



Environmental Federalism

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ABSTRACT

Sound governance is indispensable for sustainable development in a period of growing environmental challenges. The system of environmental federalism in India, whereby central and state governments cooperate to preserve the environment, is examined in this paper. It looks at how the Indian Constitution divides the several duties for environmental protection and what laws and court rulings have done to mold this intricate but cooperative system. The study reveals some important prospects, for example the ability for distributed decision-making that fits the very varied local ecosystems of the nation. However, it also highlights some major issues, such as the regular overlaps of jurisdiction that can impede what should be seamless paths for decisive action and the necessary clear fiscal picture for any effective federal effort. This paper adds to the current debate on Indian federalism

Introduction

The very way human beings exist on this planet is disastrous. The way we live is violent to every other creature and habitat on this planet. The distinction between what is needed for the survival of human beings and what the wants of human beings need to be defined. Human beings are doing everything in



excess because they are constantly comparing without knowing what is needed for them. Every other creature is aware of this but why does such a lack of intelligence exist only in humans? This is because no stable platform has been provided to nurture this intelligence in them. No necessary striving has been made by civilizations and cultures across the world to work upon the consciousness of a human being.

Historically, when state as a concept did not exist, local communities played a pivotal role in preserving the environment and its resources. In the modern era, when the role of the state is ever expanding alongside its capabilities to carry out various functions, it becomes imperative for state organs to assume responsibility for environmental protection too. Environmental federalism, as a concept, reflects this transition, advocating for a structured approach where various levels of government are under coordination and share responsibilities in protecting the environment. Originating from broader theories, the roots of modern environmental federalism can be traced back to the 18th and 19th centuries, particularly in the United States and Germany, where federal systems allowed decentralized authority over environmental policies. Today, it serves as a crucial framework for addressing complex environmental challenges by balancing national priorities with local specificities.

Environmental federalism refers to the study of normative and positive results that is obtained by the shared collaboration of National and provincial units of a government coming together to control environmental problems. It relates to the allocation of various roles to the different organs of government. But such collaboration comes with its challenges and problems. The differences in the policy-making of the sub-units and the national unit may cause friction. The examining of responsibilities for managing environmental requirements is demarcated between centre and states and the advantages and challenges faced by the governance system are explored while tackling the environmental issues. Ideally, there should not exist any conflict between the national and provincial governments because the main objective of environmental federalism is to protect the environment and move towards sustainable development.

The underlying purpose of federalism while handling the environmental concerns in a political system is that it provides a mechanism, a decentralized system that distributes the power between different levels and organs of the government whereby having an effective system of governance. While interpreting in the context of environmental governance, decentralization increases local accountability and makes the local authorities responsible. The regional government often possesses more knowledge about the ecology of the area and the challenges being faced in the region. The regional governments are in a better position to address such challenges and issues effectively. However, the role of the national government



holds importance because the overarching framework to address the environmental issues which are exceeding the particular state boundaries can only be addressed by the national government.

This duality in approaching the environment often helps in managing such issues efficiently by taking into account the interests at the national as well as local levels. By giving the power of regulation into the hands of local authorities can provide innovative solutions and tailored approaches to solve environmental problems and federalism also facilitates by providing a national-level threshold to abide by the minimum standards which will prevent the weakening of environmental regulations for the economic interests.

The issue of environmental protection is vital because it transcends geographical and political boundaries. The issues relating to the environment and climate change are not confined within the administrative borders. These issues are present at the Global level also, the problem of one Nation can also affect the other Nations. This is also true for a single country whereby the pollution in one state can affect its neighboring state and disturb their ecosystems across borders. This calls for a robust federal system that ensures coordination and cooperation to effectively control such issues and strike a balance between the different priorities of national and regional governments. To achieve the balance between economic interests and environmental protection is imperative in present times. And thus environmental federalism becomes more vital as States may compete to attract more industries and lower their regulating standards. Therefore, environmental federalism ensures that such conflicts between the growth and sustainability of the environment shall not be hampered because of economic growth.

Concept Of Environmental Federalism In India

In this part the detailed explanation of India's approach to environmental federalism while highlighting the role of the constitution, various statutes, and judiciary is discussed by examining the cooperation between different organs of government to address the opportunities and challenges incorporating environmental federalism in India.

India is a Federal structure, with division of powers between the Union and State the environmental governance in India is governed through the provisions of the constitution which provides legislative competencies across the various organs of the government. The seventh schedule lists the division of responsibilities between the states and the union.



The Indian Constitution and International Laws provide valuable insights to address the issue of Environmental degradation and climate change. Art 14 and Art 21 talking about equality and liberty, ensures that encroachment upon the rights of others does not take place. Article 21's right to life addresses all the environmental concerns by interpreting it as having the right to live in a healthy environment. Various principles are provided in the form of DPSP's which act as a guiding force to promulgate such laws that take considerations in promoting the welfare of the people by protecting the environment and by ensuring social justice.

In the context of environmental concerns, the union government has control over the subjects in the union list such as forest and wildlife particularly entry 52 which empowers the union government to legislate upon the industries and provide them with environmental regulations. Another entry 13 covers the regulation of air and space by the union government.

Coming to the state list, the state can legislate on matters related to water supply, irrigation, drainage, and public health which allows them to cater to the local environmental challenges but the effectiveness of handling such matters depends upon state to state.

The concurrent list contains subjects like forests, protection of wildlife, and animal cruelty, these responsibilities are shared between the Union and the state governments particularly the entry 17a and 17b allow both the national as well as State governments to frame laws relating to environmental concerns, but the laws of the union will take precedence over the laws of the state, in case there arises any conflict between them.

There are also specific articles provided in the constitution which address the issue of environmental protection, one such article is Article 21 whereby the right to life and personal liberty of an individual has been explained which has been expanded by the judicial interpretations in various cases to include the right to healthy environment which makes environmental protection and climate change an essential part of the fundamental rights of the individuals which are guaranteed under the part III of the constitution.

Another article is Article 48A which was inserted by the 42nd amendment into the constitution, it forms part of the Directive Principles of State Policy which deals with the provision directing that the state has to protect and improve the environment and safeguard forests and wildlife. As we know where there is a right there lies a duty so under article 51 A(g) the individuals also have a duty to protect the environment.



To give effect to the international agreements and conventions which the government of India has entered to protect the environment such as the Kyoto Protocol or the Paris Agreement (2015), it is Article 253 which empowers the union government to make laws for the implementation of such agreements.

But this so-called division of powers between the Union and the states has often led to conflict between them. The role of the centre is framing broad environmental regulation and making International commitments, the role of the state lies in its implementation which leads to conflicts especially when it has to align itself with the environmental and sustainable development goals that interfere with the economic interest of the region.

Talking about the statutory provisions and frameworks in pre 1972 era there existed very little legislation about environmental protection in India. The main acts were related to the Mining Act and the Forest Act which were administered by the British to exploit the resources. The major enactments that came in India were after the year 1972 when the Stockholm conference was held and Prime Minister Indira Gandhi at that time attended the conference and was motivated, because of it then only the 42nd amendment came with the advent of article 48a into the constitution and various act such as Environment protection, Wildlife Protection Act and forest protection act also came simultaneously.

Coming to the judicial perspective, the Indian judiciary has played a major role by way of PIL and epistolary jurisdiction in advancing the cause of environmental federalism and its protection. The judiciary has expanded the scope of Article 21 to include the right to a healthy environment and has introduced principles of sustainable development into the Indian political system.

The court often steps forward to fill the gap between the enacted law and its enforcement. The first ever case that came by the way of PIL relating to environmental protection in India was ***Rural litigation and entitlement Kendra vs State of Uttar Pradesh***, in which the mining of limestone quarries was prohibited by the Supreme Court of India as it was causing ecological damage to the region of Dehradun. Then the series of cases of ***MC Mehta versus Union of India*** came whereby various principles such as polluter pays and precautionary principle were advocated by the Indian judiciary. The role of PIL in fulfilling the environmental concerns of the individuals has been immense as we are aware that the environment and ecology do not hold any legal person-hood in our country, so it is by way of the individual's right to a healthy environment that something can be done to protect the Ecology around us.



A recent supreme court ruling *M.K. Ranjit Singh & Ors. vs Union of India*, has made significant improvements in environmental protection. This ruling recognizes the protection from climate change as a fundamental right expanding upon Articles 14 and 21. The key highlights were that the court affirmed that individuals possess the fundamental right to be free from the adverse effects of climate change & emphasized the importance of renewable energy and forming sustainable development goals to balance environmental protection. The case initially focused on protecting endangered birds but the judgment is surely going to have larger implications. Stressing upon Article 48A of the Constitution, the state's duty to conserve the environment was again discussed & Article 51A (g) was also brought forth to imply the citizen's duty to protect the environment. The expansion of Article 21 by the Supreme Court and its broad interpretation ensures that the concerns relating to environmental issues are treated as fundamental rights of the citizens.

The intervention by the Judiciary has successfully promoted environmental protection and has sought to create a balance between environmental needs and sustainable development goals leading to the economic interest of the society. Although sometimes this practice of judicial activism may cause overreach of the duty imposed on the court, desperate times need desperate measures, causing blurring of the roles to mitigate the challenges.

Issues and Challenges of Environmental Federalism in India

Environmental federalism in India faces many challenges due to the sheer magnanimity of the Indian democracy and its polity. The complexity between different levels of government, the financial relations between them, and their capability pose a challenge before the environmental federalism of India.

1. Decision-Making Challenges

The struggle while deciding the jurisdiction of the Union and the States in a particular instance sometimes may cause overlapping of powers. Although there is a clear demarcation of powers in the 7th schedule of the Constitution but often it results in overlapping responsibilities of the Union and States. The problem lies within the subject matters of the concurrent list whereby both Union and State governments of the authority to make policies which leads to ambiguity and confusion in deciding the jurisdiction which renders the implementation ineffective. For instance, the state passes legislation on environmental concerns relating to local needs but such legislation may conflict with the national policy made by the union. This is one of the major causes of the delays in the implementation of the projects and various policies.



Even the executive and bureaucratic processes involved in the implementation of environmental policies frustrate the system because they are often lengthy and have cumbersome procedures which delay the decision-making process of the authorities. The requirement of clearance for large infrastructural development projects from both the state and the union agencies leads to a prolonged administrative procedure to obtain environmental clearance, and the absence of a streamlined approach and channel between the state and the agencies of the union leads to exhaustion and causes delay.

The mandate provided by multiple agencies often overlaps in their requirement procedures which creates a barrier and hinders environmental protection efforts and private investment in sustainable development projects also gets discouraged.

A more persistent challenge that exists in Indian environmental federalism is the conflict between the economic interests and environmental protection.

Many states often prioritise infrastructure development and industrialisation in their region to attract more investment which in turn leads to the relaxation of environmental regulations and norms. For instance, as we have seen in the case of *RLEK vs State of UP* the government extended the lease of the contractors indulged in mining the limestone regardless of the environmental deterioration in the region which created a conflict with the policies of the national government which are made to meet the international commitments.

The conflict between state and the Union enhances when the development of large infrastructure projects such as dams, highways, or atomic energy plants are involved where the environmental activists and localities oppose the projects approved by the government because it may disturb the local ecology of the region. Thus finding a balance between economic development and environmental conservation pose a very big challenge for environmental federalism in India.

2. Fiscal Matters and Economic Principles

State bearing most of the responsibility for the implementation and enforcement of certain policies and to ensure its monitoring also a lot of financial support is needed. Indian states often face financial constraints and problems while implementing such environmental policies. A certain environmental initiative such as afforestation and controlling pollution requires a huge amount of funding which the states are struggling to provide for due to the budget limitations. The financial dependency on the Central grants for the implementation of environmental projects limits the autonomy and decision-making of the



states because of the inadequate funds allocated for the purpose and because of this inadequacy, the scale of implementation of the policies is forced down which undermines the effectiveness of environmental federalism in governance.

The **polluter pays** principle firstly applied in the case of *Indian Council for Enviro-legal versus Union of India* mandate that the person responsible for causing the pollution must bear the cost of curtailing it. But the uniformity in implementing this principle is inconsistent across the states. All the policies are formulated by the national government but their implementation and enforcement lie at the state level and the states being hesitant to impose strict penalties on industries fearing economic loss often gives the liberty to companies for evasion of compliance. This is done to restore the confidence of the investor especially where the large industrial units are in question. This uneven enforcement across these States undermines the environmental federalism in India and because of the competitive nature between the states to gain maximum economic advantage the environment and ecology is suffering.

Another problem lies is the allocation of resources for carrying out the various initiatives relating to environmental protection. Such distribution of financial resources is also uneven across the states. Developed States receive a big share of the funding whereas the less developed states are left with a very minor share. States having limited resources such as North Eastern states and newly found states often face difficulties in meeting the national standards.

Not just the distribution of financial resources but the conflicts over the distribution of natural resources also arise between the states such as inter-state water disputes between Karnataka and Tamil Nadu for the river Kaveri. This points out the challenges faced because of resource allocation between the states and thus an effective coordination mechanism to govern the relationship between the states needs to be established to avoid the escalation of such disputes.

3. Capacity and Accountability Issues

When the question of capability and competence arises the states who are pioneers of implementing such regulations are sometimes not able to fulfill their responsibilities efficiently. It may happen due to the lack of necessary resources and manpower; another reason is the lack of coordination between the agencies of centre and the state which hinders the enforcement process.

To gain expertise in environmental protection to ensure effective monitoring and management of complex issues needs certain competence and technical capacity. Generally state state-level institutions



lack such technical capacity and expertise which are the needed tools to solve the problems relating to the environment. The use of outdated technology and instruments in the present times facilitates in weakening the implementing procedures and limits the ability of the state to work efficiently and this lack of capability increases when we move towards the rural areas.

And that is why it poses a very significant challenge in India's environmental federalism to hold them accountable at the local level. Municipalities and panchayats play a very important role in the implementation of such Policies but they often lack expertise and needed competence for effective implementation which results in the poor enforcement of environmental regulations. Additionally problems such as corruption and political interference for their personal gain weakens the effectiveness of such policies and its implementation. Illegal activities such as deforestation and mining occur before the eyes of such local authorities and because of the absence of any strong monitoring agency, the accountability is very weak.

To address these challenges is very essential for safeguarding environmental federalism in India and the needed coordination between the center and the states as well as local bodies for effective implementation should take place for an enhanced level of environmental governance.

Judicial Conduct and Interventions

The Judiciary plays the role of filling the gap between the legislative intent and the executive action when it comes to matters of public importance. In a polity where conflicts between the centre and states are frequent in nature, Judiciary and its intervention seems crucial to resolve disputes and ensure clear separation of powers. Judiciary by the way of PIL and judicial activism has expanded the scope of environmental rights especially post 1972 Stockholm conference. However sometimes this activism has over reached its limits and the courts have ventured into the domain of policy making which is the arena of the Legislature; Vishakha Guidelines is the prime example.

The judicial intervention in solving the conflict between Union and the state governments especially regarding environmental regulation the court's interpretation of the constitutional provisions holds importance. For instance, we see the river disputes between States such as Godavari river dispute, Kaveri river dispute judiciary in all these cases has sought to balance the interests of the parties involved keeping in mind the national concerns of water management.



Apart from the Judiciary, under Article 262 it has been provided that Centre has the authority to take steps to solve the disputes. To resolve such contentious issues and to relieve Judiciary from such matters a separate institutional structure needs to be created to solve the disputes between centre and the state or between state and special machinery should be developed for the development of the whole country permanent tribunals across the country should be set up to resolve the disputes.

Although it has been noticed that the introduction of PIL in India has acted as a game changer for the environmental governance in the country. PILs while relaxing the role of locus standi have allowed public spirited individuals and activists to directly approach the court under article 32 or 226 for the redressal of their grievances. In the 1980s we could see a series of cases being filed as PILs before the Supreme Court of India starting from **RLEK versus state of up** to the **MC Mehta cases** which pioneered the environmental justice and brought the environmental issues before the public.

PIL has facilitated the Judiciary to step into the shoes of Executive authorities to enforce the environmental regulations; numerous Orders and directions have been passed by the court to the governments for better implementation and regulation of industries, mines and rivers. It has been made sure that rivers and its tributaries are not used as a waste disposal system.

Thus judicial intervention into the environmental governance has increased the accountability and transparency among the organs of the Government and has ensured the strict compliance with the environmental laws by invoking article 21 of the constitution in various cases. Mentioning the landmark judgement of *Vellore citizens welfare forum vs Union of India* it is one of the important cases in the history of Indian environmental jurisprudence because it introduced the principles of 'polluter pays' and 'precautionary principle' into the Indian law. The court had mandated that the industries responsible for causing the pollution must bear the cause of remediation also.

Such actions of the judiciary in Environmental matters has received both praises and criticism, while judicial activism has proved itself to be progressive in nature and has enhanced the environmental protection in the country but it has also raised concerns about the judicial overreach that may occur. In cases like *MC Mehta versus Union of India*, detailed guidelines had been provided by the supreme court relating to emissions and industrial pollutions which is essentially the function of the Legislature. Although these functions by the Judiciary are necessary but it blurs the line between the Judiciary, executive and legislature leading to the debates and questioning the principle of separation of powers.



After the advent of National Green Tribunal in 2010 which provided a specialised forum for the dispute redressal mechanism relating to environmental concerns. It played a critical role in resolving conflicts between the centre and the states and between the states; and also ensured the enforcement of the environment regulations in the country. The Tribunal works upon the principles of natural justice and ensures for a quick disposal of environmental cases that could be delayed in the regular courts. The creation of special tribunals like NGT reflects upon the Judiciary's recognition of the need for specialised forums to handle complexities in the environmental protection; furthermore it reduces the burden on the judiciary.

Thus it can be clearly seen that in addressing the challenges of environmental federalism in India the Judiciary has emerged as playing pivotal role through Landmark judgements and by the use of PIL tried to give importance to the environmental concerns of the individuals. Proactive stance of judiciary in handling environmental governance in India ensures that both National and regional interests are protected in a federal polity.

Comparative Analysis of Environmental Federalism

Federalism profoundly influences environmental law by determining which level of government holds responsibility for different aspects of environmental protection. While Indian Constitution divides powers related to the environment between the central and state governments under the Seventh Schedule—with entries in the Union, State, and Concurrent Lists governing natural resources and pollution. The U.S. Clean Air Act allows states to set stricter air pollution standards than federal limits allowing a competitive spirit amongst state to reduce pollution. This distributed structure ensures that local governments can address region-specific issues like deforestation and water pollution while the central government can handle transboundary environmental concerns, including climate change and international obligations.

1. Competitive Federalism in Environmental Policy

Competitive federalism is a system in which different states and provinces compete to create and implement policies, including environmental regulations. This competition could encourage innovation and more localized solutions to more localized problems. Competitive federalism in environmental policy enables states to set their own standards for pollution control, resource management, and climate action. However, it can lead to regulatory disparities, with states with lower standards attracting businesses, resulting in a "race to the bottom" in environmental protection.



In U.S.A. a competitive model of federalism with respect to environmental policy is being followed, Under the Clean Air Act (CAA) 1970, states have the authority to set air quality standards as long as they meet or exceed federal minimum limits. Similarly, the Clean Water Act (CWA) 1972 delegates substantial power to states to enforce water pollution controls, allowing states to issue permits and enforce standards.

However, this competitive model often leads to disputes and non-uniform standards of environmental control norms. For example- In the U.S. the federal rollbacks of environmental protections under the CAA and CWA in 2019 under the Republican government led to some states maintaining or even strengthening their regulations, while others relaxed standards, highlighting the fragmentation within U.S. environmental federalism.

While Competitive federalism fosters innovation and adaptability evident from the environmental initiatives, such as ‘cap-and-trade’ programs and stricter vehicle emissions standards, further pushing the standards of environmental regulation. The model also poses various challenges such as the risk of a ‘regulatory race to the bottom’ when states lower standards to attract economic investments, undermining national environmental goals.

Additionally, fragmented laws can further complicate the enforcement and compliance, Thus, while competitive federalism allows for policy experimentation, it also necessitates federal oversight to ensure national environmental objectives are not compromised, as in the case of USA.

2. Cooperative Federalism in Environmental Policy

Cooperative environmental federalism refers to a model whereby Union government works in association with local and provincial level governments to create and implement policies, this model rests on the pillars of collaboration, coherence and responsiveness to local environmental needs. This model often involves shared lawmaking, funding, and administrative responsibilities, promoting a collaborative approach to issues like climate change and sustainable development.

The Environmental governance of Germany is based on this model, The German constitution distributes legislative powers between the federal government and the states. Environmental protection, however, remains a shared responsibility and both of them can make laws.



The Federal Climate Protection Act (2019) in Germany establishes national emissions targets while allowing states to implement specific measures based on regional needs. Furthermore, the Renewable Energy Sources Act establishes a federal framework for energy transition while allowing states to pursue other forms of energy transition.

A cooperative federalism model, such as that used in Germany, promotes uniform policy making while respecting regional differences, ensuring adherence to national and international environmental commitments.

However, cooperative federalism requires robust legal frameworks and intergovernmental coordination to prevent conflicts over jurisdiction. German Federal Constitutional plays a key role in mediating federal-state disputes over environmental regulations, ensuring that cooperative federalism remains functional and sustainable.

3. Fiscal Federalism and Environmental Sustainability

Fiscal federalism refers to the distribution of financial powers and resources between the union and state governments. In the context of environmental policy, fiscal federalism decides how funds will be allocated for environmental protection and sustainable development. This involves tax policies, intergovernmental transfers to states, and grants allowing states to implement national environmental policies effectively.

Australian model of fiscal federalism highlights the role and importance of effective allocation of funds in environmental governance, In Australia the Murray-Darling Basin Plan, established under the Water Act 2007, reflects cooperation between federal and state governments to manage the water resources. The commonwealth government provides fiscal incentives states to encourage and improve water conservation, infrastructure, and ecosystem restoration. These allocations play an important role in balancing competing state interests over water use and ensuring adherence to national agreements.

While fiscal federalism encourages environmental sustainability and efficient use of resources, it also it may also lead to inequitable distribution of funds, potentially leading to conflicts. Additionally, dependence on grants from a central authority may compromise state autonomy. Thus, ensuring that financial transfers are linked to measurable environmental outcomes is equally important, as poor enforcement could lead to inefficiencies.



4. Hybrid Approaches: Federalism and Climate Change

Hybrid federalism merges elements of competitive and cooperative federalism, creating a flexible framework whereby provincial governments can innovate while collaborating with the Union on broader goals. From the perspective of environmental policy, this allows regions to localize their response to needs while maintaining national and international standards, crucial for effective climate governance.

Under the Canadian model of climate governance, the Greenhouse Gas Pollution Pricing Act (2018) establishes a federal carbon pricing system, with provinces retaining autonomy to design their own systems as long as they meet federal benchmarks. In Reference re Greenhouse Gas Pollution Pricing Act (2021), ruling that climate change is a national concern under the Peace, Order, and Good Government (POGG) clause of the Constitution Act, 1867. This allows the federal government to set minimum standards while permitting provincial variations.

Hybrid model as adopted by Canada supports international commitments while balancing federal oversight with provincial autonomy. However, compliance of provinces still remains a challenge, requiring ongoing negotiation and legal oversight to prevent regional disparities from undermining national and international goals.

5. Environmental Federalism in India

The Constitution of India under Seventh Schedule creates a system which divides power between the federal and state governments. Although not specifically mentioned, the environmental protection and other similar matters are covered under public health, forests, and water, resulting in overlapping authority between the Union (List I), States (List II), and Concurrent List (List III). The State is required by Article 48A of the Constitution to protect and improve the environment, and it was decided in *Subhash Kumar v. State of Bihar* that Article 21 guarantees the right to a clean and healthy environment. Conflicts arising from the overlap of legislative powers necessitate careful balancing in environmental governance.

Environmental governance in India reflects both competitive and cooperative federalism. The Namami Gange Program illustrates competitive federalism, with states along the Ganga River competing for central funds based on their pollution control efforts. While this approach encourages innovation, it also reveals disparities in state capacities and political commitment, resulting in uneven outcomes.



Whereas, cooperative federalism is embodied in the National Green Tribunal (NGT), established under the National Green Tribunal Act, 2010. The NGT serves as a collaborative platform to resolve environmental disputes, ensuring a coordinated approach to environmental protection.

A significant challenge for environmental federalism is the coordination between Union and State governments in India is that States often prioritize short-term economic gains over long-term environmental goals, leading to inconsistent enforcement. Transfer of funds by Finance Commission in form of environmental grants, are designed to incentivize sustainable practices, but they often remain insufficient and lack robust monitoring. Additionally, the absence of clear guidelines and effective intergovernmental coordination hinders the achievement of coherent national environmental objectives.

Conclusion & Way Forward

Environmental federalism provides a comprehensive framework for addressing complex environmental issues by balancing national priorities with local needs. A comparative analysis of various federal systems reveals that both competitive and cooperative models have distinct advantages and disadvantages, while some have advantages such as in fostering innovation, policy experimentation, and coordinated environmental protection they also require adequate funding and resources for effective functioning. Countries such as the United States, Germany, and India have demonstrated that federal and state governments can work together, to create a clear legal framework for environmental governance. However, decentralization must be accompanied by allocation of adequate financial resources, clear regulations, and coordination to avoid conflicts and disparities in enforcement.

While addressing the challenges of environmental governance and to improve its effectiveness in India reforms are surely needed. One of the key issues in Environmental governance is a lack of streamline procedure and seamless coordination between the Union and State to strengthen the intergovernmental coordination will surely ensure the effective implementation of environmental policies. Thus formation of dedicated interstate Council to regulate environmental governance will facilitate in the cooperation between centre and state and this will act as specialized forum for addressing the environmental disputes, sharing of knowledge and to ensure best practices to preserve the Ecology around us.

In order to ensure successful implementation of the policies and regulations for environmental protection the need for adequate financial resources from the centre is imperative and the state should have the autonomy to design and execute the various policies according to their specific environmental situations. Thus state should be provided with greater autonomy to raise and allocate resources for specific



environment projects without being dependent upon the grants by the centre. This enables them to have tailored solutions to their ecological challenges also keeping in mind the sustainable development goals. Similarly by seeing the progress of different states, centre can incentivise them by way of special grants as a reward, this will motivate the states to take more positive steps towards the effective implementation of the national environmental policies.

Incentivising them is one thing and enhancing the capacity of particular states and their local institutions also holds importance because they are the ones responsible for the effective enforcement of environmental laws. Thus capacity building and accountability mechanisms needs to be established and strengthened to ensure the transparency and efficiency in the implementation. Training programs and knowledge sharing workshops should be conducted at the state level in order to build the necessary capability and competence. Parallely, monitoring mechanism is also crucial for ensuring compliance with the environmental regulations, this might include newer technology and instruments essential for reporting.

While comparing the environmental federalism in India from other international experiences it can surely help India to develop a more effective system the best practices from USA, Germany, and Australia shall be incorporated into the Indian environmental federalism. India can adopt California style benchmarks and foster a healthy competition between the states by setting a specific target for Carbon emissions, renewable energy and pollution control this will encourage the state to out-perform each other for the betterment of environment. India can also benefit by adopting a cooperative federalism model which is similar to Germany's that emphasizes more upon the coordination and joint efforts between the central and regional governments. India can also adopt the Australia's fiscal federalism where for specific purposes financial resources are distributed and state policies are aligned with National environment goals.

Funding mechanisms can be established that provides financial support while measuring the positive environmental outcomes which has been achieved by the states. This kind of arrangement can surely ensure the national priorities over the particular state's own economic interests. For strengthening environmental federalism in India it will require a Multilateral approach by improving the coordination between the government, by decentralizing the resources- financial as well as Natural and providing robust mechanism for ensuring accountability and transparency. Sustainable climate governance is to give smaller administrative units more decision-making power, combined with fiscal federalism, which



ensures adequate funding for local environmental initiatives. This should be accompanied by mechanisms for transparency and accountability. Lastly, successful environmental federalism necessitates an integrated, multi-tiered approach in which all levels of government and society collaborate to preserve the environment for future generations and drawing on the best practices from across the world can enhance India's federal framework to work towards environmental protection.

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