

ECOFEMINISM AND ENVIRONMENTAL JURISPRUDENCE IN INDIA: A CRITICAL ANALYSIS OF LEGISLATIVE FRAMEWORKS

Author:

Devyani Iyer¹ and Dr. Ketan Desai²

Abstract:

This paper examines the intersection of ecofeminism and environmental legislation in India, exploring how legal frameworks interact with the gendered dimensions of ecological conservation and resource management. India has a rich history of grassroots environmental movements, most notably the Chipko movement and the Narmada Bachao Andolan, which were significantly led by women and served as the foundational pillars for ecofeminist discourse in the Global South. Despite these robust movements, the translation of ecofeminist principles into formal Indian legislation remains complex and often contradictory.

The inquiry critiques key Indian environmental laws, such as the Forest Conservation Act (1980) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006), through an ecofeminist lens. While the Forest Rights Act represents a significant step toward recognizing the customary rights of forest-dwelling communities, its implementation often overlooks the specific vulnerabilities and contributions of women who are the primary collectors of non-timber forest products. Furthermore, the analysis addresses how the "Rights of Nature" jurisprudence—exemplified by the Uttarakhand High Court's 2017 ruling granting legal personhood to the Ganga and Yamuna rivers—aligns with or diverges from ecofeminist goals of dismantling patriarchal control over natural resources.

The paper argues that contemporary Indian environmental policy frequently adopts a technocratic and top-down approach that marginalizes indigenous and rural women's traditional knowledge. It proposes a shift toward a "feminist environmentalism" (as conceptualized by Bina Agarwal) that moves beyond essentialist tropes and focuses on the material reality of women's relationship with the environment. Ultimately, the abstract concludes that for India to achieve true environmental justice, its legislative framework must integrate intersectional gender perspectives, ensuring that women are not just seen as victims of ecological degradation but as central stakeholders in environmental governance and decision-making.

Keywords: Ecofeminism, Indian Environmental Law, Chipko Movement, Forest Rights Act, Rights of Nature, Feminist Environmentalism, Environmental Justice, Gender and Environment.

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¹ Phd Scholar, Faculty of Law, Parul University, Wagodia, Email Id: devyani252@gmail.com, Mobile no.999832252

² Associate Professor, Parul University, Wagodia, Email Id:ketan.desai24296@paruluniversity.ac.in, Mobile no.9825467804