



## Legal Innovations for Sustainable Development: Aligning Environmental Governance with Viksit Bharat 2047

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### Abstract

India stands at a pivotal juncture, articulating a bold vision for its centenary in 2047 through the ‘Viksit Bharat’ initiative, which aims to harmonize rapid economic development with environmental sustainability. This paper critically examines the alignment between this ambitious national goal and the existing framework of environmental governance. It argues that the current legal architecture, characterized by a command-and-control approach, is fraught with implementation deficits and is being systematically diluted, rendering it inadequate for the profound challenges ahead. The successful realization of a truly ‘Viksit’ and sustainable Bharat necessitates a fundamental paradigm shift in its environmental governance. Through a critical analysis of policy documents, legislative frameworks, and judicial precedents, this paper contends that this shift requires moving beyond the extant model to a dynamic, integrated framework. Such a framework must strategically embed emerging legal innovations—namely a systemically adopted circular economy, robust market-based mechanisms such as carbon pricing and green finance, and an ecocentric ‘Rights of Nature’ jurisprudence—into the core of India’s developmental strategy. The paper concludes by proposing a multi-pronged roadmap for legal and institutional reform, advocating for an overarching National Sustainable Development Act to orchestrate these innovations and ensure that India’s journey to 2047 is not only prosperous but also ecologically resilient and just.

**Keywords:** Environmental Governance, Legal Innovation, Rights of Nature, Sustainable Development, Viksit Bharat 2047.

### Introduction

India’s contemporary developmental trajectory is defined by a profound and complex dilemma: the imperative to foster rapid economic growth to meet the socio-economic aspirations of its 1.4 billion citizens, juxtaposed with the urgent need to ensure long-term environmental sustainability amidst a worsening global climate crisis.<sup>4</sup> This challenge, while not new, is magnified by the scale and ambition of the nation’s current goals. As India surges economically, it confronts severe environmental consequences, including being home to the thirteen of the world’s twenty severely air-polluted cities, with over a million deaths annually attributable to air pollution alone.<sup>5</sup> This stark reality forms the backdrop against which the nation’s future is being envisioned.

The Government of India has articulated this future through the ‘Viksit Bharat 2047’ vision, a comprehensive national project to work towards establishing and turn India as a developed nation by the time it marks its centenary.<sup>6</sup> This grand vision is built upon interconnected pillars of economic prosperity, social progress, good governance, and, critically, environmental sustainability.<sup>7</sup> It envisions an India that is not only a USD 30 trillion economy but also a “prosperous Bharat in harmony with nature,” committed to achieving Net Zero emissions by 2070.<sup>8</sup>

This juxtaposition of high-growth ambitions and sustainability commitments raises a pivotal research question: How can India’s existing environmental governance framework, which faces significant implementation challenges, be reformed through legal innovation to ensure the ambitious developmental targets of Viksit Bharat 2047 are met sustainably?

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<sup>4</sup> Arup Poddar, Sustainable Development and its Implementation in India, THE LAW BRIGADE (2019) available at – [https://thelawbrigade.com/wp-content/uploads/2019/05/Arup-Poddar\\_updated.pdf](https://thelawbrigade.com/wp-content/uploads/2019/05/Arup-Poddar_updated.pdf) (last visited Aug. 24, 2025); World Bank Group, Synergies and Trade-offs between Economic Growth and Environmental Protection in India’s Development Policies (2025) available at – <https://openknowledge.worldbank.org/entities/publication/056c1226-777e-51b6-a514-98554d5ef7fc> (last visited Aug. 24, 2025).

<sup>5</sup> Michael Kugelman, India: Economic Growth and Environmental Realities, Wilson Center (2025) available at – <https://www.wilsoncenter.org/blog-post/india-economic-growth-environmental-realities> (last visited Aug. 24, 2025).

<sup>6</sup> Government of India, Viksit Bharat 2047 Vision Document Circular, Maulana Azad National Urdu University (Mar. 19, 2024) available at – <https://manuu.edu.in/sites/default/files/Notification/03/ViksitBharat2047VisiondocumentCircular19mar2024.pdf> (last visited Aug. 24, 2025).

<sup>7</sup> Viksit India, Bold Vision. Brighter Future. (2024) available at – <https://viksitindia.com/> (last visited Aug. 24, 2025).

<sup>8</sup> Government of India, Key Features of the Union Budget 2024 (2024) available at – <https://www.bjp.org/files/union-budget-documents/Key-Features-Budget-2024.pdf> (last visited Aug. 24, 2025); *Supra* note 4.

This paper argues that the successful realization of a truly ‘Viksit’ (developed) and sustainable Bharat by 2047 is contingent upon a fundamental paradigm shift in its environmental governance. This shift requires moving beyond the existing, often ineffective, command-and-control regulatory model to a more dynamic, integrated framework. Such a framework must strategically embed emerging legal innovations—namely a circular economy, robust market-based mechanisms, and an ecocentric ‘Rights of Nature’ jurisprudence—into the core of its developmental strategy.

To substantiate this thesis, this paper is structured into four parts. The first section deconstructs the Viksit Bharat 2047 vision, analysing the inherent synergies and conflicts between its economic and environmental dimensions. The second section provides a critical appraisal of India’s current environmental governance framework, examining its constitutional foundations, key legislations, and institutional architecture, highlighting a pattern of legislative dilution and implementation failure. The third section explores three transformative legal innovations that offer new pathways for environmental governance. Finally, the fourth section synthesizes the analysis into a coherent roadmap, proposing specific legal and institutional reforms necessary to align India’s governance with its ambition for a sustainable and developed future.

## **I. The Viksit Bharat 2047 Vision: Charting a Course for Sustainable Prosperity**

The Viksit Bharat 2047 initiative represents the most ambitious national vision articulated in post-independence India. It is a multi-faceted agenda aimed at transforming the country into a developed nation by 2047, encompassing economic, social, environmental, and governance domains.<sup>9</sup> An examination of its core tenets reveals a complex interplay between the drive for unprecedented economic expansion and the stated commitment to environmental stewardship.

### *A. Deconstructing the Vision’s Pillars*

The primary economic objective of Viksit Bharat is to propel India into the league of developed economies, with a target of achieving a Gross Domestic Product (GDP) of USD 30 trillion.<sup>10</sup> This economic expansion is envisioned to be powered by a massive build-out of modern infrastructure, a globally competitive manufacturing sector, and a transition to a knowledge-based economy.<sup>11</sup> The vision documents emphasize structural reforms, technological advancement through initiatives like Digital India, and significant public and private investment in sectors ranging from high-speed rail to renewable energy.<sup>12</sup> Socially, the vision aims for inclusive development, with goals such as zero poverty, universal access to quality education and healthcare, and the empowerment of women, youth, and farmers.<sup>13</sup> Good governance, characterized by transparency, efficiency, and citizen-centric systems, is presented as the foundational enabler for achieving these multifaceted objectives.<sup>14</sup>

### *B. The Environmental Dimension: Rhetoric vs. Reality*

Embedded within this developmental narrative is a commitment to environmental sustainability. Official pronouncements articulate a vision of a “Prosperous Bharat in harmony with nature”<sup>15</sup> and reiterate India’s international commitments, including attaining ‘Net Zero’ carbon emissions by 2070 and significantly boost clean energy capacity.<sup>16</sup> The vision explicitly links the United Nations Sustainable Development Goals (SDGs) as a critical barometer for measuring progress towards Viksit Bharat, suggesting an alignment between national ambitions and global sustainability benchmarks.<sup>17</sup> This rhetoric positions environmental protection not as an impediment but as an integral component of the development process.

### *C. Synergies and Conflicts*

Despite the integrated narrative, the Viksit Bharat framework harbours inherent tensions and potential synergies between its economic and environmental goals. The most significant conflict arises from the sheer scale of the economic ambition.

<sup>9</sup> Id.

<sup>10</sup> Delhi College of Arts & Commerce, *Viksit Bharat @2047*, University of Delhi (2023) available at – [https://dcac.du.ac.in/documents/Viksit\\_Bharat/Viksit\\_Bharat.pdf](https://dcac.du.ac.in/documents/Viksit_Bharat/Viksit_Bharat.pdf) (last visited Aug. 24, 2025); World Trade Scanner, *Vision for Viksit Bharat @ 2047: An Approach Paper* (2023) available at – <https://worldtradescanner.com/Vision%20fro%20Viksit%20Bharat%20@2047%20An%20Approach%20Paper.pdf> (last visited Aug. 24, 2025).

<sup>11</sup> PHD Chamber of Commerce and Industry, *Viksit Bharat@2047: A Blueprint of Micro and Macro Economic Dynamics* (2024) available at – <https://www.phdcci.in/wp-content/uploads/2024/04/Viksit-Bharat@2047-A-Blueprint-of-Micro-and-Macro-Economic-Dynamics.pdf> (last visited Aug. 24, 2025).

<sup>12</sup> *Supra* note 5; *Supra* note 7, World Trade Scanner.

<sup>13</sup> ClearTax, *Viksit Bharat 2047: Meaning, Vision, Objective, Registration* (Apr. 24, 2025) available at – <https://cleartax.in/s/viksit-bharat-2047> (last visited Aug. 24, 2025); *Supra* note 4.

<sup>14</sup> Department of Administrative Reforms and Public Grievances, *Vision India@2047 – Bringing Citizens and Government Closer* (2022) available at – <https://darpg.gov.in/sites/default/files/final%20vision%20india2047.approved.pdf> (last visited Aug. 24, 2025).

<sup>15</sup> *Supra* note 5.

<sup>16</sup> Id.; *Supra* note 4.

<sup>17</sup> NITI Aayog, *SDG India Index & Dashboard 2023-24* (2024) available at – [https://www.niti.gov.in/sites/default/files/2024-07/SDA\\_INDIA\\_Publication.pdf](https://www.niti.gov.in/sites/default/files/2024-07/SDA_INDIA_Publication.pdf) (last visited Aug. 24, 2025); NITI Aayog, *SDG India Index & Dashboard 2023-24: Partnerships in the Decade of Action* (2024) available at – [https://www.niti.gov.in/sites/default/files/2024-07/SDG\\_India\\_Index\\_2023-24.pdf](https://www.niti.gov.in/sites/default/files/2024-07/SDG_India_Index_2023-24.pdf) (last visited Aug. 24, 2025).

The pursuit of a USD 30 trillion GDP through industrialization and infrastructure expansion will inevitably intensify pressure on India's already strained natural resources, including land, water, and minerals.<sup>18</sup> This trajectory risks exacerbating existing environmental problems such as air and water pollution, biodiversity loss, and waste generation, which are closely linked to economic activity.<sup>19</sup> The emphasis on boosting manufacturing and mining, for instance, presents a direct conflict with the goals of forest conservation and pollution abatement.

Conversely, potential synergies exist. The vision's strong focus on technology and innovation can be harnessed to accelerate the adoption of green technologies, from renewable energy and electric mobility to sustainable agriculture and advanced waste processing.<sup>20</sup> The goal of establishing "good governance" could, if prioritized, translate into more effective enforcement of environmental laws and greater institutional accountability.<sup>21</sup> Furthermore, the explicit linkage with the SDGs provides a ready-made, internationally accepted framework for integrating sustainability metrics into national and sub-national planning, fostering a more holistic development model.<sup>22</sup>

The central challenge lies in the operationalization of the vision. The current framing of Viksit Bharat tends to present environmental sustainability as a parallel goal rather than a foundational prerequisite for development. The language often suggests a balancing act-achieving growth *with* nature-rather than pursuing growth *through* sustainable and regenerative practices. The economic targets are specific and quantitative (USD 30 trillion GDP), while the environmental goals are often qualitative and aspirational ("harmony with nature"). This disparity creates a significant risk that when conflicts between economic imperatives and environmental protection arise, the unquantified, long-term goal of ecological harmony will be subordinated to the quantified, immediate goal of GDP growth. This dynamic points to a potential for national-level greenwashing, where sustainability becomes a rhetorical flourish rather than a core, non-negotiable operational principle. The primary legal and governance challenge, therefore, is to create frameworks that embed sustainability as a hard constraint and a guiding principle within the economic development model itself, transforming it from an afterthought into the very engine of progress.

## II. The Existing Edifice: A Critical Appraisal of India's Environmental Governance Framework

To achieve the ambitious and sustainable vision of Viksit Bharat 2047, India must rely on its existing environmental governance framework. However, a critical appraisal of this edifice-comprising constitutional mandates, foundational legislations, and a network of institutions-reveals significant structural weaknesses, persistent implementation gaps, and a concerning trend of legislative dilution that collectively undermine its capacity to navigate the challenges ahead.

### A. Constitutional Mandate and Judicial Leadership

The foundation of environmental protection in India is firmly rooted in its Constitution. Following the Stockholm Conference of 1972, the 42nd Amendment in 1976 introduced a new article in the Indian Constitution i.e., Article 48-A, which possess an obligation on the State to "protect and improve the environment and to safeguard the forests and wild life of the country," and Article 51-A(g), which places an obligation to the every citizen of India to take similar action.<sup>23</sup> More profoundly, the horizon of fundamental right has been widened by the Supreme Court of India, through dynamic judicial interpretation, has i.e., Right to Life guaranteed by Article 21 which encompasses the right to a clean and healthy environment.<sup>24</sup> This judicial activism has been the primary driver of environmental jurisprudence in India, leading to the establishment of foundational principles through Public Interest Litigations (PILs). Principles such as 'Sustainable Development', the 'Precautionary Principle', and the 'Polluter Pays Principle' were judicially integrated into Indian law, creating a robust, rights-based foundation for environmental governance long before they were codified in legislation.<sup>25</sup>

### B. Pillars of Legislation: A Critical Review

Building on this constitutional and judicial foundation, India enacted a suite of environmental laws. However, these legislative pillars, while comprehensive in intent, have been plagued by systemic flaws and are now facing deliberate legislative weakening.

#### *The Environment (Protection) Act, 1986 (EPA)*

Drafted in the aftermath of the Bhopal Gas tragedy to address environmental hazards comprehensively the EPA is an "umbrella" legislation designed to provide a comprehensive framework for environmental protection.<sup>26</sup> It grants the

<sup>18</sup> Indrani Dutta, Synergies and Conflicts Between Economic Growth and Environmental Protection in India's Development Policies, 11 IJCRT 652 (2023).

<sup>19</sup> Supra note 1, World Bank Group; Supra note 2.

<sup>20</sup> Supra note 7, Delhi College of Arts & Commerce; Anshuman, VISION VIKSIT BHARAT 2047 (2024) available at – [https://www.researchgate.net/publication/393480178\\_VISION\\_VIKSIT\\_BHARAT\\_2047](https://www.researchgate.net/publication/393480178_VISION_VIKSIT_BHARAT_2047) (last visited Aug. 24, 2025).

<sup>21</sup> Supra note 4.

<sup>22</sup> Supra note 14, NITI Aayog (SDA\_INDIA\_Publication).

<sup>23</sup> Ayushi Raghuvanshi, Sustainable Development in India: Constitutional Perspective, IPLEADERS (2021) available at – <https://blog.ipleaders.in/sustainable-development-in-india-constitutional-perspective/> (last visited Aug. 24, 2025).

<sup>24</sup> Sanjeev Kumar Chadha & Anuj Kumar, Environmental Governance and Sustainable Development in India: A Study on Judicial Response, RESEARCHGATE (2021) available at – [https://www.researchgate.net/publication/358693928\\_ENVIRONMENTAL\\_GOVERNANCE\\_AND\\_SUSTAINABLE\\_DEVELOPMENT\\_IN\\_INDIA\\_A\\_STUDY\\_ON\\_JUDICIAL\\_RESPONSE](https://www.researchgate.net/publication/358693928_ENVIRONMENTAL_GOVERNANCE_AND_SUSTAINABLE_DEVELOPMENT_IN_INDIA_A_STUDY_ON_JUDICIAL_RESPONSE) (last visited Aug. 24, 2025).

<sup>25</sup> Id.; Supra note 20.

<sup>26</sup> T.N. Singh, Environment Protection Act, 1986: Objectives, Challenges and Reforms, TAXGURU (2024) available at – <https://taxguru.in/corporate-law/environment-protection-act-1986-objectives-challenges-reforms.html> (last visited Aug.

Central Government wide-ranging powers to set environmental standards, regulate industrial activities, and coordinate the actions of various state-level authorities.<sup>27</sup>

Despite its broad mandate, the EPA's effectiveness has been severely hampered. A primary criticism is the over-centralization of powers within the Central Government, which often leads to bureaucratic delays and a disconnect from local environmental realities.<sup>28</sup> The enforcement mechanisms are notoriously lax, undermined by a lack of resources, political will, and corruption within regulatory agencies.<sup>29</sup> Furthermore, the penalties prescribed for non-compliance—imprisonment up to five years or fines—are often too weak to serve as a credible deterrent for large corporate violators, who may find it more economical to pay the fine than to invest in pollution control technology.<sup>30</sup> The Act also suffers from jurisdictional overlaps with pre-existing water and air pollution laws, creating confusion and inefficiencies in enforcement.<sup>31</sup>

#### *The Forest (Conservation) Act, 1980 (FCA)*

The FCA was enacted to arrest the alarming rate of deforestation by centralizing the authority to approve the use of forest land for purposes beyond forestry operations.<sup>32</sup> By requiring prior approval from the Central Government, the Act significantly slowed the rate of forest diversion, which was rampant between 1950 and 1980.<sup>33</sup>

However, the Act has been a site of intense conflict, and its protective capacity has been drastically eroded by the Forest (Conservation) Amendment Act, 2023. This amendment has been widely criticized for fundamentally weakening forest protection. It narrows the scope of the Act to only lands officially notified as 'forest' or noted in official records subsequent to October 25, 1980.<sup>34</sup> Through this legislative revision, the legislature effectively attempts to nullify the wide application of the Forest Act as pronounced by the Apex Court in the T.N. Godavarman case, restricting its scope to formally documented forests.<sup>35</sup> This could potentially exclude millions of hectares of ecologically vital 'deemed forests' from legal protection. The amendment also exempts large categories of land from scrutiny, such as land within 100 kilometres of India's international borders for 'national security' projects, and allows for activities like zoos and eco-tourism facilities within forest areas.<sup>36</sup> Crucially, recent rule changes have also diluted the requirement for obtaining the consent of local village councils (Gram Sabhas) before forest diversion, undermining the rights of forest-dwelling communities guaranteed under the Forest Rights Act, 2006.<sup>37</sup>

#### *The Biological Diversity Act, 2002 (BDA)*

To ensure the legal duties of India under the CBD, the BDA was drafted which aims to conserve biological diversity, use it sustainably and fairly share benefits from biological resources and associated indigenous knowledge.<sup>38</sup> It established a

24, 2025); Wikipedia, Environment Protection Act, 1986 (2024) available at – [https://en.wikipedia.org/wiki/Environment\\_Protection\\_Act,\\_1986](https://en.wikipedia.org/wiki/Environment_Protection_Act,_1986) (last visited Aug. 24, 2025).

<sup>27</sup> Central Pollution Control Board, Environment Protection Act (Apr. 8, 2025) available at – <https://cpcb.nic.in/env-protection-act/> (last visited Aug. 24, 2025); Vikaspedia, General Environmental Acts (2023) available at – <https://energy.vikaspedia.in/viewcontent/energy/policy-support/environment-1/forests/general-environmental-acts?lgn=en> (last visited Aug. 24, 2025).

<sup>28</sup> Supra note 23, T.N. Singh.

<sup>29</sup> Id.; The Environment Talk, Drawbacks of Environment (Protection) Act, 1986 (2023) available at – <https://www.youtube.com/watch?v=Xix8hibi8pI> (last visited Aug. 24, 2025).

<sup>30</sup> Fortune IAS Circle, Environment (Protection) Act, 1986 (2024) available at – [https://fortuneiascircle.com/backgrounder/environment\\_protection\\_act\\_1986](https://fortuneiascircle.com/backgrounder/environment_protection_act_1986) (last visited Aug. 24, 2025).

<sup>31</sup> Supra note 23, T.N. Singh.

<sup>32</sup> LawBhoomi, The Forest Conservation Act, 1980 (Mar. 22, 2025) available at – <https://lawbhoomi.com/the-forest-conservation-act-1980/> (last visited Aug. 24, 2025).

<sup>33</sup> Ministry of Environment & Forests, Handbook of Forest (Conservation) Act, 1980 (2004) available at – [https://cpc.parivesh.nic.in/writereaddata/FC/HANDBOOK\\_GUIDELINES/Handbook\\_FC\\_Act\\_1980\\_June\\_2004.pdf](https://cpc.parivesh.nic.in/writereaddata/FC/HANDBOOK_GUIDELINES/Handbook_FC_Act_1980_June_2004.pdf) (last visited Aug. 24, 2025).

<sup>34</sup> PRS Legislative Research, The Forest (Conservation) Amendment Bill, 2023 (2023) available at – <https://prsindia.org/billtrack/the-forest-conservation-amendment-bill-2023> (last visited Aug. 24, 2025).

<sup>35</sup> Id.; NEXT IAS, The Forest Conservation Bill - Issues & Criticisms (Apr. 6, 2023) available at – <https://www.nextias.com/ca/editorial-analysis/06-04-2023/the-forest-conservation-bill-issues-criticisms>.

<sup>36</sup> Id.; Ritwick Dutta, The Amended Green Law is Full of Red Flags, SUPREME COURT OBSERVER (2023) available at – <https://www.scobserver.in/journal/the-amended-green-law-is-full-of-red-flags-forests-amendment-act-2023/> (last visited Aug. 24, 2025).

<sup>37</sup> The India Forum, Swinging the Axe on India's Forests (2024) available at – <https://www.theindiaforum.in/environment/swinging-axe-indias-forests>; Mongabay, India's new forest rules spark dismay and hope: Q&A with activist Soumitra Ghosh (Jan. 2024) available at – <https://news.mongabay.com/2024/01/indias-new-forest-rules-spark-dismay-and-hope-qa-with-activist-soumitra-ghosh/> (last visited Aug. 24, 2025).

<sup>38</sup> Wikipedia, Biological Diversity Act, 2002 (2024) available at – [https://en.wikipedia.org/wiki/Biological\\_Diversity\\_Act,\\_2002](https://en.wikipedia.org/wiki/Biological_Diversity_Act,_2002) (last visited Aug. 24, 2025); The IP Press, 20 Years of the Biological Diversity Act, 2002: Journey So Far and the Way Forward (Jan. 24, 2022) available at – <https://www.theippress.com/2022/01/24/20-years-of-the-biological-diversity-act-2002-journey-so-far-and-the-way-forward/> (last visited Aug. 24, 2025).

hierarchical institutional arrangement with the “National Biodiversity Authority, State Biodiversity Boards, and Biodiversity Management Committees” at the grassroots.<sup>39</sup>

In practice, the BDA has been a profound implementation failure. The vast majority of BMCs, which are the cornerstone of the Act’s decentralized governance model, are either non-existent or non-functional.<sup>40</sup> The critical task of preparing People’s Biodiversity Registers (PBRs)-documents meant to catalogue local biodiversity and traditional knowledge-remains incomplete in most parts of the country.<sup>41</sup> Consequently, the Act’s central promise of ‘Access and Benefit Sharing’ (ABS) has remained largely on paper, with very few successful agreements that channel profits from the commercial use of bio-resources back to the communities that conserved them.<sup>42</sup> Similar to the FCA, the BDA was also amended in 2023. The amendment has been criticized for prioritizing commercial interests, particularly by exempting practitioners of codified traditional medicine (AYUSH) from benefit-sharing requirements, decriminalizing offenses into civil penalties, and streamlining the approval process for industry, thereby potentially undermining the Act’s conservation and equity mandates.<sup>43</sup>

### C. Institutional Architecture and Performance

The institutional framework for environmental governance is led by the Ministry of Environment, Forest and Climate Change (MoEFCC), which possess a legal duty with respect to planning, promoting, and coordinating different environmental programmes.<sup>44</sup> Technical as well as enforcement support is provided by the Central Pollution Control Board (CPCB) and its state-level counterparts (SPCBs).<sup>45</sup> For dispute resolution, the National Green Tribunal (NGT) was established in 2010 as a specialized judicial entity established to ensure timely and efficient resolution of environmental cases.<sup>46</sup> While the NGT has delivered several landmark judgments, the overall institutional performance is hampered by systemic issues. These include chronic underfunding, a lack of technical capacity and trained personnel in SPCBs, bureaucratic inertia, and a pervasive lack of political will to enforce environmental laws against powerful economic and political interests.<sup>47</sup>

**Table 1: Key Environmental Legislations in India: Objectives and Implementation Gaps**

Legislation	Core Objectives	Key Provisions	Documented Implementation Gaps & Criticisms
The Environment (Protection) Act, 1986	To establish a comprehensive framework aimed at safeguarding and enhancing the environment.	- Grants Central Govt. power to set standards. - Regulates industrial activities and hazardous substances. - Establishes authorities for enforcement.	- Over-centralization of power. - Weak penalties and lax enforcement. - Jurisdictional overlaps with other laws. - Inadequate public participation.
The Forest (Conservation) Act, 1980	To check deforestation by regulating the conversion of forestland for uses other than forestry.	- Requires prior authorization from the Central Government before diverting any forest land and includes provisions for compensatory afforestation.	- 2023 amendment narrows the definition of ‘forest’. - Exempts large tracts of land for strategic projects. - Undermines the Supreme Court’s <i>Godavarman</i> judgment. - Dilutes community consent requirements.

<sup>39</sup> S.K. Yadav et. al., Biological Diversity Act, 2002: A legislative tool for conservation of biological resources in India, 42 BHARTIYA KRISHI ANUSANDHAN PATRIKA 788 (2024).

<sup>40</sup> De Facto Law Journal, Comparative Study of India’s Biological Diversity Act, 2002 and the Convention on Biological Diversity (CBD): Convergences and Divergences (2024) available at – <https://defactolawjournal.org/papers/comparative-study-of-indias-biological-diversity-act-2002-and-the-convention-on-biological-diversity-cbd-convergences-and-divergences/> (last visited Aug. 24, 2025).

<sup>41</sup> V. Sundararaju, Implement the Biological Diversity Act in its true spirit, DOWN TO EARTH (Feb. 21, 2019) available at – <https://www.downtoearth.org.in/wildlife-biodiversity/implement-the-biological-diversity-act-in-its-true-spirit-63322> (last visited Aug. 24, 2025).

<sup>42</sup> Insights on India, Critically evaluate the implementation of the Biological Diversity Act, 2002 (Aug. 8, 2015) available at – <https://www.insightsonindia.com/2015/08/08/4-critically-evaluate-the-implementation-of-the-biological-diversity-act-2002-which-is-meant-to-fulfil-the-objectives-of-the-convention-on-biological-diversity/> (last visited Aug. 24, 2025).

<sup>43</sup> Miranda Alliance, India Amends the Biological Diversity Act, 2002: An Overview (2023) available at – <https://www.mirandah.com/india-amends-the-biological-diversity-act-2002-an-overview/> (last visited Aug. 24, 2025); Nishtha Gupta & Dr. Priya, Impact of the Biological Diversity (Amendment) Act 2023 on Biodiversity Protection Regime in India: An Empirical Study, 29 JIPR 4094 (2024).

<sup>44</sup> Ministry of Environment, Forest and Climate Change, About the Ministry, IW:LEARN (2022) available at – <https://iwlearn.net/iw-projects/organizations/1147> (last visited Aug. 24, 2025).

<sup>45</sup> Central Pollution Control Board, Functions of CPCB, CPCB (Aug. 23, 2025) available at – <https://cpcb.nic.in/functions/> (last visited Aug. 24, 2025).

<sup>46</sup> National Green Tribunal, About Us, NGT (2024) available at – <https://greentribunal.gov.in/about-us> (last visited Aug. 24, 2025).

<sup>47</sup> Supra note 21; Ayush Mittal, The major drawbacks of the Forest Conservation Act, 1980, IPLEADERS (Aug. 13, 2020) available at – <https://blog.ipleaders.in/major-drawbacks-forest-conservation-act-1980/> (last visited Aug. 24, 2025).

The Biological Diversity Act, 2002	To ensure conservation, sustainable use, and fair and equitable sharing of benefits from bio-resources.	- Establishes a three-tier institutional structure (NBA, SBBs, BMCs). - Regulates access to biological resources and knowledge. - Mandates benefit-sharing with local communities.	- Non-functional BMCs and incomplete PBRs. - Near-total failure of benefit-sharing mechanisms. - 2023 amendment criticized for favouring industry and decriminalizing offenses. - Institutional weaknesses and lack of awareness.
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An analysis of the recent amendments to both the FCA and BDA reveals a clear and concerning pattern: environmental regulations are being systematically weakened under the guise of promoting ‘ease of doing business’, economic growth, and national security. This trend suggests that the inherent conflict between development and conservation is consistently being resolved in favour of the former, reflecting a systemic de-prioritization of environmental concerns in legislative practice, despite contrary rhetoric.

Furthermore, this legislative action creates a new dynamic in what has historically been a judiciary-led field. The Supreme Court’s expansive interpretation of Article 21 and its *Godavarman* ruling were judicial innovations that filled a legislative vacuum. The recent amendments, particularly to the FCA, represent a direct legislative attempt to curtail the scope of these judicial interpretations. This sets the stage for a contested future where environmental governance becomes a battleground between legislative intent and judicial review, making the courts a critical arena for defending the constitutional mandate for environmental protection against executive and legislative encroachment.

### III. Forging New Pathways: Legal Innovations for a Resilient Future

The inadequacies of India’s traditional command-and-control environmental regime necessitate a paradigm shift towards more dynamic, integrated, and effective governance models. Fortunately, a new generation of legal and economic innovations is emerging globally and within India, offering pathways to reconcile development with sustainability. These innovations represent a move away from a purely punitive approach towards frameworks that are incentive-based, value-based, and systemically integrated.

#### A. The Systemic Shift to a Circular Economy

The circular economy marks a fundamental departure from the linear ‘take-make-dispose’ industrial model. It is a restorative model aiming towards reduction of the consumption of resources, waste, emissions, and energy loss by making material and energy cycles slower, smaller, and more closed.<sup>48</sup> This can be accomplished via durability in design, regular upkeep, repairing, reusing, remanufacturing, refurbishing, and recycling processes. This modern concept finds deep resonance in India’s traditional cultural practices of conservation and frugality, providing a strong societal foundation for its adoption.<sup>49</sup>

India’s policy landscape is beginning to embrace this shift. The government has floated a National Circular Economy Framework (NCEF), which identifies priority areas such as plastics, e-waste, and construction materials for circular interventions.<sup>50</sup> The key legal advancement facilitating the shift is the adoption of the Extended Producer Responsibility principle (EPR). Incorporated within regulations such as Plastic Waste Management Rules and the E-Waste (Management) Rules, EPR legally shifts the accountability for managing products after they have been used by consumers from municipalities and consumers to the producers.<sup>51</sup> This creates a powerful legal and economic incentive for companies to design products for recyclability, durability, and easier disassembly, thereby internalizing the cost of waste and fostering a market for secondary raw materials. However, the implementation of EPR faces challenges, including fragmented waste collection infrastructure, weak enforcement, and the difficulty of integrating the vast informal recycling sector.<sup>52</sup>

#### B. Economic Instruments for Environmental Protection

Moving beyond direct regulation, economic instruments aim to align market forces with environmental goals by making pollution costly and sustainability profitable. India is actively developing a sophisticated suite of such mechanisms.

##### Carbon Pricing and Markets

Recognizing the need to price the externality of greenhouse gas emissions, India is establishing a national carbon market. The legal basis for this was created by the Energy Conservation (Amendment) Act, 2022.<sup>53</sup> The cornerstone of this

<sup>48</sup> Observer Research Foundation, India’s circular economy: Lofty ambitions, limited progress (Mar. 26, 2025) available at – <https://www.orfonline.org/expert-speak/india-s-circular-economy-lofty-ambitions-limited-progress> (last visited Aug. 24, 2025).

<sup>49</sup> Council on Energy, Environment and Water, How Can India Unlock the Circular Economy for Wastewater and Agricultural Waste Management? (2024) available at – <https://www.ceew.in/publications/how-can-india-unlock-circular-economy-for-wastewater-and-agricultural-waste-management> (last visited Aug. 24, 2025).

<sup>50</sup> Confederation of Indian Industry, National Circular Economy Framework (2023) available at – <https://www.ciiwaste2worth.com/pdf/national-circular-economy-framework-compressed.pdf> (last visited Aug. 24, 2025).

<sup>51</sup> *Supra* note 45.

<sup>52</sup> *Id.*

<sup>53</sup> Press Information Bureau, Carbon Pricing in India (Aug. 23, 2025) available at – <https://www.pib.gov.in/PressNoteDetails.aspx?id=154721&NoteId=154721&ModuleId=3> (last visited Aug. 24, 2025).

initiative is the Carbon Credit Trading Scheme (CCTS), a rate-based Emissions Trading System (ETS). Unlike absolute cap-and-trade systems, a rate-based ETS sets emission intensity benchmarks for designated industrial sectors. Entities that perform better than their benchmark can sell carbon credits, while those that underperform must buy them, creating a market-driven incentive for decarbonization.<sup>54</sup> Complementing this compliance market is the Green Credit Programme (GCP), a voluntary mechanism under the EPA, 1986, designed to incentivize a broader range of pro-environmental actions, such as afforestation and water conservation, by allowing individuals and companies to generate and trade 'green credits'.<sup>55</sup>

### *Green Finance*

To mobilize the enormous capital required for a green transition, a robust legal and regulatory framework for green finance is being developed. The Securities and Exchange Board of India (SEBI) has been at the forefront, creating frameworks for the issuance of Green Bonds, and more recently, Social Bonds and Sustainability-Linked Bonds (SLBs).<sup>56</sup> These instruments create dedicated channels for investment in projects with positive environmental and social outcomes. Concurrently, the Reserve Bank of India (RBI) is focusing on managing climate-related financial risks within the banking sector, pushing for enhanced Environmental, Social, and Governance (ESG) disclosures and developing a taxonomy for sustainable finance.<sup>57</sup> Despite this progress, the green finance landscape faces significant challenges, including the pervasive risk of 'greenwashing' (misleading claims about environmental benefits), the absence of a unified and legally binding green taxonomy, and fragmented regulations that can deter international investors.<sup>58</sup>

### *C. An Ecocentric Turn in Jurisprudence: The Rights of Nature*

Perhaps the most profound legal innovation is the emergence of a 'Rights of Nature' jurisprudence within Indian courts. This represents a radical conceptual shift from an anthropocentric worldview, which treats nature as property or a resource for human use, to an ecocentric one, which recognizes ecosystems as rights-bearing entities with an intrinsic value independent of their utility to humans.<sup>59</sup> This legal theory directly challenges the colonial-era logic of resource extraction that still underpins much of environmental governance.<sup>60</sup>

Indian High Courts have delivered pioneering judgments in this domain. The year 2017 saw the Uttarakhand High Court proclaim the rivers Ganga and Yamuna, together with their entire ecosystem, to be "living entities" granting the legal status of a person, possessing corresponding rights, duties, and liabilities.<sup>61</sup> In 2022, the Madras High Court, invoking its *parens patriae* jurisdiction, which grants state the role of a parent or protector for persons who cannot look after their own interests declared, 'Mother Nature' as a living being with legal personality.<sup>62</sup> The implication of these judgments is transformative: they grant nature legal standing, allowing it to be represented in court and to sue for damages and restoration through designated human guardians. This provides a powerful new legal avenue for protecting ecosystems from harm, based not on their utility to people, but on their inherent right to exist and flourish.<sup>63</sup> However, this jurisprudence is still nascent and faces challenges in its practical implementation, particularly in defining the scope of these rights and establishing effective and impartial guardianship mechanisms.<sup>64</sup>

These three innovations-circular economy, economic instruments, and Rights of Nature-collectively represent a significant evolution in the toolkit of environmental governance. They mark a transition from a singular reliance on a punitive, command-and-control model to a more diversified strategy that includes incentive-based market mechanisms and value-

<sup>54</sup> Id.; DD News, Can Carbon Pricing Curb Climate Change and Where Does India Stand? (2025) available at – <https://ddnews.gov.in/en/can-carbon-pricing-curb-climate-change-and-where-does-india-stand/> (last visited Aug. 24, 2025).

<sup>55</sup> Supra note 50.

<sup>56</sup> SNR Associates, SEBI's New Framework for Sustainable Finance: A Review Beyond Environmental Sustainability (2024) available at – <https://www.snrlaw.in/sebis-new-framework-for-sustainable-finance-a-review-beyond-environmental-sustainability/> (last visited Aug. 24, 2025); ESG Today, India Launches New Regulations for Social, Sustainability, Sustainability-Linked Bonds (2024) available at – <https://www.esgtoday.com/india-launches-new-regulations-for-social-sustainability-sustainability-linked-bonds/> (last visited Aug. 24, 2025).

<sup>57</sup> AllCloud, Decoding India's Green Finance Regulations: What's Changing in 2025 (2025) available at – <https://www.allcloud.in/blog/decoding-indias-green-finance-regulations-whats-changing-in-2025> (last visited Aug. 24, 2025).

<sup>58</sup> Id.

<sup>59</sup> Ruchi Radhika, Rivers and Rights: Rights of Nature and Systemic Transformations in India, Heinrich Böll Stiftung (Jan. 30, 2025) available at – <https://www.boell.de/en/2025/01/30/rivers-and-rights-rights-nature-and-systemic-transformations-india> (last visited Aug. 24, 2025).

<sup>60</sup> Id.

<sup>61</sup> Mohammed Salim v. State of Uttarakhand, (2017) SCC OnLine Utt 345; Lalit Miglani v. State of Uttarakhand, (2017) SCC OnLine Utt 367.

<sup>62</sup> Eco Jurisprudence Monitor, Madras High Court of India case on the rights of Mother Nature (2022) available at – <https://ecojurisprudence.org/initiatives/madras-high-court-case-establishing-legal-personhood-to-mother-nature/> (last visited Aug. 24, 2025); A. Periyakaruppan v. The Principal Secretary, W.P.(MD)Nos.18636 of 2013 and 3070 of 2020.

<sup>63</sup> Supra note 56.

<sup>64</sup> Arpitha Kodiveri, Why India's 'Rights of Nature' Jurisprudence Has a Long Way To Go, THE WIRE SCIENCE (2022) available at – <https://science.thewire.in/law/rights-of-nature-anthropocentrism/> (last visited Aug. 24, 2025).

based ethical and legal frameworks. This diversified approach is far better suited to addressing the complex, multi-scalar environmental challenges of the 21st century.

However, a critical governance gap has emerged. These innovations are developing in parallel but disconnected silos. Green finance is driven by financial regulators like SEBI and the RBI; carbon markets are being operationalized by the Ministry of Power and the Bureau of Energy Efficiency; the circular economy is being advanced through specific waste management rules under the MoEFCC; and the Rights of Nature is a creation of the judiciary. There is no overarching legal or institutional framework to integrate these powerful tools. This fragmentation creates legal uncertainty, risks policy contradiction, and prevents the realization of potential synergies. For instance, a corporation might comply with its EPR obligations but could still be held liable for polluting a river under a Rights of Nature claim. The most crucial legal innovation required now is not just the development of these individual instruments, but the creation of a meta-framework to harmonize and align them into a cohesive and mutually reinforcing system of governance.

#### **IV. Aligning Governance with Ambition: A Roadmap for Viksit Bharat 2047**

The journey towards a sustainable Viksit Bharat requires more than just ambitious goals and nascent legal innovations; it demands a deliberate and strategic alignment of environmental governance with national ambition. The governance deficits identified—weak enforcement, legislative dilution, and institutional inertia—must be bridged using the transformative potential of the circular economy, market-based instruments, and ecocentric jurisprudence. This requires a multi-pronged strategy for comprehensive legal and institutional reform that moves beyond piecemeal changes to fundamentally re-engineer India's environmental governance architecture.

##### *A. Bridging the Governance Gap*

The proposed legal innovations offer direct remedies to the shortcomings of the existing framework. The weak and often ineffective penalties under the Environment (Protection) Act can be powerfully supplemented by the strong economic disincentives of a robust carbon price, making pollution a significant financial liability rather than a minor compliance cost. The top-down, centralized, and often bureaucratic nature of the Forest (Conservation) Act can be counterbalanced by a bottom-up, rights-based approach derived from the Rights of Nature doctrine, empowering local communities as guardians of their ecosystems. The linear, resource-depleting model of industrial growth, which current laws fail to adequately constrain, can be systemically redesigned through the legal mainstreaming of a circular economy. The challenge is to move these innovations from the periphery to the core of the legal system.

##### *B. A Multi-Pronged Strategy for Legal and Institutional Reform*

To achieve this integration and build a governance framework fit for the 21st century, the following reforms are proposed:

###### *Recommendation 1: Enact a National Sustainable Development Act*

The most critical reform is the creation of an overarching law that codifies sustainable development as a legally binding principle for all arms of the government. Currently, sustainable development is a judicially-enforced doctrine and a policy goal, but it lacks statutory force across all sectors. A National Sustainable Development Act would serve as a meta-framework to harmonize the currently siloed innovations. It would legally mandate the integration of environmental and social considerations into all sectoral policies—from industry and infrastructure to agriculture and finance. This Act would establish a statutory duty for all public bodies to act in furtherance of sustainable development, making it a mandatory consideration in all decision-making processes and providing a legal basis for challenging policies that are ecologically or socially unsustainable.

###### *Recommendation 2: Mainstream the Circular Economy through a National Circularity Law*

To accelerate the transition from a linear to a circular economy, India should move beyond the current rules-based EPR approach to a comprehensive National Circularity Law. This legislation would establish ambitious, legally-binding national targets for resource efficiency, material recovery, and waste reduction across the economy. It would mandate circular design principles (e.g., designing for durability, repairability, and recyclability) in key manufacturing sectors like automotive, electronics, and construction. Furthermore, the law would create a robust system of fiscal incentives, such as tax rebates for businesses using recycled materials or adopting circular business models, and disincentives, like higher taxes on virgin materials, to drive market transformation.<sup>65</sup>

###### *Recommendation 3: Strengthen and Integrate Market-Based Mechanisms*

The effectiveness of India's emerging carbon market and green finance landscape depends on their integration and credibility. The legal framework should be amended to create a virtuous cycle where a portion of the revenue generated from the Carbon Credit Trading Scheme is statutorily earmarked for investment in green infrastructure through instruments like sovereign green bonds. To combat the pervasive threat of greenwashing and build investor confidence, the government must mandate the creation of a single, unified, and scientifically rigorous National Green Taxonomy. This taxonomy would provide a clear and legally enforceable definition of what constitutes a 'green' or 'sustainable' investment, applicable across all financial products and regulatory bodies, including SEBI and the RBI.<sup>66</sup>

###### *Recommendation 4: Codify the Rights of Nature*

To build on the visionary judgments of the High Courts and provide them with a solid foundation, Parliament should codify the Rights of Nature into national law. This could take the form of a constitutional amendment recognizing the

<sup>65</sup> Supra note 45; Supra note 47.

<sup>66</sup> Supra note 50; Supra note 54.

intrinsic rights of nature, or a new standalone Act that formally recognizes the legal personhood of critical ecosystems such as rivers, forests, glaciers, and wetlands. Such a law would move beyond ad-hoc judicial declarations to establish clear and uniform rules for the appointment of guardians, the legal procedures for litigation on behalf of nature, and the types of remedies available, including ecological restoration. This would empower communities and civil society to act as legal custodians of their local environment, creating a powerful, decentralized mechanism for environmental protection.<sup>67</sup>

*Recommendation 5: Reform and Empower Institutions*

Legal reforms will remain ineffective without empowered and accountable institutions to implement them. The jurisdiction of the National Green Tribunal should be explicitly expanded to cover all substantive environmental laws, including the recent amendments, ensuring that no environmental decision is beyond its judicial scrutiny. Most importantly, there must be a concerted national mission to enhance the technical, financial, and human resource capacity of the State Pollution Control Boards and the Biodiversity Management Committees. Strengthening these frontline institutions is the most critical step in closing the chronic enforcement gap that plagues India's environmental governance.<sup>68</sup>

## **Conclusion**

The Viksit Bharat 2047 vision articulates a powerful aspiration for India's future—one of economic prosperity, social equity, and environmental harmony. However, this paper has demonstrated a significant dissonance between this sustainable rhetoric and the on-ground reality of a high-growth economic model supported by a weakening environmental governance framework. The existing legal edifice, designed for a different era, is proving inadequate for the complexities of the 21st century and is being actively diluted in favour of short-term economic priorities.

This analysis reaffirms the central thesis that achieving a truly sustainable Viksit Bharat is not possible through incremental adjustments or by treating sustainability as a mere add-on. It demands a fundamental legal and governance overhaul. The emerging innovations of a circular economy, integrated market-based mechanisms, and an ecocentric Rights of Nature jurisprudence offer the building blocks for this new paradigm. They represent a necessary evolution from a purely punitive governance model to one that is also incentive-based, value-driven, and systemically integrated. The roadmap proposed—centered on a National Sustainable Development Act, a National Circularity Law, integrated economic instruments, the codification of nature's rights, and institutional empowerment—offers a coherent and viable pathway to align India's governance with its ambition. The implementation of such a framework would ensure that environmental considerations are not an afterthought but are woven into the very fabric of economic planning and decision-making.

Ultimately, the true measure of a 'Viksit Bharat' will not be its GDP figures alone, but its ability to foster a society that thrives in genuine, regenerative harmony with the natural world. This is a future that cannot be achieved by chance or by rhetoric; it must be meticulously designed, legally enshrined, and institutionally protected. The challenge for India's policymakers, legal fraternity, and civil society is to embrace this task with the urgency and imagination it deserves, ensuring that the nation's ascent to a developed status is a beacon of sustainable prosperity for the world.

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<sup>67</sup> Supra note 56; Supra note 61.

<sup>68</sup> Supra note 21; Supra note 38; Supra note 44, Ayush Mittal.