



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

CONSTITUTIONAL, LEGISLATIVE AND POLICY **FRAMEWORK TOWARDS SUSTAINABLE** **DEVELOPMENT IN INDIA: AN OVERVIEW**

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ABSTRACT:

Sustainable development has emerged as a cardinal principle guiding contemporary legal and policy discourse, especially in jurisdictions grappling with the twin imperatives of economic growth and ecological preservation. India, being a signatory to several international environmental conventions, has made the evolution of the doctrine of sustainable development into a jurisprudential cornerstone, reflecting a synergistic integration of constitutional mandates, statutory enactments, judicial innovation, and policy initiatives. The Constitution of India, though silent on the term *per se*, preserves sustainable development through dynamic interpretation of various articles. Legislatively, a comprehensive array of environmental statutes provides the structural and regulatory scaffolding for environmental governance. Concurrently, India's policy framework, exemplified by various national policies reflects an evolving alignment with global sustainability norms. The Indian judiciary, through progressive adjudication in landmark cases, has not only expanded the contours of environmental rights but also institutionalized many sustainable development principles into the legal domain. This article provides a comprehensive overview of the constitutional, legislative, and policy frameworks that collectively shape India's approach towards sustainable development and evaluates the effectiveness of current legal and institutional mechanisms in ensuring sustainability.

KEYWORDS: Environment, Sustainable development, Law, Judiciary, Government.

1. INTRODUCTION

The notion of sustainable development, though rooted in global environmental consciousness, finds particular urgency in India's developmental trajectory marked by rapid industrialization, urban expansion, and growing ecological vulnerabilities.¹ Defined by the Brundtland Commission as “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*”² sustainable development necessitates a fine equilibrium between growth imperatives and environmental stewardship. India's constitutional and legislative frameworks, along with a dynamic judiciary and an evolving policy landscape, reflect a concerted attempt to reconcile these competing objectives. The integration of environmental protection into fundamental rights and duties, the proliferation of environmental statutes, and the increasing alignment with international environmental obligations underscore India's legal commitment to sustainability. At the same time, the role of public interest litigation and judicial activism has been instrumental in institutionalizing the environmental rule of law.³ Here an attempt has been made to present a holistic overview of the constitutional, statutory, and policy frameworks that collectively reflects India's approach to sustainable development. It further explores the legal foundations, assesses the role of the judiciary in developing environmental jurisprudence, and evaluates the effectiveness and limitations of existing policies and institutions. In doing so, the article seeks to identify pathways for reinforcing the legal architecture to ensure that sustainable development becomes a tangible and enforceable mandate, rather than a mere aspirational ideal.

2. CONSTITUTIONAL FRAMEWORK

Although the Constitution of India does not expressly articulate the phrase “sustainable development”, its foundational ethos, as interpreted and evolved through judicial exposition, unequivocally endorses environmental preservation, ecological balance, and intergenerational equity- hallmarks of the doctrine of sustainable development.⁴

The bedrock of this constitutional commitment lies in Article 21, which guarantees the right to life and personal liberty. Through an expansive interpretation, the Supreme Court has

¹ Philippe Sands, *Principles of International Environmental Law*, 2nd edn. (Cambridge University Press, Cambridge, 2003) pp. 253-259.

² World Commission on Environment and Development, *Our Common Future* (Oxford University Press, Oxford, 1987) p. 43.

³ Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India*, 2nd edn. (Oxford University Press, New Delhi, 2001) pp. 124-130.

⁴ *M.C. Mehta v. Union of India*, AIR 1987 SC 965.

recognized that the right to life encompasses the right to a wholesome and pollution-free environment. In *Subhash Kumar v. State of Bihar*,⁵ the Court categorically affirmed that environmental degradation poses a direct threat to the constitutional right to life. This jurisprudential development has not only elevated environmental concerns to the pedestal of fundamental rights but also underscored the State's corresponding duty to ensure ecological well-being.

Article 48A, inserted by the 42nd Constitutional Amendment in 1976, enjoins the State to protect and improve the environment and to safeguard forests and wildlife. While Directive Principles are non-justiciable, Article 48A serves as an indispensable legislative compass, guiding the formulation of environmental laws and policy measures. Its influence is manifest in the enactment of key statutes and the evolution of environmental jurisprudence.

Article 51A (g), forming part of the fundamental duties of citizens, mandates every individual to protect and improve the natural environment. Though not enforceable in a court of law, this provision reflects a constitutional ethos of participatory environmentalism and civic responsibility.⁶ It calls for environmental stewardship not merely by the State but by every citizen, thereby infusing the concept of sustainable development with democratic legitimacy.

Though not directly referring to the environment, Article 14 also has played a critical role in environmental jurisprudence by invalidating arbitrary environmental clearances, discriminatory land acquisitions, and selective enforcement of pollution controls. The doctrine of non-arbitrariness under Article 14 ensures that environmental governance operates within the bounds of fairness, reasonableness, and equality. In *Deepak Nitrite Ltd. v. State of Gujarat*,⁷ the Court held that discriminatory application of pollution control laws offends Article 14.

While Article 19(1)(g) guarantees economic freedom to every individual, reasonable restrictions can be imposed in the interests of public health and morality.⁸ The courts have held that the right to carry on business is not absolute and must yield to environmental concerns. In *M.C. Mehta v. Union of India*,⁹ the Court ordered the closure of polluting industries operating

⁵ AIR 1991 SC 420.

⁶ P. Leelakrishnan, *Environmental Law in India*, 5th edn. (LexisNexis, Gurgaon, 2019) pp. 103-110.

⁷ AIR 2004 Guj 221.

⁸ The Constitution of India, art. 19 (6).

⁹ (2002) 4 SCC 356 and this case is popularly known as Tanneries case.

in residential areas, ruling that economic activity cannot be at the cost of environmental degradation.

Article 32 and 226 empower citizens to approach the Supreme Court and High Courts, respectively, for the enforcement of fundamental rights, including the right to a clean and healthy environment under Article 21. These provisions have laid the foundation for India's celebrated Public Interest Litigation regime in environmental matters which expanded environmental jurisprudence through judicial creativity, allowing non *locus standi* petitioners to seek redress on behalf of nature and affected communities.

Environmental regulation in India is also shaped by the Seventh Schedule of the Constitution, which allocates subject-matter competence across the Union List, State List, and Concurrent List. The Union List, *vide*. Entry 52 deals with Industries declared by Parliament to be of national importance. The State List, *vide*. Entry 6 deals with public health and sanitation, and the Concurrent List,¹⁰ *vide*. Entries 17A, 17B, and 20 deals with forests, protection of wild animals and birds, and economic and social planning.

The synergistic interaction of different provisions of the Constitution, particularly Part III- Fundamental Rights, Part IV- Directive Principles of State Policy, and Part IVA- Fundamental Duties constructs a unique constitutional tapestry that accommodates both rights-based and duty-based approaches to environmental governance. This integrative framework has enabled the judiciary to evolve and enforce the principles of sustainable development, including the Precautionary Principle, Polluter Pays Principle, Public Trust Doctrine and many others. Through such a holistic interpretation, the Constitution has been transformed into a living instrument capable of responding to the imperatives of environmental justice and sustainable growth.¹¹

Thus, the constitutional framework of India, though devoid of an explicit mention of "sustainable development," furnishes a robust normative and jurisprudential foundation that aligns with and furthers the objectives of sustainability in both letter and spirit.

¹⁰ After the 42nd amendment of the Constitution, forests and wildlife were moved from the State List to the Concurrent List, thereby empowering both the Parliament and the State legislatures to make laws.

¹¹ Justice B.N. Kirpal, "Foreword" in Leelakrishnan, P., *Environmental Law Casebook* (LexisNexis, Gurgaon, 2020) pp. v-vi.

3. JUDICIAL CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

In international environmental jurisprudence, the *Gabcikovo-Nagymaros Project* case¹² is a landmark judgment by the International Court of Justice, concerning a dispute over the construction and operation of a joint hydroelectric project on the Danube River, between two different nations, Hungary and Slovakia (formerly Czechoslovakia). The Court observed that the environment is not an abstraction but represents the living space, the quality of life and the very health of human beings. It includes generations unborn also. The general obligation of States is to ensure that activities within their jurisdiction and control should respect the environment of other States or of areas beyond national control. With such great jurisprudential observation, this has now become a part of the *corpus* of international law relating to the environment.

The Indian judiciary has also emerged as a pivotal architect in the edifice of sustainable development, particularly in the absence of an explicit constitutional mandate or comprehensive environmental code.¹³ Through jurisprudential analysis, the higher judiciary, most notably the Supreme Court and various High Courts, has significantly expanded the contours of environmental rights and has infused legal meaning into the amorphous concept of sustainable development.

The landmark judgment in *Vellore Citizens' Welfare Forum v. Union of India*,¹⁴ is widely regarded as the judicial cornerstone for the recognition of sustainable development as an enforceable principle of Indian environmental law. The Court, relying upon international conventions such as the Stockholm Declaration¹⁵ and Rio Conference¹⁶, explicitly acknowledged sustainable development as part of Indian law. It further endorsed the applicability of the Precautionary Principle and the Polluter Pays Principle, thereby aligning domestic jurisprudence with global environmental standards.

¹² *Gabcikovo-Nagymaros Project (Hungary v. Slovakia) (Judgment)* [1997] ICJ Rep. 7.

¹³ *Supra* note 6 at pp. 349-355.

¹⁴ AIR 1996 SC 2715.

¹⁵ United Nations Conference on the Human Environment, 1972, *Stockholm Declaration on the Human Environment*, U.N. Doc. A/CONF.48/14/Rev.1 (1972).

¹⁶ United Nations Conference on Environment and Development, 1992, *Rio Declaration on Environment and Development*, U.N. Doc. A/CONF.151/26 (Vol. I) (1992).

In *T.N. Godavarman Thirumulpad v. Union of India*,¹⁷ the Supreme Court initiated an enduring process of forest governance reform through continuing mandamus. The case transformed judicial review into a mechanism of environmental administration, underscoring the Court's willingness to intervene where executive action was deficient or absent. The judgment contributed significantly to the protection of forest cover, biodiversity conservation, and enforcement of statutory obligations under the Forest (Conservation) Act, 1980.¹⁸

The judiciary has also consistently reaffirmed the Public Trust Doctrine, as seen in cases like *M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu*,¹⁹ observing that the State holds natural resources in trust for the public (Public Trust Doctrine) and must ensure their protection for future generations. Through such pronouncements, the judiciary has reinforced intergenerational equity and participatory environmental governance as legal mandates.

In *Sachidanand Pandey v. State of West Bengal*,²⁰ the court observed that problem of ecology, whenever arises, should be brought before the court, bearing in mind Article 48-A and Article 51-A(g) of the Constitution. It also stated that when the court has been called to implement directive principles and the fundamental duties in respect of sound environmental principles, it should not shrug its shoulders and give excuses. In certain conditions, the court should proceed further and always confer necessary guidelines.

In *Samir Mehta v. Union of India*,²¹ an environmental activist petitioned the National Green Tribunal after a cargo vessel carrying coal and fuel oil sank approximately 20 nautical miles off Mumbai on 12 August, 2011. Due to sinking, a thick oil layer was formed on the surface of sea causing damage to the marine ecosystem in south of Mumbai port. The Tribunal held that it was the big negligence on the part of respondent and upheld the polluter pays principle and precautionary principle. Therefore, environmental compensation of ₹.100 crores were imposed. It is one of the biggest compensation ever made by the private entity to Government.

¹⁷ AIR 1997 SC 1228.

¹⁸ The Forest (Conservation) Act, 1980 (No. 69 of 1980), s. 2.

¹⁹ AIR 1999 SC 2468.

²⁰ AIR 1987 SC 1109.

²¹ O.A. No. 24 of 2011 (Principal Bench, National Green Tribunal), judgment dated 23 August 2016 (MANU/GT/0104/2016).

Equally consequential is the body of jurisprudence emanating from the M.C. Mehta cases²², a series of path-breaking public interest litigations wherein the Supreme Court laid down critical environmental principles and issued a plethora of binding directions to authorities for pollution control, industrial relocation, vehicular regulation, and waste management. These cases exemplify the judiciary's proactive stance in ensuring that environmental governance keeps pace with developmental exigencies.

Collectively, these judgments represent a paradigm shift wherein the judiciary not only interprets but actively shapes environmental policy and administrative conduct. By constitutionalizing environmental protection, integrating international principles into domestic law, and expanding the scope of Article 21, the Indian judiciary has positioned itself as an indispensable pillar in the realization of sustainable development.²³

4. LEGISLATIVE FRAMEWORK

India's legislative response to environmental challenges has been both extensive and evolving, comprising a constellation of statutes that collectively serve as the statutory backbone for sustainable development. These enactments reflect a progressive recognition of the intricate link between environmental protection, economic development, and human well-being, thereby forming the bedrock of statutory environmental governance.

The Environment (Protection) Act, 1986 stands as the central legislation in this matrix, enacted in the aftermath of the Bhopal gas tragedy²⁴ and in pursuant to India's commitments under the Stockholm Declaration of 1972. This Act provides overarching powers to the Central Government to take all necessary measures for protecting and improving the quality of the environment and preventing, controlling, and abating environmental pollution.²⁵ Its wide-ranging rule-making powers and its status as an Umbrella Legislation render it instrumental in addressing diverse environmental concerns.

Complementing this are specialized enactments such as the Water (Prevention and Control of

²² M.C. Mehta is a renowned Indian environmental lawyer known for his numerous Public Interest Litigations that have significantly shaped environmental jurisprudence in India.

²³ Hon'ble Chief Justice of India Mr. K.G. Balakrishnan, *The Role of the Judiciary in Environmental Protection*, Lecture at the High Court of Chhattisgarh, Bilaspur, March 20, 2010 pp. 1-12.

²⁴ The Bhopal gas tragedy is a 3rd December 1984 incident, wherein over 500,000 people of Bhopal, Madhya Pradesh were exposed to the highly toxic gas methyl isocyanate, resulting in world's worst industrial disaster.

²⁵ The Environment (Protection) Act, 1986 (No. 29 of 1986), s. 3.

Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, which establish the Central and State Pollution Control Boards vested with regulatory, advisory, and enforcement functions to ensure the abatement of pollution and maintenance of ecological standards.²⁶ These legislations institutionalize mechanisms for monitoring, permitting, and penalizing pollution related infractions, thereby forming an operational framework for pollution control.

The Forest (Conservation) Act, 1980 and the Wildlife (Protection) Act, 1972 are foundational statutes for biodiversity and habitat conservation. The former mandates prior approval of the Central Government for de-reservation or diversion of forest land for non-forest purposes, thereby placing a check on indiscriminate deforestation.²⁷ The latter provides a comprehensive legal regime for the protection of wildlife species and the establishment of protected areas.²⁸

A significant advancement in environmental adjudication came with the enactment of the National Green Tribunal Act, 2010, which established the National Green Tribunal (NGT) as a specialized body for the expeditious disposal of environmental cases. The NGT combines technical and judicial expertise, applies the principles of sustainable development, and operates with the objective of delivering accessible and effective environmental justice.²⁹

Additionally, the Biological Diversity Act, 2002 seeks to ensure conservation of biodiversity, sustainable use of its components, and equitable sharing of benefits arising from its utilization,³⁰ in consonance with the Convention on Biological Diversity, 1992. It introduces mechanisms such as biodiversity management committees, access and benefit-sharing regimes, and documentation of traditional knowledge.³¹

Together these statutes along with hundreds of more, construct a comprehensive legislative architecture that underpins India's environmental governance. Thus, the legislative landscape of India affirms a committed statutory engagement with the ideals of sustainable development and green revolution. Nevertheless, challenges persist in the form of fragmented

²⁶ The Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974), ss. 3-4 and the Air (Prevention and Control of Pollution) Act, 1981 (No. 14 of 1981), ss. 3-4.

²⁷ The Forest (Conservation) Act, 1980 (No. 69 of 1980), s. 2.

²⁸ The Wildlife (Protection) Act, 1972 (No. 53 of 1972), ch. iv-vi.

²⁹ *Union of India v. Vardhaman Kaushik*, (2019) 14 SCC 660.

³⁰ The Biological Diversity Act, 2002 (No. 18 of 2003), ss. 21-24.

³¹ *Supra* note 6 at pp. 227-245.

implementation, regulatory inertia, and inadequate institutional capacity.³² To actualize the full potential of this legislative framework, there is a pressing need for integrated enforcement mechanisms, stronger compliance regimes, and greater public participation in environmental decision-making which is very soon expected to be successfully accomplished.

5. POLICY FRAMEWORK AND INSTITUTIONAL MECHANISMS

India's commitment to sustainable development extends beyond constitutional and statutory enactments into a multidimensional policy apparatus and institutional ecosystem that collectively aim to translate normative ideals into actionable strategies. The policy framework serves as a crucial bridge between legal obligations and ground-level implementation, articulating national priorities and aligning domestic efforts with international sustainability commitments.

The National Environment Policy (NEP), 2006, represents a cornerstone of India's environmental vision, aiming to mainstream environmental concerns into all developmental activities. It emphasizes the principles of intra-generational and inter-generational equity, environmental governance, and the use of economic instruments to incentivize environmentally responsible behaviour.³³ The NEP also promotes decentralization, public participation, and the integration of traditional knowledge systems into environmental decision-making.

Complementing this is the National Action Plan on Climate Change (NAPCC), launched in 2008, which articulates India's strategy for climate mitigation and adaptation. Comprising eight core missions, including the National Solar Mission, National Water Mission, and National Mission for Sustainable Agriculture, the NAPCC reflects a sectoral and integrated approach towards achieving climate-resilient and low-carbon development.³⁴ It encourages technological innovation, renewable energy deployment, water resource efficiency, and sustainable agricultural practices.

In terms of institutional mechanisms, a multilayered administrative framework exists, comprising central and state-level authorities. The Ministry of Environment, Forest and

³² Ministry of Environment, Forest and Climate Change, *Annual Report 2022-23*, available at: <https://moef.gov.in> (last accessed June 26, 2025).

³³ *Supra* note 3 at pp. 210-215.

³⁴ *Supra* note 6 at pp. 340-345.

Climate Change serves as the nodal agency responsible for formulating and implementing environmental policy.³⁵ It is supported by specialized agencies such as the Central Pollution Control Board, State Pollution Control Boards, and various regulatory authorities established under specific environmental laws.

Additionally, the National Biodiversity Authority, National Afforestation and Eco-Development Board, and the Environment Impact Assessment regulatory regime serve as institutional pillars facilitating compliance, conservation, and ecological planning.³⁶ The Compensatory Afforestation Fund Management and Planning Authority further reinforces afforestation efforts and environmental restoration through dedicated financial mechanisms.³⁷

At the international level, India remains a signatory party to numerous major multilateral environmental agreements, including the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, and the Paris Agreement. India's objective under the Paris Agreement outline targets for reducing the emissions intensity, expanding renewable energy capacity, and enhancing forest and carbon sinks.³⁸ These commitments underscore India's proactive stance in global environmental governance.

However, the efficacy of these policies and institutional structures are frequently undermined by fragmented implementation, lack of inter-agency coordination, bureaucratic inertia, and resource constraints. Furthermore, the absence of binding accountability mechanisms and performance audits has diluted the effectiveness of policy execution. Hence, while India's policy and institutional framework for sustainable development is expansive in design and global in outlook, it necessitates systemic reforms to enhance efficiency, transparency, and public accountability. Strengthening institutional capacity, fostering inter-sectoral integration, and embedding sustainability metrics into planning and budgeting processes are essential to ensure that policy commitments translate into tangible and enduring environmental outcomes. Notably, the judiciary has often complemented these policies and institutional initiatives through judicial oversight and public interest interventions, thereby fortifying the policy framework with enforceable jurisprudential standards.

³⁵ Ministry of Environment, Forest and Climate Change, Government of India, *Induction Material- Internal Work Study Unit* (December, 2021) p. 5.

³⁶ *Supra* note 25.

³⁷ The Compensatory Afforestation Fund Act, 2016 (No. 38 of 2016), s. 3.

³⁸ Lavanya Rajamani, "The 2015 Paris Agreement: Interplay between Hard, Soft and Non-Obligations" 28(2) *Journal of Environmental Law* (2016) p. 337.

6. CHALLENGES AND WAY FORWARD

Notwithstanding the constitutional, legislative, and policy advances in promoting sustainable development, India continues to confront a plethora of systemic and structural challenges that hinder the effective realisation of environmental objectives within its developmental trajectory and those are, more or less, as follows:

- a) Foremost among these is the disjointed and often overlapping regulatory architecture governing environmental matters.³⁹ The absence of a unified environmental code has fostered a patchwork of sectoral legislations and institutions, frequently operating in silos, thereby giving rise to jurisdictional ambiguities and institutional turf wars.⁴⁰ This diffusion of authority impairs coherence in policy implementation and attenuates administrative accountability.
- b) Furthermore, the persistent prioritization of economic imperatives, manifested in aggressive infrastructure development, rapid industrialisation, and liberalised resource extraction regimes, has frequently come at the expense of ecological integrity.⁴¹ Environmental Impact Assessment processes, once conceived as a tool for pre-emptive harm mitigation, are now often reduced to ritualistic formalities, lacking scientific rigour and community consultation. The dilution of the precautionary principle and marginalization of the Free, Prior and Informed Consent requirement has corroded the rights of indigenous and marginalised communities.⁴²
- c) Institutional weaknesses are further aggravated by chronic underfunding and lack of technical capacity within environmental regulatory bodies, particularly at the state and local levels.⁴³ These deficits are compounded by political interference, regulatory capture, and deficient enforcement, thereby weakening environmental compliance mechanisms.
- d) Public participation in environmental decision-making remains largely symbolic.⁴⁴ The procedural opacity of regulatory processes, coupled with socio-economic disparities and information asymmetry, inhibits meaningful community engagement. Mechanisms for

³⁹ Shibani Ghosh, "Over-regulated and Under-enforced: The Case of Environmental Governance in India" 49(6) *Economic and Political Weekly* (2013) p. 13.

⁴⁰ Surya Prakash, "Towards a Comprehensive Environmental Code: Bridging the Legislative Gaps in India" 63(3) *Journal of Indian Law Institute* (2021) p. 321.

⁴¹ Centre for Policy Research, *Environmental Regulation in India: Moving to a Regulatory Governance Model* (2019) pp. 8-15.

⁴² Ritwick Dutta, *Taking Sides: The Law, Politics and Environmental Justice in India* (Life and Nature Books, New Delhi, 1st edn., 2012) pp. 68-79.

⁴³ UNDP India, *Human Development Report 2020: Redefining Development Pathways*, available at: <https://www.undp.org/india> (last accessed June 27, 2025).

⁴⁴ Jayna Kothari, "Environmental Justice and the Right to Information" 3(4) *Law, Environment and Development Journal* (2007) p. 55.

public grievance redressal are fragmented and inaccessible to vulnerable populations, undermining democratic environmental governance.

- e) Economically, environmental externalities remain insufficiently internalised. The absence of green accounting, sustainability linked fiscal frameworks, and ecological auditing⁴⁵ in public finance perpetuates a development model that is extractive, short-sighted, and ecologically unsustainable.

To address these massive multifaceted challenges, India must undertake a paradigmatic shift in both its legal framework and governance ethos, which may be presented as below:

- a) A codified, consolidated Environmental Code of India is imperative to harmonise existing laws and create a coherent regulatory ecosystem.⁴⁶ Furthermore, establishing an Independent National Environmental Governance Authority with autonomous oversight functions (including supervisory and administrative powers), investigating powers, and quasi-judicial capacity would bolster institutional credibility.⁴⁷
- b) Legal mandates for Sustainability Impact Assessment, extending beyond traditional Environment Impact Assessment, must be integrated into all strategic policymaking and public project approvals.
- c) Strengthening cooperative federalism through harmonised state environmental laws, decentralised decision making, and fiscal devolution to the Panchayati Raj Institutions and the Urban Local Bodies⁴⁸ would localise environmental governance.
- d) Technological interventions, including remote sensing, geographic information system mapping, block-chain based compliance tracking, and open-access environmental data platforms, can significantly enhance transparency and enforcement capabilities.
- e) Promoting environmental literacy, embedding ecological jurisprudence in legal education, and ensuring access to environmental justice through specialised green benches and mobile tribunals are essential for empowering citizens and fostering a culture of environmental constitutionalism.⁴⁹

⁴⁵ Muthukumara S. Mani (ed.), *Greening India's Growth- Costs, Valuations, and Trade-offs*, (Routledge, New York, 1st edn., 2014) p. 102.

⁴⁶ *Supra* note 40.

⁴⁷ Justice S.B. Sinha, "Need for an Indian Environmental Code" (2007) 3 SCC (Jour) 1.

⁴⁸ Established through the 73rd and 74th Constitutional Amendment Acts that came into force on 24th April, 1993 and 1st June, 1993, respectively.

⁴⁹ Sudhir Krishnaswamy, "Democratic Constitutionalism and Environmental Governance" 10(1) Indian Journal of Constitutional Law (2017) p. 35.

f) Finally, aligning fiscal policy tools, such as eco-taxes, green subsidies, and sustainability linked public procurement, with environmental performance can catalyse a just and humane transition toward a green economy.⁵⁰

Based on abovementioned facts and circumstances, it can be said that India's journey toward sustainable development must transcend rhetorical commitments and embody a transformative reimagining of governance, wherein environmental protection is not an ancillary concern but a constitutional and civilizational imperative.⁵¹

7. CONCLUSION

The pursuit of sustainable development in India, while normatively entrenched within its constitutional ethos and progressively reinforced through legislative and policy frameworks, remains fraught with systemic, institutional, and operational challenges. The Indian legal landscape exhibits a robust normative intent reflected in judicial innovation, legislative enactments, and policy articulation but yet the translation of these commitments into tangible, enforceable, and equitable outcomes remains markedly uneven. The Indian judiciary has played a transformative role in elevating environmental protection to the status of a fundamental right, and in articulating critical doctrines such as the polluter pays principle, the precautionary principle, and the public trust doctrine. However, jurisprudential advances alone are insufficient in the absence of institutional coherence and administrative diligence. Fragmented regulatory mechanisms, opaque procedural frameworks, and inadequate public engagement continue to hinder the realisation of environmental justice.

Moreover, the developmental paradigm in India remains largely growth centric, often marginalising ecological considerations as secondary or negotiable. This utilitarian approach to development, where environmental trade-offs are routinely externalised, stands in tension with the constitutional promise of intergenerational equity and the right to a wholesome environment. To effectuate meaningful change, India must move towards a model of ecological constitutionalism, a jurisprudential and governance framework where environmental sustainability is not merely a policy aspiration but a constitutional imperative. This necessitates not only legal codification and institutional reform but also a cultural and ethical reorientation of governance, where environmental stewardship is embedded across all sectors of public

⁵⁰ *Supra* note 3 at pp. 401-407.

⁵¹ *Supra* note 49.

decision-making.

In this regard, the future of sustainable development in India lies in the confluence of law, science, technology, and participatory democracy. Only through a multidisciplinary, inclusive, and rights-based approach the Indian State can fulfil its constitutional obligation to preserve the ecological foundations upon which its socio-economic development rests.

