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Great Nicobar Revives the Issue of Nature's Legal Rights

Context

- **The Andaman and Nicobar Islands**, celebrated as **one of the planet's major biodiversity hotspots**, occupy a crucial ecological position as carbon reservoirs and climate regulators.
- Yet, these fragile ecosystems now **face severe threats from development policies** largely influenced by mainland India's economic agenda.
- The **Government of India's multi-crore mega-plan for Great Nicobar Island**, encompassing a power plant, transshipment port, township, and airport, **poses an imminent danger to approximately 13,000 hectares of pristine forest**.

Ecological Significance and Developmental Disruption

- The Andaman and Nicobar Islands **represent a rare ecological sanctuary**, hosting unique biodiversity and playing a vital role in regulating the global climate.
- However, **their development trajectory has historically been dictated by mainland India**, which often overlooks the islands' delicate environmental balance.
- The **proposed Great Nicobar project epitomises this dissonance**: while aimed at boosting infrastructure and economic output, it threatens to destabilise ecosystems that sustain both human and non-human life.
- **Such developmental ambitions mirror a larger global trend where short-term economic gains often override long-term ecological sustainability**, turning once-thriving ecosystems into collateral damage in the race for progress.

The Niyamgiri Precedent: Legal Recognition of Indigenous Rights

- A powerful legal analogy to the Great Nicobar issue can be found in the **2013 Niyamgiri Hills judgment** (Orissa Mining Corporation Ltd. vs Ministry of Environment & Forest and Ors.).
- In this landmark case, **the Supreme Court of India upheld the rights of the Dongoria Kondh tribe to protect their sacred land** from bauxite mining, recognising the competence of the gram sabha to safeguard cultural identity, traditions, and community resources.
- The **Court's decision** underscored the principle that **environmental justice must include the voices of local and indigenous populations** most affected by ecological degradation.

- **In the case of Great Nicobar, serious concerns have emerged** regarding the violation of this very principle.
- Reports suggest that the **Andaman and Nicobar Islands Administration falsely represented** to the Centre that the **forest rights of the Nicobarese tribes had been settled**, without allowing the Tribal Council to certify such settlement as required under the Forest Rights Act, 2006.

Beyond Anthropocentrism: The Emergence of 'Rights of Nature'

- The repeated failure of environmental laws to prevent ecological damage has prompted several nations to adopt an alternative jurisprudential approach, **earth jurisprudence or rights of nature**.
- This philosophy, embraced by countries such as Bolivia, Ecuador, Colombia, and New Zealand, redefines nature not as a resource to be exploited but as a **rights-bearing entity deserving of legal recognition and protection**.
- The intellectual roots of this movement **trace back to Christopher Stone's seminal 1972 article, Should Trees Have Standing?**
- **Stone argued that environmental protection laws were inherently anthropocentric**, offering remedies only for human harm rather than for the degradation of nature itself.

Indian Legal Experiments and the Challenge of Guardianship

- India's flirtation with the rights of nature framework emerged in 2017 when the Uttarakhand High Court declared the **Ganga and Yamuna rivers** and their glaciers as legal persons.
- Although **the Supreme Court later stayed this judgment, it signalled a growing willingness to explore innovative legal mechanisms** for ecological protection.
- The concept of appointing **guardians** to represent natural entities, **humans legally obligated to act on behalf of ecosystems**, offers a promising avenue for translating philosophical recognition into practical enforcement.
- However, **such recognition also raises complex legal questions**. Can natural entities, like human persons, bear responsibilities or engage in legal transactions?

Lessons from Colombia: The Atrato River and Biocultural Rights

- Colombia's **Atrato River case (2016) offers valuable guidance for integrating indigenous and ecological rights**.
- The **Colombian Constitutional Court recognised the river as a legal subject** and introduced the concept of **biocultural rights**, acknowledging the intertwined existence of local communities and their natural environment.
- This **judgment mandated the formation of a commission of guardians**, including representatives from affected indigenous groups, to oversee the river's protection.
- Such a model could be transformative for India's island ecosystems.
- **By recognising the biocultural connection between Nicobarese tribes and their forested lands**, India could design a **legal framework that simultaneously protects cultural survival and environmental integrity**.

Conclusion

- The Great Nicobar project encapsulates **the persistent clash between economic expansion and ecological preservation.**
- **As history and jurisprudence demonstrate,** sustainable development cannot emerge from policies that silence indigenous communities or commodify ecosystems.
- The lessons from the **Niyamgiri Hills**, the **rights of nature movement**, and the **Atrato River case collectively point toward a more inclusive and ecocentric legal philosophy**, one that transcends the limitations of human-centred law.
- **The survival of Great Nicobar's forests**, and indeed the planet's ecological future, depends not merely on conserving biodiversity but **on reimagining our relationship with the natural world, one founded on respect, responsibility, and recognition** of nature as a living legal subject.

Great Nicobar Revives the Issue of Nature's Legal Rights FAQs

Q1. What is the main environmental concern regarding the Great Nicobar project?

Ans. The main concern is that the project will destroy around 13,000 hectares of pristine forest, threatening the island's rich biodiversity and fragile ecology.

Q2. How does the Niyamgiri Hills case relate to the Great Nicobar issue?

Ans. The Niyamgiri Hills case established that local tribal communities have the right to decide on projects affecting their land and culture, a principle that should apply to the Nicobarese tribes as well.

Q3. What is meant by the "rights of nature" approach?

Ans. The "rights of nature" approach recognises natural entities like rivers, forests, and mountains as legal persons with rights that can be defended in court.

Q4. Which country's legal case introduced the idea of "biocultural rights"?

Ans. Colombia's Atrato River case introduced the idea of biocultural rights, linking the protection of nature with the rights of indigenous communities.

Q5. What solution is suggested for protecting Great Nicobar's ecology?

Ans. Granting legal personhood to natural entities and ensuring that indigenous communities participate directly in environmental decision-making.

Source: **The Hindu**

Global Doors, Measured Steps

Context

- Not long ago, **the notion of India as a global destination for resolving international commercial disputes would have seemed improbable.**

- Historically, **India's judiciary was celebrated for its activist role in safeguarding constitutional rights** rather than facilitating high-stakes business arbitration. Yet today, that narrative is shifting.
- Through deliberate institutional reforms and a growing openness to international legal collaboration, **India is positioning itself as a credible centre for dispute resolution and cross-border investment adjudication.**
- This **evolution reflects not only legal reform but also a broader transformation in India's self-conception**, from a cautious, inward-looking legal system to one that embraces global engagement.

Historical Resistance to Foreign Participation and A New Era for Indian Arbitration

• Historical Resistance to Foreign Participation

- Despite this newfound enthusiasm, **India's relationship with foreign legal participation has long been fraught.**
- From the 1990s onwards, **when liberalisation first opened the economy, foreign law firms eyed India as a promising market.**
- However, **the domestic legal sector was then fragmented**, under-resourced, and struggling to retain talent.
- **In such a context, the entry of global firms posed the risk of overwhelming local players.**
- The **judiciary, recognising this imbalance, intervened repeatedly**, through landmark decisions such as Lawyers Collective (2009) and A.K. Balaji (2012), to restrict foreign law firms from practising in India.
- The **Supreme Court's 2018 ruling reinforced this stance**, allowing only **limited fly-in, fly-out advice.**
- **Critics labelled this approach insular, but India's caution was rooted not in insecurity but in timing:** the legal ecosystem needed to mature before competing on equal footing.

• A New Era for Indian Arbitration

- The **India Alternative Dispute Resolution (ADR) Week**, organised by the Mumbai Centre for International Arbitration across multiple cities, stands **as a powerful symbol of this transformation.**
- The participation of leading global arbitration practitioners alongside the Indian Bar and Bench marks an unprecedented exchange of expertise.
- What once seemed unimaginable, **India sharing the stage with New York, London, or Singapore as an arbitration hub**, now feels within reach.
- This **shift indicates growing confidence in India's legal infrastructure**, procedural sophistication, and the professional capacity of its lawyers.

The Rise of a Mature Legal Profession

- That **maturation has now taken place.** Indian law firms, once small and fragmented, have grown exponentially, some now employing over a thousand lawyers with international exposure.

- **This organic growth, achieved without foreign capital or institutional intervention**, stands out in a globalised economy.
- **Indian lawyers today are not only locally respected but internationally competitive**, often qualified across multiple jurisdictions and occupying senior roles in global firms.
- This **organic strengthening has set the stage for the next phase of India's legal evolution**: calibrated liberalisation.

Regulating Global Integration: The 2025 Bar Council Rules

- The Bar Council of India's **2025 Rules for Registration and Regulation of Foreign Lawyers** and Law Firms **mark a turning point**.
- Building on the Council's 2023 acknowledgment of the need to open India's legal market, **these rules create a formalised framework for foreign participation**.
- They **allow foreign firms to advise on their home-country and international law**, and to participate in international arbitrations seated in India, but crucially, they prohibit the practice of Indian law or courtroom advocacy without proper enrolment.
- **This dual approach**, openness balanced by regulation, **embodies what the author calls Aristotle's Golden Mean**: a middle path between reckless liberalisation and defensive insularity.
- Moreover, **the principle of reciprocity ensures fairness, foreign firms may operate in India only if Indian lawyers receive equivalent rights abroad**.

Challenges and the Way Forward: Cautious Progress and National Confidence

- The new regulatory regime is not without challenges.
- Compliance requirements, ministry certifications, and **caps on unregistered work may appear burdensome**.
- Yet **these safeguards ensure that foreign expertise complements rather than eclipses** the domestic profession.
- Abraham Lincoln's words, **I walk slowly, but I never walk backward**, should be used to frame India's **journey as steady**, deliberate, and forward-looking.
- Similarly, **Tagore's reflection that everything comes to us that belongs to us if we create the capacity to receive it captures the philosophical underpinning** of India's transformation: the belief that national readiness, not mere openness, determines sustainable progress.

Conclusion

- **India's evolving legal landscape mirrors its broader economic and institutional journey**, from protectionist hesitation to confident global participation.
- The **country's measured embrace of international legal collaboration demonstrates a maturing self-assurance**: one that values both sovereignty and exchange.
- With its expanding legal infrastructure, globally trained lawyers, and balanced regulatory framework, **India is poised to become not just a participant but a leader in global dispute resolution**.

- The **transition from isolation to integration reflects not only institutional reform but also a deeper narrative of national confidence**, a slow, deliberate stride toward global parity, without ever walking backward.

Global Doors, Measured Steps FAQs

Q1. What major change has occurred in India's legal landscape in recent years?

Ans. India has transformed from a domestically focused legal system into a growing hub for international commercial dispute resolution.

Q2. Why did India initially restrict foreign law firms from practising in the country?

Ans. India restricted foreign law firms because its domestic legal industry was still developing and not ready to compete with established global firms.

Q3. What do the Bar Council of India's 2025 Rules aim to achieve?

Ans. The 2025 Rules aim to regulate foreign law firms' entry into India, allowing collaboration while protecting Indian legal practice.

Q4. What should be India's approach to legal reform?

Ans. India's approach should be cautious and deliberate, balancing openness with protection, similar to Aristotle's Golden Mean.

Q5. What is the larger about India's progress?

Ans. India's progress in the legal field reflects national confidence and readiness to engage with the global legal community.

Source: **The Hindu**

India's Economic Leap of Confidence - From Self-Belief to Self-Reliance

Context

- **Amid global economic turbulence marked by rising protectionism**, trade barriers, and demographic challenges in developed economies, **India has pursued an inwardly strengthened yet outwardly confident growth model.**
- The article illustrates India's **economic resurgence powered by self-belief**, resilience, and reform-driven transformation.

India Amid Global Protectionism

- **Return of protectionism:**
 - **The United States** has imposed a **\$1,00,000 fee on H-1B visa** petitions and 100% tariffs on branded pharmaceuticals, reflecting growing economic nationalism and demographic anxiety.

- Such measures highlight the **inward turn of developed nations** seeking job protection and trade barriers.

- **India's counter approach:**

- India's response has been to strengthen its internal foundations — the three pillars of “**Scale, Skill, and Self-Reliance.**”
- This shift is not isolationist but a **strategy to convert adversity into economic acceleration.**

Demographic Dividend and Reform Momentum

- **Youth as India's strength**

- **India's median age is below 29**, with two-thirds of its population under 35, unlike ageing China (median age above 40).
- This **demographic advantage**, combined with education, skilling, and entrepreneurship, positions India as the growth engine of the world economy.

- **Reform and economic resilience**

- Over the past decade, **reforms in infrastructure, manufacturing, taxation (GST), and digital governance** have bolstered India's global standing.
- RBI's FY26 **GDP forecast stands at 6.8%**, supported by strong domestic demand, investment flows, and monsoon prospects.
- **GST collections** consistently exceed **₹1.8 lakh crore monthly**, showing robust consumption and formalisation.
- **Forex reserves at \$700 billion** can cover 11 months of imports — a sign of macroeconomic stability.

Growth Indicators and Festive Momentum

- **Economic performance**

- **Purchasing Managers' Indexes (PMI):** The manufacturing PMI held strong at 57.7 and services at 60.9, reaffirming India's status as the world's fastest-growing large economy.
- **Exports:** In 2024-25, India's overall exports of goods and services reached an all-time high of about \$825 billion, while merchandise exports alone were about \$437 billion.
- **Renewable capacity:** Surpassed 220 GW.
- **Inflation:** Inflation is moderate and fiscal prudence is matched by record public capital expenditure.

- **Consumer confidence**

- **Festive retail and e-commerce sales (Dussehra 2025):** ₹3.7 lakh crore, 15% higher than 2024.

- **Online gross merchandise value (GMV):** Over ₹90,000 crore, reflecting a digitally empowered middle class.

Atmanirbhar Bharat - Redefining Self-Reliance

- **Clarifying the concept**
 - Critics misunderstand Atmanirbhar Bharat as isolationism. In reality, it represents “**strength turned outward.**”
 - The initiative fosters **Make in India for the World**, enabling decentralised, inclusive growth.
- **Production-Linked Incentive (PLI) impact:**
 - **Catalysed investments** in mobile phones, defence, solar modules, and medical devices.
 - **Generated employment, innovation, and export capacity.**

Technology, Innovation, and Global Integration

- **Digital Public Infrastructure (DPI)**
 - **UPI** handles 650 million transactions daily, surpassing Visa.
 - **Aadhaar, DigiLocker, ONDC** form a population-scale ecosystem connecting citizens and enterprises.
 - **Global collaborations** — UPI partnerships with Singapore, UAE — underscore India’s tech diplomacy.
- **R&D and Start-up ecosystem**
 - **Anusandhan National Research Foundation (ANRF):** ₹50,000 crore outlay to boost R&D and innovation.
 - **Fund-of-funds for start-ups** and **expanded PLI** deepen technological self-sufficiency.

Diaspora Strength - Economic and Cultural Ambassadors

- **Indian diaspora:** Over **32 million** strong diaspora, is among the world’s most successful and respected. **Remittances of \$135 billion in 2024** are not just inflows of wealth, they are affirmations of trust.
- **11 Fortune 500 companies** led by Indian-origin CEOs representing \$6 trillion in market cap.
- **This reflects India’s global human capital advantage.**

Skilling India for the World

- **Next step:** Global Skilling Mission
- **Integrate:** Make in India, Startup India, and Skill India under a unified framework.
- **Focus:** Internationally aligned curricula, language training, pre-departure orientation, and social security portability.
- **Aim:** Make the Indian worker the preferred professional globally.

Way Forward

- **Expand human capital diplomacy:** Through bilateral skilling and mobility agreements.
- **Sustain reform momentum:** In manufacturing, logistics, and financial inclusion.
- **Boost R&D spending:** Encourage private sector innovation under NRF.
- **Strengthen green transition:** Accelerate renewable energy and sustainable manufacturing.
- **Enhance trade resilience:** Through diversification of export markets and free trade agreements.

Conclusion

- **India's economic journey is a leap of self-belief and confidence.**
- India is not retreating behind walls but building capabilities and capacity, **emerging as a civilisationally confident**, modern, and globally integrated economy.
- Amid global uncertainty, **India remembers its strength — and leaps ahead.**

India's Economic Leap of Confidence FAQs

Q1. How does the concept of 'Atmanirbhar Bharat' redefine the idea of self-reliance?

Ans. Atmanirbhar Bharat signifies strength turned outward—enhancing India's domestic capabilities to engage the world on equal terms.

Q2. In what ways has India's demographic advantage contributed to its position as the world's growth engine?

Ans. With two-thirds of its population under 35, India's youthful workforce drives consumption, entrepreneurship, and innovation.

Q3. What role does India's DPI play in promoting inclusive economic growth?

Ans. Platforms like UPI, Aadhaar, DigiLocker, and ONDC have democratised access to finance, services, and markets.

Q4. How have recent economic indicators reflected India's macroeconomic stability and resilience?

Ans. Strong GST collections, rising forex reserves, robust PMI indices, demonstrate India's sustained growth momentum.

Q5. Why is the symbolism of Hanuman's leap relevant to understanding India's economic transformation?

Ans. It represents India's rediscovery of self-belief—leveraging internal strength, reforms, and confidence to overcome global barriers.

Source: **IE**

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