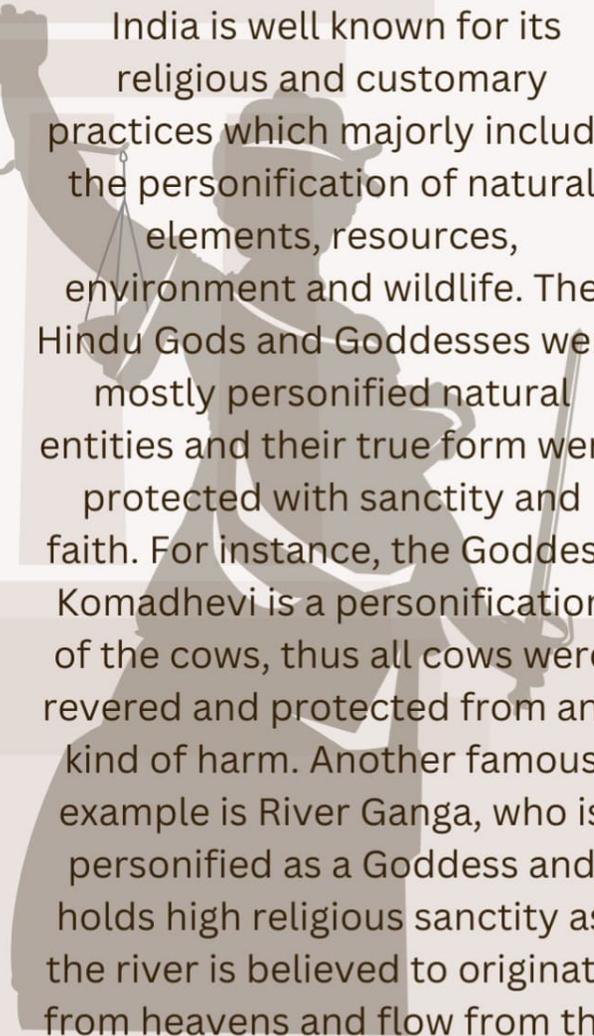
INTERNATIONAL PERSPECTIVE ON LEGAL PERSONHOOD OF RIVERS

In the international arena, the concept of granting legal personhood to rivers is not novel but also not common, yet.

In 2008, the Ecuador Constitution became the world's first country to grant rivers and other natural resources such recognition.[8] It stated that Nature or Pachamama has its right to exist, persist, maintain and structure its own evolution. Similarly, there are many towns of the United States of America, that have rules and regulations that recognize the nature's right.

INDIAN PERSPECTIVE ON LEGAL PERSONHOOD OF RIVERS

India is well known for its religious and customary practices which majorly include the personification of natural elements, resources, environment and wildlife. The Hindu Gods and Goddesses were mostly personified natural entities and their true form were protected with sanctity and faith. For instance, the Goddess Komadhevi is a personification of the cows, thus all cows were revered and protected from any kind of harm. Another famous example is River Ganga, who is personified as a Goddess and holds high religious sanctity as the river is believed to originate from heavens and flow from the head of Lord Shiva, the Hindu God of Destruction.



NGOS FOR CLIMATE CHANGE IN INDIA

BALAJEE SEVA SANSTHAN

BSS has been quite vocal about the issues related to the environment while promoting the use of sustainable equipment that works on renewable resources such as solar energy. They have tied up with many big names such as Phillips, D-Light India, etc. to promote smokeless stoves and solar lanterns in Uttarakhand

ASSIST

ASSIST was established in 1985 with the idea that India can progress only if its villages are developed. Primarily focussing on the education, sanitation and skill development of the rural people of Andhra Pradesh, ASSIST also works on other matters such as environment, water scarcity and comprehensive development of the society and is now recognized as one of the leading NGOs working for climate change in India.

HARITIKA

Haritika was established in 1994 to develop natural resource management and fight the effects of climate change and provide a better standard of living to the people of Bundelkhand.

TECHNOLOGY INFORMATICS DESIGN ENDEAVOUR

Having an experience in over 250 projects based on modern technology, energy efficiency and conservation, the Technology Informatics Design Endeavour (TIDE) is one of the most innovative NGOs working for climate change in India. Their major focus is on creating a better environment in terms of sustainability through revolutionary technology.

NGOS FOR CLIMATE CHANGE IN INDIA



Haritika

HARITIKA



Technology Informatics Design Endeavour (TIDE)

TECHNOLOGY INFORMATICS DESIGN ENDEAVOUR



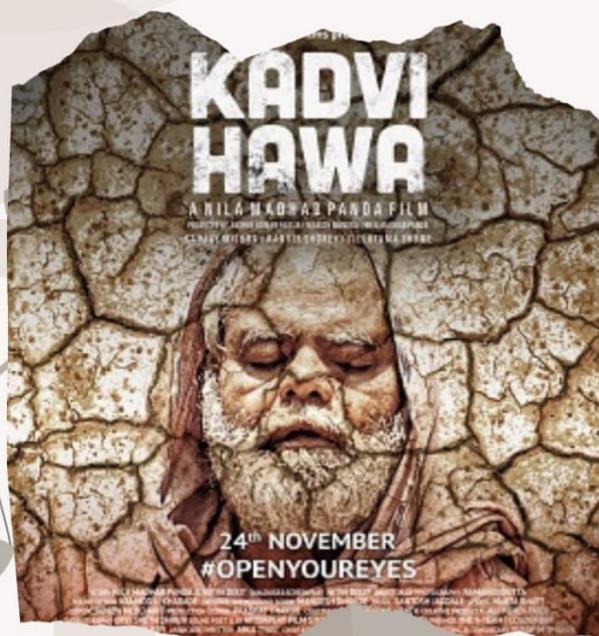
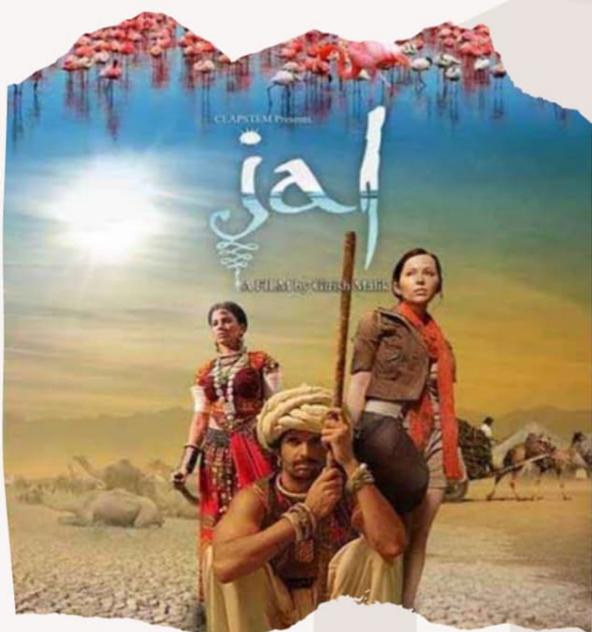
Sewa Sansthan (BSS India)

BALAJI SEVA SANSTHAN



ASSIST

FAMOUS ENVIRONMENT MOVIE AND ACTIONS



THANK

YOU



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There are some videos also for this project, so please refer to the IG account for further project.