



ECO-FEMINISM AND THE INDIAN LEGAL SYSTEM: A CRITICAL ANALYSIS OF JUDICIAL APPROACHES

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Abstract

In India, where environmental degradation and gender inequality are pressing challenges, the need for a unified approach that addresses both issues is increasingly critical. Although environmental and women's rights laws exist, they often operate in isolation, limiting their impact on the lives of women, especially those from rural and tribal communities who are heavily dependent on natural resources. This separation within the legal framework fails to capture the intertwined nature of environmental exploitation and gender-based oppression. Furthermore, while the Indian judiciary has made strides in recognising marginalised communities' rights through landmark judgments, persistent issues such as fragmented laws, patriarchal biases, and enforcement barriers undermine the realisation of eco-feminist principles in practice. This paper aims to bridge these gaps by examining how eco-feminism can inform and strengthen India's legal and social landscape. Through an analysis of key legislative frameworks and significant Supreme Court judgments, it explores the role of the judiciary in promoting eco-feminism and considers how an integrated legal approach could better support the intertwined goals of gender equality and environmental sustainability. In doing so, this study highlights the potential for eco-feminism to shape a more holistic, inclusive, and resilient approach to justice in India, benefiting both society and the environment.

Key words: Exploitation, Eco-feminism, Ecology, Environment, Jurisprudence, women's rights, etc.

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I Introduction

ECO-FEMINISM as a movement and academic field was developed by thinkers like Carolyn Merchant and Maria Mies. Merchant's *The Death of Nature* and Mies's co-authored work *Eco-feminism* with Vandana Shiva offer theoretical grounding on the links between environmental degradation and the subjugation of women, stressing the impact of patriarchy on both nature and women. In India, the bond between women and nature runs deep, particularly among rural and tribal communities whose lives are intimately connected to the land. These women are not only caretakers of their families but also custodians of local ecosystems, drawing on resources like water, forests, and soil to sustain their households. However, with the escalating threats of environmental degradation, they face a dual crisis: as nature suffers, so too do their livelihoods, autonomy, and well-being.¹ Eco-feminism as a movement recognizes the shared exploitation of both women and the environment emerges as a compelling lens to explore these interconnected struggles. It calls for a transformative approach to justice, one that champions both environmental and gender equality. Through eco-feminism, we envision a society rooted in respect for both human and natural systems, creating pathways to a future that is both equitable and ecologically sound.

Eco-feminism advocates for a vision of justice that integrates environmental sustainability with gender equality, proposing solutions that empower women as leaders in ecological stewardship. This perspective has particular resonance in India, where eco-feminist

¹ Shearer, R. R., Review of *Ecofeminism; Ecofeminism and the Sacred; Ecofeminism, Women, Animals, Nature; Women, the Environment and Sustainable Development: Towards a Theoretical Synthesis*, available at: <http://www.jstor.org/stable/3175296> (last visited on July 30, 2024).

principles align with grassroots movements led by women, such as the Chipko movement, which saw rural women mobilizing to protect forests from deforestation.² These movements underscore the importance of eco-feminism as not only an analytical lens but also a call to action, urging for systemic changes that address the interconnected nature of ecological and gender-based challenges. In envisioning an inclusive and sustainable society, eco-feminism emphasizes the need for policies and practices that respect both environmental integrity and the rights and resilience of women, advocating for a future where both nature and communities can thrive together.³

The Indian legal system, with its extensive array of environmental and women's rights laws, has made strides toward these goals. Landmark judgments by the Supreme Court have increasingly recognized the need for sustainable resource management and the protection of marginalized communities. However, these efforts remain fragmented; environmental laws and gender protections often function in isolation, failing to address the deeper interconnectedness of these issues. This disconnect limits the potential of both frameworks, leaving women who rely on natural resources vulnerable to environmental and economic instability.⁴

By examining key legislative frameworks and landmark judgments, it seeks to understand how the law can evolve to address the dual crises of environmental degradation and gender inequality in a unified manner. This study argues that eco-feminism offers not only a critique of existing frameworks but also a pathway to transformative change where law,

² Sangita Patil, *Ecofeminism and the Indian Novel* 110 (Routledge publication, London, 2020).

³ S. Jain, Women and People's Ecological Movement: A Case Study of Women's Role in the Chipko Movement in Uttar Pradesh, *available at*: <http://www.jstor.org/stable/4373670> (last visited on July 30, 2024).

⁴ Ayush Pandey, "Gender and the Legal Discourse: Exploring Indian Laws and Cases" 4 *International Journal of Human Rights Law Review* (2024).

policy, and social movements converge to build a future that respects both human and environmental dignity. In doing so, it aims to highlight how an eco-feminist approach could foster a more holistic and justice-oriented legal and social landscape in India.⁵

II Theories of Jurists: Understanding the Intersection of Law, Ecology, and Feminism

The intersection of law, ecology, and feminism through Natural Law Theory underscores a framework where ethical principles guide the formulation of laws to ensure justice, human dignity, and environmental harmony.⁶ Aquinas, a foundational natural law theorist, posits that law should reflect a higher, universal moral order. He emphasizes that human laws should align with moral principles, supporting a framework where justice and respect for the common good including ecological considerations are fundamental.⁷ A contemporary natural law theorist, Finnis argues that the law must prioritize human flourishing, which includes respecting both human rights and the environment.⁸ For Finnis, a just legal system should protect ecological balance as part of promoting the common good and well-being. Eco-feminists argue that environmental harm and the oppression of women stem from similar exploitative frameworks.⁹ From this view, natural law should challenge traditional hierarchies and promote both gender equality and ecological sustainability, as both are intrinsic to the common good. Marta

⁵ Maria Mies & Vandana Shiva, *Ecofeminism* 102 (Zed Books Ltd., London, 1993).

⁶ John Finnis, *Natural Law and Natural Rights* 123 (Oxford University Press, U.K., 1980).

⁷ Shea M., Value Comparability in Natural Law Ethics: A Defense, *available at*: <https://pmc.ncbi.nlm.nih.gov/articles/PMC9662135/> (last visited on September 7, 2024).

⁸ Qudus, U., & Khong, D. W. K. X., Six core values in natural law as a common concern for human development. *Cogent Social Sciences*, *available at*: <https://doi.org/10.1080/23311886.2023.2225828> (last visited on September 7, 2024).

⁹ Ranjeeta Mukherjee, "Eco-feminism: Role of Women in Environmental Governance and Management" 1 *GJLS* (2023).

Nussbaum extends natural law's focus on inherent dignity to advocate for laws that address systemic gender inequalities. She emphasizes that natural law should protect the rights of women, especially regarding bodily autonomy and equitable treatment, which is integral to justice and human dignity.¹⁰

Austin, a leading figure in legal positivism, asserts that laws are commands issued by a sovereign and backed by sanctions. From this perspective, issues of ecology or feminism are relevant only if recognized by the sovereign authority and codified in law. Thus, any legal obligations to protect the environment or advance gender equality depend solely on legislative decisions rather than on an intrinsic moral duty. Hart redefined legal positivism by introducing the concept of the "rule of recognition," which identifies valid laws within a society based on social acceptance rather than moral criteria. While Hart acknowledged that law and morality can influence each other, he maintained that they are fundamentally distinct. In the context of ecology and feminism, Hart's perspective implies that environmental or gender protections would only be legally binding if the legal system's rules and institutions formally recognize them. Thus, ecological laws or feminist reforms require legislative enactment rather than moral obligation. Raz's "sources thesis" reinforces the separation between law and morality by arguing that the validity of a law depends on its social sources (e.g., enactment by proper authority) rather than its content's moral value. From Raz's view, ecological or feminist principles would only be part of law if explicitly incorporated through legal mechanisms. Therefore, any

¹⁰ Christopher Ryan B. Maboloc, *The Concept of Human Development: A Comparative Study of Amartya Sen and Martha Nussbaum*, available at: <https://www.diva-portal.org/smash/get/diva2:18358/FULLTEXT01.pdf> (last visited on September 8, 2024).

intersection of law with ecological or feminist aims would be contingent on legislative choices and policies, with no necessary connection to moral principles.¹¹ MacKinnon critiques traditional legal positivism for often overlooking how law reflects and perpetuates societal power dynamics, including gender bias. She argues that laws crafted without attention to feminist insights often reinforce systemic inequities. From her perspective, while positivism separates law from morality, laws addressing gender and ecological justice must account for societal impacts, as merely relying on legislative processes may overlook substantive equality.¹²

The intersection of law, ecology, and feminism takes on a transformative perspective. CLS critiques traditional legal frameworks as inherently biased and reflective of power structures that often reinforce social and economic inequalities. CLS scholars argue that law is not neutral or objective; rather, it is a product of historical and social forces shaped by dominant interests, often at the expense of marginalized groups, ecosystems, and feminist concerns.¹³ CLS theorists assert that law often serves the interests of powerful elites rather than promoting genuine justice or equality. From a CLS standpoint, environmental laws and feminist protections are insufficient if they merely reproduce existing hierarchies or reflect superficial reforms. Laws regarding ecology and gender are seen as deeply influenced by capitalist, patriarchal, and other power structures and they may perpetuate exploitation if they fail to challenge these systems fundamentally. Scholars like Duncan Kennedy

¹¹ Leti Volpp, *Feminism versus Multiculturalism*, available at: <http://scholarship.law.berkeley.edu/facpubs/9> s (last visited on September 4, 2024).

¹² Drucilla Cornell, "Sexual Difference, the Feminine, and Equivalency: A Critique of MacKinnon's, *Toward a Feminist Theory of the State*" 100 *The Yale Law Journal* 2247 (1991).

¹³ Roberto Mangabeira Unger, *The Critical Legal Studies Movement* 45 (Harvard University Press, United States, 1986).

argue that law must be understood as a political and ideological tool rather than as a neutral arbiter of justice. For Kennedy, the law's power structures should be deconstructed and reconstructed to foster genuine social and environmental justice. Roberto Unger, another prominent CLS thinker, calls for "empowered democracy," where law is remade by direct, inclusive engagement that challenges existing hierarchies, including those related to ecological and gender issues.¹⁴

The Public Trust Doctrine provides a legal foundation for viewing resources like water, air, and forests as common assets that governments are entrusted to protect and manage for public benefit, integrating concerns about ecological sustainability and social justice.¹⁵ Feminist legal perspectives view the Public Trust Doctrine as a tool for ensuring equitable access to resources, particularly for women and marginalized communities who are disproportionately affected by environmental degradation. Many women, especially in rural and indigenous communities, rely directly on natural resources for livelihood and sustenance. Thus, the doctrine's emphasis on public benefit and sustainability can help address gendered inequalities by protecting the resources upon which these communities depend. Feminist scholars argue that laws based on the Public Trust Doctrine should consider gendered impacts of environmental harm, promoting resource policies that ensure equitable access and address structural inequalities.¹⁶ Courts worldwide have applied the Public Trust Doctrine in landmark environmental cases to prevent government action that would harm public resources. In India, for example, the Supreme Court invoked the

¹⁴ Karen J. Warren, *Ecofeminist Philosophy: A Western Perspective on What It Is and Why It Matters* 67 (Rowman & Littlefield, New York, 2000).

¹⁵ Joseph L. Sax, "The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention," 68 *Michigan Law Review* 471, 489 (1970).

¹⁶ *MC Mehta v. Kamal Nath*, AIR 1997 SC 3887.

doctrine in cases to protect forest lands and water bodies, underscoring the state's responsibility to safeguard resources for public use and prevent privatization or unsustainable exploitation. This legal principle has been increasingly applied to hold governments accountable for climate action, as seen in youth-led climate lawsuits in various countries, arguing that the state has a duty to protect the atmosphere and natural resources for future generations.

Environmental Justice Theory aligns closely with eco-feminism by addressing the connections between the exploitation of marginalised communities, especially women, and the exploitation of nature. Both frameworks share a commitment to critiquing and dismantling systems that perpetuate environmental degradation and social inequality, advocating for a world that respects both human and ecological well-being.¹⁷ Both Environmental Justice Theory and eco-feminism critique the patriarchal, capitalist, and colonial systems that historically treat both marginalized groups and the environment as resources to exploit. Eco-feminism specifically points to how women and nature are often viewed as resources to be controlled, and Environmental Justice Theory highlights that communities of colour and low-income communities face disproportionate environmental harms. Environmental Justice Theory directly addresses environmental racism the practice of situating hazardous industries and waste sites in predominantly Black, Brown, and indigenous communities. Eco-feminism expands this critique by highlighting how environmental sexism similarly places undue

¹⁷ Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* 23 (Westview Press, United States, 3rd edn., 2000).

environmental burdens on women, particularly in marginalized communities, reinforcing gender and racial inequalities.¹⁸

III Legislative Framework in India

India possesses a comprehensive legislative framework dedicated to environmental protection and the advancement of women's rights. However, these laws frequently function in isolation, lacking an integrated approach that acknowledges the intersection of these issues. Eco-feminism a perspective emphasizing the link between environmental concerns and women's rights is gaining traction within the Indian legal context. Although India does not have laws explicitly labelled under "eco-feminism," various statutes and policies implicitly address this intersection, underscoring the potential for greater alignment between environmental stewardship and gender equality initiatives.

The Environmental Protection Act, 1986¹⁹ is a comprehensive piece of legislation aimed at safeguarding the environment. Although it doesn't directly address women's rights, its provisions have a significant impact on women, particularly in rural areas where environmental degradation directly affects their livelihoods. Section 3 empowers the government to take steps to protect and improve the environment, which includes actions that could directly benefit women, especially those who rely on natural resources for sustenance.²⁰ Similarly, The Forest Rights Act, 2006, is a landmark piece of legislation that recognizes the rights of

¹⁸ Turner, R.L. and Wu, D.P. Environmental Justice and Environmental Racism: An Annotated Bibliography and General Overview, Focusing on U.S. Literature, *available at*: <https://core.ac.uk/download/pdf/62435599.pdf> (last visited on September 10, 2024).

¹⁹ Environmental Protection Act, 1986 (Act 29 of 1986).

²⁰ Gurdip Singh and Amrita Bahri, *Environmental Law* 58 (Eastern Book Company, Lucknow, 2024).

forest-dwelling communities, including women. Section 3(1)(a) and 3(1)(c) grant women the right to access and manage forest resources, thus ensuring their involvement in sustainable resource management and land conservation.²¹

The Hindu Succession (Amendment) Act, 2005, grants equal inheritance rights to daughters in Hindu families, marking a significant step toward eco-feminist goals by enabling women to control land, which is often linked to environmental sustainability. Section 6 of this amendment gives daughters an equal right to inherit agricultural property, empowering them to make decisions regarding land use and agricultural practices, which are crucial for both economic and environmental stability.²² Furthermore, The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005, includes provisions for rural employment, with at least one-third of the beneficiaries required to be women. This Act's relevance to eco-feminism is significant as it mandates that women be involved in environmental tasks such as water conservation, afforestation, and land development, which support sustainable environmental practices.

The Medical Termination of Pregnancy (MTP) Act of 1971, recently amended in 2021, permits abortions under certain conditions to safeguard women's health, extends the gestation period for legal abortions to 24 weeks, and allows unmarried women to seek abortions on health grounds empowering women's reproductive choices²³. The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex

²¹ Brij Kishore Singh, *Forest Rights Act Accelerated Deforestation* 79 (Notion Press, Tamil Nadu, 2021).

²² Paras Diwan, *Family Law* 212 (Allahabad Law Agency, Faridabad, 2022).

²³ Sanjay Vashishtha, The Emerging Dimensions of Medical Termination of Pregnancy Act, available at: <https://www.scconline.com/blog/post/2023/02/13/the-emerging-dimensions-of-medical-termination-of-pregnancy-act-1971/> (last visited on September 13, 2024).

Selection) Act, 1994 (PCPNDT Act), targets the gender bias favouring male children by banning sex-selective abortions and penalizing violators. Together, these laws work to protect women's health and promote gender equity, resonating with eco-feminist calls for justice, autonomy, and the dismantling of patriarchal structures.²⁴

The Maternity Benefit Act, 1961, and its 2017 Amendment, which extended maternity leave to 26 weeks, reflect significant progress in supporting working mothers. From an eco-feminist standpoint, this Act empowers women by recognising the crucial role they play in both family and work life.²⁵ By ensuring paid leave for childbirth, the law promotes gender equality and women's health, enabling women to make choices about their reproduction and care without economic hardship. This support also challenges patriarchal structures that often place the burden of child-rearing solely on women, aligning with eco feminism's call for shared responsibilities and the recognition of care giving as valuable work. However, critiques the fact that such benefits are still framed around traditional gender roles, often placing the expectation of care giving squarely on women. The Act also applies only to women in formal employment, leaving a large number of informal workers, particularly those in lower-income sectors, without similar protections.²⁶ Additionally, eco feminism highlights that the focus on maternity leave overlooks the broader, systemic support needed for work-life balance

²⁴ The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (Act 57 of 1994).

²⁵ Maternity Benefit Act, 1961 (Act 53 of 1961).

²⁶ Dr. Shashi Bala, Impact on Employment of the Maternity Benefit (Amendment) Act, 2017: Identifying the Affirmative Initiative & Challenges in the Implementation of the Act, V.V. Giri National Labour Institute collaboration with (Ministry of Labour & Employment, Govt. of India), *available at*: <https://vvgnli.gov.in/sites/default/files/Workshop%20on%20Impact%20on%20Employment%20of%20the%20Maternity%20Benefit%20Act%202017.pdf> (last visited on September 18, 2024).

and the equal distribution of care giving duties, which should be a shared responsibility within families and communities.

The Women's Reservation Bill is a crucial step towards achieving gender equality, aligning with eco feminism's principles of justice, empowerment, and representation. By reserving 33% of seats in Parliament and state legislative assemblies for women, the bill seeks to address the historical underrepresentation of women in political decision-making processes. From an eco-feminist perspective, this bill would not only promote gender equality but also bring women's voices to the forefront of policies that affect society, the environment, and future generations. It challenges patriarchal systems that have long excluded women from political power and decision-making, advocating for a more inclusive and diverse governance structure.²⁷ However, eco-feminism also critiques the limited scope of the bill, as it primarily focuses on institutional representation without addressing the broader societal structures that perpetuate gender inequalities. While political representation is vital, eco-feminists argue that true empowerment requires a deeper transformation of social, cultural, and economic systems. The bill's passage would be a positive step, but it needs to be part of a larger, more comprehensive approach to dismantling patriarchal norms and ensuring that women's political participation is not merely symbolic but also transformative, addressing intersectional issues like caste, class, and race.

The Biological Diversity Act, 2002, aims to conserve biodiversity and promotes the sustainable use of biological resources. It includes

²⁷ India's passage of the Women's Reservation Bill reflects its commitment to gender equality and women-led development: UN Women India, United Nations India, available at: <https://india.un.org/en/246604-india%E2%80%99s-passage-women%E2%80%99s-reservation-bill-reflects-its-commitment-gender-equality-and-women> (last visited on September 20, 2024).

provisions (Sections 7 and 8) for involving local communities, including women, in the management of biodiversity, recognizing their role in preserving local ecosystems. Similarly, the Protection of Women from Domestic Violence Act, 2005, while primarily aimed at addressing domestic violence, has eco-feminist implications in its broader context. Section 3 defines "domestic violence" as encompassing economic and ecological harm, thus indirectly supporting women's participation in decision-making processes, including those related to environmental conservation.²⁸

Additionally, the National Policy for the Empowerment of Women, 2001, calls for increased involvement of women in decision-making, including in environmental governance. It supports their participation in managing natural resources and recognizing their essential role in environmental sustainability.²⁹ The National Policy on Farmers, 2007, also contributes to eco-feminism by promoting women's rights within agriculture. It acknowledges women's pivotal role in farming and resource management, advocating for improved access to land, credit, and technology (Sections 3.4 and 4.5), thereby empowering women to adopt sustainable agricultural practices that are beneficial for both their livelihoods and the environment.³⁰

Other notable laws include the Water (Prevention and Control of Pollution) Act, 1974, which, although primarily focused on water pollution control, has implications for women, especially those in rural areas who often bear the brunt of water scarcity and pollution³¹.

²⁸ The Biological Diversity Act, 2002 (Act 18 of 2003).

²⁹ Dr. Anu Dandona, "Empowerment of Women: A Conceptual Framework" 2 *The International Journal of Indian Psychology* 35 (2015).

³⁰ Government of India, "National Policy for Farmers" (Ministry of Agriculture & Farmers Welfare, 2015).

³¹ The Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974).

Similarly, the Wildlife Protection Act, 1972, which seeks to conserve wildlife and natural habitats, indirectly supports women's participation in conservation efforts, particularly in rural and tribal communities where women play a central role in managing local wildlife and natural resources.³²

Together, these laws form a complex web of legal provisions that support both women's rights and environmental protection, reflecting an underlying synergy between gender equality and sustainable development. Through their provisions, these laws contribute to advancing eco-feminism by recognizing the crucial role women play in managing and conserving the environment, empowering them both economically and socially, and ensuring their active participation in the governance of natural resources.

IV Judicial Approaches: Analysing Supreme Court Judgments

The Supreme Court of India has been instrumental in shaping the intersection of environmental law and women's rights, continuously expanding the scope of both domains. In the landmark case of *Vellore Citizens'*, the Court introduced the "polluter pays" principle, underscoring the urgent need for environmental protection.³³ This judgment not only addressed the importance of controlling pollution but also touched upon the disproportionate impacts of environmental degradation on vulnerable communities, especially women. Women, particularly in rural and tribal areas, bear a greater burden when environmental resources are mismanaged, making this case pivotal in the eco-feminist discourse. Similarly, in *Samatha* case, the Court upheld the rights of tribal communities over land in Scheduled Areas,

³² The Wild Life (Protection) Act, 1972 (Act 53 of 1972).

³³ *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647.

recognizing the critical role of tribal women in managing natural resources. This case became a cornerstone for advocating for women's rights to land and resources, reinforcing the idea that environmental justice is deeply intertwined with gender equality.³⁴

The *Mary Roy v. State of Kerala* is a landmark judgment that reflects principles of gender equality, justice, and the recognition of women's rights in a patriarchal society. In this case, Mary Roy, a women's rights activist, challenged the patriarchal customs within the Syrian Christian community in Kerala that prevented women from inheriting property. After her father's death, Mary Roy was denied an equal share of the family inheritance, and despite an initial unfavourable ruling from the lower court, the Kerala High Court overruled the judgment. The Supreme Court, in 1986, delivered a historic verdict granting women of the Syrian Christian community the right to claim an equal share in their father's property. ³⁵This case underscores the critical need to dismantle patriarchal structures that limit women's economic autonomy and access to resources. The judgment acknowledges that women, like men, should have the right to inherit property, thus affirming their agency and economic empowerment. It challenges gendered customs that have historically subordinated women and restricted their access to resources.

In *Sheela Barse* case, although the primary focus was on the rights of prisoners, the judgment highlighted the need for special protections for women, especially regarding access to essential services like clean water and sanitation facility in the prisons. The Court's acknowledgment of the gendered impact of environmental degradation provided an important

³⁴ *Samatha v. State of Andhra Pradesh*, (1997) 8 SCC 191.

³⁵ *Mary Roy v. State of Kerala*, (1986) 2 SCC 209.

link between women's rights and environmental justice.³⁶ Furthermore, the *MC Mehta v. Kamal Nath* case reaffirmed the State's responsibility as the trustee of natural resources, protecting them from private ownership and ensuring their preservation for public welfare.³⁷ This case reinforced the idea that natural resources, essential to the livelihoods of marginalized communities, including women, must be protected from exploitation.

The *Lillu v. State of Haryana*³⁸ case is a landmark ruling; it addresses the violation of a rape survivor's dignity and bodily autonomy. The case declared the two-finger test, often used to assess a woman's sexual history or her "chastity," as a violation of her right to privacy and dignity. Its re-traumatized survivors and perpetuates harmful stereotypes about women's bodies. The ruling affirms that rape survivors must be treated with respect and empathy, rather than subjected to invasive practices that undermine their autonomy and healing process. Eco-feminism advocates for the recognition of women's agency and the need for compassionate, trauma-informed legal frameworks that honour their rights.

The *D. Velusamy* case is an important ruling that has implications for women's rights and their protection from domestic violence, aligning with principles of gender equality and justice. The Supreme Court, in this case, held that live-in relationships can be considered under the ambit of the Domestic Violence Act, 2005. However, the Court also clarified that not all live-in relationships would automatically qualify for these protections unless they met certain criteria, such as a relationship akin

³⁶ *Sheela Barse v. Union of India*, (1986) 3 SCC 596.

³⁷ *Supra* note 16.

³⁸ *Lillu v. State of Haryana*, (2013) 14 SCC 643.

to marriage.³⁹ This judgment is significant because it acknowledges that women in live-in relationships may face violence and exploitation similar to those in traditional marriages, and they deserve legal recourse and protection. The ruling challenges patriarchal norms that often marginalize women in non-marital relationships, recognizing that women's autonomy and dignity should be safeguarded regardless of the formalities of marriage.

The Lala Singh case is a significant legal milestone that aligns with eco-feminist principles, particularly the recognition of women's autonomy and the right to make independent choices. In this case, the Supreme Court accepted a writ petition filed by a woman seeking the right to marry a person of her own choice, challenging societal and familial pressures that restrict women's freedom in matters of marriage. This judgment highlights the importance of women's agency in decisions regarding their personal lives, emphasizing the need to dismantle patriarchal systems that limit women's choices based on traditional norms and caste, class, or family expectations. The ruling underscores the idea that women should not be subjected to coercion or control over their reproductive and marital decisions.

The Pawan Kumar case reinforces a critical aspect of feminism by affirming a woman's right to reject unwanted advances and maintain autonomy over her personal choices, including matters of love and relationships. The Supreme Court said that "No one can compel a woman to love." She has the absolute right to reject" is a powerful legal recognition of women's agency and their right to make independent, informed decisions regarding their relationships. This judgment supports the fundamental belief that women should have control over

³⁹ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469.

their bodies and their emotional and social lives, free from coercion or patriarchal pressures.

In *Shakti Vahini*⁴⁰, the Supreme Court addressed honour killings, emphasising that individuals must be free to choose partners outside of caste or community boundaries without fear. This judgment disrupts oppressive social customs, aligning with eco feminist calls for respecting diversity and autonomy. In *Shayara Bano case*⁴¹, the Supreme Court declared the practice of triple talaq unconstitutional, marking a step toward securing gender equality and safeguarding Muslim women's rights. By challenging patriarchal traditions, this ruling resonates with eco feminism's opposition to all forms of oppression. In *Aruna Ramachandra Shanbaug case*,⁴² Supreme Court highlighted the enduring trauma of gender-based violence, leading to a landmark decision on passive euthanasia. This judgment underscores the need for society to address the deep harm inflicted by violence against women. Similarly In *Devika Biswas case*, the Supreme Court highlighted the grave issue of unsafe sterilization practices, which resulted in the deaths of women due to poorly executed procedures in government camps. The Court's ruling underscored the need for safe and humane sterilization practices, emphasizing the importance of informed consent and bodily autonomy.⁴³ By directing the government to improve access to a variety of contraceptive options, the judgment reinforced women's right to make informed choices about their reproductive health. This case aligns with feminist principles of advocating for women's agency, control over their bodies.

⁴⁰ *Shakti Vahini v. Union of India*, (2018) 7 SCC 192.

⁴¹ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

⁴² *Aruna Ramachandra Shanbaug v. Union of India & Ors*, (2011) 4 SCC 454.

⁴³ *Devika Biswas v. Union of India*, (2016) 10 SCC 726.

The Vishaka case⁴⁴ underscores the need for workplaces like the environment to be spaces free from harm, promoting inclusivity and safety for all, particularly for those historically marginalized. Similarly, Navtej Singh Johar's judgment⁴⁵ celebrates the right to identity and personal expression, challenging rigid social norms, much like eco-feminism challenges exploitative systems that harm both women and nature. These cases collectively emphasize the imperative to uphold human rights, respect diversity, and dismantle structures of oppression, aligning with ecofeminist principles advocating for social and environmental justice.

The Supreme Court of India has consistently played a pivotal role in intertwining environmental law with women's rights, expanding the scope of both through its judgments. In M.K. Ranjitsinh case, the Court recognized the right to be free from the adverse effects of climate change as a fundamental right, linking it to Articles 14 (equality) and 21 (right to life) of the Constitution.⁴⁶ This landmark decision underscores the disproportionate impact of environmental degradation on vulnerable communities, including women, and emphasizes the need for inclusive environmental policies. Similarly, in Anjum Kadri v. Union of India (2024), the Court upheld the constitutional validity of the Uttar Pradesh Board of Madarsa Education Act, 2004, recognizing the importance of providing quality education to all, including women, in minority institutions. This judgment highlights the Court's commitment to ensuring that environmental and educational rights are accessible to all, irrespective of gender. These recent judgments reflect the Supreme Court's ongoing efforts to address the intersection of environmental

⁴⁴ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

⁴⁵ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁴⁶ *K. Ranjitsinh v. Union of India*, (2024) 3 SCC 248.

issues and women's rights, ensuring that legal protections are robust and inclusive.

V Conclusion

The intersection of eco-feminism and the Indian legal system holds transformative potential, but realising this vision requires a commitment to addressing persistent challenges and drawing from global experiences. Countries such as Sweden, Canada, and Costa Rica offer valuable insights into integrating gender-sensitive and environmentally focused policies. Sweden, for instance, has demonstrated the benefits of mainstreaming gender considerations in environmental policymaking, while Canada's Indigenous-led conservation initiatives underscore the importance of including marginalised voices in ecological governance. Similarly, Costa Rica's commitment to sustainable development and community-based conservation highlights how empowering local communities particularly women can enhance environmental resilience.

India can adopt and adapt these global practices, moving towards an eco-feminist approach that both empowers women and protects the environment. This journey will involve continued advocacy for legislative reforms, consistent enforcement of environmental protections, and the incorporation of women's voices in policy and decision-making processes. By embracing eco-feminist principles, India can strive toward a future where environmental sustainability and gender justice are not only interconnected goals but are essential elements of social progress. In doing so, India has the opportunity to lead by example in creating a model of sustainable development that respects both nature and the rights of all its citizens.