



Editorial

The Journal and Publication Society, School of Law, CHRIST (Deemed to be University), takes pride in placing on record the twentieth issue of the Christ University Law Journal. This issue of the journal comprises researched articles and a book review based on environmental law. The writings are authored by academicians and research scholars. Volume 11, Issue 1 is based on the theme 'Imbibing Eco-centrism in Environmental Law: Scope, Challenges and the Way Forward'.

Law has always been used as a tool to secure human needs and wants. An anthropocentric approach is ingrained in every facet of law, and environmental law is no exception. Unfortunately, the present environmental legal regime has not been able to thwart the degradation of the environment, let alone bring about a paradigm shift in how we humans interact with nature. Environmental Law has been based on the wrong assumption that humans are separate entities living away from nature. By doing so, it has not taken into consideration the intrinsic, inherent value that exists in each and every component and thereby fails to address the real problems that plague Mother Earth. This anthropocentric approach has already caused irretrievable damage to the environment. It is high time that we change this wrong assumption, address real concerns, and bring about the much needed thrust towards framing an eco-centric law that treats humans as a part of nature. To foster this line of thought, one has to delve into its scope, the challenges and possible solutions which could lead to harmonious coexistence between man and nature. The research papers in this issue try to examine various aspects related to environmental catastrophes and suggest possible solutions.

Articles

In the paper titled *German climate legislation on the pathway to the 1.5°C temperature goal?*, Uta Stäsche analyses the German Federal Constitutional Court's order on the deficiencies of the German

Climate Change Legislation while examining the various significant deliberations that the court undertakes and critically analyses certain findings of the court. The author takes a threefold approach, wherein she analyses the 2019 legislation and the constitutional court verdict and looks at the parallels between the German Courts decision and the Urgenda litigation, along with several others around the world. She notes how the German Court's decision was received as epochal by many sectors and also marked a step towards the constitutional recognition of climate protection. The paper further analyses the various advancements in environmental legislation that the Climate Change Act has brought about and its various shortcomings, especially the extraordinary efforts required to reduce CO² emissions, which is also mentioned in the court's decision and reasoning. While highlighting the significant shortcomings in the German Courts decision, especially in not dwelling upon details of actions to be taken by the state, the author examines this in light of a previous decision of the Hoge Raad and considerations of the separation of powers principle. Upon critically analysing the newly amended legislation, she also presents an analysis of significant environmental litigation worldwide and the need for Germany and other such nations to further strive towards lesser dependence on dictatorial regimes for fossil fuels.

In the paper *Eco-Centrism and the Right to Development: Bridging the Dichotomy*, Sairam Bhat & Lianne D'Souza analyse the relationship between the human race and the environment. The paper's central theme highlights the tensions in the human-environment dualism. In the background of environmental norms, at the international and national level, this paper focuses on the understanding of ecological rights vis-a-vis economic gains. It calls for an appraisal of the human-environment interaction from an ecological perspective, which is a radical shift from the standard anthropocentric approach. While highlighting the ratio of T. N. Godavarman Thirumulpad v. Union of India, this paper recognises the intrinsic value of nature and egalitarianism of species in the Indian Environment Jurisprudence. The authors carefully balance the opposing rights of environment and development, stating that collective rights, legal entitlement, human rights and welfare are pillars of those rights and, therefore, could work parallelly for the

viii

ultimate goal of holistic living. The authors have then resolved the dichotomy by pushing the ideals of sustainable development and the underlying jurisprudence of this international collective goal. The paper concludes by redefining the meaning of interspecies equity and natural order. The authors have highlighted the right to development vis-a-vis environment protection through the eco-centric approach. The principal goal of the authors in this paper is to focus on the practical measures for undertaking sustainable development while balancing the rights of other species.

In the paper titled *Role of Courts in Ensuring Water Justice in India: Brasilia Declaration on Water Justice and Beyond*, Gayathri D Naik addresses what is now a nationwide crisis - that of access to water and the role played by the judiciary in conjunction with other arms of government, in alleviating this crisis. The author analyses the Brasilia Declaration on water justice, its implications and lessons for the justice delivery mechanism in toto. In analysing this topic, the author shifts from the traditional rights-duty paradigm, which focuses rather gravely on the obligation of the state, to a justice-based approach, which includes the correction of historical wrongs and enabling procedural justice while also attempting to look beyond mere anthropocentric considerations. Through the paper, the author focuses on the situation in the status quo and the various principles adopted in the convention and their methods of incorporation. She also further elaborates upon Indian jurisprudence over the past few years, which has gradually expanded the constitutional interpretation of the right to water and finally touches upon how the Brasilia principles have recently contributed to the deliberation process in the Indian Judiciary as well.

Ngozi Finette Unuigbo, in the commentary titled, *Rights of Rivers: Learning from the River Whanganui Case*, has delved into the Right of Nature through the illustration of The Te Awa Tupua (Whanganui River Claims Settlement) of 2017. The commentary aims to strike a delicate balance between conservation and economic development by examining the precautionary principle and ideals of sustainable development and the blue economy. Tracing the evolution of the right of nature jurisprudence from the 1965 American case of *Sierra Club v. Morton* to the 2017 New Zealand case of Whanganui River,

the author has highlighted the trajectory. The author stresses that the modern environment law undertakes the inherent responsibilities of the river as if it is a legal person. The author emphasises that the Indian rivers of Yamuna and Ganga have also been treated similarly for an institutional revival of 'aggrieved' rivers. The author concludes by making an urgent appeal for the harmonious co-existence of people and the environment.

The Journal and Publications Society expresses its gratitude to all scholars and reviewers who have contributed to this issue of the journal and solicits their continued patronage and cooperation. We are grateful to the Christ University management, the Center for Publications, the Library personnel and the National Printing Press for extending their support towards our humble mission of making an effective contribution to legal research.

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Issue Editor