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THE JURISPRUDENCE OF SACRED ECOLOGY: FASTENING UPANISHADIC ENVIRONMENTAL PRINCIPLES TO CONTEMPORARY ENVIRONMENTAL GOVERNANCE IN INDIA

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I. ABSTRACT

Environmental degradation resulting from rapid industrialisation and unregulated exploitation of natural resources has emerged as one of the foremost challenges confronting contemporary society, necessitating a governance framework that is both sustainable and ethically grounded. In this context, the present study examines the environmental philosophy embodied in the Upanishads and analyses its relevance to contemporary environmental governance in India. Adopting a doctrinal and analytical approach, the paper explores the Upanishadic conception of nature, which is founded upon the principles of ecological harmony, mutual coexistence, interconnectedness of all life forms, moderation in the utilisation of natural resources, and reverence for the environment. It further examines the extent to which these philosophical postulates have influenced or find reflection in the constitutional, legislative, and judicial framework governing environmental protection in India. The study critically analyses the relationship between Upanishadic ecological ethics and modern environmental principles, including sustainable development, conservation of natural resources, intergenerational equity, and the judicial recognition of the right to a healthy environment under Article 21 of the Constitution of India. By drawing a comparative assessment between ancient ecological thought and contemporary environmental jurisprudence, the paper demonstrates that while present-day environmental governance permits regulated utilisation of natural resources to facilitate socio-economic development, many of its foundational objectives substantially resonate with the ethical values articulated in the Upanishads. The paper argues that the integration of indigenous ecological wisdom with modern legal and governance mechanisms

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can strengthen the normative foundation of environmental protection and contribute towards a more balanced and sustainable model of development. It concludes that although the Upanishadic principles cannot be transplanted into the contemporary legal framework in their absolute form, their underlying philosophy of ecological responsibility, restraint in resource utilisation, and harmonious coexistence with nature continues to possess enduring relevance in addressing present and future environmental challenges.

II. KEYWORDS

Upanishads; Environmental Governance; Article 21; Sustainable Development; Ecological Coexistence.

III. INTRODUCTION

With the advent of industrialisation, the challenge for protection and sustainable development of the environment has become one of the highest concerns of the country. In such a scenario, where the country's major concern is towards tackling the vivid environmental and ecological complications arising out of the civilisation, there is a cosmic need for referring back and understanding the traditional knowledge provided under the ancient texts like Vedas and Upanishads which would directly or indirectly aid us in formulating ways to secure the balance between Industrial development and Environmental protection.³

The Vedas are considered to be rudimentary in formation of the Classic Hinduism. The contents of these Vedas basically pertain to two subject-matter i.e. *Karma-Kanda* and *jnana-Kanda*, the former dealing with the aspect of Rituals and the latter dealing with the aspect of knowledge. The Upanishads stands on behalf of the facet of knowledge, constituting the end of the Vedas and are therefore often addressed as Vedanta (summation of Veda and Anta, whereby Anta means end or conclusion). It deals with the major philosophical problems (pertaining to the nature of the world and God) along with its solution. It acknowledges the most vital questions of life that

³ Gro Harlem Brundtland (World Comm'n on Env't & Dev.), *Our Common Future* 37-68 (Oxford Univ. Press 1987); Meera Baindur, *Nature in Indian Philosophy and Cultural Traditions* 173-209 (Springer 2015); Ramachandra Guha, *Environmentalism: A Global History* 1-24 (Longman 2000).

are, what is the identity of a person? what is the world all about? and what happens to a person after he dies?⁴

The text of the Upanishads attempts to establish a connection between the Nature (Environment) and the Human beings. According to the Upanishads, the meaning of environment/Nature is very different from that of the Ritual aspect of the Vedas. While the Ritual aspect of the Vedas mainly caters to a particular regulated settlement called *gramya*, the environment/nature under Upanishads majorly caters to the forests. Thus, analysing the texts of Upanishads (which provides for ways in which the forests can be preserved and protected) can substantially aid us in formulating the ways for environmental governance in this contemporary era as well.⁵

The upcoming portion of this paper deals with examining the aspect of Environmental governance contained in the Upanishads; analysing the legislative and judicial take on protection and preservation of Environment under the present Indian legal system; and ascertaining the extent to which the postulates of environmental governance, as provided under the Upanishads, has been followed (or referred to) by the Indian legal system in the contemporary environmental governance.⁶

A. Research Objectives

The present study seeks to achieve the following objectives:

1. To examine the principles of environmental governance and ecological ethics reflected in the Upanishads.
2. To analyse the constitutional, legislative, and judicial framework relating to environmental protection and governance in India.

⁴ S. Radhakrishnan, *Indian Philosophy* vol. I, 138–180 (Oxford Univ. Press 1923).

⁵ Meera Baindur, *The Earth Is the Essence of All Beings: Eco-Phenomenology in the Upanishads*, in *The Routledge Handbook of Eco-Phenomenology* 150–164 (Michael Marder et al. eds., Routledge 2025).

⁶ Lavanya Rajamani & Shibani Ghosh, *India's Environmental Law: Key Concepts and Principles* 19–55 (Oxford Univ. Press 2019); Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* 43–92 (3d ed., Oxford Univ. Press 2019).

3. To assess the extent to which Upanishadic environmental principles correspond with contemporary doctrines such as sustainable development, intergenerational equity, and ecological coexistence.
4. To evaluate the continuing relevance of Upanishadic ecological thought in strengthening contemporary environmental governance in India.

B. Research Questions

The present study is guided by the following research questions:

1. What are the principal environmental and ecological governance principles reflected in the Upanishads?
2. To what extent do Upanishadic principles of ecological restraint, coexistence, and reverence for nature find reflection in India's constitutional and judicial environmental jurisprudence?
3. How can indigenous ecological knowledge derive from the Upanishads normatively strengthen contemporary environmental governance in India?

C. Research Methodology

The present study adopts a doctrinal, analytical, and textual-comparative research methodology. It is doctrinal in nature as it examines constitutional provisions, statutory principles, and judicial decisions relating to environmental protection and governance in India. It is also textual-comparative in approach, as it analyses selected Upanishadic ideas concerning nature, ecological restraint, mutual coexistence, and reverence for the environment, and compares them with contemporary principles of Indian environmental jurisprudence.

The study relies upon primary sources such as the Constitution of India, relevant environmental case law, and Upanishadic texts available in authoritative English translations. These are supplemented by secondary sources, including scholarly books, journal articles, and academic commentaries on eco-philosophy, Hindu ecological thought, sustainable development, and Indian environmental law. The analysis is qualitative rather than empirical and seeks to identify the normative convergence between indigenous ecological wisdom and modern legal principles

such as sustainable development, intergenerational equity, and the right to a healthy environment under Article 21 of the Constitution of India.

IV. THE IDEA OF NATURE UNDER THE UPANISHADS

As discussed earlier, the meaning of environment under Upanishads majorly caters to the forests. The creators of the Upanishad refused to adhere to the social rules of the *gramya* which led to the beginning of a tradition i.e. going to the forest for knowing the creation. The Forest was a place which was way aloof from the rules, regulation and restriction of the society and a place which was unresponsive to the duties of caste and community. They've existed various portions of the forest that are considered as sacred (belonging to God). This aimed at establishing a spiritual relationship between the human beings and the nature. Thus, the very concept of nature was regarded as sacred in itself, which is in utter contradiction to the present day exploitive-approach to the same.

The idea of nature under the said text is not of it being a mere non-human creation. It rather regards the universe as a chain of journeys of one's self (or life force) that are associated with each other and that progress through the nature and beings. The Upanishads thus, does not segregate human beings from that of the nature, rather consider them as one unit in chorus. The life that resonates in the outer world, is the one and the same life that exists in the heart of the human beings.

For understanding the meaning of nature under the said text, we also need to understand the significance of the three elements that the nature constitutes of i.e. Food, Water and Fire. The civilisation has led people to disrespect and squander water as they realise its importance only to the extent, they use it and not beyond and this is no less than devastating the very womb that endured us. Water not only attaches people with each other, but also attaches people with the evolution of life on Earth. It

is the water that bolsters life. This signifies the reflection of nature as a whole being and not a mere summation of its parts.⁷

The concept of sacred, as mentioned in the Upanishads, is with reference to the vital-force or Prana, which make the objects alive, move and reproduce. It directs and instructs the working of the universe. But, the people of the present day fail to understand the unitedness and the interconnectedness of themselves with the nature, which leads to non-sacred connection between the two. The texts of Upanishads spells that, for understanding the sacred relationship of unitedness with the nature, we need to first understand that we too are a part of this cosmic life being and we are the life force within i.e. we ought to acknowledge the life and death within ourselves. After that, we need to recognize the unity in diversity and the unity within ourselves so that we can comprehend the existence of the same life force in all the creations and acknowledge the interconnectedness within each of them.⁸

V. THE CONCEPT OF MUTUAL SURVIVAL OR ECOLOGICAL CO-EXISTENCE UNDER THE UPANISHADS

The concept of ecological co-existence comes under the ambit of the term Eco-philosophy which believes human beings as an instinctive and inseparable part of the nature and that the importance of nature is way beyond the usefulness it possesses to the mankind. One of the most important principles of the concept of eco-philosophy is that- there exists an interconnection between all the systems of life on the planet earth. Another important principle under the said concept talks about the need of Humans self-realisation by identifying himself with that of the nature (and not with his egos). It further suggests that in order to heal the planet, we must first heal ourselves.⁹

⁷ Christopher Key Chapple, *Hinduism and Ecology: The Intersection of Earth, Sky, and Water* 3-31 (Harvard Divinity Sch. Ctr. for the Study of World Religions 2000); Lance E. Nelson, *Purifying the Earthly Body of God: Religion and Ecology in Hindu India* 25-61 (State Univ. of N.Y. Press 1998).

⁸ Arne Naess, *The Shallow and the Deep, Long-Range Ecology Movement: A Summary*, 16 *Inquiry* 95, 95-100 (1973); Fritjof Capra & Pier Luigi Luisi, *The Systems View of Life: A Unifying Vision* 355-382 (Cambridge Univ. Press 2014).

⁹ Warwick Fox, *towards a Transpersonal Ecology: Developing New Foundations for Environmentalism* 1-48 (State Univ. of N.Y. Press 1990).

The study of ecology under Upanishads talks about the interdependent co-existence of Natural entities through the *Devatas*. These *Devatas* work as mutually co-existing entities which are dependent on every other thing and whom every other thing is also dependent upon. Everything that sustains on the earth is through the process of consumption of food and therefore the whole world revolves around two essential things- the food and the eater of food. It is through the process of Consumption of food that all the entities co-exist. The human beings as well as other life forms not only consume food from the nature, but also return themselves back to the earth (after their death).¹⁰

The Upanishads speak about unexplainable unification of all the creations and a mysterious connection between everything. God permeates the entire universe and the entire universe is the manifestation of God himself. Therefore, all the beings in the universe are interrelated to each other. The man and the nature have a persistent and corresponding impact upon one another. The man, the flora and the fauna exist together on earth because of the only fact that- each of them is made up of similar elements.¹¹

The sages of the Upanishads believed the existence of God in the air, water, fire and even in plants and the trees. These plants and trees are a sort of gift to the human beings and other living creatures and act as a companion for mutual survival. The Isa Upanishad, describing the importance of mutual survival for co-existence of every life-form, states that the universe along with its creatures belongs to the Lord and no creation is superior to any other. Therefore, no individual shall encroach into the rights and privileges of other individuals.¹²

Every single element of the nature is sacred and is a part of *Brahman* and therefore needs to be given utmost respect. The entire universe and its creations belong to the God. Every element of the nature must be given equal respect and be dignified

¹⁰ Christopher Key Chapple, *Hinduism and Ecology: The Intersection of Earth, Sky, and Water* 15–46 (Harvard Divinity Sch. Ctr. for the Study of World Religions 2000).

¹¹ Lance E. Nelson, *Purifying the Earthly Body of God: Religion and Ecology in Hindu India* 45–79 (State Univ. of N.Y. Press 1998).

¹² Klaus K. Klostermaier, *A Survey of Hinduism* 66–92 (3d ed., State Univ. of N.Y. Press 2007).

equally. There must be no hierarchy in treatment among the existing elements of nature. No creation is superior to other creation and every creation is subordinate to the nature. The text of *Mundakopanishad* states that the earth is not only for human beings to enjoy but also for other creatures and thereby propounds the idea of to live and let others live.

The *Taittiriya Upanishad* prescribes various ways in which the environment can be protected and kept clean for every creation to enjoy it. Some of these are: - One should not cause urine and stool in water, should not spit in water; and should not take bath without clothes. It teaches mankind to follow a simple living and not to use the belongings of nature at such a charge that they can't get replenished, restored or recreated for further use. This is because each the belongings of nature play a vital ecological role in sustenance of the vivid life forms. The Upanishads believes that causing harm (of any kind) to the trees is no less than an offence against the forest spirits and deities. They consider trees as a form of *lord Shiva* and therefore needs to be worshiped and protected.

It is the todays civilised world, equipped with the modernised technological infrastructure and developed scientific knowledge as its weapons, which has encroached into the rightful enjoyment of the environment of every life form by over-exploiting the limited (scarce) natural resources with an aim of achieving the never-ending greed for material-prosperity. The concept of sustainable development (Further discussed in the later portion of this paper) has therefore been brought into picture for helping the present generation to judiciously deal with the available Natural Resources so that it can be preserved for the upcoming generations as well.¹³

¹³ See Gro Harlem Brundtland (World Comm'n on Env't & Dev.), *Our Common Future* 37-68 (Oxford Univ. Press 1987); Philippe Sands, *Principles of International Environmental Law* 206-264 (4th ed. 2018); Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* 43-92 (3d ed. 2019); Lavanya Rajamani & Shibani Ghosh, *India's Environmental Law: Key Concepts and Principles* 19-55 (Oxford Univ. Press 2019).

VI. ESTABLISHING POLITICAL RELATIONSHIP WITH THE ENVIRONMENT: THE FIRST MOVE TOWARDS ENVIRONMENTAL EXPLOITATION

The idea of separation of human beings from that of the nature was first addressed by Aristotle- The father of political science where he referred Human beings as political animals. This view was supported by the environmental philosopher Rolston where he suggested that human beings create a city state (polis) in which they can interact or socialize with each other. He further segregated nature from that of the culture and gave the idea that the culture will intend to improve the nature and for evolution to take place, the culture shall have a dominion over the nature and only then the human beings can re-arrange the earth to convert it to a city state.¹⁴

The essence of nature got de-valued when human started establishing *gramya* (settlement) and then the *nagara* (city) where people tried to evict the nature out from their establishments. This was the foremost political move of the humans to create an exploitive relationship with the nature. This relationship was based on power whereby human tried to manipulate and exploit the nature for fulfilling their desires by acting as an agent and subjecting the nature for becoming a mere passive recipient of such acts. Even the act of unearthing peace, beauty and truth in nature could still be considered as making use of the nature for accomplishing their own ends.¹⁵

According to Buddha, a human being intends to secure relationship with the nature in three ways: - to desire for something from the nature i.e. *Upaya*; To judge as to what he likes or dislikes about the nature i.e. *Abhinivesha*; and to fulfil his desires or greed i.e. *Upadana*. The human beings separate the nature from themselves and value it only to the extent it helps in fulfilling their never-ending wants.¹⁶

¹⁴ Holmes Rolston III, *Environmental Ethics: Duties to and Values in the Natural World* 17-45 (Temple Univ. Press 1988); Holmes Rolston III, *A New Environmental Ethics: The Next Millennium for Life on Earth* 23-51 (Routledge 2012).

¹⁵ Carolyn Merchant, *The Death of Nature: Women, Ecology and the Scientific Revolution* 1-41 (Harper One 1980); Murray Bookchin, *The Ecology of Freedom*

¹⁶ Damien Keown, *Buddhism: A Very Short Introduction* 69-88 (2d ed., Oxford Univ. Press 2013); Peter Harvey, *An Introduction to Buddhism: Teachings, History and Practices* 331-360 (2d ed., Cambridge Univ.

VII. THE WAY BACK TO SACRED AND UN-EXPLOITED NATURE

Analysing the texts of Upanishads, we can derive the way to get back to sacred and un-exploited nature. The first step in the whole process is to reject the political act of separating the human beings from the nature by way of accepting the presence of nature within us and outside of us. The spiritual believes of the human beings has to override their political believes whereby if the political believes forces the human beings to get separated from the nature, the spiritual believes on the other side will help them to get united with the nature. The very characteristic of the nature to unite all the life forms with the nature is sacred in itself. The Upanishads term nature and its unity with all the life forms as sacred and spiritual.¹⁷

For valuing the nature as it is, we need not need to measure, theorize, or mystify it or else it would never allow us to obtain wisdom of nature. Only then, we are making the way for letting the nature reveal only those things what it wants to get revealed to us and letting the nature conceal all those things which it does not want others to know about. The human beings shall rather consider themselves as a part of the nature, than considering themselves to live with the nature as the very idea of the latter showcases an attitude of separation. As long as the human beings separate themselves from the nature, they fail to understand the true value of nature and remain ignorant about how the nature works and this blocks the path to achieve the sacred nature.¹⁸

Press 2013); David L. Barnhill & Roger S. Gottlieb, *Deep Ecology and World Religions: New Essays on Sacred Ground* 103–128 (State Univ. of N.Y. Press 2001).

¹⁷ Sarvepalli Radhakrishnan, *The Principal Upanishads* 17–78 (HarperCollins India 2d ed. 1994); Meera Baindur, *The Earth Is the Essence of All Beings: Eco-Phenomenology in the Upanishads*, in *The Routledge Handbook of Eco-Phenomenology* 150–164 (Michael Marder et al. eds., Routledge 2025).

¹⁸ Martin Heidegger, *Poetry, Language, Thought* 141–160 (Albert Hofstadter trans., Harper & Row 1971); Arne Naess, *The Shallow and the Deep, Long-Range Ecology Movement: A Summary*, 16 *Inquiry* 95, 95–100 (1973); Madhumita Chatterjee, *A Critical Inquiry into Ecological Visions of Ancient India Versus, Modern West*, 8 *Tattva J. Phil.* no. 2, 19, 19–30 (2016), <https://doi.org/10.12726/tjp.16.2>.

VIII. CONNECTING THE FACETS OF UPANISHADIC PRINCIPLES OF ENVIRONMENTAL PROTECTION WITH THE CONTEMPORARY ENVIRONMENTAL GOVERNANCE

In this constant tussle between the two contradictory ideas of Protection of the environment and industrialization, the legal system of India strives to harmonize and maintain a balance between the both by introducing the concept of Sustainable Development which ensures industrial development to take place without causing (or causing as minimum as feasible) any menace to the environment. It essentially covers the precept of Intergenerational equity (Preserving the resources for upcoming generations); Conservation and preservation of the available natural resources and; Utilisation of the natural resources only to the extent of their carrying capacity and not beyond.¹⁹ All of these principles are interrelated to each other. In the case *Kinkri Devi vs State* (1988), the court held that the unscientific and uncontrolled quarrying of the lime stone has caused damage to the environment and the inhabitants of that area and is therefore in violation of Articles 14,21,48-A and 51A (g) of the Indian Constitution.

The court further held that The natural resources are permanent assets of mankind and therefore shall not be exhausted in one generation.²⁰ In the case *State of Himachal Pradesh v. Ganesh Wood Products* (1995), The Supreme court held that The present generation has been vested with no rights to jeopardize the welfare of the upcoming generations along with their rightful enjoyment of the available natural resources. This can be equated with the Upanishadic principle which provides that- *No individual shall encroach into the rights and privileges of other individuals*. Therefore, the individuals of the present generation have no authority to take away the rights and privileges that the upcoming generations are entitled to.²¹ Further, in *Citizen, consumer and Civic Action Group v. Union of India* (2001), it was held that the present generation must

¹⁹ Tahir Ashraf Siddiqui, *Environmental Pollution, Legal Framework and Challenges: Sustainable Development and Its Practice in Contemporary India*, 70 Proc. Indian Hist. Cong. 1110, 1110-23 (2009-2010), JSTOR.

²⁰ *Kinkri Devi v. State of Himachal Pradesh*, AIR 1988 HP 4.

²¹ *State of Himachal Pradesh v. Ganesh Wood Products*, (1995) 6 SCC 363.

exploit the Resources as minimum as possible and must ensure that such exploitation shall not exceed the carrying capacity of the resources i.e. such exploitation shall not cause any serious or irreversible damage to the environment.²² Also, the Upanishadic principle says that *The mankind should follow simple living and should not use the belongings of nature at such a rate that they can't get replenished or restored for further use.* Thus, in this sense, even the Upanishadic principles stand relevant in governing the contemporary environmental issues.

The right to a healthy environment has not been expressly declared as a Fundamental Right under the Constitution of India and therefore the Indian Judiciary has time and again referred the right to healthy environment as a Fundamental right under the ambit of Right to Life (Guaranteed under Article 21 of the Constitution). In the case *Rural Litigation and Entitlement Kendra Dehradun and others vs. State of UP (1985)*, it was held that right to wholesome environment is Right to Life under Article 21 of the Constitution.²³ In *Subhash Kumar vs. State of Bihar (1991)*, the court of law prioritized public health and ecology and held that Right to pollution-free water and air is a Fundamental Right of every individual under Article 21.²⁴

Further, in the case *L.K Loolwal vs. State of Rajasthan (1988)*, the court of law held that Maintaining the quality of environment, ensuring sanitation and providing a healthy life to the individuals are prime duties of the state as it safeguards the individual's Right to life and if the same is not performed by the state, then it may lead to decrease in life span of the individuals.²⁵ Thus, the Indian judiciary has, to a considerable extent, affirmed that a healthy environment is one of the most essential conditions for the subsistence of life on Earth. This constitutional position has been further strengthened by the Supreme Court in *M.K. Ranjitsinh v. Union of India (2024)*,²⁶ where the Court recognised the right to be free from the adverse effects of climate

²² Citizen, Consumer & Civic Action Group v. Union of India, W.A. Nos. 1291 and 1663 of 1997 and W.P. No. 8030 of 2000, decided on Nov. 2, 2001 (Madras H.C.).

²³ Rural Litigation & Entitlement Kendra v. State of Uttar Pradesh, 1985 Supp SCC 79.

²⁴ Subhash Kumar v. State of Bihar, (1991) 1 SCC 598.

²⁵ L.K. Koolwal v. State of Rajasthan, AIR 1988 Raj 2.

²⁶ M.K. Ranjitsinh v. Union of India, W.P. (C) No. 838 of 2019, decided on Mar. 21, 2024 (Supreme Court of India).

change as flowing from Articles 21 and 14 of the Constitution. This development extends the earlier Article 21 jurisprudence from the protection of pollution-free air, water, and wholesome environment to the broader protection of life, equality, and dignity against climate-related harms.

The recognition of a climate-related constitutional right also strengthens the comparative claim advanced in this paper. It demonstrates that Indian environmental jurisprudence is gradually moving from a narrow pollution-control model towards a broader ethic of ecological balance, restraint, and interdependence. At the same time, it complicates the comparison to the extent that contemporary courts must balance ecological protection with developmental concerns such as renewable-energy infrastructure and conservation priorities. Nevertheless, the decision substantially resonates with the Upanishadic idea that human life and nature are not separate entities, but mutually dependent parts of a larger ecological order. Human beings, other life forms, and nature are interconnected and interdependent; therefore, the protection of one is inseparable from the protection of the other.

A significant institutional development in contemporary environmental governance is the establishment of the National Green Tribunal under the National Green Tribunal Act, 2010. The Tribunal was created as a specialised adjudicatory body for the effective and expeditious disposal of cases relating to environmental protection, conservation of forests and other natural resources, enforcement of legal rights relating to the environment, and grant of relief and compensation for environmental harm. Its jurisdiction extends to civil cases involving a substantial question relating to the environment and matters arising under the environmental statutes specified in Schedule I of the Act. By providing a specialised forum combining judicial and technical expertise, the NGT has strengthened the practical enforcement of environmental principles such as sustainable development, the precautionary principle, and the polluter-pays principle. In this sense, the NGT represents a modern institutional mechanism for ecological stewardship, which, although secular and statutory in character, substantially resonates with the Upanishadic emphasis on restraint, responsibility, and harmonious co-existence with nature.

The Constitution of India guarantees the right to Freedom of Trade and Commerce [Art.19 (1) (g)] to the industrialists and correspondingly guarantees the right to life [Art.21] to the Individuals having residence in and around (or even beyond) the industrial settlements of these industrialists. Under Article 19(6) of the Constitution, the state is vested with the power to put reasonable restrictions on the industrialists Right to Freedom of Trade and Commerce for the interest of general public. It is often the case that the Indian judiciary has to decide upon which fundamental right (out of the two) to be given more priority over the other. The Indian courts of law have persistently prioritized Right to Life of the general public over Right to Freedom of Trade and Commerce of the industrialists. In *M.C Mehta Vs. UOI (1988)*, it was held that Degradation of the quality of the ecology and activities causing health hazards to the general public cannot be permitted in the name of Industrial Development. Industrial development and Environment should co-exist and go hand in hand.²⁷

Further, in the case *M.C Mehta Vs. UOI (1996)*, it was held that Health, life and ecology is of the highest importance in the eyes of law.²⁸ In various other cases, the Supreme Court of India has even ordered the industries to get relocated to alternative sites whereby the general public won't get affected. The principles laid down in the Upanishadic text which says that *no individual shall encroach into the rights and privileges of other individuals*, stands applicable in the sense that the industrialists have no authority to encroach into the Right to Healthy environment (which is a fundamental right under Article 21) of the group of individuals residing in and around their industrial settlement. No right shall be exercised at the cost of another's substantial right.

The contemporary ecological administration stretches out even to shield the right to healthy environment of the non-human creatures (i.e. life forms other than the humans), especially those who are endangered. The Indian Judiciary has time and again passed on judgments to protect the birds, animals and wildlife and prohibited trade and business at the cost of disrupting the life-forms. In *Centre for Environmental*

²⁷ M.C. Mehta v. Union of India, (1988) 1 SCC 471.

²⁸ M.C. Mehta v. Union of India, (1997) 2 SCC 411.

Law, World Wide Fund for Nature (WWF), *India v. State of Orissa* (1998), the Orissa High Court issued directions concerning developmental and fishing-related activities in and around the Bhitarkanika Wildlife Sanctuary and the Gahirmatha marine ecosystem. The Court required protective measures such as road realignment, strengthened monitoring, restrictions on vehicular movement, eviction of unauthorised occupants, prohibition of new leases within the sanctuary, and measures for the protection of Olive Ridley sea turtles and the region's flora and fauna.²⁹ Also, in the case *S. Jagannath v. Union of India*, (1997), the SC issued a number of directions to put the practice of Intense Aqua-Farming to an end and encouraged Traditional Aqua-Farming methods. Protection of all forms of life and promotion of ecological co-existence can also be traced from the Upanishadic text which lays down the following principles: - *The universe along with its creatures belongs to the Lord and no creation is superior to any other; Every element of the nature must be given equal respect and be dignified equally and there must be no hierarchy in treatment among the existing elements of nature and; The earth is not only for human beings to enjoy but also for other creatures and therefore we should live and let others live.*³⁰ Thus, it can be deduced that the present day environmental governance is nothing but the modified derivation of the traditional principles of environmental management which are well pronounced under the Upanishads.

It is a pre-eminent fact that the law and governance is never static in nature and it keeps on getting altered and modified as per the needs and requirements of the society. This can be witnessed in the present context as well. The Upanishads absolutely prohibited any sort of intervention into the environment and even denied measuring, theorizing, or mystifying nature as it visualized the presence of nature within all the life forms including human beings. But the contemporary environmental governance allows limited intervention into the environment by utilisation of the natural resources only to the extent of their carrying capacity and not beyond (i.e. to the extent such intervention does not cause any serious or irreversible

²⁹ Centre for Environmental Law, *World Wide Fund for Nature (WWF), India v. State of Orissa*, AIR 1999 Ori 15; (1998) 86 Cut LT 247 (Orissa H.C., May 14, 1998).

³⁰ *S. Jagannath v. Union of India*, (1997) 2 SCC 87.

damage to the environment). This is with an aim to ensure social development and Improved standard of living of the individuals. The inclusion of Article 48A and 51A into the constitution of India has not only guaranteed the protection of the environment, but also provided for the improvement of the environment as a primary duty of the state. Analysing the facets of environmental protection under the Upanishadic texts and comparing it with the present-day environmental governance, it can thus be concluded that the basic principles (given under the Upanishads) remain the same and still stand relevant to a great extent, but the only difference is that these are now applied in a much-modified form (and not in absolute form) for manoeuvring the contemporary environmental issues.

The following tables can be referred for understanding the similarities and differences between the principles laid down in the Upanishads (for environmental protection) and the contemporary environmental governance.

Table-1: SIMILARITIES

Sr.No.	Contemporary Environmental Governance	Upanishadic principles of environmental management
1.	The concept of Sustainable Development (which includes: - Intergenerational equity; Conservation and preservation of the available natural resources and; Utilisation of the natural resources only to the extent of their carrying capacity and not beyond) Cases: - • Kinkri Devi vs State (1988)	No individual shall encroach into the rights and privileges of other individuals AND The mankind should follow simple living and should not use the belongings of nature at such a rate that they can't get replenished or restored for further use

	• State of Himachal Pradesh v. Ganesh Wood Products (1995) • Citizen, consumer and Civic Action Group v. Union of India (2001)	
2.	The right to healthy environment as a Fundamental right guaranteed under Right to Life (Article 21 of the Constitution) Cases- • Rural Litigation and Entitlement Kendra Dehradun and others vs. State of UP (1985) • Subhash Kumar vs. State of Bihar (1991) • L.K Loolwal vs. State of Rajasthan (1988)	The Upanishads does not segregate human beings (and other life forms) from that of the nature, rather consider them as one unit in chorus AND Human beings (along with the other life forms) and the nature are interconnected and interdependent to each other and therefore, subsistence of one without the other is impossible.
3.	The Indian courts of law have persistently prioritized Right to Life of the general public over Right to Freedom of Trade and Commerce of the industrialists. Cases: - • M.C Mehta Vs. UOI (1988) • M.C Mehta Vs. UOI (1996)	No individual shall encroach into the rights and privileges of other individuals

4.	The Indian Judiciary has time and again passed on judgments to protect the birds, animals and wildlife (Non-Human Creations) and prohibited trade and business at the cost of disrupting the life-forms Cases: - • Centre for Environmental Law, World Wide Fund for Nature (WWF), India v. State of Orissa (1998) • Gopi-Aqua Farms vs UOI (1997)	The universe along with its creatures belongs to the Lord and no creation is superior to any other, Every element of the nature must be given equal respect and be dignified equally and there must be no hierarchy in treatment among the existing elements of nature, AND The earth is not only for human beings to enjoy but also for other creatures and therefore we should live and let others live.
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Table-2: DIFFERENCES

Sr.No.	Contemporary Environmental Governance	Upanishadic principles of Environmental Management
1.	The contemporary environmental governance allows limited intervention into the environment by utilisation of the natural resources only to the extent of their carrying capacity and not beyond (i.e. to the extent such intervention does not cause any serious or irreversible damage to the environment).	The Upanishads absolutely prohibited any sort of intervention into the environment and even denied measuring, theorizing, or mystifying nature as it visualized the presence of nature within all the life forms including human beings.

	(This is with an aim to ensure social development and Improved standard of living of the individuals)	
2.	The inclusion of Article 48A and 51A into the constitution of India has not only guaranteed the protection of the environment, but also provided for the improvement of the environment as a primary duty of the state	No text with explicit reference to Improvement of the environment (as there was much less intervention into the environment as compared to the present scenario).

IX. SUGGESTIONS AND RECOMMENDATIONS

In light of the above findings, environmental policymaking should progressively incorporate indigenous ecological knowledge alongside scientific and legal approaches to foster a more holistic governance framework. Greater emphasis must also be placed on environmental education, public awareness, and value-based ecological ethics to cultivate responsible environmental citizenship. Judicial and legislative institutions should continue strengthening the principles of sustainable development, intergenerational equity, and ecological justice, while ensuring their effective implementation through robust institutional mechanisms. Reintegrating the ecological wisdom of the Upanishads into contemporary environmental discourse should not be viewed as an exercise in returning to the past; rather, it represents a constructive step towards shaping a more ethical, resilient, and sustainable future.

X. CONCLUSION

The growing ecological crisis underscores the necessity of re-evaluating contemporary environmental governance through perspectives that extend beyond conventional legal and regulatory frameworks. The present study demonstrates that the ecological

philosophy embodied in the Upanishads offers a value-based foundation for environmental protection by emphasising the intrinsic interconnectedness of all life forms, restraint in the utilisation of natural resources, and harmonious coexistence with nature. Although these philosophical precepts originated in a distinct historical and cultural context, their normative essence continues to resonate with the constitutional vision and judicial evolution of environmental jurisprudence in India. Contemporary environmental governance may not adopt these principles in their absolute form, particularly in view of developmental imperatives; nevertheless, their ethical orientation provides meaningful guidance for achieving a more balanced relationship between economic progress and ecological sustainability.

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