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The Ecocentric Illusion: How Section 20 of the NGT Act, 2010 and the Doctrine of Proportionality Structurally Preclude Rights of Nature in India

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Abstract

The global Rights of Nature movement has gained significant momentum, with jurisdictions such as Ecuador and New Zealand, as countries, which formally recognising nature as a legal subject possessing enforceable rights. In India, the Uttarakhand High Court's 2017 declaration granting legal personhood to the rivers Ganga and Yamuna appeared to signal a transformative shift toward an ecocentric jurisprudence. However, the Supreme Court stayed this order within months, exposing the fragile institutional foundations upon which such declarations rest. Existing scholarship has largely focused on judicial activism and environmental governance, while insufficient attention has been paid to the structural incompatibility between India's environmental adjudicatory framework and Rights of Nature jurisprudence. This paper addresses that gap by arguing that the failure of ecocentric jurisprudence in India is not merely judicial but structurally integrated within the NGT Act, 2010. Specifically, Section 20, by mandating the polluter-pays principle and sustainable development, transforms ecological injury into compensable damage rather than recognising nature as an autonomous, rights-bearing entity. Furthermore, the NGT has systematically deployed the Doctrine of Proportionality to override the Precautionary Principle in infrastructure-sensitive cases, as evidenced by the Char Dham Highway Project and Great Nicobar Island Development Plan. Through doctrinal analysis of statutory provisions, NGT orders, and Supreme Court judgments, supplemented by comparative reference to Ecuador and New Zealand, this paper demonstrates that Rights of Nature in India remains aspirationally acknowledged but operationally impossible. The paper characterises India's ecocentric turn as an "ecocentric illusion" and concludes with recommendations for legislative reform and an independent guardianship mechanism.

Keywords: *Rights of Nature, Ecocentric Jurisprudence, National Green Tribunal, Section 20 NGT Act, Precautionary Principle, Proportionality Doctrine, Legal Personhood*

Introduction

The question of whether nature possesses inherent legal rights—independent of human utility—has emerged as one of the most consequential jurisprudential debates of the twenty-first century. For centuries, global legal systems have treated the natural environment as property: an object of ownership, exploitation, and regulatory management, worthy of protection only insofar as its degradation causes identifiable harm to human beings (Stone, 1972). This anthropocentric foundation, deeply embedded in common law traditions inherited by postcolonial states like India,

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faces a sustained challenge as ecological degradation accelerates beyond the capacity of conventional regulatory frameworks.

The Rights of Nature movement represents a fundamental framework shift. Rather than merely regulating human conduct with respect to nature, it proposes that ecosystems, rivers, and species be recognized as subjects of law possessing inherent rights to exist, regenerate, and flourish. This proposition has achieved concrete legal expression in multiple jurisdictions. Ecuador's 2008 Constitution became the world's first to recognize Pachamama (Mother Earth) as a rights-bearing entity under Articles 71–74 (Gudynas, 2010). New Zealand enacted the Te Awa Tupua Act 2017, conferring legal personhood upon the Whanganui River and establishing an independent guardianship body, Te Pou Tupua, to represent its interests (Magallanes, 2015). Similarly, Colombia's Supreme Court recognized the Colombian Amazon as a subject of rights in 2018, and Bangladesh's High Court declared all rivers legal persons in 2019.

India appeared poised to join this global shift. On March 20, 2017, the High Court of Uttarakhand delivered its landmark judgment in Mohd. Salim v. State of Uttarakhand, declaring the rivers Ganga and Yamuna living legal entities possessing the rights, duties, and liabilities of legal persons. Within ten days, the court extended this status to glaciers, forests, and wetlands throughout the territory. Celebrated as a watershed moment, the victory proved premature. In July 2017, the Supreme Court of India stayed both orders following a petition by the State of Uttarakhand, which contended that the declarations were legally unsustainable and practically unworkable due to the absence of a supporting statutory framework (State of Uttarakhand v. Mohd. Salim, 2017). The stay has never been vacated. The most ambitious exercise of ecocentric judicial creativity in Indian legal history collapsed because the underlying institutional architecture could not sustain it.

This paper examines that structural failure. While existing scholarship critiques the judicial reasoning and explores the theoretical compatibility of Rights of Nature with Indian constitutionalism, insufficient attention has been paid to India's primary specialized environmental court: the National Green Tribunal (NGT). This paper argues that the NGT is institutionally incapable of advancing ecocentric jurisprudence within its existing statutory framework, a deficit that is legislative rather than judicial.

Section 20 of the NGT Act 2010 confines the Tribunal to three principles—sustainable development, polluter pays, and the precautionary principle. Together, they construct a "managed harm" framework that treats ecological destruction as a negotiable cost of development, managing its extent through precautionary procedures and pricing its consequences through financial compensation. Within this matrix, nature cannot be a rights-holder. The NGT and Supreme Court have progressively deployed the Doctrine of Proportionality to subordinate the precautionary principle to developmental and security imperatives in high-stakes infrastructure cases, such as the Char Dham Highway and Great Nicobar Island developments.

The result is an "ecocentric illusion" it is a jurisprudential phenomenon where the language of ecological protection is deployed with rhetorical flourish but lacks the statutory architecture necessary to translate it into enforceable rights. The paper evaluates Section 20's constraints across three case studies, contrasts them with the models of Ecuador and New Zealand, and proposes targeted legislative amendments to enable a genuine ecocentric adjudicatory framework in India.

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Review of Related Literature

The theoretical foundations of Rights of Nature jurisprudence were established by Christopher Stone (1972), who argued that excluding natural objects from legal standing reflected ideological convention rather than logical necessity—paralleling historical denials of personality to women and children. Stone proposed three mandatory criteria for genuine legal rights: the capacity to initiate legal proceedings via an appointed guardian, judicial recognition of injuries to the entity itself (rather than to human utility), and the deployment of relief directly for the benefit of that entity. These three conditions remain the analytical benchmark for evaluating ecocentric frameworks and form the foundational criteria this paper applies to India's NGT.

Cormac Cullinan (2011) advanced this scholarship through Earth Jurisprudence, drawing on Thomas Berry's (1999) thesis that the universe is a communion of subjects rather than a collection of objects. Cullinan argued that modern environmental law must move away from anthropocentric mastery to recognize humanity's embeddedness within the Earth community. His specific critique of the polluter pays principle arguing that it legitimizes pollution by treating it as a commodity transaction is centrally relevant to this paper's critique of Section 20 of the NGT Act, where statutory remediation is routinely reduced to financial pricing.

Eduardo Gudynas (2011) provided the definitive account of Ecuador's constitutional transition, documenting how the 2008 framework replaced the instrumental valuation of nature with its intrinsic worth. However, Gudynas highlighted a persistent implementation gap large-scale extractive projects continued in the Amazon despite constitutional recognition. He observed that textual entrenchment without sustained political will and robust institutional machinery yields limited practical success. This insight directly informs this paper's analysis of India, where high court declarations have similarly floundered due to an institutional vacuum.

Catherine Iorns Magallanes (2015) analyzed the New Zealand model, proving that the Te Awa Tupua Act 2017 succeeded precisely where other jurisdictions stalled by embedding legal personhood within a comprehensive and practical statutory design. This design includes an independent guardianship body; dedicated restoration financing and enforcement mechanisms rooted in the indigenous Maori concept of kaitiekitanga. Magallanes's work proves that institutional structure rather than abstract legal declaration, dictates operational success. It is a lesson central to diagnosing why India's NGT cannot deliver ecocentric outcomes within its current legislative text.

Gitanjali Nain Gill (2016) offered the most rigorous institutional critique of the NGT. Gill documented that the Tribunal's technical expert members frequently come from governmental and developmental bureaucracies, creating structural bias toward anthropocentric and compromise oriented outcomes. Gill's empirical insights support this paper's core argument is the NGT's failure to deliver ecocentric adjudication is a product of design. A tribunal focused on balance and led by experts cannot create an ecocentric rights system on its own if it is restricted by laws centered on human interests.

Craig Kauffman and Pamela Martin (2017) examined how Rights of Nature laws work in practice. They found that the results depend on whether these rights are treated as absolute legal protections or as flexible interests that can be balanced against other priorities. They pointed out that nature's rights are violated more often when development is linked to national goals. This helps explain cases like India's Char Dham and Great Nicobar, where national security and large-scale

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development were used to ignore environmental risks.

Jacqueline Ruru (2018) evaluated the Whanganui River framework through an indigenous rights lens, emphasizing that Te Pou Tupua's efficacy stems from its cultural grounding in Māori ecological relationships rather than Western legal abstractions. Ruru's analysis indicates that India's rich indigenous ecological traditions like sacred groves, the Bishnoi community's conservation ethos, and tribal forest rights under the Forest Rights Act, 2006 could offer powerful cultural foundations for ecocentric reform. However, she notes that these traditions remain marginalized in environmental governance unless formalized into active statutory architecture.

In contrast, Julien Bétaille (2019) presented a prominent critique, arguing that modern environmental law already incorporates sufficient ecocentric elements via biodiversity regimes, ecosystem approaches, and precautionary frameworks, making distinct Rights of Nature declarations legally redundant. This paper explicitly rejects Bétaille's stance within the context of global South jurisdictions like India. Bétaille's Euro-centric critique assumes an idealized compliance model and fails to account for statutory frameworks like Section 20 of the NGT Act, which legally codifies a balancing mandate that systematically privileges state-backed developmental imperatives over ecological survival.

The gap in existing scholarship is precise and urgent. No current study evaluates Section 20 of the NGT Act as an integrated, systemic barrier to ecocentric jurisprudence. Current literature lacks an analysis tracing how the judicial deployment of the Proportionality Doctrine systematically overrides the Precautionary Principle in infrastructure cases through a Rights of Nature lens. Finally, no scholarship has used the comparative lessons of Ecuador and New Zealand to formulate targeted amendments to the NGT Act to resolve India's structural deficits. This paper addresses these gaps.

Objectives of the Study

This paper pursues three specific objectives:

1. To demonstrate that Section 20 of the NGT Act, 2010 through its tripartite mandate of sustainable development, polluter pays, and the precautionary principle constructs an integrated system of anthropocentric constraint rendering ecocentric adjudication structurally impossible within the Tribunal's existing framework.
2. To analyze how the Doctrine of Proportionality has been progressively deployed by the NGT and Supreme Court to subordinate the Precautionary Principle to developmental and security imperatives in infrastructure-sensitive cases, using the Char Dham Highway Project, Great Nicobar Island Development Plan, and Ganga Floodplain litigation as case studies.
3. To recommend targeted legislative reforms specifically amending Section 20, establishing an independent Office of Environmental Guardian, and creating a National Ecological Restoration Fund drawing upon comparative lessons from Ecuador and New Zealand.

Hypothesis

Section 20 of the NGT Act 2010, read with the judicial deployment of the Doctrine of Proportionality, structurally precludes the recognition and enforcement of Rights of Nature within India's environmental adjudicatory framework, rendering ecocentric jurisprudence aspirationally

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acknowledged but operationally impossible without fundamental legislative reform.

Research Questions

A) Does Section 20 of the NGT Act 2010 permit ecocentric adjudication, or does its tripartite mandate structurally confine the Tribunal to an anthropocentric regulatory paradigm?

B) Has the deployment of the Doctrine of Proportionality systematically overridden the Precautionary Principle in infrastructure-sensitive cases, and what are its ecocentric implications?

C) What specific legislative reforms are required to transform India's ecocentric rhetoric into enforceable reality?

Methodology

This paper adopts a doctrinal legal research methodology. Primary sources comprise the NGT Act 2010, the Constitution of India, Supreme Court and High Court judgments, NGT orders, and statutory or constitutional instruments from Ecuador and New Zealand. Secondary sources include peer-reviewed journal articles, government reports, and comparative constitutional scholarship.
The analytical framework employs three approaches:

- Statutory Interpretation: Examining the text, legislative history, and judicial construction of Section 20.
- Case Analysis: Investigating legal patterns across three significant infrastructure cases in eco-sensitive zones.
- Comparative Analysis: Utilizing Ecuador's constitutional model and New Zealand's statutory framework to isolate structural deficits in India and derive reform recommendations.

No empirical data collection was conducted; claims focus strictly on the structural legal architecture rather than external environmental outcomes.

Result & Discussion

Section 20 of the NGT Act 2010: The Statutory Foundation of Environmental Adjudication

The National Green Tribunal was established with considerable institutional sophistication. It combines legal expertise with scientific knowledge, operates through streamlined procedures, and has delivered numerous orders addressing significant environmental concerns (National Green Tribunal Act, 2010). The Tribunal represents genuine institutional progress in India's approach to environmental protection. Yet examining the substantive mandate reveals a philosophical orientation fundamentally at odds with ecocentric legal frameworks.
Section 20 of the NGT Act establishes the normative principles governing all Tribunal decisions. The provision states: "The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle." This mandate is comprehensive and exclusive. These three principles constitute the complete normative framework within which the Tribunal must operate.
Understanding how these principles function requires examining each separately before considering their integrated operation. The principle of sustainable development, as articulated by the World Commission on Environment and Development (1987), concerns development meeting

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present needs without compromising future generations' capacity to meet theirs. The language suggests environmental concern, but the substance remains anthropocentric. The principle's focus is exclusively on human welfare across time periods, not on nature's inherent worth or independent rights (World Commission on Environment and Development, 1987).

In Indian environmental jurisprudence, courts have consistently interpreted sustainable development as requiring reconciliation between environmental protection and economic development (Vellore Citizens Welfare Forum v. Union of India, 1996). The Supreme Court held that development and ecology need not be opposed — they must be balanced. The NGT inherited and institutionalised this balancing approach, becoming a forum where environmental concerns are weighed against developmental imperatives rather than treated as inviolable thresholds (Gill, 2016).

This balancing function creates a structural problem for ecocentric jurisprudence. If nature possesses genuine rights — including the right to ecological integrity — those rights logically cannot be subject to negotiation through balancing exercises. Rights function as entitlements that trump utilitarian calculations. A legal framework built on balancing therefore, cannot simultaneously recognise nature as a rights-holder. The two logics are fundamentally incompatible.

The polluter pays principle, incorporated into Indian law through Indian Council for Enviro-Legal Action v. Union of India (1996), holds that those creating pollution must bear associated costs. Economically sound, this principle nonetheless embodies a problematic assumption: that ecological destruction is a calculable cost capable of being remedied through financial compensation. When the NGT imposes environmental compensation for destroying a wetland, the implicit message is troubling: wetland destruction becomes permissible provided someone pays. Nature's right not to be destroyed doesn't exist in this framework — only a price at which destruction is licensed (Indian Council for Enviro-Legal Action v. Union of India, 1996).

Cullinan (2011) articulates this critique precisely. The polluter pays principle legitimises pollution by treating destruction as a commodity transaction rather than a violation. This monetisation logic is fundamentally at odds with recognising ecological integrity as an autonomous value. When compensation money disappears into government accounts while ecosystems remain destroyed, the principle fails to protect what rights-based frameworks are designed to protect.

The precautionary principle, by contrast, offers possibilities for ecocentric application. Rio Declaration Principle 15 (1992) provides that lack of scientific certainty shall not postpone measures against serious irreversible environmental damage. This principle, properly applied, could function as a barrier preventing ecologically destructive projects. Yet as subsequent case analysis demonstrates, courts have progressively deployed the Doctrine of Proportionality to subordinate precautionary concerns to developmental imperatives.

These three principles, operating as an integrated system, construct what might be termed a "managed degradation" framework. Ecological harm is not prevented. Rather, it is anticipated, calculated, compensated for, and rendered acceptable through balancing analysis. Within this framework, nature cannot function as a rights-holder. It functions only as a resource whose value is quantifiable and negotiable.

The problem is not judicial indifference to environmental concerns. Indian judges have demonstrated genuine environmental consciousness in numerous decisions. The problem is that

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Section 20 channels that consciousness toward managing harm rather than preventing it. The statutory framework itself precludes the kind of adjudication that ecocentric jurisprudence requires.

Case Studies: Pattern of Subordinating Ecology to Development

The structural constraints identified in Section 20 manifest concretely in environmental adjudication. Three significant cases demonstrate how the Doctrine of Proportionality has been deployed to subordinate ecological protection to development priorities.

Char Dham Highway Project: Security Overrides Precaution

The Char Dham Mahamarg Vikas Pariyojana involves constructing approximately 900 kilometres of highway connecting four pilgrimage sites in the Uttarakhand Himalayas (Ministry of Road Transport and Highways, 2018). The region's geological instability and ecological fragility are well-documented. The 2013 Kedarnath floods demonstrated the area's vulnerability to catastrophic disaster, killing thousands and permanently altering landscapes.

Environmental objectors raised fundamental concerns regarding project fragmentation. The project was deliberately divided into smaller components, each falling below the threshold requiring mandatory cumulative environmental impact assessment under the Environmental Impact Assessment Notification 2006 (Citizens for Green Doon v. Union of India, 2018). This fragmentation meant that no comprehensive evaluation of total ecological impact was ever conducted — a direct violation of precautionary principle requirements.

The NGT initially demonstrated appropriate environmental concern. The Tribunal acknowledged the project traversed ecologically sensitive zones and expressed anxiety regarding slope instability, extensive tree felling, and river ecosystem damage. A High-Powered Committee was constituted to examine environmental implications and recommend mitigation measures.

However, Supreme Court review produced different reasoning. While formally acknowledging environmental concerns, the Court held that highway width should be restricted to 5.5 metres in most sections — a proportionate compromise between developmental necessity and ecological protection (Citizens for Green Doon v. Union of India, 2021). Significantly, the Court noted that the highway served strategic military purposes in a sensitive border region. National security considerations were introduced, further subordinating ecological precaution.

This reasoning exemplifies proportionality doctrine in operation. The state possesses legitimate objectives — development and security. The chosen highway serves these objectives reasonably effectively. Alternative routes would restrict these objectives more severely. Therefore, some environmental damage becomes constitutionally acceptable. But ecocentric jurisprudence functions differently. If an ecosystem possesses the right to maintain its ecological integrity, that right shouldn't be tradeable for security benefits. Yet proportionality analysis makes precisely such trades inevitable.

Great Nicobar Island Development: Strategic Interests Trumping Ecological Uniqueness

Great Nicobar Island represents one of India's most ecologically intact territories. The island hosts Leatherback Sea Turtles — endangered reptiles that nest nowhere else in Indian waters. The Shompen and Nicobari tribal communities maintain forest relationships accumulated across generations. Approximately 130 square kilometres of primary rainforest — increasingly scarce globally — covers the island (NITI Aayog, 2021).

In 2021, the government approved a holistic development project: transshipment port,

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international airport, township, and 450 MW power plant. The Expert Appraisal Committee granted environmental clearance despite acknowledging that the project would destroy critical wildlife habitat and irreversibly transform one of India's most ecologically intact landscapes (Expert Appraisal Committee, 2022).

Environmental petitioners sought NGT intervention, requesting project suspension pending comprehensive independent scientific assessment of carrying capacity. They invoked the precautionary principle: irreversible ecological damage is plausible, scientific certainty regarding impacts is incomplete, therefore the project shouldn't proceed (Ritwick Dutta v. Union of India, 2023).

The NGT declined to stay the project. Instead, the Tribunal directed submission of compliance reports, treating the matter as requiring balance between environmental protection and national development interests. Government submissions emphasizing strategic value — enhancing India's Indian Ocean presence against perceived Chinese expansion — were implicitly accepted as legitimate countervailing considerations (NITI Aayog, 2021).

Once more, proportionality operates. The state's strategic objective is legitimate. The chosen means advances that objective. Environmental concerns are significant, but not decisive. Therefore, ecological transformation becomes permissible. An ecocentric framework would invert this analysis. It would ask whether the ecosystem possesses rights to exist and maintain ecological integrity. If affirmative, can those rights be overridden by security considerations? The answer should be negative, or require absolutely compelling justification beyond security interests alone.

Ganga Floodplain Litigation: Ecocentric Language Without Ecocentric Implementation

The Ganga floodplain cases demonstrate the gap between ecocentric rhetoric and anthropocentric outcomes. In Manoj Misra v. Union of India (2015), the NGT employed remarkably progressive language. The Tribunal described the Ganga as a "national treasure," acknowledged the floodplain's ecological integrity beyond economic valuation, and held that construction within active floodplain areas creates significant disruption to the river's natural character (Manoj Misra v. Union of India, 2015).

Paradoxically, successive orders prohibiting floodplain construction faced systematic non-compliance. State governments repeatedly sought and obtained modifications, extensions, and relaxations (Manoj Misra v. Union of India, 2017). Why this disconnect? Because ecocentric language produces ecocentric enforceability only when underlying legal frameworks support it. Section 20 does not.

When the Uttarakhand High Court declared the Ganga a legal person, appointing state officials as guardians, an irresolvable conflict emerged (Mohd. Salim v. State of Uttarakhand, 2017). The same officials responsible for water development projects simultaneously became the river's legal protectors. The structural contradiction rendered guardianship meaningless. The NGT cannot remedy this because Section 20 provides no authority to establish independent guardianship mechanisms. Without guardians genuinely independent from state developmental interests, ecocentric declarations remain performative — impressive in language but hollow in institutional reality.

Comparative Lessons: Ecuador, New Zealand, and India's Institutional Deficits

Examining ecocentric jurisprudence implementation elsewhere illuminates what enables

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meaningful recognition of nature's rights.

- **Ecuador's Constitutional Model**

Ecuador's 2008 Constitution granted Pachamama the right to exist and regenerate its vital cycles (Constitution of Ecuador, 2008). Articles 71 through 74 create self-executing rights that any person can enforce before public bodies without demonstrating personal injury. The rights are constitutionally entrenched — ordinary legislation cannot override them. Significantly, the rights are framed ecologically rather than economically. Nature's right to maintain its life cycles cannot be satisfied through financial compensation.

Ecuador's experience is not without challenges. Despite constitutional recognition of the Rights of Nature, tensions remain between environmental protection and extractive development policies (Gudynas, 2010). Yet the Vilcabamba River case demonstrated the framework's force: the court halted road construction and ordered river restoration, shifting burdens to the state to prove its actions didn't violate river rights (Wheeler v. Director de la Procuraduria General Del Estado, 2011). Critically, no proportionality balancing occurred. The river's right functioned as a legal threshold.

- **New Zealand's Statutory Model**

New Zealand pursued statutory rather than constitutional recognition. The Te Awa Tupua Act 2017 granted the Whanganui River legal personhood with corresponding rights and liabilities. But the statute embedded critical institutional mechanisms. Te Pou Tupua — comprising one Crown and one Māori representative — acts as the river's guardian (Te Awa Tupua Act, 2017). Unlike India's state-official guardians, Te Pou Tupua members lack conflicting developmental responsibilities. Te Koopua, a NZD 30 million fund, finances restoration independently of standard compensation (Ruru, 2018). The guardians possess legal standing to initiate proceedings, transforming the river into an active legal agent.

- **India's Three Structural Deficits**

Comparative analysis reveals three critical gaps in India's existing framework.

First, non-derogable ecological thresholds: Ecuador achieves this through constitutional entrenchment, preventing override through proportionality balancing. India's Section 20 creates no such thresholds — all environmental questions become negotiable.

Second, independent guardianship mechanisms: New Zealand's Te Pou Tupua exemplifies this. The NGT possesses no authority to establish comparable bodies.

Third, dedicated ecological restoration financing: New Zealand's Te Koopua provides this. India's framework collects environmental compensation but directs it into general government budgets rather than ecological restoration under guardian supervision.

Until these structural elements exist, Indian environmental adjudication will continue producing ecocentric rhetoric accompanying anthropocentric outcomes. The ecocentric illusion will persist.

Conclusion and Recommendations

The analysis presented in this paper reveals a critical paradox at the heart of Indian environmental jurisprudence. While Indian courts have occasionally invoked ecocentric language and the NGT has demonstrated environmental consciousness in its judgments, the legislative framework within which the Tribunal operates fundamentally constrains the possibility of genuine ecocentric adjudication. This is not a problem that can be resolved through judicial creativity or better

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lawyering. It is a problem embedded in the statutory architecture itself.

Section 20 of the NGT Act 2010, through its mandate of sustainable development, the polluter pays principle, and the precautionary principle, constructs what this paper has termed a "managed harm" regulatory paradigm. Under this paradigm, ecological destruction is not prevented — it is managed, compensated for, and rendered acceptable provided the appropriate balancing exercise demonstrates proportionality. The doctrine of proportionality, progressively deployed by courts in infrastructure-sensitive cases, has systematically subordinated even the precautionary principle to developmental and security imperatives. The Char Dham, Great Nicobar, and Ganga floodplain cases demonstrate this pattern with clarity. The rhetoric of environmental protection coexists with the reality of ecological transformation — what might be called the "ecocentric illusion."

The comparative experience of Ecuador and New Zealand demonstrates that meaningful ecocentric jurisprudence requires three structural elements that India currently lacks. First, non-derogable ecological thresholds — principles that cannot be sacrificed through proportionality balancing. Second, independent guardianship mechanisms — bodies specifically mandated to represent nature's interests rather than balancing ecological concerns against state objectives. Third, dedicated ecological restoration financing — resources deployed under guardian direction for genuine restoration rather than disappeared into government accounts.

This paper therefore recommends three specific legislative reforms.

First, Section 20 of the NGT Act should be amended to incorporate the principles of ecological integrity and non-regression. These principles would establish a floor below which no balancing exercise could descend — ensuring that irreversible ecological harm to ecosystems of recognised ecological significance cannot be justified regardless of developmental or security magnitude. The language should be carefully calibrated to avoid the appearance of judicial overreach while establishing genuine ecocentric thresholds.

Second, legislation should establish an independent Office of Environmental Guardian — modelled on New Zealand's Te Pou Tupua but adapted to India's constitutional structure. This office would be charged with representing designated natural entities of exceptional ecological significance before the NGT, courts, and regulatory bodies. Guardians should be appointed through transparent processes involving civil society and scientific expertise, with security of tenure, independent funding, and explicit statutory mandates prioritising ecological integrity.

Third, a National Ecological Restoration Fund should be created, financed through environmental compensation collected by the NGT, a dedicated levy on infrastructure projects in ecologically sensitive zones, and budgetary allocation. The fund's resources would be deployed under the Environmental Guardian's direction exclusively for ecological restoration rather than serving general government purposes.

These reforms are not radical departures from established legal principle. They represent the minimum necessary adjustments to align India's environmental framework with global ecocentric jurisprudence and with the ecological imperatives confronting Indian society. Without such reform, India's ecocentric turn will remain what it currently is — a powerful illusion, rhetorically compelling but institutionally hollow. The path from illusion to reality requires not only judicial wisdom but legislative will.

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