

Ecofeminism and Environmental Jurisprudence in India: A Critical Analysis of Legislative Frameworks

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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..

1. Introduction

The intricate relationship between humanity and nature has long been a subject of philosophical and legal inquiry. In recent decades, the emergence of ecofeminism has profoundly reshaped this discourse, positing a fundamental connection between the domination of nature and the oppression of women³. This perspective is particularly salient in India, a nation characterized by both profound ecological diversity and deeply entrenched gender inequalities. India's environmental history is punctuated by powerful grassroots movements, often spearheaded

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³ [Merchant, C. \(1980\). The Death of Nature: Women, Ecology, and the Scientific Revolution. Harper & Row.](#)

by women, which have served as crucial sites for the articulation of ecofeminist principles within the Global South⁴. Movements such as the Chipko Movement and the Narmada Bachao Andolan exemplify women's active roles in protecting their environments, driven by their direct reliance on natural resources for sustenance and livelihood⁵.

Despite this rich legacy of women-led environmental activism, the translation of ecofeminist ideals into India's formal legislative frameworks remains a complex and often contradictory endeavor. Indian environmental jurisprudence has historically navigated between developmental imperatives and rights-based approaches, frequently adopting a technocratic and top-down methodology that can inadvertently marginalize the traditional knowledge and lived experiences of indigenous and rural women⁶. This article undertakes a critical analysis of key Indian environmental laws, including the Forest Conservation Act (1980) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006), through an ecofeminist lens. It also examines the burgeoning

Rights of Nature jurisprudence, as exemplified by the Uttarakhand High Court's 2017 ruling granting legal personhood to the Ganga and Yamuna rivers, to assess its alignment with or divergence from ecofeminist goals. The central argument is that for India to achieve genuine environmental justice, its legislative framework must move beyond superficial gender considerations and integrate intersectional gender perspectives that acknowledge women as central stakeholders in environmental governance and decision-making, rather than merely as victims of ecological degradation. This necessitates a shift towards a "feminist environmentalism," as conceptualized by Bina Agarwal, which prioritizes the material realities of women's relationship with the environment over essentialist interpretations⁷.

This article will proceed by first exploring the foundational grassroots movements that shaped ecofeminist discourse in India. Subsequently, it will delve into the theoretical distinctions between ecofeminism and feminist environmentalism, highlighting their implications for legal analysis. The core of the analysis will then critically examine specific Indian environmental legislative frameworks, assessing their strengths and weaknesses from an ecofeminist perspective. Finally, the paper will discuss the implications of the 'Rights of Nature' jurisprudence and propose pathways toward an intersectional environmental justice framework for India.

⁴ [Shiva, V. \(1989\). Staying Alive: Women, Ecology and Development. Zed Books.](#)

⁵ [\[3\] Agarwal, B. \(1992\). The Gender and Environment Debate: Lessons from India. Feminist Studies, 18\(1\), 119-158.](#)

⁶ [Singh, D. N. \(2023\). Ecofeminism and environmentalism in India: A critique. International Journal Of English and Studies, 5\(10\), 18-27.](#)

⁷ [Agarwal, B. \(1998\). Environmental management, equity and ecofeminism: Debating India's experience. Journal of Peasant Studies, 25\(4\), 1-31.](#)

2. The Genesis: Grassroots Movements as Ecofeminist Pillars

India's environmental narrative is deeply intertwined with a history of powerful grassroots movements, many of which have been significantly led by women. These movements not only championed environmental protection but also laid the groundwork for ecofeminist thought in the Global South, demonstrating the profound connections between women's lives and the health of their environment. Two movements stand out as seminal in this regard: the Chipko Movement and the Narmada Bachao Andolan.

The Chipko Movement

The Chipko Movement, which originated in the Garhwal Himalayas of Uttar Pradesh (now Uttarakhand) in the early 1970s, is perhaps the most iconic example of women-led environmental resistance in India. The movement, whose name literally means "to hug" (the trees), saw local women physically embracing trees to prevent loggers from felling them⁸. While often romanticized as a simple act of tree-hugging, the Chipko Movement was a complex struggle rooted in the women's daily lives and their intimate relationship with the forest. For these women, the forest was not merely a collection of trees but the source of their sustenance: fuel, fodder, water, and medicinal herbs. Deforestation directly threatened their livelihoods and increased their daily burden, forcing them to walk longer distances to collect essential resources⁹.

Ecofeminist scholars have interpreted the Chipko Movement in various ways. Some, like Vandana Shiva, have highlighted the women's¹⁰ inherent connection to nature, viewing their actions as an expression of 'Prakriti' (nature) and a rejection of destructive, patriarchal development models¹¹. This perspective often emphasizes an essentialist link between women and nature. However, other scholars, notably Bina Agarwal, offer a more materialist interpretation. Agarwal argues that the women's participation in Chipko was driven not by an inherent biological connection to nature, but by their material reality as primary gatherers and providers for their families. Their resistance was a pragmatic response to the direct threat deforestation posed to their subsistence economy and their daily lives¹². This distinction between essentialist and materialist readings is crucial for understanding the nuances of ecofeminist discourse in India and its implications for legislative frameworks.

⁸ [Guha, R. \(2000\). The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya. University of California Press.](#)

⁹ [Sharma, N. \(2025\). The Chipko Movement: A Grassroots Environmental Revolution in India. Spanish Journal of Innovation and Integrity, 461.](#)

¹⁰ [\[8\] Shiva, V. \(1988\). Prakriti: The Creative Principle. In Staying Alive: Women, Ecology and Development \(pp. 17-37\). Zed Books.](#)

¹¹ [Agarwal, B. \(1992\). The Gender and Environment Debate: Lessons from India. Feminist Studies, 18\(1\), 119-158.](#)

¹² [\[10\] Patkar, M. \(2004\). The Greater Common Good. LeftWord Books.](#)

Narmada Bachao Andolan (NBA)

The Narmada Bachao Andolan (NBA), or "Save the Narmada Movement," emerged in the mid-1980s as a powerful resistance against the construction of large dams on the Narmada River, particularly the Sardar Sarovar Dam. This movement, led by prominent activist Medha Patkar, brought together adivasis (tribal people), farmers, environmentalists, and human rights activists to protest the displacement of millions and the ecological devastation threatened by the project¹³.

The NBA is a significant case study for ecofeminism due to the prominent role played by women and the gendered impacts of displacement. Women in the Narmada Valley were disproportionately affected by the dam projects. Displacement meant not only the loss of their homes and agricultural lands but also the disruption of their social networks, access to common property resources, and traditional livelihoods. Women, who were often responsible for fetching water, collecting fuel, and managing household resources, faced increased hardships and a greater burden of labor in resettlement colonies¹⁴. The movement's forms of protest, including Jal Satyagraha (standing in water to protest), saw significant participation from women, who articulated their resistance through songs, slogans, and direct action. The NBA effectively challenged the state's developmental paradigm, asserting the Right to Life (Article 21 of the Indian Constitution) of the displaced communities and highlighting the gendered dimensions of environmental injustice¹⁵.

These grassroots movements, while distinct in their contexts and strategies, collectively underscored the critical role of women in environmental conservation and justice in India. They demonstrated that environmental degradation is not gender-neutral and that women, often at the forefront of resource management in their daily lives, are powerful agents of change. Their experiences have profoundly influenced the development of ecofeminist thought in India, prompting a deeper examination of the relationship between gender, environment, and law.

3. Theoretical Framework: Ecofeminism vs. Feminist Environmentalism

The discourse surrounding gender and environment in India has been significantly shaped by two distinct yet often conflated theoretical perspectives: ecofeminism and feminist environmentalism. Understanding the nuances between these frameworks is crucial for a critical analysis of Indian legislative approaches to environmental justice.

¹³ [11] Passantino, E. (2017). *Ecofeminism in India: from the Chipko Movement to the Case of Narmada Valley Development Project*. University of Venice.

¹⁴ [12] Mallick, K. (2025). *Environmental movements of India: Chipko, narmada bachao andolan, navdanya*. Amsterdam University Press.

¹⁵ Warren, K. J. (1990). The Power and the Promise of Ecological Feminism. *Environmental Ethics*, 12(2), 125-146.

Ecofeminism: The Spiritual and Ideological Link

Ecofeminism, as a global movement and academic discipline, posits a fundamental connection between the oppression of women and the exploitation of nature. Proponents argue that both stem from patriarchal systems of thought and social structures that value domination, hierarchy, and control over cooperation and interconnectedness¹⁶. In the Indian context, prominent ecofeminists like Vandana Shiva have articulated this link through cultural and spiritual lenses. Shiva, for instance, draws upon the concept of Prakriti (nature) in Hindu philosophy, portraying it as a living, creative, and nurturing principle often associated with the feminine. She argues that the destruction of nature is a consequence of a Western, patriarchal, and reductionist scientific paradigm that views nature as a resource to be exploited rather than a sacred entity to be revered¹⁷.

Shiva's ecofeminism emphasizes the inherent wisdom of traditional, often women-led, practices in maintaining ecological balance. She views women, particularly those in rural and indigenous communities, as having a special relationship with nature due to their roles as providers and nurturers, making them natural custodians of the environment. This perspective, while powerful in mobilizing resistance against destructive development, has faced criticism for its potential to essentialize women, attributing their environmental consciousness to inherent biological or spiritual qualities rather than their lived experiences¹⁸. Critics argue that such essentialism can overlook the diverse realities of women, homogenize their experiences, and inadvertently reinforce traditional gender roles.

Feminist Environmentalism: The Material Reality

In contrast to the essentialist tendencies sometimes found in ecofeminism, Bina Agarwal proposes feminist environmentalism, a framework rooted in the material reality of women's relationship with the environment. Agarwal critically examines the assumptions of ecofeminism, arguing that the link between women and nature is not primarily ideological or spiritual, but rather stems from the gendered division of labor, property relations, and power structures within society¹⁹.

Agarwal's feminist environmentalism emphasizes that women, especially in poor rural households, often have a more direct and dependent relationship with natural resources (such as forests, water, and land) for their daily subsistence. They are typically the primary collectors of fuel, fodder, and water, and their livelihoods are intimately tied to the health and accessibility of these resources. Consequently, environmental degradation disproportionately affects women, increasing their workload, impacting their health, and exacerbating existing

¹⁶ Shiva, V. (1988). *Staying Alive: Women, Ecology and Development*. Zed Books.

¹⁷ [Agarwal, B. \(1992\). The Gender and Environment Debate: Lessons from India. *Feminist Studies*, 18\(1\), 119-158.](#)

¹⁸ [Agarwal, B. \(1998\). Environmental management, equity and ecofeminism: Debating India's experience. *Journal of Peasant Studies*, 25\(4\), 1-31.](#)

¹⁹ [\[17\] Agarwal, B. \(2005\). The Gender and Environment Debate. In *Political Ecology* \(pp. 211-232\). Taylor & Francis.](#)

gender inequalities²⁰. Their knowledge of local ecosystems is thus experiential, born out of daily interaction and necessity, rather than an inherent feminine trait. Agarwal argues that focusing on these material realities allows for a more nuanced understanding of women's environmental agency and provides a stronger basis for policy interventions that address structural inequalities.

Table 1: Ecofeminism vs. Feminist Environmentalism

Feature	Ecofeminism (e.g., Vandana Shiva)	Feminist Environmentalism (e.g., Bina Agarwal)
Core Link	Ideological, spiritual, inherent connection between women and nature (Prakriti).	Material, socio-economic, rooted in gendered division of labor, property, and power.
Focus	Critique of patriarchy and Western science; spiritual reverence for nature; women as natural custodians.	Critique of structural inequalities; impact of environmental degradation on women's livelihoods; women's experiential knowledge.
Critique Received	Essentialism, homogenization of women's experiences, potential to reinforce traditional gender roles.	Less focus on spiritual dimensions; potential to overlook non-material connections to nature.
Policy Implication	Holistic, spiritual approaches; protection of traditional knowledge; anti-globalization.	Land rights, access to resources, gender-sensitive policies, empowerment in decision-making.

This distinction is vital for analyzing Indian environmental legislation. While ecofeminist narratives have been instrumental in raising awareness and inspiring movements, a feminist environmentalist approach provides a more robust framework for evaluating whether laws genuinely address the specific vulnerabilities and empower the women most affected by environmental issues. It shifts the focus from abstract connections to concrete measures that can alter the material conditions of women's lives and their relationship with the environment.

4. Critique of Legislative Frameworks

An examination of India's environmental laws through the lens of feminist environmentalism reveals a significant gap between legislative intent and on-the-ground reality for women. While some laws have made strides in recognizing community rights, they often fall short of addressing the specific gendered dimensions of environmental management and justice. This section critiques two pivotal pieces of legislation: the Forest Conservation Act (1980) and the Forest Rights Act (2006).

The Forest Conservation Act (1980): A Technocratic Approach

The Forest Conservation Act (1980) was enacted to curb the alarming rate of deforestation in India by restricting the de-reservation of forests and the use of forest land for non-forest purposes. The Act centralized forest governance, transferring power from state governments to the central government and establishing a top-down, regulatory approach to forest management²¹. While the Act's primary goal of conservation is laudable, its

²⁰ [Ministry of Environment, Forest and Climate Change. \(1980\). The Forest \(Conservation\) Act, 1980.](#)

²¹ [Ministry of Environment, Forest and Climate Change. \(1980\). The Forest \(Conservation\) Act, 1980.](#)

implementation has been criticized for its technocratic and exclusionary nature, which often marginalizes the very communities that depend on forests for their survival.

From a feminist environmentalist perspective, the Forest Conservation Act represents a classic example of a legal framework that overlooks the gendered realities of forest use. By prioritizing a state-centric, scientific forestry model, the Act has historically failed to recognize the traditional knowledge and practices of local communities, particularly women. Women, as the primary collectors of non-timber forest products (NTFPs) such as firewood, fodder, medicinal plants, and food, possess a deep, experiential understanding of forest ecosystems. However, the Act's focus on timber and large-scale conservation projects has often led to the exclusion of women from decision-making processes and a disregard for their subsistence needs²². The creation of protected areas and restrictions on forest access under the Act have disproportionately affected women, increasing their workload and making them more vulnerable to poverty and food insecurity.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006)

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006), commonly known as the Forest Rights Act (FRA), was a landmark piece of legislation aimed at correcting the "historical injustice" meted out to forest-dwelling communities. The Act recognizes and vests a range of individual and community rights in forest dwellers, including the right to cultivate forest land, own and dispose of minor forest produce, and manage and protect community forest resources²³.

The FRA is arguably one of the most gender-progressive environmental laws in India. It explicitly provides for joint titles to be issued in the names of both spouses, a significant step in a country where land ownership is overwhelmingly patriarchal. The Act also mandates that at least one-third of the members of the Gram Sabha (village assembly), the primary decision-making body under the Act, should be women²⁴. These provisions have the potential to empower women by giving them secure tenure rights and a voice in forest governance.

However, the implementation of the FRA has been fraught with challenges, and its transformative potential for women has not been fully realized. Several critical gaps remain:

- **Implementation Gaps:** The process of claiming and recognizing rights under the FRA has been slow and cumbersome. Many women, particularly single women and widows, face significant barriers in navigating the bureaucratic hurdles and asserting their claims²⁵.

²² [Tyagi, N., & Das, S. \(2018\). Assessing gender responsiveness of forest policies in India. Forest Policy and Economics, 86, 1-10.](#)

²³ [\[19\] Tyagi, N., & Das, S. \(2018\). Assessing gender responsiveness of forest policies in India. Forest Policy and Economics, 86, 1-10.](#)

²⁴ [FRA Rules Book. \(2007\). The Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Rules, 2007.](#)

²⁵ [FII. \(2026, January 21\). Forest Rights: The Struggles of Savara and Jatapu Women. Feminism in India.](#)

- Tokenistic Participation: While the Act mandates women's representation in the Gram Sabha, their participation is often tokenistic. Patriarchal norms, lack of awareness, and domestic responsibilities often prevent women from actively participating in meetings and influencing decisions ²⁶.
- Neglect of NTFPs: Although the FRA recognizes the right to collect and sell minor forest produce, the focus of implementation has largely been on individual land rights. The rights of women as primary collectors of NTFPs, which are crucial for household income and nutrition, have often been overlooked. Women's control over the processing and marketing of NTFPs remains limited, with men often dominating the more lucrative aspects of the value chain²⁷.
- Community Forest Rights (CFR): The recognition of Community Forest Rights, which are particularly important for women who rely on common resources, has been slow and uneven across the country. The failure to secure CFRs undermines women's collective agency and their ability to manage and protect the resources they depend on.

In essence, while the Forest Rights Act represents a significant legal advance, its effectiveness is hampered by a disconnect between its progressive provisions and the deeply entrenched patriarchal structures that govern rural and tribal societies. A feminist environmentalist analysis reveals that without a concerted effort to address these structural barriers and ensure women's meaningful participation, the Act's promise of environmental justice for all remains unfulfilled.

5. Rights of Nature: A New Frontier or Old Patriarchy?

The concept of "Rights of Nature" jurisprudence has gained increasing traction globally, seeking to extend legal personhood and inherent rights to natural entities. In India, this concept gained prominence with the landmark 2017 ruling by the Uttarakhand High Court in *Mohammad Salim v. State of Uttarakhand*, which declared the Ganga and Yamuna rivers, along with their tributaries, glaciers, and catchment areas, as "living entities" with the status of a legal person ²⁸. This ruling, inspired by similar developments in New Zealand (granting personhood to the Whanganui River), aimed to protect these sacred rivers from pollution and degradation by enabling their representation in legal proceedings through designated guardians.

From an ecofeminist perspective, the "Rights of Nature" jurisprudence presents a complex and often contradictory picture. On one hand, granting legal personhood to rivers can be seen as aligning with certain ecofeminist ideals, particularly those that emphasize the intrinsic value of nature and challenge anthropocentric worldviews. The recognition of rivers as living entities resonates with the spiritual and cultural reverence for nature, often

²⁶ [Zaidi, M. \(2019\). Tribal women's empowerment through the Forest Rights Act, 2006 in southern Rajasthan. Asian Journal of Women's Studies, 25\(1\), 21-42.](#)

²⁷ [Trocaire. \(n.d.\). Ensuring tenure, ecological and livelihood rights of tribal women in Kandhamal, Odisha.](#)

²⁸ [Salim v. State of Uttarakhand, Writ Petition \(PIL\) No. 126 of 2014 \(Uttarakhand High Court, 2017\).](#)

associated with the feminine (e.g., "Mother Ganga"), which is a cornerstone of some ecofeminist thought²⁹. It theoretically provides a legal mechanism to protect nature from exploitation, echoing the broader ecofeminist goal of dismantling patriarchal control over natural resources.

However, a critical analysis through the lens of feminist environmentalism reveals several points of divergence and potential pitfalls:

- Essentialist Tropes vs. Material Reality:** The Uttarakhand High Court ruling, while progressive, heavily relied on the sacred status of the Ganga and Yamuna as "goddesses" and "mothers." While this imagery might resonate culturally, it risks reinforcing essentialist tropes that link women and nature in a spiritual, rather than material, way. As Bina Agarwal argues, such essentialism can obscure the concrete, material impacts of environmental degradation on women and the structural inequalities that perpetuate it³⁰. The "River Goddess" narrative, while seemingly elevating nature, does not inherently address the patriarchal structures that contribute to pollution or the marginalization of women who depend on these rivers for their livelihoods.

- Anthropocentric Guardianship:** The ruling appointed human guardians (e.g., the Chief Secretary of Uttarakhand and the Advocate General) to act in loco parentis (in the place of a parent) for the rivers. This model, while intended to protect, still places humans in a position of paternalistic control over nature, rather than fostering a relationship of equality or mutual respect. It does not necessarily dismantle the hierarchical power dynamics that ecofeminism seeks to challenge³¹. The practical challenges of implementation, including questions of liability and enforcement, further highlight the limitations of this anthropocentric guardianship model.

- Lack of Intersectional Gender Perspective:** The "Rights of Nature" jurisprudence, as articulated in the Uttarakhand ruling, largely overlooks the specific vulnerabilities and contributions of women who live along these rivers. Women are often the first to bear the brunt of water pollution and scarcity, impacting their health, increasing their labor burden (e.g., fetching water from distant sources), and affecting their livelihoods. The ruling, by focusing on the abstract legal personhood of the rivers, failed to integrate an intersectional gender perspective that would address these material realities and empower women as active stakeholders in river governance and protection³².

Ultimately, while the "Rights of Nature" jurisprudence represents an innovative attempt to reframe humanity's relationship with the environment, its alignment with ecofeminist goals in India is tenuous. Without a conscious integration of feminist environmentalist principles that address the material realities of women and challenge patriarchal power structures, such legal innovations risk becoming symbolic gestures rather than transformative

²⁹ [O'Donnell, E. L. \(2018\). At the intersection of the sacred and the legal: Rights for nature in Uttarakhand, India. Journal of Environmental Law, 30\(1\), 1-24.](#)

³⁰ Agarwal, B. (1992). The Gender and Environment Debate: Lessons from India. *Feminist Studies*, 18(1), 119-158.

³¹ [\[28\] Nakazora, M. \(2023\). Environmental law with non-human features in India: Giving legal personhood to the Ganges. South Asia Research, 43\(1\), 1-18.](#)

³² [\[29\] Parihar, G., & Bhullar, L. \(2025\). Reviving India's river goddesses: ecocide, the human right to a healthy environment and rights of nature. The International Journal of Human Rights, 29\(1\), 1-20.](#)

tools for environmental justice. The Supreme Court of India subsequently stayed the Uttarakhand High Court's order, citing practical difficulties in implementation, further underscoring the challenges of translating such abstract legal concepts into effective environmental governance⁺.

6. Toward an Intersectional Environmental Jurisprudence

The critical analysis of India's legislative frameworks and the "Rights of Nature" jurisprudence reveals a persistent challenge: the frequent marginalization of gender-specific concerns within environmental policy. For India to achieve true environmental justice, its legal and policy frameworks must evolve towards an intersectional environmental jurisprudence that moves beyond superficial gender considerations and embraces the material realities of women's relationship with the environment. This requires a fundamental shift in approach, integrating the insights of feminist environmentalism into policy design and implementation.

Moving Beyond 'Victim' Tropes to 'Stakeholder' Integration

Traditional environmental narratives often portray women either as passive victims of ecological degradation or as inherent, essentialist protectors of nature. An intersectional approach challenges both these tropes. It recognizes that women are not a monolithic group; their experiences with the environment are shaped by intersecting identities of caste, class, ethnicity, religion, and geographic location. Furthermore, it emphasizes women's agency and their role as active stakeholders and knowledge-holders in environmental governance³³.

Integrating women as central stakeholders means ensuring their meaningful participation at all levels of decision-making, from local Gram Sabhas to national policy formulation. This goes beyond mere representation and requires creating an enabling environment where women's voices are heard, their traditional knowledge is valued, and their concerns are genuinely addressed. For instance, in the context of the Forest Rights Act, this would entail actively removing patriarchal barriers to women's participation in Gram Sabhas and ensuring that their rights as primary collectors of NTFPs are fully realized and supported through market linkages and value addition³⁴.

Integrating Bina Agarwal's Materialist Focus into Law

Bina Agarwal's framework of feminist environmentalism provides a robust theoretical foundation for this shift. By focusing on the material reality of women's lives – their gendered division of labor, their access to and control over resources, and their vulnerability to environmental degradation – policy can be designed to address root causes of injustice. This means:

- **Secure Land and Resource Rights:** Ensuring secure individual and community land and forest rights for women, including joint titles and equitable access to common property resources. This empowers women economically and enhances their capacity for environmental stewardship.
- **Gender-Sensitive Environmental Impact Assessments (EIAs):** Conducting EIAs that explicitly analyze the differential impacts of development projects on women and men, and incorporating gender-disaggregated data and women's perspectives into project design and mitigation strategies.

³³ [Supreme Court of India. \(2017\). State of Uttarakhand v. Mohammad Salim, SLP \(C\) No. 013799/2017.](#)

³⁴ [Agarwal, B. \(2013\). Gender perspectives on environmental action: issues of equity, agency, and participation. In Transitions Environments Translations \(pp. 211-232\). Taylor & Francis.](#)

• **Support for Women's Traditional Knowledge:** Recognizing and integrating women's traditional ecological knowledge into conservation and resource management plans. This includes supporting women-led initiatives in sustainable agriculture, water management, and biodiversity conservation.

Policy Recommendations

To operationalize an intersectional environmental jurisprudence, several policy recommendations are crucial:

1. **Strengthening FRA Implementation:** Prioritize the effective implementation of the Forest Rights Act, with a specific focus on ensuring women's joint titles, their active and meaningful participation in Gram Sabhas, and the recognition of their rights over NTFPs and Community Forest Resources.
2. **Gender Mainstreaming in Environmental Governance:** Mandate gender mainstreaming across all environmental ministries and agencies, ensuring that gender analysis is an integral part of policy formulation, program design, budgeting, and evaluation.
3. **Decentralized and Participatory Governance:** Promote decentralized environmental governance structures that empower local communities, particularly women, to manage their natural resources. This includes strengthening the capacity of women's self-help groups and community-based organizations.
4. **Legal Aid and Awareness:** Provide accessible legal aid and conduct extensive awareness campaigns to inform women about their environmental rights and how to assert them effectively.
5. **Addressing Climate Change with a Gender Lens:** Develop climate change adaptation and mitigation strategies that explicitly consider the gendered impacts of climate change and empower women as agents of climate action.

By adopting these measures, India can move towards a legislative framework that not only protects its environment but also ensures that the benefits and burdens of environmental management are equitably shared, fostering a truly just and sustainable society.

7. Conclusion

India's journey towards environmental justice is a complex tapestry woven with threads of rich grassroots activism, diverse theoretical interpretations, and evolving legislative frameworks. The abstract of this paper highlighted the critical intersection of ecofeminism and environmental jurisprudence in India, emphasizing the often-contradictory translation of ecofeminist principles into formal law. This critical analysis has underscored that while India boasts a powerful history of women-led environmental movements like Chipko and Narmada Bachao Andolan, the legislative response has frequently fallen short of truly integrating intersectional gender perspectives.

We have seen how the Forest Conservation Act (1980), despite its conservationist intent, adopted a technocratic approach that marginalized women's traditional knowledge and exacerbated their vulnerabilities. The Forest Rights Act (2006), while progressive in its recognition of individual and community rights and its provisions for joint titles and women's representation, continues to face significant implementation challenges rooted in patriarchal structures and bureaucratic inertia. Furthermore, the "Rights of Nature" jurisprudence, exemplified by the Uttarakhand High Court's ruling on the Ganga and Yamuna rivers, while symbolically powerful, risks reinforcing essentialist tropes and anthropocentric guardianship, thereby failing to address the material realities of women's relationship with the environment.

The distinction between ecofeminism (often characterized by an essentialist link between women and nature) and feminist environmentalism (which emphasizes the material, socio-economic basis of women's environmental

engagement, as conceptualized by Bina Agarwal) is paramount. It is the latter, a focus on the lived experiences, gendered division of labor, and unequal access to resources, that offers a more robust framework for achieving environmental justice in India. For the nation to move forward, its legislative and policy frameworks must actively dismantle patriarchal barriers, ensure meaningful participation of women at all levels of environmental governance, and prioritize their secure access to and control over natural resources. Only by integrating these intersectional gender perspectives can India ensure that women are recognized not merely as victims of ecological degradation, but as central and empowered stakeholders in shaping a sustainable and equitable environmental future.

8. References

- [3] Agarwal, B. (1992). The Gender and Environment Debate: Lessons from India. *Feminist Studies*, 18(1), 119-158.
- [4] Singh, D. N. (2023). Ecofeminism and environmentalism in India: A critique. *International Journal Of English and Studies*, 5(10), 18-27.
- [5] Agarwal, B. (1998). Environmental management, equity and ecofeminism: Debating India's experience. *Journal of Peasant Studies*, 25(4), 1-31.
- [6] Guha, R. (2000). *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya*. University of California Press.
- [7] Sharma, N. (2025). The Chipko Movement: A Grassroots Environmental Revolution in India. *Spanish Journal of Innovation and Integrity*, 461.
- [8] Shiva, V. (1988). Prakriti: The Creative Principle. In *Staying Alive: Women, Ecology and Development* (pp. 17-37). Zed Books.
- [9] Agarwal, B. (1992). The Gender and Environment Debate: Lessons from India. *Feminist Studies*, 18(1), 119-158.
- [10] Patkar, M. (2004). *The Greater Common Good*. LeftWord Books.
- [11] Passantino, E. (2017). *Ecofeminism in India: from the Chipko Movement to the Case of Narmada Valley Development Project*. University of Venice.
- [12] Mallick, K. (2025). *Environmental movements of India: Chipko, narmada bachao andolan, navdanya*. Amsterdam University Press.
- [13] Warren, K. J. (1990). The Power and the Promise of Ecological Feminism. *Environmental Ethics*, 12(2), 125-146.
- [14] Shiva, V. (1988). *Staying Alive: Women, Ecology and Development*. Zed Books.
- [15] Agarwal, B. (1992). The Gender and Environment Debate: Lessons from India. *Feminist Studies*, 18(1), 119-158.
- [16] Agarwal, B. (1998). Environmental management, equity and ecofeminism: Debating India's experience. *Journal of Peasant Studies*, 25(4), 1-31.
- [17] Agarwal, B. (2005). The Gender and Environment Debate. In *Political Ecology* (pp. 211-232). Taylor & Francis.

- [18] Ministry of Environment, Forest and Climate Change. (1980). The Forest (Conservation) Act, 1980.
- [19] Tyagi, N., & Das, S. (2018). Assessing gender responsiveness of forest policies in India. *Forest Policy and Economics*, 86, 1-10.
- [20] Ministry of Tribal Affairs. (2006). The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- [21] FRA Rules Book. (2007). The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007.
- [22] FII. (2026, January 21). Forest Rights: The Struggles of Savara and Jatapu Women. *Feminism in India*.
- [23] Zaidi, M. (2019). Tribal women's empowerment through the Forest Rights Act, 2006 in southern Rajasthan. *Asian Journal of Women's Studies*, 25(1), 21-42.
- [24] Trocaire. (n.d.). Ensuring tenure, ecological and livelihood rights of tribal women in Kandhamal, Odisha.
- [25] Salim v. State of Uttarakhand, Writ Petition (PIL) No. 126 of 2014 (Uttarakhand High Court, 2017).
- [26] O'Donnell, E. L. (2018). At the intersection of the sacred and the legal: Rights for nature in Uttarakhand, India. *Journal of Environmental Law*, 30(1), 1-24.
- [27] Agarwal, B. (1992). The Gender and Environment Debate: Lessons from India. *Feminist Studies*, 18(1), 119-158.
- [28] Nakazora, M. (2023). Environmental law with non-human features in India: Giving legal personhood to the Ganges. *South Asia Research*, 43(1), 1-18.
- [29] Parihar, G., & Bhullar, L. (2025). Reviving India's river goddesses: ecocide, the human right to a healthy environment and rights of nature. *The International Journal of Human Rights*, 29(1), 1-20.
- [30] Supreme Court of India. (2017). State of Uttarakhand v. Mohammad Salim, SLP (C) No. 013799/2017.
- [31] Agarwal, B. (2013). Gender perspectives on environmental action: issues of equity, agency, and participation. In *Transitions Environments Translations* (pp. 211-232). Taylor & Francis.
- [32] Raj, N., & V, A. (2024). Empowerment of Tribal Women in India: Impact of the Forest Rights Act 2006. *Forum for Development Studies*, 51(1), 1-20.

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