

Environmental Federalism in India: Exploring the Impact of Decentralised Governance and its Challenges

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Abstract

This research paper explores the dynamics of environmental federalism in India, focusing on the challenges and opportunities presented by decentralised governance within the nation's federal structure. By examining the constitutional and legislative frameworks, it highlights the division of responsibilities between the Union, State, and Local governments in addressing environmental issues. Through an analysis of case studies, the paper identifies key challenges such as overlapping jurisdictions, resource disparities, and lack of coordination among governing bodies. It also draws comparative insights from global practices, emphasising the importance of cooperative federalism and localised interventions for sustainable environmental management. The paper concludes with actionable recommendations to strengthen decentralised governance, enhance intergovernmental collaboration, and empower local institutions for improved environmental stewardship in India.

Keywords: Environmental Federalism, Decentralised Governance, Cooperative Federalism, Sustainable Development, Environmental Policy

Introduction

Environmental federalism, as a paradigm, emphasises the allocation of environmental governance responsibilities across different levels of government. This concept is particularly important in India due to its federal system and varied ecological landscape. The Indian Constitution outlines a thorough allocation of authorities among the Union, State, and Local administrations, facilitating a multi-tiered framework for environmental control. Overlapping jurisdictions and budget limitations complicate the practical execution of this system. The paper seeks to examine the dynamics of environmental federalism in India, focusing on the challenges of decentralised governance and its implications for sustainable development.

The importance of decentralised governance lies in its capacity to tackle region-specific environmental challenges through localised solutions. The vast geographical diversity of India, from Himalayan ecosystems to coastal mangroves, requires governance structures tailored to the specific needs of each region. The Constitution establishes the legal basis for decentralisation, although the success of its execution frequently depends on the political resolve and administrative competence of state and municipal authorities. The interaction between central oversight and local autonomy poses a significant problem, especially in achieving equitable and sustainable management of natural resources.

This research analyses the legal, administrative, and practical dimensions of environmental federalism in India. This analysis examines constitutional provisions, court interpretations, and case studies to elucidate the strengths and flaws of the existing system. Furthermore, it examines the significance of public engagement and intergovernmental collaboration in tackling these issues. This study seeks to enhance the debate on environmental governance by thoroughly analysing these aspects and proposing strategies to strengthen India's federal framework for environmental sustainability.

Conceptual Framework

Environmental federalism is grounded in the broad theoretical structure of federalism, which highlights the distribution of powers and duties between central and subnational governments (Millimet, 2013). This method in environmental governance aims to use the distinct benefits of decentralised decision-making, including local expertise and stakeholder involvement, while ensuring central oversight to tackle national and global concerns. This balance can be seen in India's constitutional division of power, which gives the Union, State, and Concurrent Lists responsibility for natural resources and environmental protection (Bhat, 2015).

The decentralised governance paradigm is especially relevant in India because of its ecological and cultural diversity. Local governments, such as Panchayati Raj institutions and municipal organisations, are frequently more adept at comprehending and tackling the distinct environmental issues their people encounter. For example, challenges like water scarcity, deforestation, and pollution frequently occur at the local level, necessitating focused responses that take regional factors into account (Lovo, 2018). Customised strategies are possible with decentralised governance, but only if local bodies have the resources and power to work effectively.

Nevertheless, the effective execution of environmental federalism in India is sometimes obstructed by many problems. These encompass jurisdictional overlaps among various governmental tiers, insufficient resource distribution, and limited capability at the local level. In addition, the absence of explicit delineation of tasks may result in disagreements and inefficiencies in policy execution. Addressing these challenges necessitates a thorough understanding of the constitutional framework and the political and administrative dynamics influencing environmental governance in the country (Niranjan & Ross, 2020).

Constitutional and Legislative Framework

The Indian Constitution establishes a comprehensive framework for environmental regulation by delineating powers among the Union, State, and Concurrent Lists. This allocation exemplifies the notion of cooperative federalism, in which many levels of government work together to attain shared objectives (Sharma, 2015). The Union List encompasses subjects of national significance, including inter-state rivers and international treaties, whereas the State List pertains to issues such as land use, agriculture, and water supply. The Concurrent List includes shared responsibilities like forestry, wildlife conservation, and pollution management.

Major legislative measures further elucidate these constitutional principles, establishing the legal foundation for environmental preservation and management.

According to Ahmad (2001), the Environment (Protection) Act of 1986 is a complete set of laws that allows the central government to take steps to protect and improve the environment. The Forest (Conservation) Act, 1980, governs deforestation and advocates for sustainable forest management, whereas the Wildlife (Protection) Act, 1972, seeks to preserve biodiversity and deter animal exploitation (Desai, 1998). These laws emphasise the central government's responsibility to establish standards and ensure compliance, while state governments maintain considerable implementation responsibilities.

Notwithstanding this extensive legal framework, the efficacy of environmental governance in India frequently relies on the capability and dedication of state and municipal authorities. The 73rd and 74th Constitutional Amendments aim to empower local entities by transferring responsibility for natural resource management and environmental protection (Idiculla, 2020). The degree of exercise of these functions significantly differs among governments, illustrating variations in administrative capability, political agendas, and public knowledge. Enhancing these local institutions is essential for realising the potential of environmental federalism in India.

Advantages of Environmental Federalism

Environmental federalism presents numerous benefits, especially in a diverse and large country like India. A key advantage is the capacity to customise environmental policies and respond to specific local situations. Local governments, due to their proximity to on-the-ground reality, may discern region-specific difficulties and formulate solutions that are more effective and durable. Decentralised water management programs in drought-prone areas have frequently produced superior outcomes compared to top-down approaches, illustrating the efficacy of local decision-making (Minucci, 2020).

A significant benefit of environmental federalism is the enhancement of accountability and public engagement. By involving local stakeholders in the decision-making process, decentralised governance ensures that environmental policies reflect the needs and aspirations of the affected communities (Benn et al., 2009). This participatory approach not only augments the legitimacy of policy decisions but also promotes a sense of ownership and accountability among citizens. This engagement is crucial in tackling issues such as pollution and waste management, where individual and community conduct significantly influences outcomes.

The federal framework facilitates experimentation and innovation in environmental governance (Vob & Simons, 2018). Innovative policies and practices can serve as testing grounds for states and local governments, potentially leading to their expansion or modification at the national level. The interaction among various government levels promotes a culture of learning and adaptation, facilitating more effective solutions to emerging environmental concerns. Nonetheless, achieving these advantages necessitates a conducive institutional framework and sufficient resource distribution to enable subnational governments.

Challenges in Environmental Federalism

Notwithstanding its prospective benefits, environmental federalism in India faces considerable obstacles that diminish its effectiveness. A key concern is the overlapping jurisdictions and ambiguities in the constitutional division of authorities (Reich & Bowonder, 1992). For example, topics such as water and forests are classified under the Concurrent List, resulting in disputes between national and state governments about policy formulation and execution. Such overlaps frequently lead to delays and inefficiencies, especially in tackling pressing environmental concerns.

Resource limitations are a significant obstacle to decentralised environmental governance (Berkes, 2010). Numerous state and local governments lack the financial and technical resources necessary for the effective implementation of environmental regulations. The unequal distribution of resources exacerbates the situation, as wealthy states are typically more capable of addressing environmental concerns than their less affluent counterparts. Rectifying this

discrepancy necessitates a more equitable distribution of resources, along with capacity-building programs to strengthen local institutions.

Political and administrative obstacles exacerbate the execution of environmental federalism in India (Rao & Singh, 2006). Tendencies towards centralisation, motivated by political factors, frequently diminish the autonomy of state and municipal administrations. The absence of coordination among several governmental tiers can result in disjointed and uneven policy responses. Addressing these difficulties necessitates a dedication to cooperative federalism and the establishment of structures for effective intergovernmental collaboration.

Case studies are essential instruments for understanding the practical ramifications of environmental federalism in India. A significant instance is the administration of inter-state river disputes, exemplified by the Cauvery water issue between Karnataka and Tamil Nadu (Rani & Rani, 2002). The varying climatic and agricultural conditions intensify the complexity of balancing state-specific requirements with fair resource allocation, as this case highlights. Even though central bodies like tribunals and the judiciary have been involved, the settlement process has often taken longer than expected. This shows how hard it is to reach a consensus in a federal structure.

A notable instance is the enactment of the Forest Rights Act, 2006, which sought to empower local communities by acknowledging their traditional rights to forest resources (Sarangi, 2017). The Act signifies a steady advancement in decentralised environmental governance; nonetheless, its implementation has differed significantly among states. Certain states have effectively engaged indigenous groups in sustainable forest management, whilst others have encountered obstacles due to bureaucratic inefficiency and political opposition. These variances highlight the necessity for capacity-building and institutional assistance to facilitate efficient decentralisation.

Urban environmental governance is a significant opportunity to analyse the dynamics of federalism (Raju et al., 2018). Cities such as Delhi and Mumbai have encountered difficulties in regulating pollution and garbage, partially attributable to jurisdictional overlaps among municipal authorities, state governments, and central agencies (Kumar et al., 2015). The National Green Tribunal's function in tackling these issues demonstrates the efficacy of centralised control in enhancing local initiatives, contingent upon the establishment of clear responsibilities and collaborative frameworks.

Comparative Analysis

A comparative analysis of environmental federalism in India with other federal nations, including the United States, Canada, and Germany, provides significant insights. In the United States, environmental governance exhibits significant state sovereignty, with federal entities such as the Environmental Protection Agency offering oversight and assistance (Paddock & Bowmar, 2012). This paradigm facilitates innovation and experimentation at the state level, while federal requirements guarantee a minimum degree of environmental protection. Nonetheless, concerns persist about coordination and resource discrepancies across states, such as those encountered in India.

Canada's strategy for environmental federalism is notably pertinent due to its focus on intergovernmental agreements and cooperative decision-making (Stein & Turkewitsch, 2010). The federal and provincial governments collaborate on matters such as climate change and biodiversity conservation and use structures like joint task teams to enhance cooperation. India might derive insights from this model about the promotion of collaboration and the establishment of institutional structures that facilitate dialogue and collective accountability.

Germany's federal system prioritises consistency in environmental norms, with the central government exerting significant influence in policymaking. This strategy has allowed Germany to attain considerable advancements in sectors such as renewable energy and waste management (Desai, 2002). Nonetheless, the restricted autonomy of states has occasionally resulted in difficulties, especially when regional priorities conflict with national objectives. In India, achieving a balance between uniform standards and state-specific flexibility is a significant problem in the formulation of successful environmental governance.

Recommendations

India can improve its environmental federalism in several ways. Firstly, we need to clarify the formal division of powers to reduce power conflicts and overlaps. This can be done by making changes to the law or giving clear instructions on what each level of government should do in certain areas of environmental management. Clarifying the responsibilities will expedite decision-making and reduce the time it takes to implement policies.

Second, programs that build people's skills are necessary to give state and local governments more power. These projects should focus on improving subnational governments' access to money, technical know-how, and managerial skills so they can deal with environmental problems more effectively. The central government can make a big difference by giving money, training, and professional help to close the resource gap and encourage new ideas in the area.

Third, we should improve methods for different levels of government to collaborate and communicate more effectively. Institutions such as inter-state councils, joint committees, and task forces can help people work together on environmental problems that affect many states. This can help make sure that policies are in line with both national

goals and regional needs. Prioritising public involvement and stakeholder engagement is another way to improve accountability and make sure that policies reflect the hopes of communities that will be affected.

Finally, if we want to deal with new problems like climate change and biodiversity loss, we need to make environmental government more dynamic and flexible. To do this, policies and practices need to be constantly reviewed, evaluated, and learnt so that governments can make them better based on evidence and experience. India can use the power of environmental federalism to achieve sustainable growth by encouraging people to work together, come up with new ideas, and be responsible for their actions.

Conclusion

Environmental federalism has tremendous promise for addressing India's complex and diversified environmental concerns. By leveraging the benefits of decentralised government, it can encourage region-specific solutions, increase public engagement, and drive innovation. However, realising this promise necessitates resolving fundamental obstacles to its effectiveness, such as jurisdictional ambiguity, resource inequities, and coordination gaps.

The Indian experience emphasises the significance of balancing central monitoring with local authority to ensure that policies are both uniform in their goals and adaptable in their implementation. Comparative insights from other federal systems demonstrate the importance of collaboration, capacity building, and institutional support in improving environmental governance. These insights can help India refine its federal framework to address the distinct ecological and socioeconomic settings of its states and regions.

As India deals with significant environmental concerns such as climate change, pollution, and resource depletion, the role of federalism in developing effective governance becomes more important. Environmental federalism can serve as a foundation for sustainable development by encouraging cooperation, innovation, and responsibility, guaranteeing that current and future generations' needs are satisfied. The challenges are substantial, as are the chances for dramatic change. India can create a resilient and sustainable future for all by working together and taking on shared responsibilities.

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