FROM EXPLOITATION TO STEWARDSHIP: AN INDIGENOUS TRIPARTITE FRAMEWORK FOR ACHIEVING SDGS 13, 14, AND 15

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ABSTRACT

Today's environmental law has many rules and regulations. But it has one big problem. It treats nature as a thing to be used. It does not treat nature as something with its own value. This thinking has caused long and painful ecological conflicts. The Aravalli mining crisis is one clear example. The Supreme Court's decision in the Vanashakti case is another. Even the United Nations SDGs 13, 14, and 15 have this problem. These SDGs were made to stop environmental damage. But they still treat the environment as a storehouse of resources. They want to save resources for people — now and in the future. In this way, they put economic and social needs above nature. We need a different approach. We need to move away from punishment-based, human-centered models. We need a complete, nature-centered framework instead. The Indian Knowledge System (IKS) offers this alternative. In IKS, nature (Prakriti) is not a resource. It is a living entity. It is essential for maintaining cosmic and moral order (Rita). This paper proposes a 'Triad of Ancient Conservation.' It has three parts. First, the Bhumi Sukta of the Atharvaveda. It creates a moral duty of kinship with the Earth. Second, the Arthashastra of Kautilya. It turns those ethics into real laws. It created sanctuaries and graded penalties for deforestation. Third, Tribal customary laws. These are community-led conservation practices at the grassroots level. This paper connects ancient jurisprudence with modern problems. It uses the 'Living River' judgments of the Uttarakhand High Court as a key example. It shows how IKS can give workable solutions for sustainable environmental governance.

Keywords: Indian Knowledge System, Environmental Jurisprudence, Prakriti, Rita, Atharvaveda, Arthashastra, Tribal Customary Law, Living River Concept, SDG 15.

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1. INTRODUCTION

The world today faces a serious environmental crisis. Forests are disappearing fast. Water is getting polluted. Climate change is out of control. These problems expose a big failure in our current laws.

Modern environmental law has a core assumption. It treats natural resources as property. Someone owns them — the state or no one (res nullius). They are managed and exploited for human benefit. Laws like the Environment (Protection) Act, 1986 set limits. But they still work within a model of 'managed destruction.' They control how much damage is done. They do not create any moral duty to preserve nature.

In this system, conservation has only one purpose. It secures resources for future economic use. That is its only value.

The Indian Knowledge System (IKS) sees things differently. Long before the UN SDGs existed, India had developed complete models of conservation. These models were built into its culture and legal fabric.

Achieving SDG 13 (Climate Action), SDG 14 (Life Below Water), and SDG 15 (Life on Land) requires a change. Ancient Indian eco-centric ethics must be integrated into modern policy.

This paper proposes a tripartite framework. It draws from three sources: the Atharvaveda, the Arthashastra, and Tribal customary laws. The goal is to shift modern law from exploitation to genuine stewardship.

2. THE ETHICAL FOUNDATION: BIO-CENTRIC KINSHIP IN THE ATHARVAVEDA

Modern environmental law debates whether nature can have 'legal personhood.' The Atharvaveda answered this question over three thousand years ago. It did not treat the Earth as an inert resource. It recognised the Earth as a living, sovereign entity.

The Bhumi Sukta (Hymn to the Earth) is in the 12th Kanda of the Atharvaveda. It has 63 verses. It is the philosophical and legal foundation of ancient Indian environmentalism. It treats Prakriti as essential for Rita — the cosmic and moral order that sustains all life.

2.1 The Doctrine of Legal Personhood and Kinship

The Bhumi Sukta begins with a foundational verse:

माता भूमिः पुत्रो अहं पृथिव्याः।[3]

Mātā bhūmiḥ putro ahaṃ pṛthivyāḥ.

"The Earth is my mother, and I am her son."

From a legal perspective, this verse is remarkable. It does not give humanity the right to exploit the Earth. It gives humanity the duty to care for the Earth. The Earth is a mother. You have a duty toward your mother. You do not have a right to exploit her.

This concept is not new or strange. Modern law is now discussing 'Rights of Nature.' The Atharvaveda had already provided a culturally rooted basis for this thousands of years ago.

2.2 The Ancient Mandate for Sustainable Extraction (SDG 15)

The Atharvaveda also gave a remarkably clear rule for sustainable use of land. Verse 35 of the Bhumi Sukta reads:

यत् ते भूमे विखनामि क्षिप्रं तदपि रोहतु।

मा ते मर्म विमृग्वरि मा ते हृदयमर्पिपम् ॥[4]

Yat te bhūme vikhanāmi kṣipraṃ tadapi rohatu |

Mā te marma vimṛgvari mā te hṛdayamarpipam ||

"Whatever I dig from thee, O Earth, may that have quick growth again. O purifier, may we not injure thy vitals or thy heart."

This verse is a powerful critique of modern mining and deforestation. The phrase 'may that have quick growth again' is the ancient equivalent of mandatory ecological restoration. It is

[3] Atharvaveda, Kanda 12, Sukta 1, Mantra 12.
[4] Atharvaveda, Kanda 12, Sukta 1, Mantra 35.

like today's requirement for compensatory afforestation.

The injunction against injuring the Earth's 'vitals' is also important. It establishes the concept of ecological carrying capacity. Beyond this point, human activity becomes an environmental wrong.

Applied to the Aravalli mining crisis, this verse is very relevant. Authorities proposed an arbitrary 'height metric.' They argued that landforms below a certain height are not legally 'hills' or 'forests.' The Atharvaveda would reject this completely. You cannot cut up a living ecosystem into small legal zones based on what is useful for extraction.

2.3 The Sanctity of Flora and Hydrological Reverence

The Atharvaveda also recognises the Earth as the supreme protector of biodiversity. It has special reverence for medicinal plants and forests (Oshadhis and Vanaspatis). By linking the protection of flora to Dharma, it elevates botanical conservation. It is not just a civic duty. It is a supreme moral obligation.

विश्वस्वं मातरमोषधीनां ध्रुवां भूमिं पृथिवीं धर्मणा धृताम् ।[5]

Viśvasvaṃ mātaram oṣadhīnāṃ dhruvāṃ bhūmiṃ pṛthivīṃ dharmaṇā dhṛtām.

Rivers in the Atharvaveda are sacred entities. They are Nadi Mata — river-mothers. This created a strong cultural and legal taboo against polluting water bodies. It was an early form of preventative environmental law.

यस्यां समुद्र उत सिन्धुरापो यस्यामन्नं कृष्टयः संबभूवुः ।

यस्यामिदं जिन्वति प्राणदेजत् सा नो भूमिः पूर्वपेये दधातु ॥[6]

Yasyāṃ samudra uta sindhurāpo yasyāmannaṃ kṛṣṭayaḥ saṃbabhūvuḥ /

Yasyāmidaṃ jinvati prāṇadejat sā no bhūmiḥ pūrvapeye dadhātu //

[5] Atharvaveda, Kanda 12, Sukta 1, Mantra 17.
[6] Atharvaveda, Kanda 12, Sukta 1, Mantra 3.

3. THE STATE AND LEGAL ENFORCEMENT: ENVIRONMENTAL STATECRAFT IN THE ARTHASHASTRA

The Vedic texts gave the moral foundation for ecological harmony. But Kautilya's Arthashastra (4th century BCE) turned those ethics into real law. Kautilya understood one key thing. A state's financial stability depends on the health of its ecology. This idea is very relevant today, in the age of climate-induced economic disruption.

3.1 Classification and Administration of Forests

Kautilyan jurisprudence classified land and forests systematically. Each area had a clear ecological and economic function. The state established Abhayaranyas — literally 'forests of no fear.' These were strictly protected biosphere reserves. Hunting, trapping, and commercial logging were all expressly prohibited inside them.[7]

The Kupyadhyaksha (Superintendent of Forest Produce) had a specific duty. He had to ensure that timber extraction never exceeded the forest's natural regenerative capacity. This is directly parallel to the modern principle of 'sustainable yield.'[8]

Kautilya did not just theorise about ecological responsibility. He institutionalised it within the machinery of the state.

3.2 Penal Codes for Deforestation and Flora Destruction

Modern civil law usually treats environmental damage as a tortious wrong. It attracts monetary compensation. The Arthashastra was different. It classified ecological degradation as a severe criminal offence against the state.

Kautilya prescribed a graded system of penalties measured in Panas. Cutting the tender sprouts of a sacred or fruit-bearing tree attracted a fine of 6 Panas. Severing stout branches attracted 24 Panas. Destroying the main trunk attracted 48 to 96 Panas. Uprooting a tree entirely attracted the middle amercement — 200 to 500 Panas.[9]

[7]R.P. Kangle, The Kautiliya Arthasastra Part II, 145 (Motilal Banarsidass, New Delhi, 2nd edn., 1972).
[8]Id. at 148.
[9] P.N. Sen, General Principles of Hindu Jurisprudence 342–344 (University of Calcutta, 1918).

This graded framework is more sophisticated than many modern environmental fine structures. Today, corporations simply absorb flat-rate penalties as a cost of doing business. The Arthashastra understood that deterrence must match the severity of harm. Modern environmental law has not yet fully implemented this principle.

3.3 Animal Welfare and the Protection of Water Bodies

The Arthashastra also addressed SDG 15 directly. It established a rigorous legal framework against animal cruelty. The Sunadhyaksha functioned as an ancient wildlife warden. Capturing or killing an Avadhya (protected) animal attracted the highest available penalty.[10]

Furthermore, obstructing the natural flow of a river was a punishable offence. Introducing toxic substances into public water reservoirs was also punishable. This anticipates the modern 'polluter pays' principle by more than two millennia.[11]

4. GRASSROOTS IMPLEMENTATION: TRIBAL CUSTOMARY LAWS AND INDIGENOUS CONSERVATION

The Arthashastra built a top-down model of environmental protection. It was anchored in state authority. But there are also micro-level frameworks. Tribal customary laws have historically governed ecological stewardship. They work in remote terrains. These are places far beyond the reach of centralised administration. These grassroots systems can directly help achieve SDGs 13 and 15.

4.1 The Jurisprudence of Sacred Groves and Totemism

One of the most profound expressions of indigenous conservation is the institution of the Sacred Grove. These are known as Orans in Rajasthan and Sarnas in Jharkhand.[12] Research by Madhav Gadgil and V.D. Vartak showed that indigenous religious taboos around these micro-reserves are highly effective conservation tools. They often preserve biodiversity more effectively than formal statutory protected areas.

[10]L.N. Rangarajan, Kautilya: The Arthashastra 389 (Penguin Books, New Delhi, 1992).
[11] Supra note 8, at 215
[12]Madhav Gadgil and V.D. Vartak, "Sacred Groves of India: A Plea for Continued Conservation" 72 J. Bombay Nat. Hist. Soc. 314–320 (1975).

The customary laws of Sacred Groves are strict. Logging and hunting are categorically prohibited. Deterrence is achieved through severe social sanctions. These are administered by the Gram Sabha.

There is also the concept of Totemism. Indigenous communities trace their spiritual ancestry to specific plant or animal species. This inherently regulates over-exploitation. Harming the totem species becomes a grave customary wrong.[13]

4.2 The Bishnoi Paradigm and Sustainable Extraction

The Bishnoi community of Rajasthan is the most striking historical example of community-based ecological governance. Their conservation ethic culminated in the Khejarli Massacre of 1730. In this event, 363 Bishnois sacrificed their lives. They were protecting the Khejri forest from state-sanctioned logging. This shows an environmental ethic where the community itself becomes the ultimate guarantor of ecological security.

Indigenous communities across India also regulate the extraction of Non-Timber Forest Products (NTFPs) strictly. The community ensures that the forest's productive capacity is never depleted beyond its capacity for natural regeneration.[14]

5. EPISTEMOLOGICAL CLASH: WESTERN ANTHROPOCENTRISM VERSUS INDIAN ECO-CENTRISM

To understand the transformative potential of IKS, we must compare it with Western jurisprudential models. These are the models that dominate international environmental law today.

Modern environmental governance is heavily influenced by Enlightenment thought. The most notable influence is John Locke's labour theory of property. Under this theory, nature has no intrinsic value. It becomes valuable only when human labour extracts commercial worth from it. Forests are valuable only as timber. Rivers are valuable only as sources of hydroelectric power or irrigation.

[13] Pankaj Jain, Dharma and Ecology of Hindu Communities: Sustenance and Sustainability 55 (Ashgate Publishing, Farnham, 2011).
[14] Nandini Sundar, Subalterns and Sovereigns: An Anthropological History of Bastar 112 (Oxford University Press, New Delhi, 2nd edn., 2007).

Ramachandra Guha has documented how Eastern ecological thought diverges from this Western tradition of industrial exploitation.[15]

Colonial forestry legislation made things worse. The Indian Forest Acts of 1865 and 1927 entrenched this exploitative epistemology. They criminalised tribal customary laws. They converted bio-centric Abhayaranyas into state-owned timber factories. These factories were designed to fuel imperial industrialisation. The consequences of this rupture are still being litigated in courts across India.

The UN SDGs represent a significant advance in international environmental consciousness. But they still partially operate within this Western framework. The very term 'Sustainable Development' privileges 'development' — understood as economic expansion — over pure ecological preservation.

By contrast, the IKS does not treat the environment as a warehouse of resources. It treats it as an interdependent cosmic web (Rita). In this web, human wellbeing is inseparable from ecological health. Reclaiming this eco-centric jurisprudence is critical for resolving the environmental disputes of this century.

6. CONTEMPORARY RELEVANCE: ANALYSING MODERN ECOLOGICAL CRISES

The fundamental defect of contemporary environmental jurisprudence is its permissive character. Modern law works within a paradigm of 'mitigated destruction.' It tolerates ecological damage. The condition is only that requisite statutory clearances have been obtained. Three contemporary crises show the consequences of this paradigm. They also show the superior utility of the IKS framework.

6.1 The Aravalli Mining Crisis: The Fragmentation of Nature

The ecological degradation of the Aravalli Range is a paradigmatic failure of modern statutory protections. The Aravallis are critical. They function as a climatic barrier. They arrest the eastward advance of the Thar Desert into the National Capital Region. Yet state-sponsored economic interests have persistently sought to fragment this contiguous ecosystem. They

[15]Ramachandra Guha, Environmentalism: A Global History 45 (Oxford University Press, New Delhi, 2000).

exploit legal lacunae to do so. The Supreme Court, across the M.C. Mehta line of cases, has repeatedly struggled to compel state machinery to suppress illegal mining operations.[16]

The reductio ad absurdum of this approach was starkly revealed when authorities proposed an arbitrary 'height metric.' They contended that landforms below a specified elevation did not legally qualify as 'hills' or 'forests.' This approach directly violates the Atharvavedic injunction against injuring the 'vitals or heart' of the Earth.

Under the Arthashastra, an ecosystem is protected on the basis of its ecological function as an Abhayaranya. It is not protected based on arbitrary vertical measurements. The IKS framework does not permit nature to be forced into human-constructed legal taxonomies.

6.2 The Vanashakti Case (2025): Ex Post Facto Clearances and the Limits of Legal Pragmatism

The Vanashakti v. Union of India (2025) case clearly shows the collision between modern economic pragmatism and genuine environmental stewardship. In May 2025, the Supreme Court struck down government notifications permitting ex post facto (retrospective) Environmental Clearances (ECs). It correctly held that the 'polluter pays' principle cannot be perverted into a licence to regularise prior environmental violations. A review bench subsequently recalled this ruling in November 2025. It cited catastrophic financial consequences for significant public and corporate investment.

The contrast with Kautilyan jurisprudence is instructive. Under the Arthashastra, paying a penalty for an environmental offence never regularised the violation. It never permitted continued destruction of an Abhayaranya.

The modern legal system's willingness to extend retrospective clearances reveals a deep epistemological flaw. The 'right to investment' is permitted to override the 'right to environment.' This is precisely the instrumentalisation of nature that the IKS framework categorically rejects.

[16] M.C. Mehta v. Union of India, (2004) 12 SCC 118.

6.3 Hasdeo Arand and Indigenous Stewardship

The conflict in the Hasdeo Arand forests illustrates the tension between state-sponsored corporate exploitation and indigenous customary governance. Hasdeo Arand is a contiguous, biodiversity-rich ecosystem. It is frequently described as the 'lungs of central India.' Yet substantial tracts have been allocated for coal mining. Indigenous communities have persistently asserted that their sacred groves are being obliterated. They also assert that the mandatory consent of the Gram Sabha — required under the Forest Rights Act, 2006 — was bypassed in the clearance process.[17]

This is a direct and continuing violation of indigenous conservation ethics. It violates the community-based stewardship models examined in Section 4. The Gram Sabha's right of Free, Prior, and Informed Consent (FPIC) is the modern statutory expression of a principle that has governed tribal ecological relationships for centuries.

6.4 The 'Living River' Jurisprudence: The Uttarakhand High Court Landmark

The most compelling modern vindication of the IKS's eco-centric approach comes from the Uttarakhand High Court. In 2017, in Mohd. Salim v. State of Uttarakhand[18] and Lalit Miglani v. State of Uttarakhand,[19] the Court declared the rivers Ganga and Yamuna to be legal persons. Their tributaries, glaciers, and associated ecosystems were included. These entities now possess all corresponding rights, duties, and liabilities.

The Court's reasoning profoundly echoed the Vedic jurisprudence examined in Section 2. It acknowledged the deep spiritual faith of the Indian people. It acknowledged the historical recognition of rivers as life-giving maternal entities (Nadi Mata). In doing so, it effectively resurrected the Atharvavedic concept of natural personhood.

The 'Living River' doctrine shatters the Western anthropocentric mould. It does not treat water bodies merely as state-owned resources. It bridges the ancient cosmic order (Rita) with modern constitutional rights. It gives rivers the legal capacity to seek redress for their own pollution and depletion. This judgment is the most compelling available blueprint for integrating

[17] N.C. Saxena, Forest Rights and Adivasis in India 142 (Sage Publications, New Delhi, 2021).
[18] Mohd. Salim v. State of Uttarakhand, 2017 SCC OnLine Utt 367
[19] Lalit Miglani v. State of Uttarakhand, 2017 SCC OnLine Utt 559.

traditional eco-ethics into enforceable statutory frameworks.

7. POLICY RECOMMENDATIONS FOR RESTORATIVE ENVIRONMENTAL JUSTICE

To bring India's legal framework into substantive alignment with the SDGs through the lens of the IKS, this paper advances three interlocking policy recommendations.

i. Universalising the Legal Personhood of Nature: Building upon the Uttarakhand High Court's Living River jurisprudence, modern environmental law must evolve. It must stop treating nature as property. It must recognise critical ecosystems as legal entities possessing intrinsic rights. This doctrinal shift would transform regulatory agencies. They would no longer be managers of resources. They would become guardians of living systems. This directly implements the Atharvavedic doctrine of kinship examined in Section 2.

ii. Mandatory Integration of Customary Environmental Law: The Environmental Impact Assessment (EIA) process must be legally reformed. It must mandate the inclusion of indigenous customary laws. The Free, Prior, and Informed Consent (FPIC) of Gram Sabhas must become an absolute prerequisite. This requirement must apply to any project within Fifth Schedule areas. This reform would give statutory force to the community-based governance models documented in Section 4.

iii. Transition to Restorative Eco-Penalties: Modern environmental penalties must move decisively beyond financial compensation. They must mirror the proportional and graduated fines of the Arthashastra. They must categorically reject ex post facto regularisation — as was sanctioned in the Vanashakti case. Sanctions must mandate the absolute physical and ecological restoration of degraded land by the offending party. No environmental violation should be financially 'bought out.'

8. CONCLUSION

The relentless pursuit of economic growth has brought humanity to the precipice of climate catastrophe. The United Nations Agenda 2030 calls urgently for sustainable development. But statutory frameworks built upon anthropocentric premises are insufficient to arrest the tide of environmental destruction.

The Indian Knowledge System offers a profound jurisprudential alternative. It is neither utopian nor impractical.

By synthesising the three pillars of the proposed tripartite framework, India possesses a time-tested blueprint for ecological survival. The Vedic texts furnish the foundational moral ontology. The Arthashastra provides institutional and penal architecture. Tribal customary laws supply the decentralised implementation mechanisms that no centralised state can replicate. Together, they constitute a comprehensive system of environmental governance. Modern law can and should draw upon this system.

Integrating this tripartite framework into modern policy is not a regression into antiquity. It is a necessary epistemological evolution. The 'Living River' jurisprudence has already demonstrated that it is constitutionally achievable.

The transition from exploitation to stewardship is not merely an ethical aspiration. It is an existential imperative. It is essential for securing the future of life on Earth. It is essential for giving substantive content to the SDGs that international law has thus far been unable to deliver.