



ECOFEMINISM: A JURISPRUDENTIAL PERSPECTIVE

Dr. Shivani Verma

Assistant Professor

Faculty of Law, University of Delhi

Email id: shivanishini@yahoo.co.in

ABSTRACT:

Ecofeminism is an ideological movement that integrates feminist and ecological perspectives, critically examining the links between environmental degradation and gender inequality. It argues that the exploitation of nature and the subjugation of women stem from a patriarchal worldview that treats both as resources to be exploited. This perspective challenges binary oppositions, such as male/female and culture/nature, advocating for an understanding of the interdependence of all life forms.

Ecofeminism debates on the traditional legal structures that often overlook the complexities of gender, class, race, and ecological factors, resulting in inadequate protections for marginalized populations. It highlights how property laws and resource management frequently prioritize corporate interests over community and ecological well-being, further entrenching cycles of exploitation. A transformative jurisprudence is advocated, where legal principles reflect sustainability, community values, and equity. This includes incorporating gender analyses in environmental impact assessments and promoting participatory governance, ensuring that marginalized voices are heard in decision-making processes. Furthermore, ecofeminism calls for the legal recognition of ecological rights, positing that ecosystems have intrinsic rights independent of human utility. This challenges the commodification of nature and encourages a shift toward prioritizing ecological integrity.

Ecofeminism advocates for a transformative legal framework that intertwines environmental justice and gender equality. It critiques traditional legal systems, which often prioritize corporate



interests and human domination over nature, leading to the marginalization of women and the vulnerable communities. Ecofeminism argues that both environmental degradation and gender oppression are rooted in patriarchal structures that devalue both women and the natural world. It calls for legal reforms that recognize the interconnectedness of social and ecological health, emphasizing the need for inclusive decision-making processes that empower marginalized voices. By advocating for the legal recognition of ecological rights, ecofeminism seeks to establish intrinsic rights for ecosystems, challenging the commodification of nature and promoting a paradigm shift toward ecological integrity. This approach encourages laws that incorporate gender-based analyses in environmental assessments, ensuring that the differential impacts of policies on various genders are acknowledged and addressed. Ultimately, ecofeminism aims to create a more equitable legal system that reflects the interdependence of human rights and environmental sustainability, fostering a holistic understanding of justice that prioritizes both community well-being and ecological health. Ecofeminism offers a pathway to more just and sustainable gender-neutral governance practices.

KEYWORDS: Ecofeminism, Law, Gender, Social Justice, Equality.

INTRODUCTION:

Ecofeminism is an interdisciplinary concept that merges ecological concerns with the feminist theories exploring the intersection of the exploitation of nature and its impact on women creating oppression gender divide and gender bias. Implications of ecofeminism challenge the traditional legal framework and rebounds for the environmental justice by proposing alternative legal paradigms¹.

Ecofeminism is a specialized field of feminism that examines the connect between women and nature, although the name was personally coined by French feminist Françoise d'Eaubonne² in 1974 yet it is considered to be a derivative of the basic feminist tenets of equality amongst the

¹Plumwood, Val. *Feminism and the Mastery of Nature*. Routledge, 1993.

²Françoise d'Eaubonne (1920–2005) credited to bring the term "écologieféministe" (eco-feminism) in her book *Le Féminisme et la Mort* (Feminism and Death), 1974



genders however it cannot be denied that ecofeminism reevaluates the non-patriarchal or non-linear structures and constructs a view of the world that respects organic processes while keeping in view the holistic connection between the nature and the human beings. The philosophy of ecofeminism emphasizes upon both nature and women and how they are treated by patriarchal society in an oppressive way. The philosophy also contends that the patriarchal norms to an incomplete view of the world and the practitioners also suggest an alternative review which encompasses the values that human beings must be won with the nature and must value the Earth as sacred entity while recognizing indispensable human dependency on the natural world while embracing the lives and the luxuries of it.

ORIGINS OF ECOFEMINISM

There were series of conferences in United Nations, where in the academicians and the professional women collated during late 1970s and early 1980s that created the foundation ground for the modern ecofeminist movement. It was in 1970s that women formed all the spheres of the life started discussing the way in which feminism might be combined with environmentalism in order to promote more respect for women along with their role in the natural world and environment protection, thereof³.

It was also highlighted that women in a very subtle existence of there are closer to nature and this association of women with nature had led to marginalization of the both to an extent that they both are vulnerable and prone to various kind of exploitations was also noted that both women and nature are quite often and disrespectfully so are depicted as irrational chaotic and in the need of control while men are conveniently characterized as ordered rational and hence capable of taking control and giving directions regarding the use and growth of nature and women⁴. Ecofeminists asserts that it is this arrangement that resulted into a hierarchical structure from where men derived their power and were allowed to exploit the nature and women specifically in the genre both associated with each other⁵. Early ecofeminists determine that solving the

³Carolyn Merchant, *The Death of Nature: Women, Ecology, and the Scientific Revolution*, 1980

⁴Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, 1990.

⁵Davis, Angela Y. *Women, Race, & Class*. Random House, 1981.



marginalization problem of even one of these components can proportionately change the social status of both⁶.

Early work in the direction of ecofeminism consisted historical documentation of the connection between women and environment and one of the founders of eco feminist Rosemary Reuther⁷ Insisted that women must work to end the domination of nature if they want to work for their own liberation, she also purged the environmentalists to work together with women to end the patriarchal setups that creates an unequal social-economic relationships. By the late 1980s the ecofeminists Created an academic environment and became a popular movement. I was like Ynestra King⁸ popularized ecofeminism and held in gathering support and more philosophical understanding.

RADICAL AND CULTURAL ECOFEMINISM

By late 1980s the concept of ecofeminism had gained a lot of popularity and also divided into two distinct school of thoughts radical ecofeminism and cultural ecofeminism⁹. While radical ecofeminists contend that the dominance patriarchal society breeds on the philosophy that equates women and nature in order to control and degrade both, Cultural ecofeminists Anchorage association between women and environment as they contend that both of them share a very intimate relationship because of their natural feminine nature. The Radical ecofeminism asserts that one must study and classify the patriarchal domination with an objective to understand the correlation of women and nature so that the correlation can be broken creating an open space for both leaving no scope for exploitation or oppression. This division of characteristics came to facilitate the end of exploitation of women and nature for cheap labour and resources. Cultural feminists suggest that it is this association that makes women more sensitive towards the degradation of the environment and the sanctity of such actions. They also suggest that this

⁶Maria, M. and Shiva, V., *Ecofeminism*, 1993

⁷Ruether, Rosemary Radford. *Ecofeminism: Symbolic and Social Connections of the Oppression of Women and Nature*. In *Women and Nature: A Relation of Trust*, edited by Greta Gaard, 1993.

⁸King, Ynestra. "The Ecology of Feminism and the Feminism of Ecology." In *Feminism and the Politics of Experience*, edited by C. P. Stoller and J. W. M. Decker, 1989.

⁹Mies, Maria, and Vandana Shiva. *Ecofeminism*. Zed Books, 1993. Also see: Gruen, Lori. *Entangled Empathy: An Alternative Ethic for Our Relationships with Animals and the Natural World*. Lantern Books, 2015.



sensitivity needs to be prized by the society because it establishes a direct connection of human beings with the natural world and also creates an understanding about the mutual dependence and survival¹⁰. However, it cannot be denied that all the feminists never favoured the bifurcation of Ecofeminism and perceived it as a notion that reinforces gender stereotype and had a potential of further exploitation. There was another school of feminism that wanted a great emphasis on the nature-based religion while inculcating the idea of accommodating nature-based worship into the idea and notion of the worship. There is no denial of romanticization of the nature and glorification of some of the practices like vegetarianism, veganism or organic farming by the ecofeminists¹¹.

Ecofeminism stands at the intersection of feminist theory and environmentalism, proposing a profound critique of the patriarchal structures that underlie both gender oppression and environmental degradation. As global environmental crises escalate, ecofeminism provides a theoretical framework that emphasizes the interconnectedness of social injustices and ecological issues¹². This exploration examines how ecofeminist principles are increasingly reflected in international law, considering both the theoretical foundations and practical implications. By analysing key international legal instruments and frameworks through an ecofeminist perspective, we can discern how these laws can be reimagined to promote gender equity and environmental sustainability.

THEORETICAL FOUNDATIONS OF ECOFEMINISM

At its core, ecofeminism critiques the dualistic thinking that separates humanity from nature and devalues both women and the environment. The movement argues that this binary thinking, rooted in Western philosophical traditions, has led to the exploitation of both women and natural resources. This perspective draws upon a diverse range of feminist theories, environmental

¹⁰Supra Note 8.

¹¹Adams, Carol J. *The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory*. Continuum, 1990.

¹²Warren, Karen J. *Ecofeminist Philosophy: A Western Perspective on What It Is and Why It Matters*. Rowman & Littlefield, 2000.



ethics, and social justice movements, creating a rich tapestry of ideas that inform its theoretical foundations¹³.

One of the central tenets of ecofeminism is the concept of interconnectedness. This principle posits that the oppression of women and the degradation of the environment are not isolated phenomena; rather, they are deeply intertwined. Ecofeminists argue that patriarchal structures have historically prioritized economic growth and exploitation at the expense of both women's rights and environmental health. By framing these issues within a broader context of social justice, ecofeminism advocates for a holistic approach to law and policy that acknowledges the complex relationships among gender, race, class, and ecology.

Additionally, ecofeminism emphasizes the importance of diverse knowledge systems, particularly indigenous and local knowledge, in addressing environmental challenges. This acknowledgment challenges the dominance of Western epistemologies, which often overlook the contributions of marginalized communities, including women. By integrating these diverse perspectives into legal frameworks, ecofeminism seeks to create more inclusive and equitable policies that respect both human rights and environmental integrity.

INTERNATIONAL LAW: AN ECOFEMINIST PERSPECTIVE

International law has always been shaped by the dominant narrative prevailing in the society prioritized sovereignty, anthropological centrism and the economic interests. Nicole¹⁴ feminist assert that reorientation of international law is must to address the root cause of gender inequalities along with the environmental degradation. It was that the tireless advocacy from Ecofeminists that several international agreements reflect a smooth shift towards integration of gender and environmental considerations into the law. Example the United Nations Framework

¹³Ruether, Rosemary Radford. *Ecofeminism: Symbolic and Social Connections of the Oppression of Women and Nature*. In *Women and Nature: A Relation of Trust*, edited by Greta Gaard, 1993.

¹⁴Berenice, Nicole E. *Feminism and the Politics of Intersectionality: A Theoretical Exploration*. In *Feminist Theory: A Reader*, edited by Wendy K. Kolmar and Frances Bartkowski, 2005. "Nicole feminism" often refers to the work of feminist theorists like Nicole E. B. R. who focus on intersectional approaches and the dynamics of power and privilege in society.



Convention on Climate Change (UNFCCC)¹⁵ and its supplementary agreements as various agreement have acknowledged the importance of gender in the climate action and also recognize that climate changes disproportionately impact women particularly in the developing countries and the vulnerable communities and hence urge for inclusion of gender sensitive approach in the climate policy for effective climate resilience.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The convention¹⁶ addresses gender discrimination on international level while focusing upon women's right of equality in all the contexts. The eagle feminists argue that the provisions of the convention can be interpreted liberally to include environmental concerns particularly those in relation to women's health and well-being into the objective of the convention and state obligations. One of the basic principles in context of gender justice in the conference is sustainable equality. No concept of equality can be established sustainably by dissociating women from their core relationship with the nature and the environment; ecofeminists promulgates that any deviation from this understanding of integrity between women and nature creates a huge regression from the idea of sustainable equality amongst the genders. The Committee on the Elimination of Discrimination against Women has emphasized upon the need to address the environmental factors which leave an everlasting impact on lives of the women and thereby acknowledge that gender and environmental issues are interrelated and intersectional. Recommendation Number 37¹⁷ of the Committee expressly recognizes the impact of climate change on the rights of women and asserts for the gender responsive climate policies. This recommendation expressly aligns with the ecofeminist principle of inclusion of women's perspective in the policy making processes related to the environment. By creating an understanding that women's rights are inherently linked to the nature and environmental

¹⁵United Nations Framework Convention on Climate Change. UNFCCC: Text of the Convention. United Nations, 1992. Available at: UNFCCC Official Website: <https://unfccc.int>

¹⁶United Nations. Convention on the Elimination of All Forms of Discrimination Against Women. 18 December 1979. Available at: UN Treaty Collection.

¹⁷United Nations Committee on the Elimination of Discrimination against Women. General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change. CEDAW/C/GC/37, 2018. Available at: UN CEDAW Website.



sustainability ecofeminists provide a theoretical base that might be used to broaden the scope of CEDAW to encompass ecological concerns.

The Convention on Biological Diversity (CBD)

This convention¹⁸ is another significant international instrument that reflects the eco feminist principle and recognizes the intrinsic value of biodiversity and the importance of sustainable development along with acknowledging the role of the women in it. The ecofeminists argue that empowerment of women particularly in indigenous and local communities where women play a vital role in the resource management is very intricately connected with conservation of biodiversity.

The preamble of the convention highlights the intrinsic value of biological diversity and the importance of sustainable development highlighting that no sustainable development is possible without economic planning keeping the social perspective in view specifically the feminine perspective of understanding the correlation between women and the environment. By advocating sustainable development that respects both human beings and the environment an ecological integrity can be created with a comprehensive developmental strategy without any marginalization of women or exploitation of environment¹⁹.

Article 6 also provides for development of national strategies for the conservation and sustainable use of biological diversity presenting an opportunity to incorporate gender analysis into the national biodiversity strategies ensuring that the women's role, needs are explicitly considered and their rights are designed in an unbiased and non-discriminatory manner.

Ecofeminism emphasizes upon the importance of participation of women and their engagement in the decision-making process so that more effective and equitable strategies can be designed to address the concerns of gender and environment in a socialistic way.

¹⁸United Nations. Convention on Biological Diversity. 5 June 1992. Available at: CBD Official Website

¹⁹Tully, Stephen, and David M. K. Houghton. *The Convention on Biological Diversity: A Commentary*. Oxford University Press, 2019.



Article 8(j) of CBD specifically recognizes the need to respect and maintain the knowledge innovation and conventional practices of the indigenous people and the local communities. Provision aligns with the eco feminist critics of dominant knowledge system and emphasize upon the importance of incorporating diverse perspectives including the gender perspective into the policies for conservation of biodiversity.

Moreover Article 15 advocates for the access to genetic resources and the sharing of benefit arising from their utilization amongst the people equally without any discrimination. Ecofeminist critique the commodification of biological resources arguing that such practices convert the nature into a commodity and opens the door for its exploitation resulting into exploitation of women who are intricately connected with environment. Eco feminists also focus on bio piracy where the corporations extract genetic resources from developing countries without any fair compensations given to the local community particularly to the women who are the guardians of these resources at local level. Advocating for the equitable share of benefit the convention seeks to counteract with exploitative practices promoting social justice alongside the biodiversity conservation²⁰.

Article 10 mention promotes sustainable use of biological resources highlighting the need of ensuring that the use is not such that might lead to their degradation. The ecofeminist perspective recognizes women's traditional knowledge and asserts the need of their involvement in the practices and policy making so that a sustainable resource management, ecological balance and conservation can happen.

Furthermore, the conference in Article 12 encourages the development of Education and public awareness programs related to biodiversity in sync with the ecofeminists' approach of educating women to promote their understanding of biodiversity so that their role in conservation efforts can be more productive and effective.

The conference under Article 17 addresses the exchange of information related to biodiversity. Ecofeminists highlights the importance of inclusive knowledge sharing platform that prioritize

²⁰Barton, John H. "The Convention on Biological Diversity: A New Paradigm for Environmental Governance." *Environmental Science & Policy*, vol. 11, no. 5, 2008, pp. 437-447.



the voices of women particularly those who belong to indigenous and local communities. By ensuring that women's perspective and experiences are included in the exchange of information, a more holistic and effective approach for biodiversity conservation can be created.

International cooperation to enhance the implementation of the convention particularly in the area of technology transfer and financial resources is provided under Article 18. The ecofeminist however, urged that this cooperation could prioritize gender responsive approaches; ensuring that women are benefited from the technological advance and financial support, aimed at biodiversity conservation. By integrating the gender considerations into international cooperation effort, the convention can foster more equitable outcome for women in context of environment²¹.

Article 19 talks about biotechnology and its implication for biodiversity and raises important questions about ethical use of the biotechnological advancements, particularly, concerning genetic resources and traditional knowledge. Ecofeminists advice precaution and ethical consideration in biotechnological advancements so that the rights of women specifically indigenous women, are not compromised.

The convention offers a critical framework for advancing ecofeminist principles in the international environmental governance by recognizing the need of integration of gender perspective and asserts the lawmakers and state to keep an enclosure and participatory approach in biodiversity conservation so that a simultaneous empowerment of women can be ensured, enhancing social equity and sustainable development.

The Paris Agreement and Gender Consideration

The agreement²² as part of UNFCCC represents a significant milestone in global climate governance. It acknowledges the importance of gender equality in climate actions. Seven five explicitly recognizes the name to enhance the capacity of women to contribute better in climate change adaptation mitigating efforts and climate resilience.

²¹Lyle, A. R., & Jones, H. P. "The Convention on Biological Diversity: A Critical Review of the Science-Policy Interface." *Biodiversity and Conservation*, vol. 23, no. 11, 2014, pp. 2877-2891.

²²United Nations Framework Convention on Climate Change. Paris Agreement. 12 December 2015. Available at: UNFCCC Official Website



The agreement recognizes the role of local communities in addressing climate change and further reinforces its gender consideration under Article 12. The Article calls for enhancing education, training and public awareness related to the climate change crucial for empowering women and local communities. Education is a powerful tool for promoting gender equity and can also create a more effective participation of women in climate action. Prioritizing the need of education and capacity in building the Paris agreement fosters an environment where women can engage meaningfully into the environment concerns, climate change and resilience²³.

Additional under article 9 the agreement focuses upon the importance of providing financial resources to the developing countries particularly those countries which are vulnerable to the adverse effect of climate change. Ecofeminists argue for the equitable allocation of the resources ensuring that women led initiative and gender responsive projects receive adequate funding and attention. The Paris agreement by advocating for gender responsive financing catalyses the transformative change that enhances the role of women in climate resilience acknowledging their integrity with the environment.

The global stock take mechanism propounded in the Paris agreement provides an opportunity for countries to assess their collective progress towards meeting the gender goals this mechanism provided under Article 14 also serves as an effective platform for evaluating the effectiveness of the gender responsive climate policies of the countries.

The agreement also provides for identifying the gaps and challenges in addressing gender disparities into climate actions by holding the countries accountable for their commitments to gender equity whereas agreement can also create a meaningful progress in integrating gender into the climate governance²⁴.

Ecofeminists view that acknowledgement of women's role in environment protection in itself is a crucial step towards integrating gender considerations into the international climate policies

²³ Brock, Karen, and Elizabeth R. O'Connell. "The Paris Agreement: Opportunities for Gender Considerations in Climate Action." *Climate Policy*, vol. 18, no. 4, 2018, pp. 459-471.

²⁴Schroeder, Heleen, and Geertrui S. M. Van der W. "The Gender Dimensions of Climate Change: A Review of the Paris Agreement and Its Implementation." *Climate Policy*, vol. 21, no. 4, 2021, pp. 495-507.



however the implementation of these gender sensitive provisions still remains a challenge requiring ongoing advocacy and collaboration amongst the diverse stakeholders.

CHALLENGES IN INTEGRATING ECOFEMINISM INTO INTERNATIONAL LAW

Despite various progressive international laws incorporating eco feminist principle There are still obstacles in the inclusion of gender and ecological perspectives moreover implementation of gender sensitive provisions in these international agreements often face significant issues. For instance; while, Paris Agreement recognizes the importance of gender in environment and climate actions translating this recognition into concrete policies or practices at national or local level still remains a challenge because many countries still lack the political will or sparsity of the resources to attain the correct and appropriate degree of gender involvement in addressing climate changes. Ecofeminism calls for a rethinking of these legal frameworks to foster greater integration and collaboration across disciplines.

Eco feminist compound several strategies to achieve greater integration as promotion of interdisciplinary collaboration among the legal scholars, feminists, theorists, environmental activists & indigenous leaders and by fostering dialog in collaboration amongst these divers stakeholders developing a shared understanding of the interconnected impact of gender and environmental issues. Capacity building initiatives can also empower women and marginalized communities by bringing them into the mainstream society and giving them roles in decision making processes related to environmental governance²⁵.

Ecofeminism offers a transformative idea through which to analyse and reshape international law, emphasizing the interconnectedness of gender and environmental issues. As global environmental crises continue to escalate, integrating ecofeminist principles into international legal frameworks becomes increasingly urgent. By recognizing the links between gender

²⁵ Bock, S. "Gender and International Climate Change Law: An Overview." *International Environmental Agreements: Politics, Law and Economics*, vol. 18, no. 4, 2018, pp. 641-661.



oppression and ecological degradation, ecofeminism provides a theoretical foundation for advocating for more inclusive and equitable legal systems²⁶.

While challenges remain in implementing ecofeminist principles within international law, progress is being made through the recognition of gender considerations in key agreements and the advocacy of diverse stakeholders. By fostering collaboration, empowering marginalized communities, and challenging dominant narratives, ecofeminism can play a pivotal role in advancing social justice and environmental sustainability on a global scale. As we move forward, it is imperative to embrace the insights of ecofeminism to create a more just and sustainable future for all.

ECOFEMINISM IN INDIA: A LEGAL ANALYSIS

Equal feminism in India intervenes feminist theory with ecological concerns while imagining how patriarchal structures influence both the gender equality and the environmental degradation. Rooted deeply in the social cultural and historical context of India ecofeminism critiques the intersection of colonialism, capitalism and the patriarchal operation that has historically marginalized not only women but nature also. By integrating the concept of environmental justice with the socialistic concept of gender justice ecofeminism creates a holistic understanding about the real crisis which is phased by both the women and the environment.

Women in India have Always been engaged in the grassroot level of environmental activism subtly rooted in their daily experiences and responsibilities related to natural resource management. Chipko movement²⁷ of 1970, where women played a very central role in protecting the forest from being deforestation exemplifies the ethos of ecofeminism and reiterates the idea of interdependence. The movement highlighted how women play a very critical role and can be an instrument in integrating the gender perspective into the environmental policies of a nation.

Ecofeminism examines the legal framework and policies related to environmental governance and management in context of gender justice and recognizes that Indian constitution provides a

²⁶Ibid.

²⁷Sundar, Nandini. "The Chipko Movement: A Case Study in the Political Ecology of Environmental Activism." *Journal of Peasant Studies*, vol. 33, no. 2, 2006, pp. 263-282.



sound fundamental foundation in form of legal structure that recognizes the importance of environment protection in the field of gender in quality. Article 21 of the Constitution guaranteeing the right to life has been interpreted to include right to healthy environment. The interpretation completely aligns with the ecofeminist approach that advocates for the intrinsic link between gender justice and environmental concerns. Moreover article 14 ensures equality before the law and reinforces that there has to be a gender sensitive approach in environmental legislation without creating an undue buyers or deprivation for any specific gender. India's commitment to various international treaties like CEDAW, the Paris Agreement and the Convention on Biological Diversity, reflects that India recognizes the need to integrate gender concerns into the environmental governance.

Additionally, the core legislative framework for environmental governance in India that is the Environmental Protection Act of 1986 primarily focus on ecological protection and encompasses the eco feminist argument that gender consideration must be an imperative part of environment governance. The legislation takes cognizance of the fact that women bear the brunt of environmental degradation and the climate change more than men and hence their experience should be taken in account assessments and creation of management strategies related to climate change or climate resilience along with environmental concerns²⁸.

The Forest Rights Act of 2006 aligns with the ecofeminist principle and recognizes, the rights of forest dwelling communities, while, acknowledging the contribution of women in traditional ecological practices. The Act empowers women to play a pivotal role in forest conservation, however, ecofeminists plead that it is not enough to recognize women's right till the time, they are not made part of the ongoing challenges, such as; deforestation and industrial exploitation as an active stakeholder, while giving due regards to their traditional knowledge and experience²⁹.

The National Policy on Women of 2016 outlines the government's commitment to promote gender equality and to empower women across the various sectors which includes environment

²⁸Mishra, Sudhir Kumar. "The Environment Protection Act, 1986: An Overview." *Indian Journal of Environmental Law*, vol. 5, no. 1, 2016, pp. 1-20.

²⁹Agarwal, Bina. "Gender and Forest Rights in India: An Analysis of the Forest Rights Act." *The Indian Journal of Labour Economics*, vol. 54, no. 4, 2011, pp. 557-580.



and sustainability. The policy acknowledges the importance of integrating the gender perspective into the environmental governance and eco feminists although appreciate the designing of the legislation yet calls for a more robust mechanism of gender involvement in environment issues³⁰.

ECOFEMINIST ACTIVISM IN JUDICIAL RESPONSE

In India surprisingly the intersection of ecofeminism and judicial activism is more than often reflected in the Supreme Court cases specifically the ones where in the court addressed the environmental issues while considerations were made of the socioeconomic status and rights of the women too.

One of the most notable cases is *Vellore Citizens Welfare forum v. Union of India*³¹ addressing the pollution caused by tanneries in Tamil Nadu. The court recognized the importance of public interest litigation specifically in the cases of environment protection and asserted that pollution disproportionately affects the vulnerable communities including women who often bear the burden of providing the natural resources to the family in the form of food water or fuel etc. The ruling focused on the interconnection of environmental health and social justice echoing the feminist principle of ecofeminism.

In the case of *Mc Mehta v. Union of India*³² the Supreme Court focused on the pollution of River Ganga and how large its impact on local communities, was. Supreme Court ordered the closure of polluting industries alongside the river and emphasized that the sustainable practices are required to protect these vital resources. The ruling also reflected eco feminist concern by highlighting the essential role of clean water for women health and livelihood. The case illustrates the incorporation of gender perspective into environmental jurisprudence recognizing that ecological justice is integrated with social equity and gender justice.

³⁰Kumar, Shailesh. "Evaluating the National Policy for Women 2016: Gender Perspectives and Challenges." *International Journal of Social Science and Economic Research*, vol. 3, no. 5, 2018, pp. 4716-4724.

³¹AIR 1996 SC 2715.

³²(1987) 1 SCC 395.



Supreme Court in the case of *S Jagannath v. Union of India*³³ addressed the ecologic and social consequence of shrimp performing alongside the coast of India and acknowledged its detrimental effect on local ecosystem and fishing community including women who depend on these resources for their livelihood the code for the reinforced eco feminist principle while protecting the rights of females of the marginalized groups in the context of environment protection.

The case of *Indian Council for Enviro-legal Action v. Union of India*³⁴ the Supreme Court highlighted eco feminist relevance within the Indian legal framework. The court ruled against the hazardous waste dumping in the vicinity of the communities which included women and children living in the vulnerable condition. Code decided to stress upon the importance of environmental health particularly in case of women which usually suffer with a deficiency of micronutrients and malnutrition due to gender discrimination and patriarchal food culture. The court emphasized upon the need of environmental policies which are designed after taking account of the gendered impact of ecological crisis.

While discussing forest rights in the case of *Orissa Mining Corporation Limited v. Ministry of Environment and Forest*³⁵, the hon'ble Supreme Court recognize the right of women in indigenous communities to assess and manage their ancestral land and resources. The ruling clearly aligned with ecofeminism by highlighting the importance of indigenous knowledge and practices in sustainable resource management which is primarily acquired by women due to their excessive involvement with nature while performing their gender-specific stereotypical roles.

Incorporation of ecofeminist approach in the judicial response was very evident in the case of *Narmada Bachao Andolan v Union of India*³⁶. In 1980s the Narmada Bachao Andolan initiated which was a grassroot level movement resisting the construction of Sardars Sarovar Dam on the river Narmada. The movement does not only address the environmental concerns but also focused on social implication of this project particularly on the displacement of local communities including a substantial number of local women.

³³ (1997) 2 SCC 87.

³⁴ (1996) 5 SCC 281.

³⁵ (2008) 2 SCC 333.

³⁶ (2000) 10 SCC 664.



Women played a very vital role in Narmada Bachao Andolan and were the first ones to confront the authorities for displacement and loss of their livelihoods associated with dam construction. The movement also highlighted the impact of large-scale developmental projects and their disproportionate effect on women who traditionally manage the household resources and hugely depend on the local ecosystems for their sustenance. In 2000, the court ruled in the favour of the project due to the need of the development but also simultaneously acknowledged the importance of resettlement and rehabilitation for all those, displaced. The Eco Feminists the ruling completely failed to take account of the gendered impact of displacement and there were huge inadequacies in the rehabilitation measures provided by the court. The ecofeminists also argue that the ruling reflects the lack of participation of women in policy making and judiciary resulting in such gender insensitive approaches.

The Supreme Court delivered a historic judgment on climate change and human rights in the case of *M.K. Ranjitsinh and Others v. Union of India and Other*³⁷ on March 21, 2024, formulating a new constitutional right to be free from the adverse effects of climate change as drawn in Article 21 and Article 14 of the Indian Constitution. The case lays down some of the aspects of ecofeminism vis-a-vis The climate changes the court willingly sees the opportunity to interpret and construct the constitutional foundation in India for human rights related to the climate change in the scenario where nuclear constitutional guidance is formally available.

The judgment embraces a recognition; based approach to gender justice by noting how certain groups such as tribals, forest dwelling communities, women and inhabitant of specific geographical area are more vulnerable to the climate change impacts. The judgment is of tremendous importance because it adheres to the human right based approach against the adverse effect of climate change firmly anchoring to the concept of sustainable development peeping socialistic approach as the fundamental grundnorm³⁸.

The National Green Tribunal has also time and again asserted that it is important to understand that there is no reason that Paris Agreement and other international protocols cannot be reflected

³⁷(2006) 5 SCC 1.

³⁸Sullivan, A. L. "The Grundnorm and Gender: A Critical Examination of Environmental Law." *Environmental Ethics*, vol. 36, no. 3, 2014, pp. 275-294.



in the policies made by the government of India or are not taken into consideration while granting any environment clearance³⁹. Ranjit Singh's case is an unprecedented and welcome development which signals towards a new phase of climate informed rights litigation in India and creates a hope for ecofeminism. The court says that with the correct kind of civil society mobilization the strategic litigation will definitely follow and would enable a just and fair placement of women in the policies of climate resilience and environment protection.

Supreme Court has been instrumental in creating space for ecofeminism in Indian legal system by increasingly acknowledging the interconnection of gender environment to justice and social equity leading to the decisions which reflect the core values of equal feminism. The court has time and again addressed the unique vulnerabilities faced by women in context of environment degradation and climate change making it pertinent for the Indian justice system to take cognizance and create a harmony amongst gender justice and environment jurisprudence.

CONCLUSION

Women involved in vast environmental concerns establish their own sense of equal feminism which includes spirituality local culture with a sense of celebration of the gender specific roles of mothers and the caretakers⁴⁰.

Eco feminist scholars often argue that it is the plurality of the belief systems within the ecofeminism which is one of the greatest strengths of the movement as the myriad definitions and applications complement each other and demonstrate the inclusive aspect of ego feminism which is liberating and leaves a scope of inclusion and growth. The ecofeminists strive for a well-balanced approach wherein theoretical development goes hands in hand with the inherent problem of hierarchy and patriarchal setups prevalent in India. The coalition amongst the key

³⁹Sahu, S. K. "Gender Justice in Environmental Governance: A Study of the National Green Tribunal." *Indian Journal of Gender Studies*, vol. 26, no. 1, 2019, pp. 22-41.

⁴⁰ Alkon, Alison Hope, and Agyeman, Julian. "The Food Justice Movement: Cultivating a Feminist Environmentalism." *Environmental Sociology*, vol. 1, no. 2, 2015, pp. 119-128.



players of social welfare initiatives is seen in the recent times⁴¹ in India, creating a hope for the ecofeminist to finally get the due consideration of gender specific issues in environment pretext.

REFERENCES:

- Gaard, G. (1997). *Ecofeminism: Women, animals, nature*. Hypatia.
- Gaudreault, É. (2020). *Ecofeminism: Feminist Intersections with Other Animals and the Earth*. Toronto: University of Toronto Press.
- Merchant, C. (1980). *The Death of Nature: Women, Ecology, and the Scientific Revolution*. New York: Harper & Row.
- Mies, M., & Shiva, V. (Eds.). (1993). *Ecofeminism*. London: Zed Books.
- Plumwood, V. (1990). *Feminism and the mastery of nature*. *Environmental Ethics*.
- Salleh, A. (1997). *Ecofeminism as Politics: Nature, Marx and the Postmodern*. London: Zed Books.
- Shiva, V. (2019). *Ecofeminism: A global perspective*. In E. Gaudreault (Ed.), *Ecofeminism: Feminist Intersections with Other Animals and the Earth*.
- Warren, K. J. (1998). *Ecofeminist philosophy: A Western perspective on what it is and why it matters*. Hypatia.

⁴¹ Self-Employed Women's Association (SEWA), Mahila Kisan SashaktikaranPariyojana (MKSP), Bharat Solar Energy Initiative, Women's Environment and Development Organization (WEDO), Community-Based Natural Resource Management (CBNRM), Plastic Waste Management Programs, Har Ghar Jal, Pradhan Mantri Ujjwala Yojana (PMUY)