

ANCIENT INDIAN ENVIRONMENTAL CONSCIOUSNESS AND
CURRENT ENVIRONMENTAL LAW: IN THE LIGHT OF
DHARMSHASTRAS

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ABSTRACT

Kham Vaayumagnim Salilam Mahima ch Jyotinshin Satvani Disho Drumadeen /

Saritsamudranshch Hareh Shariram yat Kincha Bhootam Pranamedananyaha // (Shrimad Bhagwat. 11/2/41)

“Sky, air, fire, water, earth, planets, stars, animals, trees, plants, rivers, seas and directions are all manifestations of God. God himself is manifested in all forms. Knowing this, we should respect all and take care of the nature.”

The present article studies the ancient Indian environmental rules and laws in parallel with the current environmental law and sheds light on their current utility. This article is primarily based on Indian Dharmshastras which provide various types of rules to organize and regulate human life. Human life is dependent on nature and protecting nature is the primary duty of humans. This consciousness is available to human society only from Indian Dharmshastras. Adopting a scientific approach towards the environment and connecting it with religion, philosophy and spirituality and protecting the environment has been a mainstay of the Indian Vedic tradition. In this article it has been clarified that conservation of environment has become an extremely necessary task at present but its consciousness has been there in Indian society since a long time.

Keywords: Environmental Laws, Environmental Protection, Ecology in Ancient Texts, Indian Dharmshastra, Ecological Balance, Human-Nature Relationship

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INTRODUCTION

At present we are living in an era which we call scientific era. Along with science, we have entered a complete era of mechanization, industrialization and extensive urbanization. Due to which human society is constantly engaged in making such rules and laws, which can protect the environment and at the same time we can achieve our technical goals. To achieve this objective, many treaties and agreements are being continuously made at international forums. Due to this search, we also turn to our ancient legal texts or Dharmashastra. Where we get answers to many of our questions and lots of good arrangements and inspirations so that we can achieve our goals. This exploration not only honors our historical roots but also inspires a collective responsibility to protect the Earth for future generations.

1. Introduction of Dharmashastra

i. Meaning of Dharma and The Dharmashstras

Smriti Granthas are the oldest written social and legal document not only in India but also in the world by which a large part of human civilization has been regulated for thousands of years. These are not only the scriptures of the ancient Vedic religion of India, but in them we have got the inspiration for the law and order of all times of India as well as the developed legislation of the present time.

Smriti texts have been called Dharmashastras since ancient times. The word Dharma literally means those systems which regulate the society and by which man achieves a well-ordered life and by which the duties and rights of every individual of the society are definitely determined.

In general sense "Smriti" means memory, because Smriti is a word of Sanskrit language or in English memory is the similar word of Smriti.

But here we are talking about the Smriti texts and ancient text from in India, which was code of conduct containing Vedic knowledge based on the memory of ancient well wisdom sages (rishies).

Also, the writer of ¹*Amarkosh AmarSen* has described ***Smriti*** as dharmshastra. Therefore, smriti's can be considered as the first law books of India which were written by human being

¹ Amar Sen- Amarkosh- chaukhamba publication Varanasi 2006 page 180, this is second century CE book or collection of words like dictionary.

of their knowledge basis as the definite arrangement for all sections of the society at the different times.

According to *Paniniya vyakarana* the oldest systematic book of Sanskrit grammar 600BCE - ²"*Smriti' dhatu(verb)* or "*Ktina' pratyay(suffix)*" are making a word. According to Vachaspatyam an excellent dictionary of Sanskrit words written by ³*Taranath vachaspati in 1866 -1884* has described the word Smriti is with reference of amarkosh- "sensed object in the form of exortation and is subject to Sanskar that is Smriti or a book composed according to vedar tha with memory power is Smriti Granth".

So in short words Smriti granthas are not written by a human at one time because these texts are written by various persons at different time to give a systematic laws for all the sections of society. And the person who wrote the Smriti called "SmritiKara".

As we learned above what is the meaning of Smriti text now here we will know about those Smriti is whose manuscripts have been received in very ancient form and those who have been considered helpful in determining the acts in the present Hindu family law whose influence we can still see on different types of family issues in different regions of India.

If we talk about the antiquity of Dharmashastra, then there are two opinions in this regard. The first opinion is the ancient traditional Indian belief, according to which ⁴Dharmashastra originated from Manu and is thousands of years old and the sage who wrote them is Rishi. As ancient as it is, its written memories are equally ancient. According to this, the oldest dharmshastra is Manusmriti and the last dharmshastra are considered to be Parashar and Vyas Smriti.

According to the second opinion based on various researches done by modern researchers, historians and scholars, the ⁵Dharmashastra was composed from 800 BC to 6th century AD and according to these Smriti texts, Indian social and family law has been governed till now.

There are considered to be a total of 12 such main Smriti texts, some of these are huge and some of them are very small here we can see the names -

² Paniniya Ashtadhyayi - chaukhamba pratishthan Varanasi 1954,page 482

³Taranath vachaspati- Vachaspatyam -IIT telecom digital University conversion pdf 2017 page 64

⁴ Pandit Girija Prasad Dwivedi- ManuSmriti -Preface page 22 -Naval Kishor press Lucknow 1917

⁵P.V.Kane- Dharm Shastra ka itihās , volume -1, Bhandarkar Oriental Research institute pune 2007,page- 63

- ⁶Manusmriti
- Yajnavalkya Smriti.
- Parashar Smriti.
- Brihaspati Smriti.
- Shukra Smriti as shukra samhitha
- Katyayna Smriti.
- Aap stambha Smriti.
- Aatri Smriti.
- Gautama Smriti.
- Vashishtha Smriti.
- Shankh & likhit Smriti.
- Narada Smriti

According to modern historians⁷ and the scholars Smriti text was written 800 BCE to 6th century CE. Traditionally, Dharmashastras or Smritis have been considered very ancient, which goes back to thousands of years BCE.

2. Dharmashastra

⁸Shrutistu vedo vijyeyo dharmashastram tu va smriti sarvartheshvamimansye tabhyaam dharmao hi nirbabbhau. (Manusmriti 2/10)

It means Shruti is called Veda and Smriti is called Dharmashastra. These two are undisputed in all matters of duty, because Karma-Dharma has been revealed from them. Since Dharma is known accurately through these texts, that is why they are called Shastras (scriptures) of Dharma - Dharmashastra (Smrities).

We have said a lot about this in the beginning regarding Smriti scriptures, here we will try to know what is the real purpose of Dharmashastra.

⁶ Ibid 4pg 65

⁷ Ibid 5pg12

⁸Pandit Girija Prasad Dwivedi- Manusmriti -Nawal Kishore press Lucknow1917 Page 24

According to the book ⁹**Manvartha Muktavali**, Maharishi Manu had written a Manav-Dharmashastra of 100,000 verses 1008 chapters 28 prakarnas which was later called Manusmriti. In which there were 10 different subjects related to conduct and law. Due to this book being so big, Rishi Manu divided it into 10 thousand verses and taught it to his 10 disciples.

After Manu, these 10 sages became the major dharmshastrakaras and their works were called the major 10 Smritis. We also find the names of these 10 sages in ¹⁰Manu Smriti (Manusmriti 1/35). The names of these 10 great sages were -

- Marichi,
- Atri,
- Angira,
- Pulastya
- Pulaha,
- Kritu,
- Pracheta,
- Vashishtha,
- Bhrigu,
- Narada

There are considered to be a total of ¹¹ 12 such main Smriti texts, some of these are huge and some of them are very small here we can see the names –

- Manusmriti
- Yajnavalkya Smriti.
- Parashar Smriti.
- Brihaspati Smriti.
- Shukra Smriti as shukra samhitha

⁹Dr. Ramkumar Verma Shastri- Narada-smriti - Dynamic Publication Meerut U.P. ,2005 2nd edition
Page No.11-12

Kulluka Bhatt -(Pt. gopal shastri nene)Manvarthamuktawali(Manusmriti)- Chaukhamba sanskrit series Varanasi
pages

-15,16,17-

¹⁰ Ibid8 pg17

¹¹ Ibid 8pg22

- Katyayna Smriti.
- Aap stambha Smriti.
- Aatri Smriti.
- Gautama Smriti .
- Vashishtha Smriti.
- Shankh & likhit Smriti .
- Narada Smriti

Thus, the ¹²Manusmriti that we see today is a very small part of that huge Dharmashstra spoken by Manu and it was named Manusmriti by Manu's disciple Bhrigu Rishi. These are some parts of those 10000 verses which Manu gave to Bhrigu Rishi. Later those 10000 verses also got lost and only a few verses of them survived and the later scholars based them on the verses and created Manusmriti which we have today. We get about 2300 verses, all of which cannot be said to be Manu's creation. According to Rigveda, Maharishi Manu is considered to be the originator of Dharmashastras ¹³Rigveda-8/51/1,8/52/1,8/63/1,Taittiriya ¹⁴samhita- 2/10/2, tandya Brahman¹⁵ - 23/16/217)

After Manusmriti, we currently get to see around 120 Smritis, out of which only names are available and most of them are incomplete. In the present Hindu law, the Smritis from which help and instructions have been taken in making the rules are only 22 Smritis, out of which 12 are considered major Smritis, whose names have been given above.

The authors of the Dharmashstras composed the Dharmashstras with a specific purpose in mind. Almost all the Dharmashstras were composed with these objectives in mind -

- Smriti Granth was mainly a special coded collection of instructions and rules written or compiled by a particular sage in a particular period of time on the basis of his life-long experience and Vedic knowledge, which was a code of law and practice for the people of that time. served as a code of conduct

¹²Kulluka Bhatt(gopal shastri nene) - Manvarthamuktawali(Old commentry on Manusmriti)- Chaukhamba sanskrit series Varanasi pages-15-17

¹³ Acharya vedanta tirtha- Rigveda - Part 3, -Manoj Publication Delhi, Edition 4rth 2012 , Page no.354,356,374

¹⁴ Taittiriya samhita-chaukhamba Sanskrit pratishthan Delhi 2013, Page 74

¹⁵ Pt.Anand Chandra Vedant vagish-Tandya Brahman - Sayan bhashyam-chaukhamba Sanskrit pratishthan Delhi 2012, Page 358

- ii. The purpose of Smriti texts was to determine the duties for all sections of the society and to follow those duties and to provide appropriate punishment for not following them.
- iii. Their objective was to purify man's character and conduct and to control man physically, mentally, socially and economically.
- iv. It is considered the main duty of Dharmashastra to give its rules and instructions on every aspect of human life, be it marriage or livelihood or religious and social responsibilities.
- v. Determining rules regarding human eating habits, mutual behavior, succession, social responsibilities, mutual behavior, hospitality, women, children, family and way of living with society, duties and rights of women, punishment and atonement for crimes and misdeeds prevalent in the society and the state, etc.
- vi. Man should not go out of the 10 characteristics of Dharma in any way and should keep following them and if these have been violated then to establish man again in the 10 characteristics of Dharma or to establish him in Dharma, this is the basic objective of Dharmashstras.

Not only the Smriti texts come under the term Dharmashastra, but the Puranas, Mahabharata, Kautilya's Arthashastra etc. are also traditionally considered within its ambit. Thus, if we say, its scope is very wide.

3. *Dharma*

Dharma' is a word in which we get to see different feelings and different meanings. In common language, the word Dharma means the way of worship or worship of God. Its synonym in English language is religion. The actual meaning of this word is much more different and broader than this. Therefore, what is the real meaning of the word Dharma and how it is called Dharma we will try to know here on the basis of real evidences.

First of all, we will try to examine the word Dharma from the grammar point of view because in Sanskrit language, every word has a purpose for its origin and the format of that word is prepared for that purpose.

To know the real meaning of any Sanskrit word, the world's oldest grammar book Panini Ashtadhyayi is taken, here we will also know the meaning of the word Dharma on the basis of the rules given under Panini Ashtadhyayi.

The¹⁶ word '*dharma*' is derived from the root *dhri (dhatu)* of *Sanskrit grammar*, which means to hold, to keep, or to maintain. So, what which holds, keeps or maintains is dharma. Dharma maintains, keeps, or holds the very basis of this universe, the cosmic order. In that sense, dharma means the proper functioning of the various cyclical activities of this universe that maintain its balance. (*Paniniya Ashtadhyayi* - 4/4/41,4/4/92,5/2/132,5/4/124)

The above meaning of the word Dharma can also be taken in this perspective , "That all those rules and principles which govern human nature provide an orderly and dignified way of life to human society and whose non-compliance causes harm to any individual or society and leads to violation and encroachment of his rights and for which penal system and judicial process have been arranged. These principles and rules are followed and propounded by the state and are natural.

Thus we can say that the word Dharma has nothing to do with worship, worship of God and spiritualism. It is directly related to society and human interests and to establish order. In common language, it can also be called legal law or code of conduct.

Some people also associate the word Dharma with responsibility or duty. Our duties and responsibilities towards the society all come under Dharma. While explaining the word Dharma in Dharmashastra, the Dharmashtrakaras (the writer of Dharmashstras) have given mainly 10 characteristics of it -

¹⁷*Dhriti-Kshama-Damoasteyam-Shauchamindriyanigraha,*

Dhirvidya-Satyamkrodho- Dashakam Dharma- Lakshanam // (Manusmriti 6/92)

- Dhriti - Patience
- Kshama- Pardon
- Dama - self-control and suppression of one's desires
- Astey - not to infringe upon the rights of others, Do not take or steal someone else's things
- Shauch - To be pure in body, mind and thoughts
- Indriya-Nigraha - control oneself and one's senses
- Dhi - stable and knowledgeable mind wise mind
- Vidya - Knowledge

¹⁶ Pt. Bhimsen Sharma - Dharm Shabd ke Arth ka vichar- <http://aryamantavya.in/dharm-shabd-ka-arth/accessed> 2/3/25

¹⁷ Ibid 8 pg205

- Satya - Truth
- Akrodh - absence of anger

This is Dharma and anything different or outside from it is not Dharma. If seen from a microscopic point of view, actually the reason behind the law is the presence or absence of these 10 symptoms.

¹⁸Ahimsa-Satyamasteyam Shauchamindrianigraha: -Daanam -Damo Daya-Shanti:- Sarveshaan-Dharmasadhanam. (Yajnavalkya Smriti 1/2/22)

Thus, 10 characteristics of dharma have been mentioned in different Dharmshastras.

Most of today's scholars consider both Dharma and law to be very different for which there are two main reasons-

- i. The Dharma having the above 10 characteristics as mentioned in the Dharmashastra is a universal law which has universal utility for every human being in the world and at its core is morality.
- ii. Laws¹⁹ are rules accepted by states that govern the conduct of local citizens. Law is an instrument which regulates human conduct/behavior, which may or may not be related to morality, are constructed by the state and accepted by the sovereign. Law means Justice, Morality, Reason, Order, and Righteous from the view point of the society. Law means Statutes, Acts, Rules, Regulations, Orders, and Ordinances from point of view of legislature. These are validated and invalidated by the sovereignty for the needs and interests of the citizens, which are seen in very different forms in different nations of the world.

But this is not completely correct because the 10 characteristics of Dharma reflect the essential and universal nature of law and local law is based on these to some extent.

¹⁸Pt. Deendayal Krishnamurti - Yajnavalkya smriti - Khemraj Shri Krishna das press Mumbai 1980 page 28

¹⁹ Dr.N.V. paranjape - Jurisprudence and legal theory - Central law agency Allahabad 18th edition 2017 ,
Page no.199-203

4. *Meaning and origin of modern Environmental law in India*

Environmental Legislations or ²⁰Laws refer to a set of legal rules and regulations designed to protect the environment, conserve natural resources, and ensure sustainable development.

These laws govern the interaction between human activities and the natural environment, aiming to mitigate the impact of activities such as industrial operations, agriculture, waste disposal, and urban development on the environment.

According to ²¹***Black's Law Dictionary***, environmental law is defined as, ***“A collective body of rules and regulations, orders and statutes, constraints and allowances that are all concerned with the maintenance and protection of the natural environment of a country”***.

During the modern time, ²²a few legislations were enacted to protect wildlife from exploitation in the pre-constitutional period.

Some of the prominent environmental legislations of this period include – the Cattle Trespass Act, 1871, the Elephants Preservation Act, 1879, the Indian Forest Act, 1927, etc.

After the United Nations Conference on Human Environment in Stockholm in 1972, there was enactment of a series of environmental laws in India to protect the environment and wildlife in a better way.

These laws, along with environmental organisations and initiatives in India, form a vital component of Environmental Governance in India. Environmental laws in India form a comprehensive framework designed to safeguard the country's environment, natural resources, and ecological balance.

²⁰ Environmental Laws in India - <https://www.nextias.com/blog/environmental-laws-india/#:~:text=After%20the%20United%20Nations%20Conference,wildlife%20in%20a%20better%20way.,> accessed 4/3/25

²¹ Environmental law: Definition, History, Principles, Examples - <https://www.lloydlawcollege.edu.in/blog/environmental-law.html#:~:text=According%20to%20Black's%20Law%20Dictionary,natural%20environment%20of%20a%20country%E2%80%9D.,> accessed 4/3/25

²² Furqan Ahmad- ORIGIN AND GROWTH OF ENVIRONMENTAL LAW IN INDIA -Journal of the Indian Law Institute Vol. 43, No. 3 (July-September 2001), pp. 358-387 (30 pages), <https://www.jstor.org/stable/43951782>, accessed 5/3/25

Starting in the ²³early 1970s, several key environmental legislations were enacted in the country to protect the environment and ecology comprehensively.

Some of the prominent environmental acts, policies and rules in India include:

- Wildlife Protection Act, 1972
- Environment Protection Act, 1986
- National Forest Policy, 1988
- Forest Rights Act, 2006
- Coastal Regulation Zone Notifications (CRZ Notifications)
- Wetlands (Conservation and Management) Rules, 2010 and 2017
- Ozone Depleting Substances Rules, 2000
- Biological Diversity Act, 2002

The ²⁴42nd amendment introduced significant modifications to the Indian Constitution, especially in the context of environmental law. Particularly, it assigned a shared accountability to both the state and its citizens for the safety and fortification of the environment.

By incorporating Article ²⁵48-A into the Indian Constitution's Directive Principles of State Policy, the state was given the responsibility "to safeguard and improve the environment and to protect the country's forests and wildlife."

With the enactment of Article ²⁶51-A, the Constitution imposed ten fundamental responsibilities on its citizens. Recognising that citizens are endowed with a variety of fundamental liberties as part of their status in the country, these obligations were imposed. Recognising the essential relationship between rights and responsibilities, these fundamental duties serve as a constant reminder to citizens that, while the Constitution provides them with explicit fundamental rights, it also imposes on them definite duties that they must fulfil in order to become responsible citizens.

Subsequently, Article 51-A (g) obligated citizens "to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures"

²³ Chahal- Major environmental movements -<https://chahalacademy.com/major-environmental-movements#:~:tex>, accessed 5/3/25

²⁴ Yadav gyanchand- Sanvidhan va Rajya vyavastha - edition 1,2019 -Gyan publishing house Delhi

²⁵ Constitution of India (Bare Act) page 18, edition 2023, Professional Book Publishers Delhi

²⁶ Ibid 24pg17

Article 47²⁷ of the Indian Constitution mandates that the state better the nutritional and living standards of its citizens and public health. States must also limit the use of all intoxicating substances, with the exception of tobacco. The provisions of this article impose on the state the obligation to implement all essential health protection parameters.

Article 21²⁸ of the Indian Constitution guarantees the Fundamental Right to reside in a pollution-free environment and to have access to clean air and water. While the right to life and personal liberty were inherent in the Constitution, their multiple facets emerged gradually, guided by court decisions and investigations.

In the ²⁹1980s, the Supreme Court of India began rendering decisions in numerous cases involving the protection of an individual's right to exist in a pollution-free environment. During this time, the Court issued a number of directives, conducted crucial analyses, and imposed restrictions, all with the goal of ensuring that every person could appreciate a clean environment as a fundamental, life-sustaining right.

If we say in brief, the present form of Indian environmental law that we are seeing is the result of the big campaigns and movements that took place in the last 100 years, some of the major ones of which are as follows:

- i. **Chipko Movement** 1973, It started in Uttarakhand's Chamoli district for tree conservation which lasted for more than a decade and its impact was nationwide.
- ii. **Narmada Bachao Andolan (NBA):**
This movement started in 1985 and was led by activists like Medha Patkar and Baba Amte.
- iii. **Tehri Dam Virodhi Sangharsh Samiti:**
This movement started in the 1980s and continued till 2004.
- iv. It was led by Sunderlal Bahuguna, who was an environmental activist.

²⁷ Ibid 24pg16

²⁸ Ibid 24pg8

²⁹ Ashok Kumar Meena, R.K. Maikhuri- EVOLUTION OF ENVIRONMENTAL LAWS AND POLICIES IN INDIA -GAP BODHI TARU

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(ISSN – 2581-5857), Globally peer-reviewed and open access journal. [https://www.gapbodhitaru.org/res/articles/\(110-116\)%20EVOLUTION%20OF%20ENVIRONMENTAL%20LAWS%20AND%20POLICIES%20IN%20INDIA.pdf](https://www.gapbodhitaru.org/res/articles/(110-116)%20EVOLUTION%20OF%20ENVIRONMENTAL%20LAWS%20AND%20POLICIES%20IN%20INDIA.pdf), accessed 6/3/25

- v. ***Save Khejdali Movement***: This village is 26 km away from Jodhpur. This village is named Khejadli because of the abundance of Khejadi trees in it. On 12 September 1730, 363 Bishnoi [69 women and 294 men] of Chorasi village including Amrita Devi Bishnoi were martyred in Khejadli to save the green Khejadi trees.
- vi. ***Appiko Movement*** was an environmental movement in India. It started in the year 1983 in the Uttara Kannada district of Karnataka. The purpose of this movement was to make people aware of the environment and tell them about the dangers caused by exploitation of forests.
- vii. ***Save Jungle movement***: In 1982, the Jungle Bachao Andolan movement was launched in Singhbhum district of Bihar to protect the sal forest from commercial teak plantations.

The above movements are only a few brief examples of the major movements for environmental protection. According to an estimate, more than 3000 movements have taken place in the past 270 years for environmental protection, which includes conservation of trees, animals, mountain ranges, etc.

KEY ENVIRONMENTAL CONCEPTS IN INDIAN DHARMSHAstra

³⁰***Dharmarth -Kama-mokshanam-upadesh samanvitam***

Purvritam Kathayuktam Itihasaam Prachakshate. (Vishnu Dharmettar Samhita, 3/15/1)

The story which narrates the events of the past along with the teachings and lessons so that a man can successfully achieve the four aims of human life - Dharma, Artha, Kama and Moksha is called history.

Indian Vedic Sanatan ideology and tradition starts with the Vedas and its final point is considered to be the Smriti Granth or Dharmashastra. Here we will take a brief overview of the provisions made for environmental protection under traditional Vedic scriptures and Dharmashastras.

³⁰ Krishna dwaipayana(H.Pradyumana) -Vishnu Dharma Samhita - Gita press Gorakhpur ,1993, page 138

1. *Environmental consciousness in Vedas*

When we study the Vedas, we see in them only the desire for the welfare of the environment and the desire for human welfare through the environment.

³¹Sham no Dhyava-Prithivi Purvhutau Shamantariksham Drishayae no Astu||

Sham no Aushadhirvanino Bhawantu Sham no Rajasaspatirastu Jishnu:|| (Rigveda.7.35.5)

May the earth and sky be a source of happiness for us; May the space and the entire constellation be beneficial for us; May medicines and trees provide us peace and well-being; May God provide us with a peaceful and well-being environment.

In this way, the glory and greatness of every aspect and every part of nature and environment has been described in the Vedas and a message has been given to human society to preserve them, such as:

In **Rigveda**, Prithvi Sukta ³²(5th mandal 84th sukta) clearly tells us how we can protect our earth. According to this, we should not over-exploit the minerals and metals obtained from the earth and use them for our own benefit. Similarly, through the Vrishti Sukta³³(Atharvveda 7 kand 19th sukta) in the **Atharvaveda**, we come to know the importance of rain. Jal Sukta³⁴ (**Rigveda 10.9**) gives a detailed view of the importance and utility of water and Aushadhi (Medicinal Plants& Trees) Sukta³⁵ (**Rigveda.10/97**) gives a detailed view of the importance and utility of Plants& Trees. The names and properties of 382 medicinal plants and trees are clearly mentioned in the Rigveda and Atharvaveda.

Apart from the above, the form of gods in the Vedas is actually the idol concept of environment in which air, fire, water, mountains, rivers, forest, sun, moon, rain are prominent, which has a direct message that humans get their life and their needs from various sources of environment, so we should promote and protect the environment.

³¹ Aacharya Vedant tirth(Bhashyakara)- Rigveda (Part 2), 4th edition 2013 , Manoj Publication Delhi

³² Ibid 31 pg.402

³³ Aacharya Vedant tirth(Bhashyakara)- atharvveda (Part 2), 4th edition 2013 , Manoj Publication Delhi pg.377

³⁴ Ibid 31 pg.223

³⁵ Ibid 31 pg.434

2. Dharmshastras and Puranas

There are many references in the Puranas and Smritis about tree conservation, river conservation and environmental conservation.

³⁶***Dashkupa Sama Vapi Das wapi samuh hrida: ||***

Dasha-hrida-sama: putro dasha Putra samo Druma: || (sarangdhar Sanhita 11.2.3)

One pond is equal, One gets virtue to 10 wells, one lake is equal to 10 lakes, 10 lakes are equal to one son and 10 sons are equal to one tree.

By cutting a tree, a person has to suffer hell for 10 lakh births and by planting a tree, a person saves his thousand past generations and thousand future generations³⁷ (***Varah Puran.170/36-44***)

*The society which keeps the rivers clean, nurtures the trees, keeps the air fragrant, lives in heaven*³⁸ (***Matsyapuram 11.56***)

³⁹***Shandilya Smriti 2.22-24 - Never adorn the pond water with body parts, nor pollute the water with feet, never urinate in the pond, and never leave faeces, urine, etc. in the river or pond. Whoever does this should be expelled from society.***

⁴⁰***Vriksharopayitur-vriksha: parloke Putra bhavanti (Vishnu Dharm Sutra 19.4)***

Trees are like sons. Whoever plants as many trees in this life, he becomes a son forever.

⁴¹*It is a punishable offence to contaminate rivers, ponds and wells by discharging faeces, urine, saliva etc. (yaghyvalk Smriti 1.137)*

⁴²*It is the honorable duty of both the king and the subjects to protect forests and wildlife and mountains and trees. (Vishnu Puran 5.10.32)*

⁴³***VanspatiNaam sarvesham upbhogam yatha yatha ||***

³⁶ Jagannath Shastri - Sarangdhar Sanhita (Paddhati)- Chaukhamba Sanskrit pratishthan Delh, first edition 2021, pg.234

³⁷ Varah Purana- Geeta press Gorakhpur ,edition 1995,pg.567

³⁸ Matsya Purana- Geeta press Gorakhpur ,edition 1995,pg.321

³⁹ Gopinath kaviraj- Shandilya Smriti -sampurnanand Sanskrit vishwavidyalay Varanasi, 1996 page. 38

⁴⁰ Shri vidyadhar Shastri - Shri Vishnu dharmettar Sanhita - Sri Venkateswara press Mumbai, sarvoday sahitya Mandir 1982,pg.554

⁴¹ Ibid 18pg.13

⁴² Vishnu Puran- Geeta press Gorakhpur, edition 1995 page 235

⁴³ Ibid 8 page223 or467

***Tatha tatha damah karyo hinsayamiti dharna*||(manusmriti 8.285)**

***FaladaNaam tu vrikshanam chhedne Japyamrikshatam* ||**

***GulmaValli-LataNaam tu pushpita Naam ch vir udham*||(manusmriti 11.142)**

Manusmriti clearly states that the promotion and protection of trees and plants will be the duty of the state and the public and the state will also make laws for the use of plants and the punishment for misusing, harming or cutting them.

In very brief we can say that in Vedas, Puranas and Indian wisdom, detailed environmental law was shown in ancient times itself.

COMPARATIVE ANALYSIS: DHARMSHAstra VS. CONTEMPORARY ENVIRONMENTAL LAWS

In our exploration of environmental stewardship, it becomes essential to draw parallels between the ancient wisdom encapsulated in Indian Dharmshastra and the contemporary legal frameworks that govern environmental protection today. The Dharmshastra, a collection of ancient Indian texts that outline moral and ethical conduct, provides a profound understanding of humanity's relationship with nature, emphasizing principles of sustainability and respect for the environment. For instance, the concept of "Ahimsa" (non-violence) extends beyond interpersonal relations to encompass the natural world, advocating for a harmonious coexistence with all living beings-

⁴⁴*Maa Hinsyat Purushan-Pashunshch (Atharvveda.3.28.6)*

Do not commit violence against humans, animals and creatures.

In contrast, modern environmental laws are often reactive, developed in response to industrialization and its environmental repercussions. They are characterized by regulatory frameworks designed to mitigate damage through measures such as pollution control, waste management, and conservation efforts. While these laws are crucial in addressing urgent environmental crises, they sometimes lack the philosophical depth and holistic approach seen in Dharmshastra.

⁴⁴ Ibid 33 part1,pg.143

⁴⁵Yasya Vriksha Vanaspatya Dhruva Tishthanti Vishwaha||

Prithivim vishwadhayasam Dhritamachchhaawada Masi ||(Atharvveda.12.1.27)

“We worship the earth on which vegetation, trees etc. always remain stable and serve everyone in the form of medicine; such vegetation land and the earth which nurtures everyone.”

In this Vedic mantra, a clear message is given that the society which respects its nature, protects the environment, and progresses by keeping medicinal trees, rivers and mountains safe and clean, only that society is truly respectable.

While doing a comparative study of the laws of Dharmashastras and the present modern legal system, two things become clearly understood. That the spirit of morality is dominant in the "Dharmashastriya law" which has no place in modern law. For environmental protection and smooth functioning of the natural cycle, we should take some inspiration from the ancient religious scriptures and make such laws that create responsibility towards nature and environment in the general public and the government system. Today we can make our own laws and can also "improve" or Amend them, that is why we must make advanced and effective laws for environmental protection

CONCLUSION: THE PATH FORWARD FOR ENVIRONMENTAL STEWARDSHIP

In concluding our exploration of the intersection between ancient Indian Dharmshastra and contemporary environmental challenges, it becomes evident that a path forward for environmental stewardship lies not in choosing one framework over the other, but in synthesizing the wisdom of the past with the realities of the present. The principles enshrined in Dharmshastra advocate for a harmonious relationship between humanity and nature, emphasizing responsibility, sustainability, and reverence for all forms of life. These teachings, though centuries old, resonate profoundly with today's pressing environmental concerns.

As we confront issues such as climate change, biodiversity loss, and pollution, it is crucial to revisit these ancient texts, which offer holistic perspectives on ecological balance and ethical living. The Dharmshastra insists on the interconnectedness of all beings, underscoring that the health of the

⁴⁵ Ibid 33 part -2, pg.94

environment is intrinsically linked to the well-being of society. This perspective encourages modern policymakers, businesses, and individuals to adopt practices that prioritize environmental integrity as a fundamental component of economic and social success.

Moreover, integrating traditional ecological knowledge with modern environmental laws can lead to more effective governance and community engagement. This hybrid approach can empower local communities to reclaim their roles as stewards of the land, fostering sustainable practices that align with both ancestral wisdom and contemporary scientific understanding. In moving forward, we must advocate for education and awareness programs that highlight the importance of environmental stewardship, drawing on ancient philosophies to inspire a new generation of environmentally conscious citizens. By fostering a culture that values sustainability and ethical responsibility, we can create a robust framework for addressing the ecological crises we face today.

In this journey toward environmental stewardship, let us not forget that the wisdom of the past can illuminate our path, guiding us toward a more sustainable and harmonious coexistence with the natural world. By embracing both ancient insights and modern innovations, we can pave the way for a future where humanity thrives in symbiosis with the environment, ensuring the health of our planet for generations to come.

In conclusion, our exploration of ancient Indian Dharmshastra alongside contemporary environmental laws has illuminated the profound insights and practices that can inform modern ecological challenges. By recognizing the timeless values embedded in these ancient texts—such as the intrinsic connection between humanity and nature, the principles of sustainability, and the importance of communal responsibility—we can enrich our current legal frameworks and promote a more holistic approach to environmental stewardship. As we navigate the complexities of today's environmental crises, it is essential to draw inspiration from our past, merging ancient wisdom with innovative solutions. Together, these perspectives can guide us toward a more sustainable future, fostering a deeper respect for the planet that sustains us all. Let us carry forward this dialogue, integrating historical values with modern practices to create a harmonious balance between development and conservation.

Om Dyauh Shaantir-Antarikssam Shaantih

Prthivii Shaantir-Aapah Shaantir-Ossadhyah Shaantih |

Vanaspatayah Shaantir-Vishvedevaah Shaantir-Brahma Shaantih

Sarvam Shaantih Shaantir-Eva Shaantih Saa Maa Shaantir-Edhi |

Om Shaantih Shaantih Shaantih ||- (yajurveda Shantipath)