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## THE LEGAL STATUS OF NON-HUMAN ENTITIES: RIVERS, FORESTS, AND THE RIGHTS OF NATURE MOVEMENT

### ABSTRACT

The accelerating ecological crisis has compelled legal systems around the world to reevaluate traditional anthropocentric paradigms and adopt more ecocentric approaches. A prominent and radical shift in this direction is the **Rights of Nature (RoN)** movement, which argues that nature, including rivers, forests, and ecosystems, should be granted legal personhood with enforceable rights. This paper critically examines the legal, philosophical, and jurisprudential dimensions of granting legal status to non-human entities, with a particular focus on rivers and forests. It discusses key global developments, such as the Whanganui River in New Zealand and the constitutional recognition of nature's rights in Ecuador, alongside the Indian judiciary's progressive yet controversial steps in this direction. Through a comparative analysis, the paper aims to explore the transformative potential, legal complications, and future trajectory of integrating nature into the framework of rights and legal standing.

**Keywords:** Rights of Nature, Legal Personhood, Environmental Jurisprudence, Ecocentrism, Rivers as Legal Persons, Forest Rights, Ecological Justice, Indian Environmental Law, Whanganui River, Ganga and Yamuna Judgment, Earth Jurisprudence, Environmental Ethics, Guardianship of Nature, Climate Law, Sustainable Development

### 1. INTRODUCTION

The traditional legal framework treats nature as an object or property, owned and utilized by human beings. However, the worsening climate crisis, large-scale biodiversity loss, and increasing environmental injustice have catalyzed a paradigmatic shift in environmental law. The **Rights of Nature** movement challenges this outdated notion by asserting that nature—rivers, forests, mountains, and even entire ecosystems—possesses inherent rights that deserve legal recognition, much like human beings and corporations.

The purpose of this paper is to explore the evolving **legal status of non-human entities**, particularly focusing on the recognition of **rivers and forests** as legal persons. This involves examining the **moral philosophy, jurisprudence, and practical implementation** of the concept, with a strong emphasis on **Indian legal developments and comparative international perspectives**.

## 1. PHILOSOPHICAL FOUNDATIONS AND THEORETICAL UNDERPINNINGS

### 2.1. From Anthropocentrism to Ecocentrism

Historically, environmental law has been **anthropocentric**, placing human interests at the center of legal and policy decisions. In this framework, nature is protected only to the extent that it serves human purposes—be it economic, recreational, or aesthetic. The **Rights of Nature movement**, however, is grounded in **ecocentric** and **biocentric** worldviews, which argue that nature has intrinsic value independent of human use.

### 2.2. Deep Ecology and Earth Jurisprudence

Philosopher **Arne Naess**'s theory of *deep ecology* proposes that all living beings have an equal right to live and flourish. Legal theorists such as **Cormac Cullinan** and **Thomas Berry** have advanced the concept of **Earth Jurisprudence**, which calls for a legal system rooted in the interconnectedness of all life forms and respect for natural systems.

### 2.3. “Should Trees Have Standing?” – Christopher D. Stone

In his groundbreaking 1972 essay, **Christopher D. Stone** posed a provocative question: “*Should Trees Have Standing?*” He argued for the legal recognition of natural objects as rights-bearing entities, capable of having legal representatives and standing in courts. Stone's work laid the intellectual foundation for the global Rights of Nature movement.

## 1. COMPARATIVE LEGAL APPROACHES: A GLOBAL PERSPECTIVE

### 3.1. Ecuador: A Constitutional Breakthrough

In 2008, Ecuador became the first country to constitutionally recognize the Rights of Nature. **Articles 71 to 74 of its Constitution** state that nature has the right to exist, persist, maintain, and regenerate its vital cycles. This shift has allowed citizens and civil society groups to bring legal action on behalf of nature, leading to landmark rulings where courts have halted projects threatening ecosystems.

### 3.2. New Zealand: Whanganui River as a Legal Person

In 2017, New Zealand passed the **Te Awa Tupua (Whanganui River Claims Settlement) Act**, declaring the Whanganui River a legal person with its own rights and interests. Rooted in **Maori cosmology**, the Act recognizes the river as an ancestor, and appoints two guardians (one from the Crown and one from the Whanganui iwi) to represent the river. This model provides a **biocultural** approach to legal personhood.

### 3.3. Colombia: Rights of the Amazon Rainforest

In **STC4360-2018**, the **Colombian Constitutional Court** recognized the Amazon rainforest as a rights-bearing entity, emphasizing its essential ecological functions and the duty of the state to protect and restore it. This reflects a growing trend of constitutional environmentalism in Latin America.

## 1. INDIAN LEGAL DEVELOPMENTS: TOWARD ECOLOGICAL PERSONHOOD

#### 4.1. Legal Personhood in Indian Jurisprudence

India has a long history of recognizing legal personhood for non-human entities. For instance, **Hindu deities and temples** have long been treated as legal persons capable of owning property and initiating legal action. This doctrinal flexibility laid the groundwork for extending personhood to natural entities.

#### 4.2. *Mohd. Salim v. State of Uttarakhand* (2017)

In a pioneering judgment, the **Uttarakhand High Court** declared that the **Ganga and Yamuna rivers**, along with their tributaries, were “living entities” with the status of legal persons. The Court appointed three state officials as legal guardians to protect and represent the rivers’ interests. This was a significant leap in environmental jurisprudence, attempting to elevate nature’s status in legal discourse.

However, the decision was **stayed by the Supreme Court of India**, citing administrative and legal challenges, such as liability issues and the ambiguity around representation. Nonetheless, the judgment remains a crucial reference point in the Rights of Nature debate in India.

#### 4.3. Recognition of Glaciers and Ecosystems

Following the Ganga-Yamuna ruling, the Uttarakhand High Court extended legal personhood to the **glaciers, forests, meadows, and lakes** in the region, further underscoring the judiciary’s willingness to adopt ecocentric legal models.

### 1. LEGAL IMPLICATIONS AND PRACTICAL CHALLENGES

#### 5.1. Representation and Guardianship

A key challenge in granting legal rights to nature is ensuring effective and ethical representation. Courts have experimented with appointing **guardians** (often government officials), but this raises questions about **conflicts of interest**, accountability, and administrative capacity.

#### 5.2. Liability and Enforcement

Legal personhood opens complex questions about **liability**—can a river be sued for causing floods? More importantly, how do we ensure the **enforceability** of nature’s rights in overburdened legal systems where even human rights face neglect?

#### 5.3. Risk of Symbolic Gestures

Critics argue that legal personhood may be **symbolic without structural support**. Laws and court orders must be backed by policy, finance, and institutional frameworks to ensure genuine environmental protection.

### 1. PROSPECTS AND RECOMMENDATIONS

#### 6.1. Codification through Legislation

Judicial pronouncements should be supplemented with **clear legislative frameworks** that define the rights, responsibilities, and representation of non-human entities. For example, an **Indian Rights of Nature Act** could formalize ecological personhood.

#### 6.2. Indigenous and Local Knowledge

India's diverse indigenous communities have traditionally treated nature as sacred and alive. Legal reforms must integrate **traditional ecological knowledge systems** and empower these communities as custodians of nature.

### 6.3. Global Collaboration and Recognition

There is a need for international cooperation on this front. The **United Nations** could consider adopting a **Universal Declaration on the Rights of Nature**, as has been proposed by several civil society coalitions.

## 1. CONCLUSION

The recognition of rivers, forests, and other natural systems as legal persons represents a **radical and necessary transformation** in environmental law. It reorients legal systems from a resource-exploitation model to one of **reciprocity and stewardship**. While legal personhood for nature poses implementation and conceptual challenges, it is a vital step toward ecological justice and sustainability. As India grapples with severe ecological crises, the Rights of Nature offers a **compelling legal philosophy** aligned with constitutional values, cultural traditions, and the urgent demands of environmental protection.

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