Awarding Legal Rights to Non-humans

Why in news?

A report titled 'Law in the Emerging Bio Age' have proposed giving legal rights to plants, animals, and non-living entities for building meaningful human-environment relationships.

What is the need for awarding legal rights to non-humans?

> *A legal right is an interest accepted and protected by law. Any debasement of the legal right is punishable by law.*

- **Use of modern tech**- Integration of life sciences with modern technology through genetically modified organisms (GMOs), genetic engineering, gene editing, etc. has been gaining significance.
- **Human-environment relation**- Granting legal rights would recalibrate human-environment relationships.
- **Ethical conduct**- It would bring ethical conduct to the field.
- **Accountability**- This era will require legal intervention to hold researchers accountable for the impact of their work on the environment.
- **Climate change**- The climate change and exploitation of natural resources requires laws to be brought into the natural world.

What efforts were taken by countries in this regard?

> *Ecuador is the first country in the world to recognise the rights of nature* and *individual wild animals.*

- **Ecuador**- In 2008, Ecuador approved a Constitution that grants tropical forests, islands, rivers and air, legal rights to exist, flourish and evolve.
- The wild species and their individuals have the right not to be hunted, fished, captured, collected, extracted, kept, retained, trafficked, marketed or exchanged.
- **Bolivia**- In 2011, Bolivia provided legal status to Mother Earth and all its components, which includes human beings through the Law of the Rights of Mother Earth.
- This includes
    - The right to life and to exist
    - The right to continue vital cycles and processes free from human alteration
    - The right to pure water and clean air
    - The right to balance
    - The right to pollution-free living

- **New Zealand-** In 2017, New Zealand passed the Whanganui River Claims Settlement Bill, which granted legal personhood to river **Whanganui** which is respected by the **Maori** people.
- **Bangladesh**- In 2019, the Dhaka High Court in Bangladesh recognised the river **Turag** as a living entity with legal rights and held that the same would apply to all rivers in Bangladesh.
- **United Nations**- In 2009, the United Nations General Assembly adopted a resolution proclaiming April 22 as 'International Mother Earth Day'.
- Later, it adopted a resolution on Harmony with Nature.
- In 2018, the rights of wild rice were recognised.

What are the skepticisms in awarding legal rights?

- In Ecuador, indigenous groups worried that granting nature rights in the country's constitution would block their access to the natural resources that they relied on.
- Since the interests of nature and humans often conflict, recognising the rights of nature would entail non-negotiable bans on using non-humans as resources.

Where does India stand?

- **Constitution**- **Article 51-A (g)** of the Indian Constitution lays down that it is the fundamental duty of every citizen to protect wildlife and have compassion for all living creatures.
- However, such duties are not enforceable by law.
- **Legal rights to waterbodies**- The Uttarakhand High Court in 2017 granted the river Ganga and its longest tributary Yamuna the legal right to be protected and not be harmed.
- However, the Supreme Court has ruled that Ganges and Yamuna rivers cannot be viewed as living entities.
- In 2020, the Punjab and Haryana High Court passed an order declaring the Sukhna Lake in Chandigarh city as a living entity, with rights equivalent to that of a person.
- **Legal rights to animals-** In 2018, the Uttarakhand High Court ruled that the entire animal kingdom has rights equivalent to that of a living person.
- While other legal acts such as the Wildlife Protection Act of 1972 and the Cruelty to Animals Act of 1960 exist, they do not recognize animals as individual living entities.

References

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Quick facts

Whanganui river

- Location- North Island, New Zealand
- First river in the world to be recognised as an indivisible and living being
- Origin- Western slopes of Mount Ngauruhoe
- Drains into- Tasman Sea

Maori

- Member of a Polynesian people of New Zealand.
- Te Reo Māori language was made an official language of New Zealand.
- The term Tangata whenua (people of the land) is often used by Māori to emphasize their relationship with a particular area of land.
- Aotearoa is the most widely known Māori name for New Zealand.
- The haka is a traditional dance form of the Maori.
- All high-ranking Māori were tattooed.

Turag River

- It is the upper tributary of the Buriganga, a major river in Bangladesh.
- The Turag originates from the Bangshi River, an important tributary of the Dhaleshwari River.
- It is navigable by country boats throughout the year.
- The whole of the Turag valley south of the Mymensingh Trunk Road is notable for boro rice cultivation.

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