

HINDUISM, THE LAW, AND THE ENVIRONMENT

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Abstract

Hinduism is the third largest, and possibly the oldest religion in the world. It encompasses a rich and diverse array of beliefs, customs, practices, and philosophies. The relationship between Hinduism, the law, and the environment is intricate and multi-dimensional, influenced by diverse theological, philosophical, and cultural perspectives. Using a qualitative methodology encompassing an analysis of the relevant religious text on Hinduism as well as contemporary data on pertinent environmental issues plaguing the world today, this article seeks to draw a nexus between the ancient religion of Hinduism in the context of modern environmental issues, and explore the diverse ways in which Hindu environmental ethics can impact modern conservation efforts on the preservation of the environment. The findings show that ancient wisdom is still relevant today in our quest to protect and conserve the environment around us.

Keywords: *Hinduism, Religion, Ethics, Environment, Conservation*

I. INTRODUCTION

In the present era, with growing environmental concerns including climate change, loss of biodiversity, pollution, deforestation, food and water scarcity, waste management, and a pressing need for sustainable lifestyles, the intersection of religion and the natural world have gained increasing importance as a subject of study. Religions have the power to influence peoples' views and behaviour.¹ Religions can

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¹ Gregory E Hitzhusen and Mary Evelyn Tucker, 'The Potential of Religion for Earth Stewardship' (2013) 11(7) *Frontiers in Ecology and the Environment* 368, 368.

explain the moral basis for environmental protection and conservation and promote environmentally friendly practices in society.

Hinduism encompasses a rich tapestry of beliefs, customs, practices, and philosophies. The relationship between Hinduism, the law, and the environment is complex and multifaceted, shaped by various theological, philosophical, and cultural perspectives. This article delves into the profound influence of Hinduism on environmental protection and conservation - an area that resonates with both ancient spiritual traditions and contemporary ecological imperatives. The objective of this study is to uncover the diverse roles that Hinduism plays in fostering environmental preservation, elucidating how its principles, sacred texts, and traditions contribute to ecological awareness and sustainable living.

Drawing on selected Hindu scriptures, rituals, customs, and beliefs, this article examines how intrinsic environmental ethics within Hinduism can inform and reinforce modern legal frameworks for environmental protection. It situates these philosophical principles within the broader legal landscape shaped by recent developments, including constitutional recognition of environmental rights in multiple jurisdictions, and landmark climate jurisprudence affirming a universal right to a clean, healthy, and sustainable environment. By scrutinizing the dynamic relationship between Hinduism and environmental preservation, this research seeks to contribute to the broader discourse on the role of religion in safeguarding the planet by integrating ecological awareness with spiritual and cultural beliefs. In particular, it seeks to underscore the enduring relevance of Hindu teachings in the continually evolving ecological context of today.

II. METHODOLOGY, SCOPE AND SIGNIFICANCE OF THIS ARTICLE

This article adopts a qualitative doctrinal research methodology, relying primarily on secondary literature and established scholarly interpretations of Hindu scriptures, philosophical texts, and religious practices. Doctrinal analysis is appropriate here as the article examines (i) religious doctrines and scriptural norms, and (ii) their intersection with contemporary legal and policy frameworks relating to environmental protection.

The paper does *not* undertake linguistic, anthropological, or ethnographic readings of Sanskrit or regional primary texts. Instead, it draws on secondary sources as interpreted by scholars, including classical commentaries by religious scholars, analyses by historians of Hindu traditions, judicial interpretations from Indian courts, and publications or statements issued by Hindu religious bodies. The scriptural references to Hindu texts such as the Vedas, Upanishads, Puranas, Epics, and Smritis, are therefore used in the form in which they have been presented, translated, or interpreted by recognised experts in Hindu studies or by judicial authorities.

This approach is adopted deliberately for two reasons. First, Hindu textual traditions are vast, layered, and orally transmitted across millennia; authoritative interpretation often depends on well-established theological or academic exegesis. Second, the article seeks to relate established interpretations of Hindu teachings to

contemporary issues of environmental law and governance. Hence, doctrinal analysis, supplemented by thematic synthesis of secondary literature, is the most suitable methodological tool.

Where relevant, the paper also incorporates comparative legal analysis, including constitutional provisions, judicial decisions, and international environmental instruments, in order to highlight points of convergence between Hindu ethical principles and modern global environmental law.

It is important to recognise that Hinduism is not a monolithic religious tradition but a highly diverse constellation of beliefs, rituals, sects, and regional practices.² Hindu scriptural material spans more than three millennia and reflects the diverse socio-political contexts in which it was composed, from the Vedic and Epic periods to the later Puranic era.³ Over this long historical evolution, interpretations of these texts have varied significantly across philosophical and theological schools such as Vedanta, Mimamsa, Shaiva, Vaishnava, Shakta, and Smarta traditions.⁴ Given this internal diversity, it is neither possible nor methodologically meaningful to speak of a single, uniform 'Hindu' view on the environment.

In recognition of this diversity, this article adopts a deliberately limited and representative scope. It prioritises widely recognised and mainstream Hindu teachings, particularly concepts such as *dharma*, *karma*, *ahimsa*, reverence for nature, interconnectedness of life, and the sanctity of landscapes that are commonly acknowledged across major Hindu traditions. Localised, marginal, or historically contested practices, including specific forms of animal sacrifice, regional ritual pollution customs, and sect-specific prohibitions, are acknowledged but not examined in detail, as they do not reflect beliefs or practices shared broadly across Hindu communities.⁵

Given the extraordinary breadth of Hindu traditions, the article does not purport to be exhaustive. Instead, it offers a selective, thematically organised analysis of those strands of Hindu thought that have most consistently shaped ecological consciousness and have been most widely explored in scholarship linking Hinduism with environmental ethics. This scoped approach avoids over-generalisation while allowing for meaningful engagement with how broadly accepted Hindu philosophies can reinforce and inform modern environmental governance.

Although there is a growing body of literature examining the relationship between religion and ecology, scholarship that explicitly links core Hindu philosophical principles with modern environmental governance and law remains relatively underdeveloped. Much of the existing work focuses either on descriptive accounts of Hindu cosmology or on normative evaluations of Hindu environmental ethics, without fully exploring their implications for contemporary legal and policy

² See generally, Gavin Flood, *An Introduction to Hinduism* (Cambridge University Press, 1996); Wendy Doniger, *The Hindus: An Alternative History* (Penguin Press, 2009).

³ Ibid.

⁴ Ibid.

⁵ Vasudha Narayanan, 'Water, Wood, and Wisdom: Ecological Perspectives from the Hindu Traditions' (2001) 130(4) *Daedalus, Journal of the American Academy of Arts and Sciences* 179, 181.

frameworks.⁶ This article seeks to contribute new knowledge by integrating several strands of analysis. It offers a doctrinal reading of widely recognised Hindu ethical principles (including *dharma*, *karma*, *ahimsa*, and the unity of *atman* and *brahman*) and considers how these concepts relate to environmental stewardship. It further employs a legal-analytical framework to draw clear parallels between these philosophical ideas and modern developments in environmental jurisprudence, such as the constitutionalisation of environmental rights, judicial recognition of intergenerational equity, the global movement toward granting legal personhood to elements of nature, and emerging norms on biodiversity conservation.

In doing so, the article argues that religiously grounded ecological values can enhance environmental governance, as environmental norms often carry greater persuasive power when they resonate with the spiritual and cultural worldviews of communities. When legal or policy initiatives align with teachings such as the Hindu duty (*dharma*) to protect all living beings, they may cultivate deeper motivation for sustainable behaviour. By bringing these elements together, the article demonstrates that Hinduism offers a rich ethical foundation capable of reinforcing contemporary legal frameworks. It also addresses the broader significance of Hindu philosophical traditions today, showing how they can provide a culturally resonant moral basis for sustainability at a time of global environmental crisis.

III. HINDUISM

Hinduism is one of the oldest known religions in the world, with roots and customs dating back more than 4,000 years,⁷ and possibly even as far back as the Indus Valley civilisation in the 3rd to 2nd millennium BCE.⁸ Discounting people with non-religious affiliation, it is the third largest religion in the world with approximately 1,033,080,000 followers which make up roughly 15% of the world's population, the overwhelming majority of which (approximately 94%) live in India.⁹ The largest populations of Hindus outside India are in Nepal (2% of all Hindus), followed by Bangladesh (1%).¹⁰

⁶ See *ibid*; Christopher Key Chapple and Mary Evelyn Tucker, *Hinduism and Ecology: The Intersection of Earth, Sky, and Water* (Harvard University Press, 2000).

⁷ Amanda Onion et al, 'Hinduism', *HISTORY* (Web Page, 6 October 2017) <<https://www.history.com/topics/religion/hinduism>>.

⁸ Wendy Doniger et al, 'Hinduism', *Britannica* (Web Page, 13 December 2025) <<https://www.britannica.com/topic/Hinduism>> ('Hinduism').

⁹ Worldometer, 'Current World Population', *Worldometers.info* (Web Page, 23 December 2025) <<https://www.worldometers.info/world-population/>>.

¹⁰ Conrad Hackett et al, 'Hindus', *Pew Research Centre* (Web Page, 18 December 2012) <<https://www.pewresearch.org/religion/2012/12/18/global-religious-landscape-hindu/>>.

The term 'Hinduism' itself is relatively new, having been coined by British writers in the first decades of the 19th century.¹¹ The original followers of this religion identified themselves with the specific sects they belonged to such as *Shaivism*, *Vaishnava*, *Shaktism* or *Smarta*.¹² Because the term 'Hinduism' is a name given by the British colonialists, some followers of this religion prefer to refer to it as the 'Vedic religion', or *Sanatana Dharma* (eternal law).¹³ Nevertheless, the term 'Hinduism' has endured till today, and is almost synonymous with India or Indians.¹⁴

In *Sastri Yagnapurushdasji v. Muldas Bhudardas Vaishya*,¹⁵ the Supreme Court of India held as follows:

When we think of the Hindu religion, we find it difficult, if not impossible, to define Hindu religion or even adequately describe it. Unlike other religions in the world, the Hindu religion does not claim any one prophet; it does not worship any one God; it does not subscribe to any one dogma; it does not believe in any one philosophic concept; it does not follow any one set of religious rites or performances; in fact, it does not appear to satisfy the narrow traditional features of any religion or creed. It may broadly be described as a way of life and nothing more.¹⁶

Nevertheless, whilst acknowledging the challenges in conclusively defining 'Hinduism', the Supreme Court accepted the definition of 'Hinduism' coined by Bal Gangadhar Tilak in his book *Gita Rahasya*, thus:

Acceptance of the Vedas with reverence; recognition of the fact that the means or ways to salvation are diverse; and realisation of the truth that the number of gods to be worshipped is large, that indeed is the distinguishing feature of Hindu religion.¹⁷

Hence, Hinduism is unique in that it is not a single religion but a compilation of many philosophies, beliefs, traditions, rituals, customs, laws, traditions, etc. The list of scriptures and texts associated with Hinduism are numerous and manifold. Some of the more important Hindu scriptures and texts include:¹⁸

¹¹ Audrey Truschke, 'Hindu: A History' (2023) 65(2) *Comparative Studies in Society and History* 246, 246.

¹² Ibid 264. See also Onion (n 7).

¹³ Doniger, 'Hinduism' (n 8).

¹⁴ See *Commissioner for Hindu Religious and Charitable Endowments v Ratnavarma Heggade* All India Reporter [1977] (Supreme Court) 1848 (Supreme Court of India). [1966] SCR (3) 242.

¹⁶ Ibid 260–261.

¹⁷ Ibid 265.

¹⁸ 'The Mother Body of All Hindus in Malaysia', *Malaysia Hindu Sangam* (Web Page, 2024)

<<https://www.malaysiahindusangam.org/hinduism/hindu-scriptures/>>.

- (i) the *Vedas*, consisting of the *Rigveda*, *Yajurveda*, *Samaveda* and *Atharvaveda*, which among others, express reverence for the natural world embodied in the five elements of earth, water, fire, air and space.
- (ii) the *Upanishads*, which explore the interconnectedness of all life and the divine. They emphasize the oneness of the self (*atman*) with the ultimate reality (*brahman*), thus recognizing the sacredness of all creation.
- (iii) the Epics such as the *Ramayana*, the *Mahabharata*, and the *Bhagavad Gita*.
- (iv) the *Puranas*, which contain myths and stories about the many deities in Hinduism.
- (v) the *Smritis*, which deal with conduct, behaviour and penance.
- (vi) Hindu laws such as the *Artha Shastra* and the Laws of Manu.¹⁹
- (vii) the *Panchatantra*, a collection of animal fables.²⁰

As can be seen, ‘Hinduism’ defies precise definition. Given the extensive breadth of the foundational scriptures of Hinduism, it is inherently subjective and open to various interpretations. Remarkably, it is this very flexibility that has helped ensure the endurance of this ancient religion over centuries, rendering it still relevant and even desirable in today’s modern world, as its basic concepts cut across myriad disciplines and areas of knowledge. Because it is a religion that is receptive to change and adaptable to diverse ideas from various sources, it has great potential in fuelling the fight towards environmental protection and conservation. Hence, there is growing literature seeking to draw parallels between the role of Hinduism towards environmental governance. Some of the more important Hindu philosophies that can guide future environmental stewardship and policies are discussed below.

IV. HINDU PHILOSOPHIES THAT CAN BE USED FOR ENVIRONMENTAL GOVERNANCE

It cannot be denied that whether directly or indirectly, religion can be a powerful source for environmental conservation and protection. In this regard, the World Commission on Environment and Development acknowledged that ‘our cultural and spiritual heritages can reinforce our economic interests and survival imperatives’.²¹ Many of the underlying philosophies, beliefs, customs, traditions and practices that together form the foundation of Hinduism, are particularly useful in spearheading environmental protection and conservation, as discussed in the paragraphs below.

¹⁹ George James, ‘The Environment and Environmental Movements in Hinduism’ in R. Rinehart (ed), *Contemporary Hinduism: Ritual, Culture, and Practice* (ABC-CLIO, 2004) 341, 351.

²⁰ Urnesha Bhattacharjee, ‘Panchatantra’, *Britannica* (Web Page, 3 April 2024) <<https://www.britannica.com/topic/Panchatantra-Indian-literature>>.

²¹ World Commission on Environment and Development, *Our Common Future* (Oxford University Press, 1987) page 11.

A. *Environmental rights as human rights*

In recent times, there has been more widespread recognition of the fact that environmental rights are closely and inevitably linked and intertwined with human rights; ie that underlying all other rights is first and foremost, the right to a clean and healthy environment.

Starting with the United Nations Conference on the Human Environment 1972 ('Stockholm Conference') which resulted in the *Stockholm Declaration*, it was recognized and proclaimed that 'the protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments'.²² In particular, Principle 2 provides as follows:

Principle 2

The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.

Then came the United Nations Conference on Environment and Development ('UNCED'), also known as the 'Earth Summit', which culminated in the *Rio Declaration*.²³ This global conference concluded for the first time that the concept of *sustainable development* was an attainable goal for all the people of the world. In particular, *Principle 1 of the Rio Declaration* provides that 'Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.' The most recent result of the UNCED Conference is the *2030 Agenda for Sustainable Development* adopted at the United Nations Sustainable Development Summit on 25 September 2015, which provided for 17 Sustainable Development Goals (SDG 17).

On 8 October 2021, the United Nations Human Rights Council adopted Resolution 48/13 at its 48th Session, which recognised the right to a clean, healthy and sustainable environment as a human right. This was swiftly followed by the United Nations General Assembly ('UNGA') adopting Resolution 76/300 at its 76th Session on 28 July 2022.

²² See the Stockholm Declaration on the Human Environment, in Report of the United Nations Conference on the Human Environment, UN Doc A/CONF. 48/14/Rev.1 (1 January 1973) Preamble ('*Stockholm Declaration*').

²³ The UNCED was held in Rio de Janeiro, Brazil, from 3–14 June 1992.

As a result of this, many countries around the world have seen it fit to elevate environmental rights as a constitutional right. For example, the *Constitution of India* provides as follows:

Article 48A. Protection and improvement of environment and safeguarding of forests and wild life

The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

51A. Fundamental duties

It shall be the duty of every citizen of India—

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

Further, the committees for district and metropolitan planning when drafting development plans, are constitutionally obliged to have regard to, among others, ‘sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation’.²⁴

Another example is *Article 24, Chapter 2 of the Constitution of the Republic of South Africa 1996* which provides:

Everyone has the right

- a. to an environment that is not harmful to their health or well-being; and
- b. to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:
 - i. prevent pollution and ecological degradation;
 - ii. promote conservation; and
 - iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

International recognition of environmental rights as human rights can be linked to the Hindu concepts of *dharmā* and *karmā*. The word ‘*dharmā*’ is derived from the root ‘*dhr*’ meaning ‘to sustain’.²⁵ It is often interpreted to mean righteousness, duties, moral values, virtues, the right way of living, etc.²⁶ It is something that is eternal and leads to both materialistic and spiritual success.²⁷ *Dharma* is something that is extremely subjective and individualistic and can change from time to time in

²⁴ See *Constitution of India* (India) art 243ZD, 243ZE.

²⁵ Narayanan (n 5) 181.

²⁶ Ashutosh Awasthi, ‘A Reinterpretation of Hindu Spirituality for Addressing Environmental Problems’ (2021) 12(5) *Religions* 358, 359.

²⁷ *Ibid.*

accordance with changing societal norms and standards. In normal conditions, behaviour that is considered virtuous or righteous include among others, truth, non-violence, helping, sharing, donating, co-operating and volunteering, and these practices are according to *dharma*.²⁸ However, sometimes actions contrary to *dharma* (*adharma*) may still be considered a *dharma*, for example the slaying of Ravana in order to rescue Sita as told in the *Ramayana*. The contrary may also be true, ie actions according to *dharma* may be considered *adharma*, for example donating money to fund a terrorist operation designed to annihilate innocent lives.

Dharma becomes a lot more complicated when considered in a *kutumb* (a group of people bound by a common cause such as family and friends).²⁹ Since the happiness of each member of the group is shared, it is the *dharma* of each member of the group to ensure that other members behave according to their *dharma*. 'Ignoring the actions of others is not according to *dharma* because the consequences are shared among the members of the *kutumb*'.³⁰ This philosophy becomes manifestly complicated by the concept of *Vasudhaiva Kutumbakam* (the whole world is one family) as it requires everyone to monitor everyone's actions to ensure that they act according to *dharma*; a feat which is to all intents and purposes, almost impossible.

Protecting the environment is considered *dharma*, as proclaimed in the *Hindu Declarations on Climate Change*:³¹ 'We have a dharmic duty for each of us to do our part in ensuring that we have a functioning, abundant, and bountiful planet'.

Karma refers to the actions of an individual. The consequences of meritorious karmas (*punya*) are rewarding while the consequences of bad karmas (*papa*) are painful, and must be borne by the individual carrying out the action. 'The credit or debt of actions done' in a previous life can be carried to the next life, as Hinduism also believes in the everlasting 'soul' capable of rebirth and reincarnation.³²

The developments at the international levels are akin to the international community (*Vasudhaiva Kutumbakam*) practicing the *dharma* of protecting and conserving the environment. At the national level (*kutumb*), more countries should embrace the notion of environmental rights as human rights by either constitutionally or statutorily recognising the same. The interconnectedness of the world is as such that environmental governance must be undertaken at all levels, from the international community to national governments; from communities to individuals. In this regard, it may be said that environmental governance is part of one's *dharma*, highlighting the responsibility to care for the Earth and its resources.

28 Ibid.

29 Ibid.

30 Ibid.

31 See 'Hindu Declarations on Climate Change 2009-2015', *International Environment Forum* (Web Page, 8 December 2009) <https://iefworld.org/hindu_cc>. This declaration was presented at the Parliament of the World's Religions in Melbourne, Australia.

32 Ibid.

B. *Inter-generational rights*

Intertwined and closely related to the idea that environmental rights are human rights, is the recognition that environmental rights are inter-generational in nature; in that it transcends beyond our lifetime into the lives of generations yet unborn who will one day inherit the Earth. Thus, the idea that we are merely trustees of the Earth, which means that it is our fervent duty (*dharma*) to safeguard all of nature for the benefit of future generations. Our actions today (*karma*) may determine the fate of future generations.

The concept of the inter-generational nature of the environment is widely gaining recognition and acceptance worldwide. In the legal sphere, this concept is reminiscent of the theory of justice by John Rawls, that the present generation owes a responsibility towards the future generations to safeguard the well-being of nature.³³

Consequently, the preservation of the environment for future generations have been given legal recognition in various jurisdictions around the world. For example, *Article 33 of Bolivia's 2009 Constitution* provides:

Everyone has the right to a healthy, protected, and balanced environment. The exercise of this right must be granted to individuals and collectives of present and future generations, as well as to other living things, so they may develop in a normal and permanent way.

Similarly, *Article 225 of Brazil's Constitution of 1988* provides:

All have the right to an ecologically balanced environment which is an asset of common use and essential to a healthy quality of life, and both the Government and the community shall have the duty to defend and preserve it for present and future generations.

In the Philippines, the Supreme Court of the Philippines has recognised the notion of inter-generational justice and responsibility as a judicially enforceable obligation through the case of *Minors Oposa v Secretary of the Department of Environment and Natural Resources (DENR)*³⁴ decided in 1994. the Philippines Supreme Court recognised that a group of children have the right to uphold environmental rights for themselves and for the benefit of future generations. The court held that the plaintiffs had standing to represent their unborn posterity, and that they had adequately asserted a right to a balanced and healthful ecology:

Rhythm and harmony of nature include, inter alia, the judicious disposition, utilisation, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources to the end that their exploration, development and utilisation be equitably accessible to the present as well as future generations.³⁵

³³ John Rawls, *A Theory of Justice* (Belknap Press, rev ed, 1999) 258.

³⁴ (1994) 33 ILM 173 (Supreme Court).

³⁵ See also Antonio G M La Viña, 'The Right to a Sound Environment in the Philippines:

In 2004, the Supreme Court of Sri Lanka, citing principles from the *Stockholm and the Rio Declarations*, also acknowledged this similar doctrine of inter-generational equity.³⁶

In the United States of America, there is growing litigation by minors holding the government accountable for various alleged environmental transgressions that impede upon their right to a clean and healthy environment which they stand to inherit. For example, very recently, a court in the State of Montana, United States of America struck down the Montana Environmental Policy Act Limitation which prohibited the analysis of greenhouse gas emissions and corresponding impacts to the climate, as unconstitutional.³⁷ The court held that the statute violated the plaintiffs' (consisting of 16 plaintiffs ranging in age from five to 22) right to a clean and healthy environment. It is also reported that in California, a group of 18 children ranging in ages from eight to 17 recently filed a new constitutional climate case in court against the US Environmental Protection Agency, alleging it has harmed children's health and welfare over decades.³⁸

Elsewhere, Greta Thunberg, a Swedish young lady, is internationally renowned as a climate activist, tirelessly campaigning, protesting and advocating for a safer planet amid the climate crisis.³⁹

In Europe, the Dutch Supreme Court in the *Urgenda* case⁴⁰ upheld orders requiring the State to reduce GHG emissions by at least 25% below 1990 levels by the end of 2020, grounding a positive duty of care in the European Convention on Human Rights Articles 2 (right to life) and 8 (right to private or family life). The Court stressed that each state must 'do its part' even if its share of global emissions is relatively small. The remedy left the choice of measures to the political branches but imposed a judicially enforceable reduction floor. In the *Neubauer* case,⁴¹ Germany's Federal Constitutional Court held that parts of the Federal Climate Change Act 2019 were unconstitutional because they postponed major emissions cuts until after 2030,

The Significance of the Minors Oposa Case' (1994) 3(4) *Review of European Community and International Environmental Law* 246.

³⁶ See *Bulankulama v Secretary, Ministry of Industrial Development* [2004] 4 LRC 53.

³⁷ 'Montana Court Rules For Young People In Landmark US Climate Trial', *The Star* (online, 16 August 2023) <<https://www.thestar.com.my/business/business-news/2023/08/16/montana-court-rules-for-young-people-in-landmark-us-climate-trial>>.

³⁸ Ella Nilsen, 'A group of California children sue EPA in federal court, alleging it allows climate pollution to continue despite harms', *CNN* (online, 11 December 2023) <<https://edition.cnn.com/2023/12/11/politics/california-children-epa-federal-court/index.html>>.

³⁹ 'Greta Thunberg: Who is the Climate Activist and What has She Achieved?' *BBC News* (online, 5 February 2023) <<https://www.bbc.com/news/world-europe-49918719>>.

⁴⁰ *Netherlands v Stichting Urgenda*, Hoge Raad [Supreme Court of the Netherlands], ECLI:NL:HR:2019:2007, 20 December 2019.

⁴¹ *Bundesverfassungsgericht* [German Constitutional Court], 1 BvR 2656/18, 1 BvR 78/20, 1 BvR 96/20, 1 BvR 288/20, 24 March 2021.

thereby disproportionately burdening future freedoms (intergenerational equity). The Court required the legislature to set clearer, earlier post-2030 reduction parameters.

Very recently in a unanimous decision, the International Court of Justice provided the most far-reaching judicial affirmation yet of States' legal obligations on climate.⁴² It declared climate change an existential threat, anchored in human rights law, customary international law, and multiple environmental treaties (not just climate-specific instruments). The Court found that state actions or omissions, especially in fossil fuel production, licensing, subsidies, or regulatory failure, can constitute an internationally wrongful act, obliging cessation, non-repetition, and full reparation. It reinforced the customary duties of due diligence and cooperation, and embraced the principle of among others, intergenerational equity.

As can be seen, modern environmental jurisprudence increasingly reflects principles long embedded in Hindu philosophy, revealing a deep convergence between contemporary legal norms and ancient ethical thought. The concept of *dharma* (the moral obligation to act for the collective good) finds a parallel in *Urgenda's* recognition of the State's enforceable duty of care to protect citizens from climate harms. *Karma*, with its emphasis on the long-term consequences of present actions, resonates with *Neubauer's* protection of intergenerational equity and rejection of back-loading emission cuts that shift burdens to the unborn. Finally, the ancient maxim *Vasudhaiva Kutumbakam* (the world is one family) mirrors the International Court of Justice's 2025 Advisory Opinion, which affirms universal obligations of States to cooperate, exercise due diligence, and prevent transboundary environmental damage for the shared benefit of present and future generations.

C. *Legal personality to nature*

In Hinduism, the anthropocentric attitude that the environment must be protected for the benefit of humans, is anathema to the concept of the omnipresence of divinity in all of nature. The fundamental ideals of protecting nature in Hinduism is that nature must be protected for its own intrinsic worth.

Hinduism recognizes the interconnectedness of *all* living beings. Hindu philosophy provides that the ultimate reality of everything is the *brahman*, which is attribute-less, formless, infinite and omnipresent.⁴³ The concept of *brahman* has been described as akin to the scientific concept of nature.⁴⁴ Meanwhile, the true self of an individual is known as *atman*, 'the essence or nature of a living being and the consciousness (or basic functioning) of life'.⁴⁵ The Upanishad⁴⁶ proclaims that 'I (*atman*) am the *brahman*'. Thus, the basic understanding in Hinduism is that there is

⁴² *Obligations of States in Respect of Climate Change (Advisory Opinion)* (International Court of Justice, General List No 187, 23 July 2025) <<https://www.icj-cij.org/case/187/advisory-opinions>>.

⁴³ Awasthi (n 26) 358

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ See *Brihadaranyaka Upanishad "Aham Brahmasmi" mahavakya*, quoted in Arvind Sharma, *Advaita Vedanta: An Introduction* (Motilal Banarsidass Publishing, 2007).

‘no difference between different types of life forms, including humans’.⁴⁷ In other words, every being in this world ‘is in reality an embodied manifestation of the eternal reality’.⁴⁸ In the Bhagavad Gita, Krishna as the Supreme Lord of the universe proclaims:

I am the taste in the waters... the light of the sun and moon. I am the pure fragrance in earth and brightness in fire. I am the life in all beings.⁴⁹

However, human beings are largely unable to grasp the ultimate reality as we are under a veil of ignorance (*samsara*) shrouded by disillusionment (*maya*)⁵⁰ that makes us believe that the world as we know it today is our reality, when it is just an illusion. The ultimate aim of all Hindus is to achieve *moksha*, the realisation that the *atman* is inseparable from the *brahman*. When one achieves this, one is no longer subject to the endless cycle of births and re-births, otherwise known as reincarnation in Hinduism.⁵¹

In short, the concept of the ultimate reality is that *all* life forms are interconnected and share a common spiritual essence (*atman*). This is further made evident from the concept of *Vasudhaiva Kutumbakam*, meaning the whole world is one family, as aptly summarised in the following passage:

We are the birds of the same nest,
We may wear different skins,
We may speak different languages,
We may believe in different religions,
We may belong to different cultures,
Yet we share the same home – our Earth.

Born on the same planet
Covered by the same skies
Gazing at the same stars
Breathing the same air
We must learn to happily progress together
Or miserably perish together,
For man can live individually,
But can survive only collectively.⁵²

This interconnectedness should, in theory, foster a sense of respect and responsibility for all living entities in nature.

⁴⁷ Awasthi (n 26) 359

⁴⁸ P Radharani, ‘Hinduism and Natural Environment’ (2006) 31(4) *Journal of Dharma: Dharmaram Journal of Religions and Philosophies* 497, 498.

⁴⁹ *Bhagavad Gita* 7:8–9, quoted in James (n 19) 351.

⁵⁰ Awasthi (n 26) 359

⁵¹ Ibid.

⁵² Atharvaveda Hymn to the Earth (*Bhumi-Suktam*) Shloka.

In the legal sphere, this is akin to recognising that nature has a legal personality separate and distinct from humans.

The laws have developed tremendously in various jurisdictions around the world, so that rights have been conferred upon nature or certain aspects of nature either through the constitution, ordinary legislation, or case law. The following are some examples of the recognition of legal personality to nature in some international jurisdictions.

1 New Zealand

In New Zealand, the *Te Urewera Act 2014* allowed *Te Urewera* (an ancient piece of land with great spiritual value) to be a legal entity with ‘all the rights, powers, duties, and liabilities of a legal person’.⁵³ Through this act, *Te Urewera* was declared inalienable, save for exceptional circumstances.⁵⁴ The legal personality is a recognition towards the intrinsic value of nature. This is evident through *Section 3 of the Te Urewera Act 2014* which provides:

- (1) *Te Urewera* is ancient and enduring, a fortress of nature, alive with history; its scenery is abundant with mystery, adventure, and remote beauty.
- (2) *Te Urewera* is a place of spiritual value, with its own mana and mauri.
- (3) *Te Urewera* has an identity in and of itself, inspiring people to commit to its care.

Later in 2017, the *Whanganui River*, otherwise known as the *Te Awa Tupua* was declared a legal person through the *Te Awa Tupua (Whanganui River Claims Settlement) Act 2017*.

These Acts nominate representatives from the government and indigenous groups to be the enforcer of rights, and there are procedures to engage parties in the decision-making process.⁵⁵ A vote will be taken if unanimity is considered impractical; but even then, decisions can only be made with a large majority of support.⁵⁶

⁵³ *Te Urewera Act 2014* (NZ) s 11 (*‘Te Urewera’*).

⁵⁴ *Ibid* ss 13, 111.

⁵⁵ *Te Urewera* (n 53) ss 7, 31(1)(b); *Te Awa Tupua (Whanganui River Claims Settlement) Act 2017* (NZ) sch 4 cls 6, 10 (*‘Te Awa Tupua’*).

⁵⁶ The *Te Urewera* Board may make a decision supported by a minimum of 80% of its members, see *Te Urewera* (n 53) ss 33, 34, 36(1)(a); *Te Kōpuka* may make a decision supported by a minimum of 75% of its members, see *Te Awa Tupua* (n 55) sch 4 cls 6, 10.

2 Ecuador

In 2008, Ecuador's Constitution was amended to recognise *Pachamama* (Mother Earth) as a legal personality:

Article 71

Nature...has the right to integral respect for its existence...

All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature...

The State shall give incentives to natural persons and legal entities and to communities to protect nature...

Article 72

In those cases of severe or permanent environmental impact...the State shall establish the most effective mechanisms to achieve the restoration and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences.

The first case where the rights of nature was evoked took place in 2011. In the Ecuadorian Loja Province runs the Vilcabamba River. This area is well known for its climate, extraordinary biological diversity, and is also considered a sacred place: *Vilca* means sacred and *Bamba* carries the meaning of valley.⁵⁷ The local authority commenced an expansion project of the Vilcabamba–Quinara road to ease access without an environmental impact assessment. Two inhabitants of the province submitted a judicial action to halt the road-building project, arguing that the river has legal rights following the new Ecuadorian Constitution. The court ruled in favour of the applicant and ordered the local authority to repair the damage caused by the early stages of construction, affirmed the constitutional rights of the river and applied the precautionary principle, ie until it is objectively demonstrated that a project does not cause environmental damage, the judges are responsible to incline towards immediate protection of the environment.

3 Colombia

In Colombia, the Colombian courts granted legal personality to a river in 2016.⁵⁸ The rights of the river were to be enforced by elected guardians consisting of a number of government entities, non-governmental organisations, and local as well as indigenous

⁵⁷ María Valeria Berros, 'Defending Rivers: Vilcabamba in the South of Ecuador' [2017] (6) *RCC Perspectives* 37, 38.

⁵⁸ *Atrato River Case, Corte Constitucional* [Constitutional Court of Colombia], T-622/16, 10 November 2016.

‘guardians’.⁵⁹ Since then, a number of Colombian courts have recognised ecosystems as legal personalities as well.⁶⁰

4 India

On 20 March 2017, the High Court of Uttarakhand in India declared the Rivers Ganga and Yamuna, including ‘all their tributaries, streams, every natural water flowing with flow continuously or intermittently of these rivers’ as legal entities.⁶¹ The court declared the Ganga and Yamuna Rivers as legal persons based on the status of the rivers as ‘sacred and revered...central to the existence of half the Indian population’.⁶² Based on the notion of guardianship, the court established the Ganga and Yamuna Rivers as minors under the law. The representatives within the State Government, including the Chief Secretary of the State of Uttarakhand, and the Advocate General of the State of Uttarakhand, were identified to act in *loco parentis* for the rivers.⁶³ However, later an appeal was lodged by the State Government of Uttarakhand, with the argument that their responsibilities as guardians were unclear as the rivers extend beyond Uttarakhand, and were subsequently revoked due to cross-boundary issues.⁶⁴

The conferring of legal personality to nature is a step in the right direction towards a holistic protection of the natural environment that is free from pollution, contamination and impurities. This is undoubtedly encouraged in Hinduism, as it forms the basis of Hindu philosophy. In fact, in Hinduism, the Earth is often personified as *Bhumi Devi*, the goddess of the Earth. There are numerous references to Hinduism’s reverence towards Mother Earth:

(i) Earth, in which the seas, the rivers and many waters lie, from which arise foods and fields of grain, abode to all that breathes and moves, may She confer on us Her finest yield.⁶⁵

(ii) The Earth is my mother and I am her child!⁶⁶

(iii) Mother Bhumi, may whatever I dig from you grow back again quickly, and may we not injure you by our labour.⁶⁷

⁵⁹ Elizabeth Macpherson, Julia Torres Ventura and Felipe Clavijo Ospina, ‘Constitutional Law, Ecosystems, and Indigenous Peoples in Colombia: Biocultural Rights and Legal Subjects’ (2020) 9 *Transnational Environmental Law* 3:1–20, 3.

⁶⁰ Ibid.

⁶¹ *Mohd Salim v State of Uttarakhand* [2016] (116) ALR 619 [19].

⁶² Ibid [17].

⁶³ Ibid [19].

⁶⁴ The Ganga river extends through India into Bangladesh.

⁶⁵ *Bhumi-Suktam, Atharvaveda* xii.1.3, cited in ‘Hindu Declarations on Climate Change 2009-2015’, *International Environment Forum* (Web Page, 20 December 2018) <https://iefworld.org/hindu_cc>.

⁶⁶ *Atharvaveda* 12.1.12, cited in ‘Hindu Declarations on Climate Change 2009-2015 (n 65).

This personification emphasizes the sacred nature of the planet and encourages a sense of reverence and care for the environment.

D. *Biodiversity conservation*

At the international level, the United Nations Convention on Biological Diversity ('CBD') was inspired by the world community's growing commitment to sustainable development. It represents a dramatic step forward in the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources.

To date, the CBD has been ratified by 196 nations. Its overall objective is to encourage actions (*karma*), which will lead to a sustainable future (*dharma*). The CBD covers biodiversity at all levels: ecosystems, species and genetic resources. It also covers biotechnology, for example through the *Cartagena Protocol on Biosafety*⁶⁸ and the *Nagoya Protocol on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity*.⁶⁹ In fact, it covers all possible domains that are directly or indirectly related to biodiversity and its development, ranging from science, politics and education to agriculture, business, culture and much more.

In Hinduism, the principle of *ahimsa* (non-violence), is central to Hindu ethics. The Mahabharata provides that non-violence is the highest form of *dharma* (*ahimsa paramo dharma*), and 'lack of malice to all beings in thought, word, and deed; this is the essence of the eternal faith'.⁷⁰ The *Yajurveda* prohibits the killing of animals helpful to all such as bullocks that are useful in agriculture and cows that give milk and calls for the punishment of persons who kill or do harm to such animals.⁷¹ Similarly, the Puranas also discourage the harming or destruction of animals.⁷²

The principle of *ahimsa* extends not only to human interactions but also to the treatment of animals and the environment. Because all living beings reflect the one

⁶⁷ Alliance of Religions and Conservation, *Bhumi Project: Hindu Plans for Generational Change* (Report, October 2009) <<http://www.arcworld.org/downloads/Hindu-9YP.pdf>>.

⁶⁸ The *Cartagena Protocol on Biosafety to the Convention on Biological Diversity* is an international agreement which aims to ensure the safe handling, transport and use of living modified organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health. It was adopted on 29 January 2000 and entered into force on 11 September 2003.

⁶⁹ The *Nagoya Protocol on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity* is an international agreement which aims at sharing the benefits arising from the utilization of genetic resources in a fair and equitable way. It entered into force on 12 October 2014.

⁷⁰ Narayanan (n 5) 180.

⁷¹ R Renugadevi, 'Environmental Ethics in the Hindu Vedas and Puranas in India' (2012) 1(4) *African Journal of History and Culture* 1, 2.

⁷² Ibid 3.

eternal reality, all life is considered sacred, and there is a moral and ethical injunction against injury to all life forms. It is everyone's duty (*dharma*) to protect and conserve all flora and fauna or at the very least, sustainably manage biodiversity.

Biodiversity plays an important role in Hinduism. The popular Lord Ganesha is depicted as a deity with the head of an elephant, Hanuman is known as the Monkey God. In the epic tale of the *Ramayana*, Rama succeeded in rescuing Sita from Ravana with the help of forest animals, especially monkeys.⁷³ The Puranas tell the stories of the gods and the animals associated with each god. These animals are primarily used as a mode of transportation, known as *vahanas* or vehicles.⁷⁴ In this way, Shiva is associated with the bull (*Nandhi*), Parvati with the lion, Indra with the elephant (*Airavata*), Vishnu with the eagle (*Garuda*), Ganesha with the rat (*Mooshika*),⁷⁵ and many more. Further, Vishnu's *avatars* (incarnations) include a fish, a tortoise, and a wild boar.⁷⁶

As a result of the exalted status of animals, coupled with the understanding that all life (including animals) is sacred, many Hindus follow a vegetarian diet. Of particular reverence is the cow, which many Hindus hold sacred and therefore avoid eating, more than any other animal meat. 'Cattle, collectively represented, are depicted in the Vedic literature more often than any other members of the animal kingdom'.⁷⁷ The Laws of Manu discourages the harming of a cow, and the slaughtering of a cow is considered a crime.⁷⁸ The *Atharvaveda* adds that even kicking a cow is a sin.⁷⁹ The Mahabharata states that he who kills a cow lives as many years in hell as there are hairs on the cow's body.⁸⁰

Forests, trees and plants also play significant roles in Hinduism. In the epic tale the *Ramayana*, Rama and Sita are said to have spent their years in exile from Ayodhya in the great forests of India.⁸¹ Similarly, in the epic tale the Mahabharata, the five sons of Pandu are said to have spent their exile in the forest, in the years leading up to the great battle.⁸² In the *Artha Shastra*, there are specific schedules of sanctions imposed for those who destroy trees, groves and forests, suggesting that trees not only had religious significance but were also considered as objects of value.⁸³ The *Matsya Purana* (composed between the fifth to tenth century CE) tells the tale of the goddess Parvati planting and caring for an *ashoka* tree, and also describes a festival for the planting of trees, signifying that tree-planting activities had strong religious support

⁷³ James (n 19) 351.

⁷⁴ Ibid.

⁷⁵ Doniger, 'Hinduism' (n 8).

⁷⁶ Paul Carus, 'The Avatar' [1897] (8) *Open Court Article 2*
<<https://opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=5064&context=ocj>>.

⁷⁷ Frank J Korom, 'Holy Cow! The Apotheosis of Zebu, or Why the Cow is Sacred in Hinduism' (2000) 59(2) *Asian Folklore Studies* 181, 187.

⁷⁸ Ibid.

⁷⁹ 'The Mother Body of All Hindus in Malaysia' (n 18).

⁸⁰ Korom (n 77) 188.

⁸¹ James (n 19) 350.

⁸² Ibid 351.

⁸³ Ibid 350.

during that period.⁸⁴ In another contemporaneous document known as the *Vishnu Dharmamottara*, it is stated that one who plants a single tree will never fall into hell.⁸⁵

Forests were also the dwelling of hermits, religious ascetics and the *rishis*, the sages of the Vedas.⁸⁶ The Buddha is said to have attained *nirvana* whilst meditating under a Bodhi tree.⁸⁷ The importance of trees for spiritual instruction and meditation led to the compilation of the *Aranyakas*,⁸⁸ or forest books, which provided, among others, that no animal or tree was to be harmed near the places where the sages lived. Certain trees and plants still hold religious significance today, such as the *tulsi* plant, the *bilva* tree that is understood to be sacred to Shiva, as well as the *aswattha* that is said to be sacred to Vishnu.⁸⁹

Ayurveda, the traditional system of medicine in Hinduism, emphasizes a holistic approach to health and well-being. Many *Ayurvedic* practices involve the use of natural herbs and plant-based remedies, further highlighting the importance of flora in Hinduism, particularly in preserving its biodiversity and practicing sustainable harvesting.⁹⁰

As mentioned earlier, the cow holds special significance and is revered in Hinduism. Internationally, there is growing acceptance of vegetarianism and veganism as an alternative not only for a healthier way of life, but also for a more sustainable use of resources.⁹¹ It has been reported that meat accounts for nearly 60% of all greenhouse gas emissions from the food production industry.⁹² Out of this, the biggest contributor of greenhouse gas emissions, particularly methane, comes from cattle.⁹³

Therefore, there is certainly something to be said about non-violence (*ahimsa*) towards animals in general, and cows in particular. At the very least, these philosophies help advocate for sustainable practices and oppose activities that harm the environment.

⁸⁴ Ibid 351.

⁸⁵ Ibid.

⁸⁶ Ibid 361.

⁸⁷ Onion (n 7).

⁸⁸ James (n 19) 361.

⁸⁹ Ibid.

⁹⁰ Radharani (n 48) 502.

⁹¹ A D Beardsworth and E T Keil, 'Vegetarianism, Veganism, and Meat Avoidance: Recent Trends and Findings' (1991) 93 *British Food Journal* 4:19–24 <<https://doi.org/10.1108/00070709110135231>>; Maria Mascaraque, 'The Rise of Vegan and Vegetarian Food' (Web Page, 28 March 2021) <<https://www.euromonitor.com/the-rise-of-vegan-and-vegetarian-food/report>>.

⁹² Olivia Milman 'Meat Accounts for Nearly 60% of All Greenhouse Gases from Food Production, Study Finds', *The Guardian* (online, 13 September 2021) <<https://www.theguardian.com/environment/2021/sep/13/meat-greenhouses-gases-food-production-study>>.

⁹³ 'Agriculture and Aquaculture: Food for Thought', *United States Environmental Protection Agency*, (Web Page, October 2020) <https://www.epa.gov/snep/agriculture-and-aquaculture-food-thought>.

V. CONCLUSION

The perspectives on the relationship between Hinduism and the environment can vary among individuals and communities. It is important to acknowledge that the relationship between Hinduism and the environment is dynamic and evolving. Because its exact contours are amorphous, nebulous, and open to various interpretations, it is a religion that is highly receptive to change, and possesses a considerable capability to align itself seamlessly with emerging developments, technology and scientific advances. Ultimately, Hindu ecological principles, when interpreted through widely shared ethical themes, can strengthen global environmental governance by providing culturally grounded moral motivations alongside legal and policy frameworks

It is also important to acknowledge the role of religion in general in safeguarding the planet we live in. Whilst religion may not have the answer to every environmental problem or issue, it can nevertheless ‘help create a self-consciously moral society which would put conservation and respect for God’s creation first, and relegate individualism, materialism, and our modern desire to dominate nature in a subordinate place’.⁹⁴ Religion possesses the potential to serve as a powerful platform for promoting and spreading positive morals, values, standards and behaviours, including those pertaining to environmental ethics. In this regard, religion is the underrated tool we have at our disposal to change ourselves, and in so doing, change the world.⁹⁵

⁹⁴ Onkar Prasad Dwivedi, ‘Satyagraha For Conservation: Awakening the Spirit of Hinduism’ in Roger S Gottlieb (eds) *This Sacred Earth: Religion, Nature, Environment* (Routledge, 2nd ed, 2004) 130–141.

⁹⁵ Adapted from a quote from Mahatma Gandhi which goes, ‘*You must be the change you want to see in the world*’.